

LEGISLATIVE DIGEST

[Administrative Code - No-Fault Eviction Protections During School Year]

Ordinance amending the Administrative Code to prevent certain no-fault evictions (owner move-in, condominium conversion, removal of rental unit, capital improvement, and substantial rehabilitation) during the school year if a child under 18 or a person who works at a school in San Francisco resides in the rental unit, is a tenant or has a custodial or family relationship with a tenant, and the tenant has resided in the unit for 12 months or more, provided, however, that this ordinance would not restrict the timing of evictions performed in connection with mandatory seismic retrofits pursuant to Building Code, Chapter 34B, and Administrative Code, Chapter 65A; and to remove existing exceptions for owners that apply to owner move-in evictions during the school year.

Existing Law

Section 37.9(j) of the Residential Rent Stabilization and Arbitration Ordinance provides that a landlord may not perform an owner move-in (OMI) eviction during the school year if the eviction would displace a tenant of more than 12 months who has a custodial or family relationship with a child who lives in the unit, unless the owner has only one rental unit in the building or would be moving into the evicted tenant's unit with a child with whom the owner has a custodial or family relationship.

Amendments to Current Law

The proposed ordinance would broaden Section 37.9(j) so that it would apply not only to families with children, but also to educators and families with educators, with the term "educator" defined to mean a person who works at a school in San Francisco as an employee or independent contractor of the school or its governing body. In addition, whereas existing Section 37.9(j) only restricts the timing of OMI evictions, the proposed ordinance would apply to OMIs as well as four other types of no-fault evictions: condominium conversions, removal of individual rental units from housing use, capital improvements, and substantial rehabilitations, unless the eviction is in connection with a mandatory seismic retrofit. Finally, the proposed ordinance would delete the existing exception that permits an OMI eviction of a family with children during the school year if the owner has only one rental unit in the building or would be moving with his or her own children into the evicted tenant's unit.

Background Information

The ordinance is intended to limit the number of no-fault evictions affecting children or educators during the school year, on the theory that evicting a child or educator in the middle of the school year can adversely impact children and the learning process.

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