

LEGISLATIVE DIGEST

[Administrative Code - Hearings on Tenant Allegations of Landlord Harassment to Recover Possession of the Tenant's Unit]

Ordinance amending San Francisco Administrative Code, Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance), Section 37.9, to add new Subsection 37.9(l), providing for hearings at the Rent Board on tenant allegations of landlord harassment constituting a wrongful endeavor to recover possession of the tenant's unit.

Existing Law

Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" provides rent control and eviction protections for tenants in units subject to that Ordinance, which includes most residential rental units built before June 1979 ("Rent Ordinance"). Covered tenants may only be evicted for one of 15 just causes, ranging from non-payment of rent to owner move-in evictions (see, Section 37.9).

Amendments to Current Law

The proposed legislation would add a mechanism for hearing tenant complaints that a landlord is attempting to circumvent utilization of one of the 15 just causes for eviction, by harassing the tenant into vacating the unit. (Administrative Code Section 37.9(l).)

If a tenant reports such harassment to the Rent Board, the Executive Director will send a notice summarizing rights and responsibilities of landlords and tenants under the Rent Ordinance, and may schedule an investigative hearing on the tenant's allegations before an Administrative Law Judge. Both the tenant and the landlord may appear and make oral and/or written presentations, including presentation of other witnesses.

The Administrative Law Judge will then provide the Rent Board with a summary of evidence produced at the hearing. Upon review, the Rent Board will consider whether to undertake any further proceedings, such as, but not limited to, civil litigation pursuant to Section 37.9(f), or referral to the District Attorney (see Section 37.9(e)).