

LEGISLATIVE DIGEST

[Administrative Code – Temporarily Displaced Tenant Preference in City Affordable Housing – Compliance with Right to Return for Temporarily Displaced Tenants]

Ordinance amending the Administrative Code to add a preference in City affordable housing programs to tenants temporarily evicted from rental units for capital improvements or rehabilitation work; requiring landlords who regain possession of such rental units to provide evidence of complying with a tenant’s right to re-occupy such tenant’s rental unit; clarifying that temporary evictions for capital improvements are intended to cover work that would make the unit hazardous, unhealthy, and/or uninhabitable; and modifying the standards that the Rent Board must consider when reviewing a request to authorize a temporary eviction for capital improvements to last more than 3 months.

Existing Law

Current law provides that a landlord may temporarily regain possession of a rental unit for the purpose of undertaking capital improvements or rehabilitation (Administrative Code Section 37.9(a)(11)). Tenants are required to vacate their rental unit for the minimum amount of time required to complete the capital improvements or rehabilitation, and such tenants have the right to re-occupy their rental units at the prior rent with certain allowable adjustments.

Current law does not provide a preference in the City’s affordable housing programs for tenants temporarily displaced by a landlord for capital improvements or rehabilitation.

Amendments to Current Law

This ordinance would create a preference in the City’s affordable housing programs for tenants temporarily displaced by a landlord for capital improvements or rehabilitation under Administrative Code 37.9(a)(11). This preference would be given for initial leases and subsequent leases of affordable housing and prior to the preference for persons who live or work in San Francisco. Temporarily displaced tenants would only be allowed to occupy an affordable housing unit until the tenants receive an offer to re-occupy their units and move back to their units. Tenants would be required to pay the rent established for the affordable rental unit.

This ordinance would amend Administrative Code Section 37.9(a)(11) as follows: First, Administrative Code Section 37.9(a)(11) is amended to clarify that temporary evictions for capital improvements are intended to cover work that would make the unit hazardous, unhealthy, and/or uninhabitable. Second, landlords will be required to provide tenants with: (1) a disclosure of available City assistance for temporary housing, (2) a notice and written offer to reoccupy their units immediately upon completion of the capital work or rehabilitation, and (3) a form that the tenant can use to keep the Rent Board apprised of any future change

in address. Third, the Rent Board must consider additional standards when reviewing a request to authorize a temporary capital eviction to last more than 90 days. Last, landlords would be required to allow a tenant to reoccupy his/her unit immediately after completion of the work, the landlord must file such offer with the San Francisco Rent Board, and tenants would have 30 days to accept the offer.

Background Information

The Proposed Legislation reflects amendments made by the Rules Committee on September 23, 2019. The Rules Committee approved changes to the Proposed Legislation that clarified the intent of the temporary eviction for capital improvements, added a required form for tracking the address of tenants, modified the standards for the Rent Board or Administrative Law Judge to review extensions for temporary evictions, and deleted a requirement for the Department of Building Inspection to withhold a certificate of final completion.

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