

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

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3 **Emergency ordinance to temporarily prohibit rent increases that would otherwise be**
4 **permitted under the Administrative Code, due to the COVID-19 pandemic.**

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

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

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

14 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
15 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
16 of any City or County department or office required to comply with time limitations established
17 by law. The Board of Supervisors hereby finds and declares that an actual emergency exists
18 that requires the passage of this emergency ordinance.

19 (b) On February 25, 2020, Mayor London Breed proclaimed a state of emergency
20 based on the COVID-19 pandemic (hereinafter referred to as “the emergency”). On March 3,
21 2020, the Board of Supervisors, in Motion No. 200228, concurred in the Proclamation and in
22 the actions taken by the Mayor to meet the emergency. On March 13, 2020, the Mayor
23 issued a Second Supplement to the Proclamation, finding that the emergency is causing
24 severe financial impacts to renters in the City, and providing certain protections to those
25 renters who will be unable to pay their rent on time due to the emergency, to avoid the further
risks and contamination that will result if they are displaced from their homes. Since March

1 16, 2020, City residents have been subject to the County Health Officer’s “shelter in place”
2 orders, which require (with certain exceptions) that all San Francisco residents must stay in
3 their homes until at least May 3, due to the extreme circumstances of the emergency (Order
4 No. C19-07b). Also, on March 16, 2020, the Governor issued Executive Order N-28-20,
5 finding that local jurisdictions must take measures to preserve and increase housing security
6 and that additional measures may be necessary to protect public health and to mitigate the
7 economic effects of COVID-19.

8 (c) For the same reasons warranting the foregoing orders and directives, the Board of
9 Supervisors finds it is essential not just to suspend evictions for non-payment, as the City has
10 already done, but also to impose a temporary moratorium on rent increases. A moratorium on
11 rent increases will lower the risk of displacement, which is essential for public health; will keep
12 tenants from falling even further behind during the emergency and help them remain in good
13 standing after the eviction moratorium is lifted; and will help ameliorate the broader economic
14 effects of the emergency. Failure to immediately suspend rent increases will worsen the
15 already severe impacts of COVID-19.

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17 Section 2. Moratorium on Rent Increases.

18 (a) Effective April 7, 2020, the right of a landlord to impose rent increases on tenants
19 in occupancy under Section 37.3(a) of the Administrative Code is temporarily suspended. All
20 rules and procedures for noticing and petitioning for rent increases shall continue to apply; the
21 tenant’s anniversary date is not affected by the deferral of the increase, and the Rent Board
22 may continue to hear and decide petitions in the interim. However, any rent increase that
23 would otherwise be authorized under Section 37.3(a), whether allowed “as of right” or
24 following the grant of a petition by the Rent Board, even if properly noticed during this
25 moratorium period, shall not take effect until after the moratorium has ended.

1 (b) After this moratorium ends, the landlord's right to impose rent increases on tenants
2 in occupancy under Section 37.3(a) shall immediately resume. The landlord may reinstate any
3 rent increase that was deferred as a result of this moratorium by serving a new written notice
4 on the tenant pursuant to Civil Code Section 827. Rent increases shall apply prospectively
5 from the date of the notice, without further allowance for additional amounts that the landlord
6 could have demanded earlier had the moratorium not applied.

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8 Section 3. Implementation.

9 The Rent Board's existing Rules and Regulations shall continue to apply, except to the
10 extent amended by the Rent Board or to the extent that the Rent Board Executive Director
11 determines in writing that it is appropriate to modify the Rules and Regulations in order to
12 implement this emergency ordinance. The Executive Director shall have the authority to
13 modify the existing Rules and Regulations, and to issue additional guidance and to develop
14 new forms and procedures to implement this ordinance and effectuate its purposes.

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16 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word
17 of this ordinance, or any application thereof to any person or circumstance, is held to be
18 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
19 shall not affect the validity of the remaining portions or applications of the ordinance. The
20 Board of Supervisors hereby declares that it would have passed this ordinance and each and
21 every section, subsection, sentence, clause, phrase, and word not declared invalid or
22 unconstitutional without regard to whether any other portion of this ordinance or application
23 thereof would be subsequently declared invalid or unconstitutional.

1 Section 5. Suspension of Charter Section 14.101.

2 To address the emergency conditions described above, the Board of Supervisors finds
3 it is necessary to temporarily modify certain provisions of Section 37.3(a) of the Rent
4 Ordinance that were adopted in whole or in part by the voters, and to suspend Charter
5 Section 14.101 if and to the extent it would restrict the Board of Supervisors from modifying
6 those voter-adopted provisions for this limited purpose.

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8 Section 6. Effective Date; Retroactivity; Expiration.

9 Consistent with Charter Section 2.107, this emergency ordinance shall become
10 effective immediately upon enactment, but, as stated in subsection (a) of Section 2, shall be
11 retroactive to April 7, 2020. This ordinance shall expire on the 61st day following enactment
12 unless reenacted as provided by Section 2.107. Enactment occurs when the Mayor signs the
13 ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within
14 ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the
15 ordinance.

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17 Section 7. Supermajority Vote Required.

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

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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

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24 By: /s/ MANU PRADHAN
25 Deputy City Attorney

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