

6-23-82

SC Council Repeals Eviction Ordinance

By PAUL BEATTY
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It began with a moment of charged silence and then Councilmember John Mahaney looked across the table and said, "You go ahead; we've never had to do it before."

It was his way of telling the new council majority that the moment of truth had come. It had to bow to a citizens' initiative and either repeal the Just Eviction Ordinance it adopted April 16, or put it up for election.

It was the first time in city history that a city council had been forced to back down on an approved ordinance.

It was the second major defeat for the new majority, made up of progressives John Laird and Mardi Wormhoudt and socialists Bruce Van Allen and Michael Rotkin. The group had lost the first round when the rent control referendum lost by over 2,000 votes June 8.

Councilmember Joseph Ghio, suffering the pangs of six months in the minority position, laid it on, telling the liberal majority that it has lost touch with the full community: "This community is not what the majority of this council thinks it is."

Laird complained that there had been no public outcry against the

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ordinance when it was being reviewed by the council prior to its 4-3 approval on April 16.

Ghio told him, "That's because the public is of the perception with this council that it would do no good."

Van Allen told Ghio, "Some of us are on the council because of previous council actions," and Ghio shot back, "And, now you're acting the same way."

As Ghio instructed the liberals on city politics, Wormhoudt instructed him, "I would like to remind Mr. Ghio that rent control received more votes (in losing) than any member of this council has received.

"And remind him, the problem of housing is still out there," Wormhoudt said.

Laird said it was obvious the public didn't want the housing problem solved only by rent control or tenant protection and that positive steps to get housing were needed.

The Just Eviction Ordinance was scored from the beginning for being one sided, and a citizens group immediately began efforts to stop it.

The ordinance would have gone into effect May 13, but the initiative drive led by real estate broker William Sweringen gathered over 1,000 more valid signatures than were needed to block it and force council action.

The ordinance demanded that landlords prove they had a just reason for kicking tenants out. Those just reasons included property damage and lack of rent payments by the tenant, or that the landlord needed the unit for his own, or his relatives' use.

It put the burden of proof on the landlord, and if he or she couldn't prove the eviction was "just," the tenant could move back in — and charge moving costs and claim damages of \$750 if the unjust eviction was "willful" on the part of the landlord.

Wormhoudt said she opposed putting the ordinance up for election because the rent control battle had divided the community.

Laird said that any future ordinance will have to include both tenants' and landlords' rights.

However, by law, the council is restricted from dealing with any ordinance on eviction that is similar to the one repealed, because it was the citizens' petition that forced the action.