

File No. 211096

Committee Item No. 7

Board Item No. 21

# COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules Committee

Date Feb 7, 2022

Board of Supervisors Meeting

Date February 15, 2022

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### OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date Feb 3, 2022

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Administrative Code - Tenant Organizing]

2

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

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

18

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

23

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

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

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

3  
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).

3  
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.

12  
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.

18  
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.

23  
24           //

25           //



**LEGISLATIVE DIGEST**  
(Revised 2/7/2022)

[Administrative Code - Tenant Organizing]

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

Existing Law

Under Chapter 49A of the Administrative Code, a landlord may not prohibit tenants from using building common areas to distribute literature on behalf of a tenants' association or other tenants' organization regarding issues of common interest or concern to other tenants. Meanwhile, under Chapter 37 of the Administrative Code, if a landlord provides housing services in conjunction with the use and occupancy of a unit (e.g., repairs, maintenance, elevator service), and then substantially reduces those services, the tenant may file a petition for a rent reduction with the Rent Board.

Amendments to Current Law

The ordinance would amend Chapter 49A to require landlords to allow tenant organizing activities in building common areas – not just literature distribution, but also other activities regarding issues of common concern such as initiating contact (e.g., door-to-door surveys) to ascertain interest in forming a tenant association, and allowing participation by non-resident advocates in meetings. Leases entered into or amended on or after January 1, 2022 could not require tenants to waive these rights.

The ordinance would also amend Chapter 49A to recognize the right of tenants in buildings with five or more rental units (unless the landlord is a 501(c)(3) non-profit) to form Tenant Associations. Tenants could form Tenant Association by securing the approval of a majority of the occupied units in the building. A landlord could request once every three years that the Tenant Association reconfirm that it still has that support and remains in good standing. Landlords and Tenant Associations in good standing would be required to confer with each other in good faith. On written request of the Tenant Association, the landlord (or their representative) would need to attend at least one Tenant Association meeting every three months.

The Rent Board would have authority to issue rules and regulations to the extent necessary to implement Chapter 49A. Also, a tenant’s right to have organizing activities in their building or to would qualify as a “housing service” under Chapter 37. A landlord’s failure to allow



organizing activities or confer with the Tenant Association in good faith could be used to support a petition for a substantial decrease in housing services.

Background

This version of the digest reflects amendments to clarify that 1) landlords may discharge their duties relative to tenant associations through authorized representatives such as property managers or resident managers; and 2) a person's participation or failure to participate in organizing activities does not affect their legal standing as a tenant.

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Robert Collins, Executive Director, Rent Board

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: October 27, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

**File No. 211096**

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

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: [victor.young@sfgov.org](mailto:victor.young@sfgov.org).

**From:** [Peskin, Aaron \(BOS\)](#)  
**To:** [Young, Victor \(BOS\)](#)  
**Subject:** Fwd: Please Support for Tenants' Right-to-Organize Legislation  
**Date:** Sunday, February 6, 2022 7:31:51 PM

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**From:** Steve Leeds <sleeds@riseup.net>  
**Sent:** Sunday, February 6, 2022 6:16:38 PM  
**To:** Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>  
**Subject:** Please Support for Tenants' Right-to-Organize Legislation

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors Peskin, Chan, and Mandelman:

My name is Steve Leeds and I am a long time resident of District 5, the Inner Sunset, as well as a member of the Westside Community Coalition and West Side Tenants Association. I strongly urge you to vote yes tomorrow in the Rules Committee on Sup. Peskin's #UnionAtHome legislation. Tenants deserve basic organizing and bargaining rights to have a real say in the decisions affecting their homes and their lives.

I know well the insecurities and challenges many tenants face in both staying in their homes and striving to make where they live more habitable and peaceful.

Thank you.

Steve Leeds  
1205 5th Avenue  
SF, CA 94122  
D5



ASIAN AMERICANS  
**ADVANCING  
JUSTICE**  
ASIAN LAW CAUCUS

Via E-mail: [Aaron.Peskin@sfgov.org](mailto:Aaron.Peskin@sfgov.org), [Connie.Chan@sfgov.org](mailto:Connie.Chan@sfgov.org), [Rafael.Mandelman@sfgov.org](mailto:Rafael.Mandelman@sfgov.org)

San Francisco Board of Supervisors  
Rules Committee  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, Ca. 94102-4689

**Re: File Number 211096 - Support for Union at Home**

Dear Supervisors Peskin, Chan, and Mandelman,

I am writing on behalf of Asian Americans Advancing Justice – Asian Law Caucus to voice our strong support for Supervisor Peskin’s Ordinance, File No. 211096. Founded in 1972, Asian Americans Advancing Justice – Asian Law Caucus is the nation’s first legal and civil rights organization serving the low-income Asian Pacific American communities. Since the vast majority of Asians and Pacific Islanders in San Francisco are immigrants and refugees, Advancing Justice – Asian Law Caucus strives to empower communities to assert their rights and to participate actively in U.S. society to build a world in which we can all thrive. This perspective is reflected in our broad strategy, which integrates the provision of legal services, educational programs, community organizing initiatives, and advocacy.

For decades, we have provided culturally and linguistically competent assistance to help San Francisco tenants defend their rights and stay in their homes. Most of the tenants we serve are immigrants, seniors, and people living with disabilities. Through our work, we have seen how powerful tenants’ collective action is in addressing landlord harassment, fixing habitability problems, and even stopping the potential demolition of a building. Many of our clients do not feel comfortable asserting their tenant rights alone, but with the support of neighbors, community organizations, and advocates, they are standing up for what the law requires and for a more equitable city. This legislation will help level the playing field between tenants and landlords, particularly for tenants who are the most vulnerable, as are many of our clients.

Sincerely,

Tiffany L. Hickey, Esq.  
Housing Rights Program

**From:** [Peskin, Aaron \(BOS\)](#)  
**To:** [Young, Victor \(BOS\)](#)  
**Subject:** Fwd: Vote YES on Tenant Right-to-Organize Legislation  
**Date:** Monday, February 7, 2022 9:50:09 AM

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**From:** JAM C <jchen56172@gmail.com>  
**Sent:** Monday, February 7, 2022 9:39:02 AM  
**To:** Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>  
**Subject:** Vote YES on Tenant Right-to-Organize Legislation

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,  
My name is Jam and I am a resident in District 4 as well as a member of the Westside Community Coalition. I urge you to vote yes on Sup. Peskin's #UnionAtHome legislation. Tenants deserve basic organizing and bargaining rights to have a real say in the decisions affecting their homes.

Thank you.  
Jam  
94116