

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
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MEMORANDUM

TO: Christina Varner, Acting Executive Director, Rent Board

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: July 17, 2023

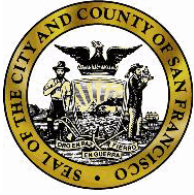
SUBJECT: LEGISLATION INTRODUCED

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

File No. 230810

Ordinance amending the Administrative Code to provide that tenants may elect to be accompanied by a tenant association representative at meetings with their landlord; to set rules for the duration of and attendance at meetings of the full tenant association; to provide that a tenant association remains in good standing unless it has failed to re-certify or a new tenant association has been certified; and to make clarifying changes regarding the obligation of landlords and tenant associations to confer in good faith.

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.



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230810 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Administrative Code - Tenant Organizing **Date Introduced:** 07/11/2023

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Administrative Code to provide that tenants may elect to be accompanied by a tenant association representative at meetings with their landlord; to set rules for the duration of and attendance at meetings of the full tenant association; to provide that a tenant association remains in good standing unless it has failed to re-certify or a new tenant association has been certified; and to make clarifying changes regarding the obligation of landlords and tenant associations to confer in good faith.

Sponsors: Chan; Peskin,
Preston and
Ronen

History of Legislative File 230810

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	07/11/2023	ASSIGNED UNDER 30 DAY RULE	Rules Committee	08/10/2023	

1 [Administrative Code - Tenant Organizing]

2

3 **Ordinance amending the Administrative Code to provide that tenants may elect to be**
 4 **accompanied by a tenant association representative at meetings with their landlord; to**
 5 **set rules for the duration of and attendance at meetings of the full tenant association;**
 6 **to provide that a tenant association remains in good standing unless it has failed to re-**
 7 **certify or a new tenant association has been certified; and to make clarifying changes**
 8 **regarding the obligation of landlords and tenant associations to confer in good faith.**

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 15 **Asterisks (* * * *)** indicate the omission of unchanged Code
 16 subsections or parts of tables.

14

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

16

17 Section 1. Chapter 49A of the Administrative Code is hereby amended by revising
 18 Sections 49A.2, 49A.4, and 49A.5, to read as follows:

19

SEC. 49A.2. DEFINITIONS.

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

21 “Confer in good faith” means that the parties shall have the mutual obligation, personally or
 22 through their authorized representatives, to meet and confer and continue for a reasonable period of
 23 time as set forth in Section 49A.4, in order to exchange freely information, opinions, and proposals,
 24 and to endeavor to reach agreement.

25

1 "Landlord" shall have the meaning set forth in Administrative Code Section 37.2. The
2 term "landlord" includes landlord agents and representatives and employees, such as property
3 managers and resident managers.

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

13 "Tenant" shall have the meaning set forth in Administrative Code Section 37.2.

14 "Tenant Association" shall mean a group specific to a building with five or more rental
15 units that has a primary purpose of addressing housing services and conditions, community life,
16 landlord-tenant relations, and/or similar issues of common interest or concern among tenants
17 in the building.

18
19 **SEC. 49A.4. TENANT ASSOCIATIONS.**

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

1 organizational representative of the tenants as set forth in this Chapter 49A unless or until either (1) a
2 new Tenant Association representing a greater number of occupied units in the building has been
3 certified, or (2) the Tenant Association has been suspended for a failure to timely recertify under
4 subsection (e).

5 * * * *

6 (c) Landlords and Tenant Associations shall confer with each other in good faith
7 regarding housing services and conditions, community life, landlord-tenant relations, rent
8 increases, and other issues of common interest or concern. Examples of conferring in good
9 faith ~~may include,~~ but are not limited to, maintaining a designated point of contact, engaging in
10 regular communications, responding to reasonable requests for information, allowing
11 participation by non-resident advocates, providing and adhering to timelines for addressing
12 habitability concerns, and negotiating and putting agreements into writing. In addition, a
13 Landlord may not prohibit a tenant from allowing a Tenant Association representative to attend
14 meetings involving the Landlord and one or more tenants.

15 (d) ~~In addition, a~~ A landlord must on written request of a Tenant Association attend,
16 either themselves or through their representative, at least one Tenant Association meeting per
17 calendar quarter, though more frequent attendance at the request of the Tenant Association is
18 permitted. A landlord or landlord's representative must remain in attendance at the meeting until all
19 agenda items are complete, unless the meeting extends for more than two hours, in which case the
20 landlord or landlord's representative may withdraw from the meeting and request that the remaining
21 items be continued to a subsequent meeting. ~~These~~ meetings shall occur at a mutually convenient
22 time and place. To request that a landlord or their representative attend a meeting, the Tenant
23 Association shall send the landlord a written request at least 14 days in advance; alternatively,
24 if the Tenant Association meets at a regularly scheduled time and place, then the Tenant
25

1 Association may send the landlord a single standing request to attend meetings for the
2 duration of the calendar year.

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

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

13
14 **SEC. 49A.5. REGULATIONS; REMEDIES.**

15 The Rent Board shall have authority to issue rules and regulations implementing this
16 Chapter 49A. In addition, a tenant's right to engage in Organizing Activities, to receive
17 assistance from a Tenant Association representative, and to have Organizing Activities occur in
18 their building, shall qualify as ~~a~~ "Housing Services" under Administrative Code Section 37.2(g).
19 A landlord's failure to comply with the requirements of this Chapter 49A, including but not
20 limited to the requirements to confer with and attend the meetings of a Tenant Association in
21 good faith as set forth in Section 49A.4, may support a petition for a substantial decrease in
22 housing services pursuant to Administrative Code Section 37.8.

23
24 Section 2. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

13 By: /s/
14 MANU PRADHAN
15 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Tenant Organizing]

Ordinance amending the Administrative Code to provide that tenants may elect to be accompanied by a tenant association representative at meetings with their landlord; to set rules for the duration of and attendance at meetings of the full tenant association; to provide that a tenant association remains in good standing unless it has failed to re-certify or a new tenant association has been certified; and to make clarifying changes regarding the obligation of landlords and tenant associations to confer in good faith.

Existing Law

Tenants in a building may establish a “tenant association” by providing their landlord a petition signed by tenants representing at least 50% of the occupied units, certifying that are forming a tenant association. The landlord must confer in good faith with tenant association on issues of common concern, and on request, must attend at least one tenant association meeting every three months. If a landlord does not comply with these obligations, it can support a tenant petition to the Rent Board for a rent reduction.

A tenant association remains operative so long as it represents at least 50% of the occupied units in the building. Every three years, a landlord can require the tenant association to re-certify that it represents at least 50% of the occupied units. If the tenant association does not timely re-certify, it is temporary suspended until such time as it has re-certified.

Amendments to Current Law

The ordinance specifies that an individual tenant can have a tenant association representative present during the tenant’s individual meetings with the landlord. It also requires landlords to remain in attendance at meetings of the full tenant association until the end of the meeting (up to two hours).

The ordinance also makes certain clarifying changes. First, it addresses what it means to confer in good faith and the types of matters that may be discussed with a tenant association. Second, it clarifies that a duly-formed tenant association remains in good standing unless and until either: 1) it fails to re-certify on the landlord’s request, or 2) a new tenant association representing a greater number of occupied units is formed to take its place.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Chan; Peskin, Preston, Ronen

Subject:

Administrative Code - Tenant Organizing

Long Title or text listed:

Ordinance amending the Administrative Code to provide that tenants may elect to be accompanied by a tenant association representative at meetings with their landlord; to set rules for the duration of and attendance at meetings of the full tenant association; to provide that a tenant association remains in good standing unless it has failed to re-certify or a new tenant association has been certified; and to make clarifying changes regarding the obligation of landlords and tenant associations to confer in good faith.

Signature of Sponsoring Supervisor:



From: [Groth, Kelly \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Somera, Alisa \(BOS\)](#); [Chan, Connie \(BOS\)](#); [PRADHAN, MANU \(CAT\)](#); [PEARSON, ANNE \(CAT\)](#)
Subject: Introduction Form - Ordinance - Tenant Organizing
Date: Tuesday, July 11, 2023 3:44:48 PM
Attachments: [Chan - Ord - Union at Home 2.0.pdf](#)
[01681571.DOCX](#)
[01681644.DOCX](#)

Hi Clerk's Office,

Please see attached introduction form, ordinance, and legislative digest for legislation Supervisor Chan will be introducing today. Copying Deputy City Attorney Manu Pradhan for approval.

Thank you,
Kelly

Kelly Groth | 明美
Legislative Aide
Office of Supervisor Chan
District 1, San Francisco Board of Supervisors
(415) 554-7413

1 [Administrative Code - Tenant Organizing]

2

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9 the official title of the ordinance.

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11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

13 By: /s/
14 MANU PRADHAN
15 Deputy City Attorney

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