

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: Sophia Kittler, Liaison to the Board, Mayor's Office
Robert Collins, Executive Director, Rent Board

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: June 10, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on June 2, 2020:

File No. 200578

Reenactment of emergency ordinance (Ordinance No. 68-20) to temporarily prohibit rent increases that would otherwise be permitted under the Administrative Code, due to the COVID-19 pandemic.

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: erica.major@sfgov.org.

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

2

3 **Reenactment of emergency ordinance (Ordinance No. 68-20) to temporarily prohibit**
4 **rent increases that would otherwise be permitted under the Administrative Code, due**
5 **to the COVID-19 pandemic.**

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

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

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

15 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
16 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
17 of any City or County department or office required to comply with time limitations established
18 by law. An emergency ordinance enacted under Charter Section 2.107 automatically
19 terminates on the 61st day after passage, but may be reenacted upon the same terms and
20 conditions applicable to its initial enactment.

21 (b) Pursuant to Charter Section 2.107, the City enacted Ordinance No. 68-20, an
22 emergency ordinance, the Rent Increases During COVID-19 Pandemic Ordinance, which
23 temporarily prohibits certain rent increases that would otherwise be permitted under the
24 Administrative Code. The emergency ordinance became effective when it was enacted, on
25 April 24, 2020, and will terminate automatically on June 23, 2020, unless it is reenacted.

1 (c) The Board of Supervisors hereby finds that the findings declared in Section 1 of
2 Ordinance No. 68-20 remain valid and compelling, and declares further that an actual
3 emergency continues to exist that requires the reenactment of the Rent Increases During
4 COVID-19 Pandemic Ordinance, to lower the risk of displacement and mitigate the economic
5 harm for renters who have lost income due to the COVID-19 pandemic. The pandemic is
6 continuing to have severe and lasting economic effects, despite the gradual reopening of the
7 City's economy. As stated in the Governor's Executive Order N-66-20, which was issued on
8 May 29, 2020, many Californians (including San Francisco residents) are continuing to
9 experience substantial losses of income, hindering their ability to keep up with their rent, and
10 there is an ongoing need to promote housing security and stability.

11
12 Section 2. Reenactment of Emergency Ordinance.

13 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an
14 additional 60 days the emergency ordinance temporarily prohibiting certain rent increases that
15 would otherwise be permitted under the Administrative Code (Ordinance No. 68-20).

16
17 Section 3. Effective Date; Expiration.

18 This reenacted emergency ordinance shall become effective immediately upon the
19 date of expiration of Ordinance No. 68-20, and shall itself expire on the 61st day following its
20 effective date unless reenacted as provided by Charter Section 2.107, or upon the termination
21 of the emergency, whichever occurs first.

22
23 Section 4. Directions to Clerk.

24 The Clerk of the Board of Supervisors is hereby directed to place a copy of this
25 reenacted emergency ordinance in File No. 200362 for Ordinance No. 68-20, and to make a

1 notation cross-referencing this emergency ordinance where Ordinance No. 68-20 appears on
2 the Board of Supervisors website as legislation passed.

3

4 Section 5. Supermajority Vote Required.

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

8

9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11

12 By: /s/
13 MANU PRADHAN
14 Deputy City Attorney
15 n:\legana\as2020\2000445\01451790.docx

16

17

18

19

20

21

22

23

24

25

FILE NO.

LEGISLATIVE DIGEST

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

Reenactment of emergency ordinance (Ordinance No. 68-20) to temporarily prohibit rent increases that would otherwise be permitted under the Administrative Code, due to the COVID-19 pandemic.

Existing Law

Section 37.3(a) of the Residential Rent Stabilization and Arbitration Ordinance regulates how landlords of rent-controlled properties can raise rents on existing tenants. On April 24, 2020, the Board of Supervisors enacted Ordinance No. 68-20, an emergency ordinance, to suspend a landlord's right to raise rents on existing tenants under Section 37.3(a). Because Ordinance No. 68-20 is an emergency ordinance, it went into effect immediately upon enactment and will expire on the 61st day after enactment, or June 23, 2020, unless it is reenacted.

Amendments to Current Law

The ordinance would reenact Ordinance No. 68-20, so that the temporary suspension of rent increases would last for an additional 60 days. Following the 60th day, the suspension would expire, unless it is reenacted again.

Background Information

The reenactment is necessary to address the COVID-19 emergency. The ordinance is not intended to affect a landlord's rights under state law to increase the rent.

n:\legana\as2020\2000445\01451798.docx

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only