

REVISED LEGISLATIVE DIGEST
(Substituted, 11/12/2019)

[Administrative Code - Extending Eviction Control to Units Constructed After 1979]

Ordinance amending the Administrative Code to apply eviction controls to units that are exempt from rent increase limitations because they first received a certificate of occupancy after June 13, 1979, or have undergone a substantial rehabilitation; clarifying the law’s application to units with pending notices to vacate; extending the City’s current residential rental unit fee to these units; making non-substantive, technical changes; and making findings as required by the Tenant Protection Act of 2019.

Existing Law

The Rent Ordinance (Administrative Code Chapter 37) limits rent increases and imposes eviction controls on covered rental units in the City, but exempts various categories of units, including (1) units that were newly constructed after June 13, 1979, and (2) units that have undergone a substantial rehabilitation since June 13, 1979. These categories of units are also exempt from the Residential Rent Stabilization and Arbitration Fee (Administrative Code Chapter 37A), which is imposed annually on certain rental units to recover the Rent Board’s costs to administer and enforce the Rent Ordinance.

Amendments to Current Law

The ordinance would make newly constructed units and units that have undergone substantial rehabilitation subject to Chapter 37 eviction controls and the Rent Board fee. However, these units would retain their existing exemption from rent increase limitations (see Costa-Hawkins, California Civil Code Section 1954.52(a)).

Background Information

In addition to subjecting newly constructed and substantially rehabilitated units to eviction controls, the ordinance also makes non-substantive changes to clarify the Rent Ordinance exemption that pertains to single-family homes and condominiums (Admin. Code § 37.2(r)(7)). Units that qualify for this exemption are “partially” exempt in that they are exempt from the rent increase limitations only, and remain subject to eviction controls and Rent Board fee. The ordinance is not intended to change how the eviction controls and fee apply to these units.

This version of digest corresponds with a substitute ordinance introduced on November 12, 2019, that added language stating that the eviction controls will apply as of the ordinance’s effective date to all covered units, including those where the landlord has served a notice to vacate or quit as of the effective date but where the eviction is not yet complete.

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