

JULY 25, 2013

**NOTICE OF PUBLIC HEARING**

<b>DATE:</b>	<b>September 17, 2013</b>
<b>TIME:</b>	<b>7:00 P.M.</b>
<b>PLACE:</b>	<b>25 VAN NESS AVENUE (AT MARKET ST.) SUITE 70, LOWER LEVEL SAN FRANCISCO, CALIFORNIA</b>

THE RENT BOARD COMMISSIONERS INVITE THE PUBLIC TO COMMENT ON PROPOSED CHANGES TO THE RULES AND REGULATIONS GOVERNING THE RESIDENTIAL RENT STABILIZATION AND ARBITRATION ORDINANCE, CHAPTER 37 OF THE SAN FRANCISCO ADMINISTRATIVE CODE.

**THE COMMISSION IS TAKING PUBLIC COMMENT ON PROPOSED AMENDMENTS TO RULES AND REGULATIONS SECTION 12.19. THE INTENT OF THE AMENDMENTS IS (1) TO STATE HOW LANDLORDS SHALL NOTIFY TENANTS DISPLACED BY FIRE OR OTHER DISASTER THAT THE UNIT IS READY FOR REOCCUPANCY, AND (2) TO REQUIRE LANDLORDS WHO SEEK TO PASS THROUGH CAPITAL IMPROVEMENT COSTS FOR REPAIRING DAMAGE CAUSED BY FIRE OR OTHER DISASTER TO SERVE A NOTICE OF RENT INCREASE ON THE TENANT(S) IN ACCORDANCE WITH CALIFORNIA CIVIL CODE SECTION 827.**

You may either comment at the Public Hearing and/or submit written comments. If you would like to submit written comments, it is requested that they be received at the Department no later than **5 p.m. on Tuesday, September 10, 2013**, so that the Commissioners can be mailed your comments and review them prior to the hearing. Written comments may also be submitted at the hearing. Please submit 13 copies of your comments in order to facilitate their distribution. You will be able to address the Commissioners during the public comment period at the hearing.

**PROPOSED AMENDMENTS TO THE RENT BOARD RULES AND  
REGULATIONS REGARDING NOTICE TO TENANT OF COMPLETION OF  
REPAIRS FOLLOWING TENANT DISPLACEMENT FROM THE UNIT DUE TO  
FIRE OR OTHER DISASTER AND NOTICE TO TENANT OF RENT  
INCREASE BASED ON CAPITAL IMPROVEMENT COSTS INCURRED TO  
REPAIR DAMAGE CAUSED BY FIRE OR OTHER DISASTER**  
**[additions in double underline; deletions in strikethrough]**

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**Section 12.19 Other Displacements**

(a) If a tenant is forced to vacate her/his unit due to fire or other disaster, the landlord shall, within 30 days of completion of repairs to the unit, offer the same unit to that tenant under the same terms and conditions as existed prior to her/his displacement. The landlord's offer shall be sent to the address provided by the tenant. If the tenant has not provided an address, the offer shall be sent to the unit from which the tenant was displaced and to any other address of the tenant of which the landlord has actual knowledge, including electronic mail (e-mail) addresses.

(b) The tenant shall have 30 days from receipt of the landlord's offer to notify the landlord of acceptance or rejection of the offer and, if accepted, shall reoccupy the unit within 45 days of receipt of the landlord's offer.

(c) However, the cost of capital improvements which are necessary before rerenting a unit which was damaged or destroyed as set forth in subsection (a) above, which cost was not reimbursed by insurance proceeds or by any other means (such as a satisfied judgment) may be passed through to the tenant by utilization of the capital improvement petition process as set forth in Part 7 above. Any rent increase under this

section would require that a ~~30-day~~ notice be served upon the tenant(s) pursuant to California Civil Code Section 827.

(d) The landlord who attempts to rerent a unit, but refuses to allow a tenant to return to her/his home under this section shall have wrongfully endeavored to recover or wrongfully recovered said tenant's rental unit in violation of Section 37.9 of the Ordinance and shall be liable to the displaced tenants for actual and punitive damages as provided by Ordinance Section 37.9(f). This remedy shall be in addition to any other remedy available to the tenant under the Rent Ordinance.