

LEGISLATIVE DIGEST

AMENDING CHAPTER 37 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY:
(1) AMENDING SECTION 37.9(a)(8) GOVERNING EVICTIONS FOR OWNER OR OWNER-RELATIVE MOVE-IN ("OMI") TO REQUIRE THAT THE OWNER/RELATIVE MOVE INTO THE PROPERTY WITHIN THREE MONTHS AND LIVE IN THE PROPERTY FOR 36 MONTHS, TO REQUIRE A 50% OR GREATER OWNERSHIP INTEREST IN ORDER TO EVICT UNDER OMI AS TO OWNERS ACQUIRING RENTAL PROPERTY AFTER JULY 1, 1997, TO LIMIT EVICTIONS FOR OWNER'S RELATIVES, TO PROHIBIT OMI EVICTION IF ANY COMPARABLE UNIT OWNED BY THE LANDLORD IS VACANT AND AVAILABLE PRIOR TO THE TENANT'S VACATION OF THE UNIT; (2) ADDING SECTION 37.9B TO REQUIRE OWNER DOCUMENTATION FOR OMI EVICTIONS, TO PROVIDE RIGHTS TO TENANTS EVICTED UNDER OMI INCLUDING A THREE-YEAR RIGHT OF RE-RENTAL AND LIMITATIONS ON RENT INCREASES, AND TO PROVIDE A RIGHT TO RELOCATION COSTS FOR TENANTS OF 12 MONTHS OR MORE IN MULTIPLE-UNIT BUILDINGS; (3) AMENDING SECTION 37.10A TO MAKE IT A MISDEMEANOR FOR AN OWNER TO REFUSE TO RENT TO A SENIOR-AGE PERSON BECAUSE THAT PERSON WOULD ACQUIRE RIGHTS UNDER THIS CHAPTER; AND (4) AMENDING SECTION 37.11A TO PROVIDE A RIGHT OF CIVIL LEGAL ACTION AGAINST AN OWNER WHO ATTEMPTS TO PREVENT A PERSON FROM ACQUIRING RIGHTS UNDER THIS CHAPTER. (B of S File No. 000-98-1158)

The owner move-in ("OMI") eviction moratorium contained in Administrative Code Section 37.9(g) restricts until June 1999 the right of a landlord of residential property to evict an elderly, disabled, or catastrophically ill tenant in order for the owner or a relative to move into the property. On July 17, 1998, the Mayor signed Ordinance 98-0805, which amended the OMI moratorium to provide a formal procedure for landlords to determine whether a tenant claims protection from the moratorium.

This legislation further modifies the rights of landlords and tenants in OMI evictions, as follows:

1. Section 37.9(a)(8)(A) would require that a landlord evicting a tenant for OMI must occupy the unit as his/her principal residence for at least 36 months. Existing law requires only a 12-month occupancy.

2. Under Section 37.9(a)(8)(B), the right of a landlord to move a relative into a rental unit would be limited to units (a) in a single family dwelling, or (b) in the building in which the landlord currently resides or in a building in which the landlord is simultaneously seeking to move in. In addition, the term “spouse” for purposes of relative OMI would be amended to include domestic partners.

3. Section 37.9(a)(8) would limit the definition of “landlord” applicable to owners acquiring their property after July 1, 1997, to persons owning at least a 50% interest in the property. Accordingly, a maximum of two tenant-in-common owners buying a building after July 1, 1997 could occupy any building on the basis of OMI evictions.

4. Section 37.9(a)(8) would prohibit a landlord from evicting a tenant based on OMI if a comparable unit in the same building becomes available before the tenant vacates the unit. Under existing law, the comparable unit would have to become available during the period of the notice of termination. The amendment would also require the landlord to offer the evicted tenant a noncomparable unit in the same building at the tenant’s current rent, adjusted for the condition, size, and amenities of the noncomparable unit. The Rent Board would determine comparability and appropriate adjustments.

5. Section 37.9(a)(8) would broaden the presumption that an OMI eviction is in bad faith if the owner’s relative does not move into the unit in question within three months following the date the tenant vacates the unit and does not remain in occupancy for at least 36 months. Under existing law, there is no deadline for the relative to move in, and the relative must remain in the unit for only 12 months.

6. New Section 37.9B(a) and (b) would require a landlord vacating a unit within three years of obtaining possession through an OMI eviction to offer the unit for rent to the evicted tenant at the same rent that would apply had the tenant not been evicted.

7. Section 37.9B(c) would require an owner seeking to evict a tenant based on OMI to notify the tenant in writing of the identity of all owners of the property and their percentage ownership, the names and relationship of relatives seeking to displace the tenant and their current domicile, a list of other residential properties owned by the owner or relative seeking to displace the tenant, and information as to the tenant’s legal rights.

8. Section 37.9B(d) would require an owner seeking to evict a tenant based on OMI to pay relocation expenses to the tenant of \$1,000, \$500 at the time the landlord delivers a notice to vacate, and the remaining \$500 when the tenant vacates the property.

9. Section 37.10A would make it a misdemeanor to refuse to rent a unit to any person protected by the City’s OMI restrictions if the purpose of refusing to rent would be to avoid allowing the tenant to secure such protection.

10. Section 37.11A would allow a tenant to institute a civil action for damages against a landlord who attempts to prevent a tenant from securing rights under the rent ordinance.