

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

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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.~~**

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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.

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

14 Section 1. The Administrative Code is hereby amended by revising Sections 37.3 and
15 37.9, to read as follows:

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17 **SEC. 37.3. RENT LIMITATIONS.**

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

1 ~~the termination where the landlord has terminated the tenancy as stated in subsection (3).~~

2 This Section 37.3(f) is intended to be consistent with California Civil Code Section
3 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.

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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.

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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.

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

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22 By: _____
23 MANU PRADHAN
24 Deputy City Attorney

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