

1 [Administrative Code - Prohibiting Specified Evictions During Coronavirus State of
2 Emergency]

3 **Ordinance adding Section 49C to the Administrative Code to prohibit evictions during**
4 **the Coronavirus state of emergency for nonpayment of rent if the tenant demonstrates**
5 **that inability to pay rent is due to coronavirus, the state of emergency regarding**
6 **coronavirus, or following government-recommended coronavirus precautions; or for a**
7 **no-fault reason unless the eviction is necessary for the health and safety of the tenant**
8 **or landlord.**

9 Note: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strikethrough italics Times New Roman*~~.
11 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

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14 The San Francisco Administrative Code is hereby amended by adding Section 49C to
15 read as follows:

16
17 Section 1. Findings and Purpose.

18 On February 25, 2020, Mayor London Breed declared a state of emergency based on
19 coronavirus (COVID-19) (hereinafter referred to as “the state of emergency”). Both Mayor
20 London Breed and the San Francisco Department of Public Health have issued
21 recommendations including but not limited to social distancing, staying home if sick, canceling
22 or postponing large group events, working from home, and other precautions to protect public
23 health and prevent transmission of this communicable virus. As a result of the state of
24 emergency and the government-recommended precautions, many tenants have experienced
25 sudden income loss, and further income impacts are anticipated, leaving tenants vulnerable to

1 eviction. During this state of emergency, and in the interests of protecting the public health
2 and preventing transmission of the coronavirus, it is essential to avoid unnecessary
3 displacement and homelessness.

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5 Section 2. Prohibited Conduct.

6 (a) During the state of emergency, no landlord shall endeavor to evict a tenant in either
7 of the following situations: (1) for nonpayment of rent if the tenant demonstrates that inability
8 to pay rent is due to coronavirus, the state of emergency regarding coronavirus, or following
9 government-recommended coronavirus precautions (collectively referred to as Covered
10 Reasons for Delayed Payment), or (2) for a no-fault eviction unless necessary for the health
11 and safety of tenants, neighbors, or the landlord.

12 (b) A landlord who knows that a tenant cannot pay some or all of the rent temporarily
13 for the reasons set forth above, shall not serve a notice pursuant to CCP 1161(2), file or
14 prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek
15 to evict for nonpayment of rent. A landlord knows of the tenant's inability to pay rent within the
16 meaning of this Ordinance if the tenant notifies the landlord in writing of lost income and
17 inability to pay full rent, and provides documentation to support the claim. For purposes of this
18 section, "in writing" includes email or text communications to a landlord or the landlord's
19 representative with whom the tenant has previously corresponded by email or text. Any
20 medical or financial information provided to the landlord shall be held in confidence, and only
21 used for evaluating the tenant's claim.

22 (c) Nothing in this Ordinance shall relieve the tenant of liability for the unpaid rent,
23 which the landlord may seek after expiration of the state of emergency. A landlord may not
24 charge or collect a late fee for rent that is delayed for the reasons stated in this Ordinance.

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1 Section 3. Definitions.

2 (a) “Covered Reason for Delayed Payment” includes, but is not limited to, any of the
3 following: (1) Tenant lost household income as a result of being sick with Coronavirus, or
4 caring for a household or family member who is sick with Coronavirus; (2) Tenant lost
5 household income as a result of a lay-off, loss of hours, or other income reduction resulting
6 from Coronavirus or the state of emergency; (3) Tenant lost household income due to
7 compliance with a recommendation from a government agency to stay home, self-quarantine,
8 or avoid congregating with others during the state of emergency.

9 (b) “No-fault eviction” refers to any eviction for which the notice to terminate tenancy is
10 not based on alleged fault by the tenant, including but not limited to eviction notices served
11 pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161c.

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13 Section 4. Application.

14 This Ordinance applies to nonpayment eviction notices, no-fault eviction notices, and
15 unlawful detainer actions based on such notices, served or filed on or after the date of
16 introduction of this ordinance through the end of the state of emergency. With respect to
17 delayed payment covered by this Ordinance, a landlord may seek such rent after the
18 expiration of the state of emergency, but not through the eviction process.

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20 Section 5. Remedies.

21 In the event of a violation of this Ordinance, an aggrieved tenant may institute a civil
22 proceeding for injunctive relief, money damages of not less than three times actual damages
23 (including damages for mental or emotional distress as specified below), and whatever other
24 relief the court deems appropriate. In the case of an award of damages for mental or
25 emotional distress, said award shall only be trebled if the trier of fact finds that the landlord

1 acted in knowing violation of or in reckless disregard of this Ordinance. The prevailing party
2 shall be entitled to reasonable attorney's fees and costs pursuant to order of the court. The
3 remedy available under this section shall be in addition to any other existing remedies which
4 may be available to the tenant under local, state or federal law. In addition, this Ordinance
5 grants a defense to eviction in the event that an unlawful detainer action is commenced in
6 violation of this Ordinance.

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8 Section 6. Effective Date.

9 This ordinance shall become effective 30 days after enactment. Enactment occurs
10 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
11 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
12 Mayor's veto of the ordinance.

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14 Section 7. Severability.

15 If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any
16 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
17 decision of a court of competent jurisdiction, such decision shall not affect the validity of the
18 remaining portions or applications of the ordinance. The Board of Supervisors hereby
19 declares that it would have passed this ordinance and each and every section, subsection,
20 sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to
21 whether any other portion of this ordinance or application thereof would be subsequently
22 declared invalid or unconstitutional.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ATTORNEY'S NAME
Deputy City Attorney