

LEGISLATIVE DIGEST

[Housing Code - Tenant Enforcement of Habitability Requirements]

Ordinance amending the Housing Code to authorize occupants of residential dwelling units to sue to enforce the prohibition on substandard housing conditions.

Existing Law

Section 1001 of the Housing Code defines the basic habitability standards for housing in San Francisco. If a unit does not meet these standards, the Department of Building Inspection can issue notices of violations and seek penalties against the unit owner. The Housing Code does not authorize private parties to file lawsuits over Section 1001 violations.

Amendments to Current Law

The ordinance would allow a unit occupant (unless the unit is in a building zoned as a single-family residence) to sue the unit owner if the unit does not meet the standards in Section 1001 and poses a substantial risk to the occupants' health and safety. The occupant would need to give the owner and the City advance notice of the lawsuit. An occupant who prevailed in the lawsuit could get attorneys' fees, an order that the owner must remedy the violation, and/or actual damages. If any of the occupants were younger than 18 or older than 65 or disabled, then the owner could have to pay up to three times the actual damages experienced by those occupants.

Background Information

The ordinance does not affect existing remedies that the City may have against owners of substandard housing. Nor does it affect other remedies that an occupant may have against an owner of substandard housing.

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