

BOARD of SUPERVISORS



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MEMORANDUM

TO: Sophia Kittler, Liaison to the Board, Mayor's Office
Robert Collins, Executive Director, Rent Board

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: August 20, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on August 18, 2020:

File No. 200950

Reenactment of emergency ordinance (Ordinance No. 68-20, reenacted by Ordinance No. 114-20) to temporarily prohibit rent increases that would otherwise be permitted under the Administrative Code, due to the COVID-19 pandemic.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

1 [Emergency Ordinance - Administrative Code - Rent Increases During COVID-19 Pandemic]

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3 **Reenactment of emergency ordinance (Ordinance No. 68-20, reenacted by Ordinance**
4 **No. 114-20) to temporarily prohibit rent increases that would otherwise be permitted**
5 **under the Administrative Code, due to the COVID-19 pandemic.**

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

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

14 Section 1. Declaration of Emergency under Charter Section 2.107.

15 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
16 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
17 of any City or County department or office required to comply with time limitations established
18 by law. An emergency ordinance enacted under Charter Section 2.107 automatically
19 terminates on the 61st day after passage, but may be reenacted upon the same terms and
20 conditions applicable to its initial enactment.

21 (b) Pursuant to Charter Section 2.107, the City enacted Ordinance No. 68-20, an
22 emergency ordinance, the Rent Increases During COVID-19 Pandemic Ordinance, which
23 temporarily prohibits certain rent increases that would otherwise be permitted under the
24 Administrative Code. The emergency ordinance became effective when it was enacted, on
25 April 24, 2020, was reenacted via Ordinance No. 114-20, and will terminate automatically on
August 22, 2020, unless it is reenacted.

1 (c) The Board of Supervisors hereby finds that the findings declared in Section 1 of
2 Ordinance Nos. 68-20 and 114-20 remain valid and compelling, and declares that an actual
3 emergency continues to exist that requires the further reenactment of the Rent Increases
4 During COVID-19 Pandemic Ordinance, to lower the risk of displacement and mitigate the
5 economic harm for renters who have lost income due to the COVID-19 pandemic. The
6 pandemic is continuing to have severe and lasting economic effects, despite the gradual
7 reopening of the City's economy. As stated in the Governor's Executive Order N-66-20, which
8 was issued on May 29, 2020, and in the Governor's Executive Order N-71-20, which was
9 issued on June 30, 2020, many Californians (including San Francisco residents) are
10 continuing to experience substantial losses of income, hindering their ability to keep up with
11 their rent, and there is an ongoing need to promote housing security and stability in order to
12 reduce the spread of COVID-19.

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14 Section 2. Reenactment of Emergency Ordinance.

15 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an
16 additional 60 days the emergency ordinance temporarily prohibiting certain rent increases that
17 would otherwise be permitted under the Administrative Code (Ordinance No. 68-20, as
18 reenacted in Ordinance No. 114-20).

19
20 Section 3. Effective Date; Retroactive Application; Expiration.

21 This reenacted emergency ordinance shall become effective immediately upon
22 enactment, with operative effect retroactive to the date that Ordinance No. 114-20 expires,
23 and shall itself expire on the 61st day following that date, unless reenacted as provided by
24 Charter Section 2.107, or upon the termination of the emergency, whichever occurs first.

1 Section 4. Directions to Clerk.

2 The Clerk of the Board of Supervisors is hereby directed to place a copy of this
3 reenacted emergency ordinance in File No. 200362 for Ordinance No. 68-20 and in File No.
4 200578 for Ordinance No. 114-20, and to make a notation cross-referencing this emergency
5 ordinance where Ordinance Nos. 68-20 and 114-20 appear on the Board of Supervisors
6 website as legislation passed.

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8 Section 5. Supermajority Vote Required.

9 In accordance with Charter Section 2.107, passage of this reenacted emergency
10 ordinance by the Board of Supervisors requires an affirmative vote of two-thirds of the Board
11 of Supervisors.

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

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15 By: /s/
16 MANU PRADHAN
17 Deputy City Attorney

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LEGISLATIVE DIGEST

[Emergency Ordinance - Administrative Code - Rent Increases During COVID-19 Pandemic]

Reenactment of emergency ordinance (Ordinance No. 68-20, reenacted by Ordinance No. 114-20) to temporarily prohibit rent increases that would otherwise be permitted under the Administrative Code, due to the COVID-19 pandemic.

Existing Law

Section 37.3(a) of the Residential Rent Stabilization and Arbitration Ordinance regulates how landlords of rent-controlled properties can raise rents on existing tenants. On April 24, 2020, the Board of Supervisors enacted Ordinance No. 68-20, an emergency ordinance, to suspend a landlord's right to raise rents on existing tenants under Section 37.3(a). Because Ordinance No. 68-20 was an emergency ordinance, it went into effect immediately, and was set to expire on the 61st day after enactment. However, the Board of Supervisors adopted Ordinance No. 114-20 and reenacted the emergency ordinance for another 60 days.

Amendments to Current Law

The ordinance would reenact Ordinance No. 68-20 again, so that the temporary suspension of rent increases would last for an additional 60 days beyond the current expiration date. On the 61st day, the suspension would expire, unless it is reenacted again.

Background Information

The reenactment is necessary to address the COVID-19 emergency. The ordinance is not intended to affect a landlord's rights under state law to increase the rent.

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