

REVISED LEGISLATIVE DIGEST

(4/11/11: Amended in Committee)

[Administrative Code - Residential Rent Ordinance - Temporary Good Samaritan Occupancy/Reduced Rent]

Ordinance amending Administrative Code Chapter 37 Residential Rent Arbitration and Stabilization Ordinance, by amending Sections 37.2(a) and 37.9 to provide for temporary Good Samaritan occupancy with reduced rent rate and, upon expiration of the temporary Good Samaritan Status, to provide that the landlord may either evict the tenant for just cause or increase the rent to a previously agreed base rent rate; Section 37.2 by adding Subsection 37.2(a)(1)(D) to permit creation of temporary Good Samaritan Status when a landlord and new tenant agree in writing for the tenant to commence occupancy following an emergency such as fire, earthquake, landslide or similar emergency situation that required unexpected vacation of the tenant's previous unit, and the agreement includes a reduced rent rate for a specified period of time up to twelve (12) months, which may be extended for a combined total of no more than twenty-four (24) months; Good Samaritan Status may be utilized only upon written certification by a specified City Official, that identifies the emergency and the resulting unit vacation on grounds of public health, safety, and habitability; and Section 37.9 by adding Subsection 37.9(a)(16) to permit eviction for just cause upon expiration of the Original Good Samaritan Status period plus any Extended Good Samaritan Status Period.

Existing Law

The City's "Residential Rent Stabilization and Arbitration Ordinance" (Administrative Code Chapter 37, "Rent Ordinance") establishes rent control on covered units, and requires just cause for eviction from those units. The Rent Ordinance basically covers most residential units constructed prior to June 1979.

As currently provided, the base rent agreed between landlord and tenant when a new tenancy commences remains the base rent for the duration of the tenancy, and any subsequent rent increases are limited by the Rent Ordinance.

Amendments to Current Law

When a tenant unexpectedly vacates a residential rental unit due to an emergency such as fire, earthquake, or landslide, the proposed amendments would permit a Good Samaritan landlord to enter into a written agreement with that displaced tenant for a replacement unit with temporary reduced rent for a specified period of time up to 12 months ("Original Good Samaritan Status Period"), which could later be extended up to a total of 24 months in Good Samaritan Status ("Extended Good Samaritan Status Period").

Reduced rent rate means the base rent the tenant was paying for the previous unit at the time of the emergency, or an amount up to ten percent above that amount; except that, if the owner of the previous unit is the same as the owner of the replacement unit, then it means the rent the tenant was paying for the previous unit at the time of the emergency.

To qualify for Good Samaritan occupancy and reduced rent, a specified official must certify that vacation of the tenant's unit was required on grounds of public health, safety and habitability. A Good Samaritan agreement must be in writing, and specify that it is a temporary Good Samaritan agreement under Administrative Code Sections 37.2(a)(1)(D) and 37.9(a)(16).

The proposed amendments provide that within 60 days after expiration of the total Good Samaritan Status Period, the landlord may give notice and evict the tenant for just cause (based on that expiration). Alternatively, if the Good Samaritan rental agreement states a dollar amount for the tenant's initial base rent that can be imposed after expiration of the agreement, then the landlord may give notice within that same 60-day period and increase the tenant's temporary reduced rate rent to the previously agreed base rent rate for the unit.

The Rent Board would provide certain explanatory materials and forms, to assist in implementation of these Good Samaritan amendments.