

BOARD of SUPERVISORS



City Hall  
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## MEMORANDUM

TO: Robert Collins, Rent Board  
Eric D. Shaw, Director, Mayor's Office of Housing and Community Development  
Abigail Stewart-Kahn, Interim Director, Department of Homelessness and Supportive Housing

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

DATE: September 22, 2020

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Preston on September 15, 2020:

**File No. 201059**

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

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](mailto:erica.major@sfgov.org).

cc: Eugene Flannery, Mayor's Office of Housing and Community Development  
Amy Chan, Mayor's Office of Housing and Community Development  
Dylan Schneider, Department of Homelessness and Supportive Housing  
Emily Cohen, Department of Homelessness and Supportive Housing

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

2

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.

10

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

12

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.

10  
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.

8  
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.

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

7  
8 By: /s/  
9 MANU PRADHAN  
10 Deputy City Attorney  
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**LEGISLATIVE DIGEST**

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

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

Existing Law

In response to the COVID-19 pandemic, the Mayor issued an emergency order prohibiting residential evictions unless necessary due to violence, threats of violence, or health and safety issues, or where the eviction is subject to the Ellis Act. This limitation applies to units covered by the City's just cause rules (Admin. Code Ch. 37), as well as units that are normally exempt from those rules on the basis that the rent is controlled or regulated by the City (e.g., units controlled or regulated by the Mayor's Office of Housing and Community Development and/or the Department of Homelessness and Supportive Housing). The Mayor originally imposed this limitation for a three-month period, but has been extending it month-by-month and it currently remains in effect through November 2020.

Amendments to Current Law

The proposed ordinance would extend these limitations through March 31, 2021, except that the extension would not apply to evictions based on the non-payment of rent that originally came due between March 1, 2020 and January 31, 2021.

Background Information

The proposed limitations imposed by this ordinance would be in addition to any other just cause rules that may apply.

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# 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