

1 [Administrative Code - Temporary Tenant Protections Due to COVID-19]

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3 **Ordinance amending the Administrative Code to limit residential evictions through**
4 **March 31, 2021, unless the eviction is based on the non-payment of rent or is**
5 **necessary due to violence-related issues or health and safety issues.**

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 ~~*italics Times New Roman font*~~.
9 **Board amendment additions** are in Arial font.
10 **Board amendment deletions** are in ~~Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

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

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13 Section 1. Purpose and Findings.

14 (a) On February 25, 2020, the Mayor proclaimed a state of emergency due to the
15 COVID-19 crisis, and subsequently imposed a moratorium on residential evictions to protect
16 tenants and help contain the spread of the virus. The terms of the moratorium are reflected in
17 the Twelfth Supplement to the emergency proclamation, which is dated April 30, 2020. Of
18 relevance here, paragraph 1(c) of the Twelfth Supplement provides that no landlord may
19 recover possession of a rental unit unless necessary due to violence, threats of violence, or
20 health and safety issues, for two months after paragraph 1(c) expires. Paragraph 1(c)
21 originally was set to expire at the end of June 2020, but the Mayor has extended it on a
22 month-by-month basis so that, as of September 15, the date of introduction of this ordinance,
23 it will expire at the end of September 2020, meaning that its restrictions on evictions that are
24 not necessary due to violence or health and safety shall continue to apply at least until the
25 end of November 2020, because of the two-month grace period following expiration.

1 (b) The Board of Supervisors finds it is essential, with respect to evictions not based
2 on the non-payment of rent, to extend the additional protections set forth in paragraph 1(c) of
3 the Twelfth Supplement beyond the November 2020 end date. To provide greater certainty
4 and assurance to the public, the Board of Supervisors intends that these protections shall last
5 through March 31, 2021.

6 (c) This ordinance shall not have any effect on the Twelfth Supplement, or on any
7 subsequent renewals of the Twelfth Supplement. This ordinance also shall not have any
8 effect on any other existing eviction protection for tenants who are unable to pay rent due to
9 COVID-19.

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11 Section 2. Chapter 37 of the Administrative Code is hereby amended by adding
12 Section 37.9(n), to read as follows:

13 **SEC. 37.9. EVICTIONS.**

14 Notwithstanding Section 37.3, this Section 37.9 shall apply as of August 24, 1980, to
15 all landlords and tenants of rental units as defined in Section 37.2(r).

16 * * * *

17 (n) Additional Just Cause Requirements Due to COVID-19.

18 (1) No landlord shall recover possession of a rental unit on or before March 31, 2021
19 unless necessary due to violence, threats of violence, or health and safety issues. This limitation shall
20 be in addition to the just cause requirements set forth in Section 37.9(a), and shall apply to all rental
21 units, including those that are otherwise exempt from just cause pursuant to Section 37.9(b). However,
22 this additional limitation shall not apply to evictions due to unpaid rent or any other unpaid financial
23 obligation of a tenant under the tenancy that came due between March 1, 2020 and January 31, 2021,
24 inclusive; or to evictions under Section 37.9(a)(13).

1 (2) The protections in subsection (1) shall also apply to units where the rent is
2 controlled or regulated by the City, notwithstanding Section 37.2(r)(4), including without limitation
3 privately-operated units controlled or regulated by the Mayor’s Office of Housing and Community
4 Development and/or the Department of Homelessness and Supportive Housing.

5 (3) This Section 37.9(n) shall expire by operation of law on April 1, 2021, unless
6 extended by ordinance. Upon expiration, the City Attorney shall cause this Section 37.9(n) to be
7 removed from the Administrative Code.

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9 Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word
10 of this ordinance, or any application thereof to any person or circumstance, is held to be
11 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
12 shall not affect the validity of the remaining portions or applications of the ordinance. The
13 Board of Supervisors hereby declares that it would have passed this ordinance and each and
14 every section, subsection, sentence, clause, phrase, and word not declared invalid or
15 unconstitutional without regard to whether any other portion of this ordinance or application
16 thereof would be subsequently declared invalid or unconstitutional.

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1 Section 4. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: /s/
9 MANU PRADHAN
10 Deputy City Attorney
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