

BOARD of SUPERVISORS



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MEMORANDUM

TO: Abigail Stewart-Kahn, Interim Director, Department of Homelessness and Supportive Housing
Dr. Grant Colfax, Director, Department of Public Health
Robert Collins, Executive Director, Rent Board

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

DATE: February 16, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Preston on February 9, 2021:

File No. 210141

Ordinance amending the Administrative Code to limit residential evictions through June 30, 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.

cc: Dylan Schneider, Department of Homelessness and Supportive Housing
Emily Cohen, Department of Homelessness and Supportive Housing
Greg Wagner, Department of Public Health
Dr. Naveena Bobb, Department of Public Health
Sneha Patil, Department of Public Health
Arielle Fleisher, Department of Public Health

1 [Administrative Code - Extension Of Temporary Tenant Protections Due To COVID-19]

2

3 **Ordinance amending the Administrative Code to limit residential evictions through**
4 **June 30, 2021, unless the eviction is based on the non-payment of rent or is necessary**
5 **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 *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. Purpose and Findings.

15 (a) On February 25, 2020, the Mayor proclaimed a state of emergency due to the
16 COVID-19 crisis, and subsequently imposed a moratorium on residential evictions to protect
17 tenants and help contain the spread of the virus, as reflected in the Twelfth Supplement to the
18 emergency proclamation, which was dated April 30, 2020. Paragraph 1(c) of the Twelfth
19 Supplement limited the ability of landlords to recover possession of a rental unit unless
20 necessary due to violence, threats of violence, or health and safety issues, through two
21 months after its expiration. After issuing the Twelfth Supplement, which was originally set to
22 expire at the end of June 2020, the Mayor extended it several times, one month at a time.

23 (b) Due to the ongoing need to keep people safely housed and to avoid the uncertainty
24 of month-to-month extensions, the Board of Supervisors adopted, and the Mayor signed,
25 Ordinance No. 216-20, which amended the Administrative Code to extend the protections that
had been in paragraph 1(c) through March 31, 2021.

1 (c) Due to the continuing COVID-19 crisis and recent surge in the pandemic in the
2 Bay Area and nationally, the Board of Supervisors finds it is essential to extend the
3 protections in Ordinance No. 216-20 three months beyond the original end date of March 31,
4 2020, so that its protections last through June 30, 2021. This ordinance is not intended to
5 affect or impair any other existing eviction protections, including state and local protections for
6 tenants who were unable to pay rent or other financial obligations of tenancy that came due
7 between March 1, 2020 and June 30, 2021.

8
9 Section 2. Chapter 37 of the Administrative Code is hereby amended by revising
10 Section 37.9(n), to read as follows:

11 **SEC. 37.9. EVICTIONS.**

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

14 * * * *

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

16 (1) No landlord shall endeavor to recover possession of a rental unit on or before
17 June 30~~March 31~~, 2021 unless necessary due to violence, threats of violence, or health and
18 safety issues. This limitation shall be in addition to the just cause requirements set forth in
19 Section 37.9(a), and shall apply to all rental units, including those that are otherwise exempt
20 from just cause requirements pursuant to Section 37.9(b). However, this additional limitation
21 shall not apply to evictions due to unpaid rent or any other unpaid financial obligation of a
22 tenant under the tenancy that came due between March 1, 2020 and June 30, 2021, inclusive;
23 or to evictions under Section 37.9(a)(13).

24 (2) The protections in subsection (1) shall also apply to units where the rent is
25 controlled or regulated by the City, notwithstanding Section 37.2(r)(4), including without

1 limitation privately-operated units controlled or regulated by the Mayor’s Office of Housing and
2 Community Development and/or the Department of Homelessness and Supportive Housing.

3 (3) This Section 37.9(n) is intended to limit evictions until July 1~~March 31~~, 2021,
4 and shall therefore apply to all residential dwelling units described in subsections (1) and (2),
5 including but not limited to those where a notice to vacate or quit was pending as of the date
6 that this Section 37.9(n) first took effect and regardless whether the notice was served before
7 or after September 15, 2020.

8 (4) This Section 37.9(n) shall expire by operation of law on July~~April~~ 1, 2021,
9 unless extended by ordinance. Upon expiration, the City Attorney shall cause this Section
10 37.9(n) to be removed from the Administrative Code.

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12 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the
15 Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board
16 amendment additions, and Board amendment deletions in accordance with the “Note” that
17 appears under the official title of the ordinance.

18
19 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word
20 of this ordinance, or any application thereof to any person or circumstance, is held to be
21 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
22 shall not affect the validity of the remaining portions or applications of the ordinance. The
23 Board of Supervisors hereby declares that it would have passed this ordinance and each and
24 every section, subsection, sentence, clause, phrase, and word not declared invalid or
25

1 unconstitutional without regard to whether any other portion of this ordinance or application
2 thereof would be subsequently declared invalid or unconstitutional.

3

4 Section 5. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

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

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12 By: /s/
13 MANU PRADHAN
14 Deputy City Attorney
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LEGISLATIVE DIGEST

[Administrative Code - Extension Of Temporary Tenant Protections Due To COVID-19]

Ordinance amending the Administrative Code to limit residential evictions through June 30, 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 in 2020 that prohibited 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. The order applied 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 City later adopted Ordinance No. 216-20 to extend these protections through March 31, 2021. The extension did not apply to evictions based on the non-payment of rent that came due between March 1, 2020 and January 31, 2021, as non-payment evictions based on rent that came originally due during those months are subject to separate state and local rules. The coverage period of the state law was recently extended from January 31, 2021 to June 30, 2021.

Amendments to Current Law

The proposed ordinance would extend the protections of Ordinance No. 216-20 through June 30, 2021. Evictions for non-payment of rent that came due between March 1, 2020 and June 30, 2021 would continue to exempt, and would instead be governed by the separate state and local rules that apply to such evictions.

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