

File No. 151229

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date January 25, 2016

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |                                              |
|-------------------------------------|--------------------------|----------------------------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/> | Information Sheet                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

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Completed by: Alisa Somera Date January 21, 2016

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Administrative Code - Notice to Tenants in Event of Eviction]

2  
3 **Ordinance amending the Administrative Code to provide notice to tenants facing**  
4 **eviction regarding eligibility for City affordable housing programs, and to modify**  
5 **vacancy control requirements applicable to certain agreements with governmental**  
6 **agencies.**

7  
8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

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

16 Section 1. The Administrative Code is hereby amended by revising Sections 37.3 and  
17 37.9, to read as follows:

18 **SEC. 37.3. RENT LIMITATIONS.**

19 \* \* \* \*

20 (f) Costa-Hawkins Vacancy Control. Where a landlord has terminated the previous  
21 tenancy as stated in either subsection (1), (2) or (3) below, *for the next five years from the*  
22 *termination*, the initial base rent for the subsequent tenancy shall be a rent not greater than the  
23 lawful rent in effect at the time the previous tenancy was terminated, plus any annual rent  
24 increases available under this Chapter 37. *This rent limitation shall apply for the next five years*  
25 *from the termination where the landlord has terminated the tenancy as stated in subsections (1) or (2).*

1 and for the next three years from the termination where the landlord has terminated the tenancy as  
2 stated in subsection (3). This Section 37.3(f) is intended to be consistent with California Civil  
3 Code Section 1954.53(a)(1)(A)-(B).

4 (1) Where the previous tenancy was terminated by a notice of termination of  
5 tenancy issued under California Civil Code Section 1946.1 stating the ground for recovery of  
6 possession under Sections 37.9(a)(8), (9), (10), (11), or (14) of this Code. For purposes of  
7 the termination of tenancy under Section 37.9(a)(9), the initial rent for the unit may be set by a  
8 subsequent bona fide purchaser for value of the condominium.

9 (2) Where the previous tenancy was terminated upon a change in terms of  
10 tenancy noticed under California Civil Code Section 827, except a change in rent permitted by  
11 law. Within 10 days after serving the notice of termination based upon a change in terms of  
12 tenancy under Civil Code Section 827, the landlord shall notify the Board in writing of the  
13 monthly rent the tenant was paying when the landlord gave the notice to the tenant, and  
14 provide a copy of the notice to the Board to the tenant.

15 (3) Where the landlord terminated or did not renew a contract or recorded  
16 agreement with a governmental agency that provided for a rent limitation to a qualified tenant.  
17 When a landlord terminates a tenant-based rental assistance program, the landlord shall,  
18 within 10 days after giving the notice of termination of the program to the tenant, notify the  
19 Board in writing of the monthly rent the tenant was paying and the monthly rent paid by the  
20 program to the landlord on behalf of the tenant when the landlord gave notice to the tenant,  
21 and provide a copy of the notice to the Board to the tenant.

22 **SEC. 37.9. EVICTIONS.**

23 Notwithstanding Section 37.3, this Section 37.9 shall apply as of August 24, 1980, to all  
24 landlords and tenants of rental units as defined in Section 37.2(r).

25 \* \* \* \*

1 (c) A landlord shall not endeavor to recover possession of a rental unit unless at least  
2 one of the grounds enumerated in Section 37.9(a) or (b) above is (1) the landlord's dominant  
3 motive for recovering possession and (2) unless the landlord informs the tenant in writing on  
4 or before the date upon which notice to vacate is given of the grounds under which  
5 possession is sought, and for notices to vacate under Sections 37.9(a)(8), (9), (10), (11), and  
6 (14), state in the notice to vacate the lawful rent for the unit at the time the notice is issued,  
7 before endeavoring to recover possession. The Board shall prepare a written form that (1)  
8 states that a tenant's failure to timely act in response to a notice to vacate may result in a  
9 lawsuit by the landlord to evict the tenant, and that advice regarding the notice to vacate is  
10 available from the Board; and (2) includes information provided by the Mayor's Office of Housing  
11 and Community Development regarding eligibility for affordable housing programs. The Board shall  
12 prepare the form in English, Chinese, Spanish, Vietnamese, Tagalog, and Russian and make  
13 the form available to the public on its website and in its office. A landlord shall attach a copy  
14 of the form that is in the primary language of the tenant to a notice to vacate before serving  
15 the notice, except that if the tenant's primary language is not English, Chinese, Spanish,  
16 Vietnamese, Tagalog, or Russian, the landlord shall attach a copy of the form that is in  
17 English to the notice. A copy of all notices to vacate except three-day notices to vacate or pay  
18 rent and a copy of any additional written documents informing the tenant of the grounds under  
19 which possession is sought shall be filed with the Board within 10 days following service of the  
20 notice to vacate. The District Attorney shall determine whether the units set forth on the list  
21 compiled in accordance with Section 37.6(k) are still being occupied by the tenant who  
22 succeeded the tenant upon whom the notice was served. In cases where the District Attorney  
23 determines that Section 37.9(a)(8) has been violated, the District Attorney shall take whatever  
24 action he deems appropriate under this Chapter or under State law. In any action to recover  
25 possession of the rental unit under Section 37.9, the landlord must plead and prove that at

1 least one of the grounds enumerated in Section 37.9(a) or (b) and also stated in the notice to  
2 vacate is the dominant motive for recovering possession. Tenants may rebut the allegation  
3 that any of the grounds stated in the notice to vacate is the dominant motive.

4 \* \* \* \*

5  
6 Section 2. Effective Date. This ordinance shall become effective 30 days after  
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
9 of Supervisors overrides the Mayor's veto of the ordinance.

10  
11 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
15 additions, and Board amendment deletions in accordance with the "Note" that appears under  
16 the official title of the ordinance.

17  
18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21  
22 By:



23 MANU PRADHAN  
24 Deputy City Attorney

25 n:\leganas2015\1600158\01054655.docx

## LEGISLATIVE DIGEST

[Administrative Code - Notice to Tenants in Event of Eviction]

**Ordinance amending the Administrative Code to provide notice to tenants facing eviction regarding eligibility for City affordable housing programs, and to modify vacancy control requirements applicable to certain agreements with governmental agencies.**

### Existing Law

Administrative Code Section 37.9(c) directs the Rent Board to prepare a written form that states that a tenant's failure to timely act in response to a notice to vacate may result in a lawsuit by the landlord to evict the tenant, and directs landlords to include copies of this written form when serving tenants with notices to vacate.

Under Administrative Code Section 37.3(f), if a landlord has terminated a tenancy by terminating or not renewing a contract or recorded agreement with a governmental agency that provided for a rent limitation to a qualified tenant, the initial base rent for the subsequent tenancy shall be limited for the next five years.

### Amendments to Current Law

The proposed ordinance amends Section 37.9(c) to require the Rent Board's form to include information from the Mayor's Office of Housing and Community Development regarding eligibility for affordable housing programs.

The proposed ordinance amends Section 37.3(f) to provide that the limitation on the initial base rent for the subsequent tenancy following a landlord's termination or non-renewal of a contract or recorded agreement with a governmental agency that provided for a rent limitation to a qualified tenant shall be applicable for three years, rather than for five years.

### Background Information

The amendment to Section 37.9(c) will help tenants who have received notices to vacate determine their eligibility for affordable housing. The amendment to Section 37.3(f) will make that provision consistent with Civil Code Section 1954.53(a)(1)(A), in accordance with the existing language in Section 37.3(f) which states that "This Section 37.3(f) is intended to be consistent with California Civil Code Section 1954.53(a)(1)(A)-(B)."

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Olson Lee, Mayor's Office of Housing and Community Development  
Delene Wolf, Rent Board

FROM:  Alisa Somera, Assistant Clerk, Board of Supervisors

DATE: December 9, 2015

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following request for hearing, introduced by Supervisor Tang on December 1, 2015:

**File No. 151229**

**Ordinance amending the Administrative Code to provide notice to tenants facing eviction regarding eligibility for City affordable housing programs, and to modify vacancy control requirements applicable to certain agreements with governmental agencies.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Sophie Hayward, Mayor's Office of Housing and Community Development

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

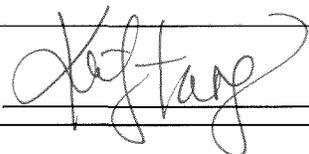
Tang

**Subject:**

Notice to Tenants in Event of Eviction

**The text is listed below or attached:**

[Empty box for text listing]

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: