

1 [Administrative Code - Tenant Organizing]

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3 **Ordinance amending the Administrative Code to require residential landlords to allow**
4 **tenant organizing activities to occur in common areas of the building; require certain**
5 **residential landlords to recognize duly-established tenant associations, confer in good**
6 **faith with said associations, and attend some of their meetings upon request; and**
7 **provide that a landlord’s failure to allow organizing activities or comply with their**
8 **obligations as to tenant associations may support a petition for a rent reduction.**

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

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

17 Section 1. Chapter 49A of the Administrative Code is hereby amended by revising
18 existing Sections 49A.1, 49A.2, and 49A.3; renumbering existing Sections 49A.2 and 49A.3
19 as Sections 49A.3 and 49A.6 respectively; and adding new Sections 49A.2, 49A.4, and 49A.5,
20 to read as follows:

21 **SEC. 49A.1. PURPOSE AND FINDINGS.**

22 The Board of Supervisors finds that, particularly with the large proportion of rental
23 units in the City and County of San Francisco, ~~good-effective~~ communications among tenants
24 and between tenants and landlords ~~about these tenancies~~ is important to the ongoing vitality of
25

1 the community. This ~~Ordinance~~Chapter 49A is intended to encourage and respect those
2 ~~communicative~~ channels for effective communication.

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4 **SEC. 49A.2. DEFINITIONS.**

5 For purposes of this Chapter 49A, the following definitions shall apply:

6 “Landlord” shall have the meaning set forth in Administrative Code Section 37.2. The term
7 “landlord” includes landlord agents and representatives ~~and employees,~~ such as property managers
8 and resident managers.

9 “Organizing Activities” shall mean 1) initiating contact with tenants, including by
10 conducting door-to-door surveys, to ascertain interest in and/or seek support for forming a Tenant
11 Association; 2) joining or supporting a Tenant Association; 3) distributing literature, requesting or
12 providing information, offering assistance, convening meetings (which may occur without a landlord or
13 landlord representative present), or otherwise acting on behalf of one or more tenants in the building
14 regarding issues of common interest or concern. The term “Organizing Activities” shall include, but is
15 not limited to, the operations of a Tenant Association. A person’s participation or failure to
16 participate in Organizing Activities shall have no affect on whether that person qualifies as a
17 tenant.

18 “Tenant” shall have the meaning set forth in Administrative Code Section 37.2.

19 “Tenant Association” shall mean a group specific to a building with five or more rental units
20 that has a primary purpose of addressing housing conditions, community life, landlord-tenant relations,
21 and/or similar issues of common interest or concern among tenants in the building.

22
23 **SEC. 49A.32. NON-INTERFERENCE IN ORGANIZING ACTIVITIES.**

24 (a) A landlord may ~~not~~ neither prohibit nor interfere with an occupant of a rental unit in ~~a~~
25 tenant who resides in a building, or a guest invited by an occupant, from using common areas in

1 that building to *engage in Organizing Activities* ~~istribute literature to other building tenants,~~
2 ~~including literature distributed on behalf of a tenants' association or other tenants' organization, where~~
3 ~~the literature relates to issues of common interest or concern to the buildings' tenancies.~~

4 (b)(a) Distribution of literature may include hanging or otherwise placing literature on
5 the door of tenant units, or where that is not possible as a practical matter then the literature
6 may be placed on the floor in front of tenant units. Such literature placed on or in front of the
7 door of a tenant unit must plainly include the name and telephone number and address of a
8 distributor that the affected tenant may contact to opt out of future doorway distributions of
9 such literature.

10 (c)(b) The landlord may establish ~~other~~ reasonable requirements as to the time,
11 place, and manner, ~~and volume,~~ of Organizing Activities, so long as the requirements would not
12 effectively prohibit or substantially interfere with Organizing Activities ~~such literature distribution,~~
13 ~~including a limitation of distribution under this Chapter to no more than once per calendar Quarter.~~

14 (d) Lease agreements entered into or amended on or after January 1, 2022 may not waive a
15 tenant's right to engage in Organizing Activities as set forth in this Chapter 49A. Any provision of any
16 lease agreement entered into or amended on or after January 1, 2022 that purports to waive a tenant's
17 right to engage in Organizing Activities as set forth in this Chapter 49A shall be void as contrary to
18 public policy.

20 **SEC. 49A.4. TENANT ASSOCIATIONS.**

21 (a) Tenants in a building may establish a Tenant Association for purposes of this Chapter
22 49A by providing their landlord a petition signed by tenants representing at least 50% of the occupied
23 units in the building certifying that they desire to form a Tenant Association, and identifying the Tenant
24 Association. For purposes of this subsection (a), a "petition" may include individual written
25 statements signed by said tenants, or some combination of individual and collective written statements.

1 (b) Tenant Associations shall hold regular meetings open to all building residents, and shall
2 elect officers to serve for two-year terms. An officer may continue to hold over after the expiration of
3 their term unless a resident requests an election, in which case an election shall be held within 60 days.

4 (c) Landlords and Tenant Associations shall confer with each other in good faith regarding
5 housing conditions, community life, landlord-tenant relations, and other issues of common interest or
6 concern. Examples of conferring in good faith may include maintaining a designated point of contact,
7 engaging in regular communications, responding to reasonable requests for information, allowing
8 participation by non-resident advocates, and negotiating and putting agreements into writing. In
9 addition, a landlord must on written request of a Tenant Association attend, either themselves or
10 through their representative, at least one Tenant Association meeting per calendar quarter, though
11 more frequent attendance at the request of the Tenant Association is permitted. These meetings shall
12 occur at a mutually convenient time and place. To request that a landlord or their representative
13 attend a meeting, the Tenant Association shall send the landlord a written request at least 14 days in
14 advance; alternatively, if the Tenant Association meets at a regularly scheduled time and place, then
15 the Tenant Association may send the landlord a single standing request to attend meetings for the
16 duration of the calendar year.

17 (d) A Tenant Association shall remain operative so long as it continues to represent at least
18 50% of the occupied units in the building. Not more than once every three years, the landlord may
19 request in writing that the Tenant Association recertify itself under the petition procedure set forth in
20 subsection (a), in which case the Tenant Association shall have 60 days to recertify itself. If the Tenant
21 Association does not timely recertify itself upon the landlord's request, it shall be temporarily
22 suspended, and the requirements in this Section 49A.4 shall cease to apply, until such time, if any, as
23 the Tenant Association is recertified, or another Tenant Association is certified in accordance with the
24 requirements in this Section 49A.4.

1 (e) This Section 49A.4 shall not apply to buildings where the landlord is a non-profit
2 organized under 26 U.S.C. 501(c)(3).

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4 **SEC. 49A.5. REGULATIONS; REMEDIES.**

5 The Rent Board shall have authority to issue rules and regulations implementing this Chapter
6 49A. In addition, a tenant’s right to engage in Organizing Activities, and to have Organizing Activities
7 occur in their building, shall qualify as a “Housing Service” under Administrative Code Section
8 37.2(g). A landlord’s failure to comply with the requirements of this Chapter 49A, including but not
9 limited to the requirements to confer with and attend the meetings of a Tenant Association in good faith
10 as set forth in Section 49A.4, may support a petition for a substantial decrease in housing services
11 pursuant to Administrative Code Section 37.8.

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13 **SEC. 49A.63. LIMITATIONS.**

14 (a) The provisions of this Chapter 49A are not applicable to purely commercial
15 literature that is not directly related to the building tenancies.

16 (b) The provisions of this Chapter 49A shall not be read to limit or replace residential
17 tenant or landlord rights or remedies found in other ordinances, or in statutes or Constitutions.

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19 Section 2. Effective Date. This ordinance shall become effective 30 days after
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
22 of Supervisors overrides the Mayor’s veto of the ordinance.

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