

1 [Administrative Code - Rent Control at Midtown Park Apartments]

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3 **Ordinance amending the Administrative Code to subject dwelling units at Midtown Park**  
4 **Apartments, a residential development owned by the City and County of San Francisco,**  
5 **to the Residential Rent Stabilization and Arbitration Ordinance; and making findings**  
6 **pursuant to as required by the California Tenant Protection Act of 2019.**

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

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

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14 Section 1. The Administrative Code is hereby amended by revising Sections 37.2 and  
15 37.3, to read as follows:

16 **SEC. 37.2. DEFINITIONS.**

17 \* \* \* \*

18 (r) **Rental Units.** All residential dwelling units in the City and County of San  
19 Francisco together with the land and appurtenant buildings thereto, and all housing services,  
20 privileges, furnishings, and facilities supplied in connection with the use or occupancy thereof,  
21 including garage and parking facilities.

22 \* \* \* \*

23 The term "rental units" shall not include:

24 \* \* \* \*

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1 (4) Except as provided in subsections (A)-(E), ~~(B) and (C)~~, dwelling units whose  
2 rents are controlled or regulated by any government unit, agency, or authority, excepting  
3 those unsubsidized and/or unassisted units which are insured by the United States  
4 Department of Housing and Urban Development; provided, however, that units in unreinforced  
5 masonry buildings which have undergone seismic strengthening in accordance with Building  
6 Code Chapters 16B and 16C shall remain subject to the Rent Ordinances to the extent that  
7 the ordinance is not in conflict with the seismic strengthening bond program or with the  
8 program's loan agreements or with any regulations promulgated thereunder;

9 \* \* \* \*

10 (E) The term "rental units" shall include dwelling units at Midtown Park  
11 Apartments, as set forth in Section 37.12A.

12 \* \* \* \*

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14 **SEC. 37.3. RENT LIMITATIONS.**

15 (a) **Rent Increase Limitations for Tenants in Occupancy.** Landlords may impose  
16 rent increases upon tenants in occupancy only as provided below and as provided by  
17 subsections 37.3(d), ~~and~~ 37.3(g), and 37.12A(c):

18 \* \* \* \*

19  
20 Section 2. The Administrative Code is hereby amended by adding Section 37.12A, to  
21 read as follows:

22 **SEC. 37.12A. MIDTOWN PARK APARTMENTS**

23 (a) Midtown Park Apartments ("Midtown"), which is located at 1415 Scott Street, San  
24 Francisco (Lot 31, Assessor's Block 1099), is a City-owned apartment complex in the Western Addition  
25 neighborhood that opened in 1968 to provide housing to families displaced by urban renewal policies.

1 From 1968-2014, a tenant board was empowered to make decisions regarding Midtown's management  
2 and development, and Midtown tenants generally received rent increases commensurate with the city's  
3 rent control laws. On or about January 31, 2014, the City began to operate Midtown under a program  
4 that set rents based on household gross income, which caused some tenants to experience significant  
5 rent increases. The Board of Supervisors finds it is appropriate and in the public interest to extend rent  
6 control protections to tenants at Midtown, and enacts this Section 37.12A in order to assure a smooth  
7 transition to coverage under this Chapter 37.

8 (b) The City shall not endeavor to recover possession of a residential dwelling unit located  
9 at Midtown Park Apartments (each, a "Midtown Unit") except as authorized by Section 37.9, as it may  
10 be amended from time to time; and provided, further, that Section 37.9(a)(8) and Section 37.9(a)(13)  
11 shall not apply to Midtown Units.

12 (c) For Midtown Units where one or more of the tenants has been occupying the unit since  
13 January 1, 2014 (each, a "Legacy Tenant"), the initial base rent shall be the rent that was in effect for  
14 the unit on May 1, 2014, plus any allowable increases under Section 37.3. For Midtown Units without  
15 a Legacy Tenant, the initial base rent shall be the rent in effect at the time the tenancy commenced, plus  
16 any allowable increases under Section 37.3. All subsequent rent increases shall be subject to the rent  
17 increase limitations of Section 37.3 as it may be amended from time to time.

18 (d) The City shall discharge its duties as Landlord through the Mayor's Office of Housing  
19 and Community Development ("MOHCD"). MOHCD may adopt rules and regulations consistent with  
20 this Chapter 37 to manage the property, and shall develop procedures to verify Legacy Tenant status  
21 and to set the rent consistent with subdivision (c). If a tenant has paid rent after May 1, 2014 in excess  
22 of the rent allowed under subdivision (c), MOHCD shall credit the excess payment against the tenant's  
23 future rent payments as soon as practicable after the effective date of this Section 37.12A. Nothing in  
24 this Section 37.12A shall affect or impair the ability of either MOHCD or a person residing in a  
25 Midtown Unit to file a petition to the Rent Board as set forth in this Chapter 37.

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Section 3. Additional Findings. This ordinance is intended to bring tenants at Midtown Park Apartments under the City’s Rent Ordinance. As compared to the just cause protections of the California Tenant Protection Act of 2019 (“AB 1482”), this ordinance further limits the permissible reasons for termination of a residential tenancy and provides additional tenant protections. The Board of Supervisors therefore finds that this ordinance is more protective of tenants than AB 1482, and intends that the Rent Ordinance (as hereby amended) shall apply rather than AB 1482.

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By: /s/ \_\_\_\_\_  
MANU PRADHAN  
Deputy City Attorney  
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