

1 **Section 6.15D Additional Family Members—Where Rental Agreement Limits the**
2 **Number of Occupants or Limits or Prohibits Subletting**

(Added March 29, 2005; amended [date])

3 (a) This Section 6.15D applies when a lease or rental agreement includes a clause
4 limiting the number of occupants or limiting or prohibiting subletting or assignment, and a tenant
5 who resides in the unit requests the addition of the tenant's child, parent, grandchild,
6 grandparent, brother or sister, or the spouse or the domestic partner (as defined in
7 Administrative Code Sections 62.1 through 62.8) of such relatives, or the spouse or domestic
8 partner of the tenant.

9 (b) If the tenant makes ~~an initial~~ a written request to the landlord for permission to
10 add a person specified in subsection 6.15D(a) above, and the landlord fails to ~~respond~~ deny the
11 request in writing with a description of the reasons for the denial of the request, including
12 specific facts supporting the reasons for the denial, within fourteen (14) days of ~~actual~~ receipt of
13 the tenant's written notice request, the tenant's request for the additional person is deemed
14 approved pursuant to Ordinance Section 37.9(a)(2)(B). If the tenant's request is sent to the
15 landlord by mail, the request shall be deemed received on the fifth calendar day after the
16 postmark date. If the tenant's request is sent to the landlord by email, the request shall be
17 deemed received on the second calendar day after the date the email is sent. If the tenant's
18 request is personally served on the landlord, the request is considered received on the date of
19 service. For purposes of this subsection 6.15D(b), the 14-day period begins to run on the day
20 after the tenant's written request is received by the landlord.

21 (c) The tenant's inability to obtain the landlord's consent to the addition of a ~~person~~
22 family member specified in subsection 6.15D(a) above shall not constitute a breach of the lease
23 or rental agreement for purposes of eviction under Ordinance Section 37.9(a)(2), where the
24 additional ~~person~~ family member is deemed approved pursuant to subsection (b) above, or
25 where the additional person family member is a minor child allowed under subsection 6.15D(a)
26 above, or where the landlord has unreasonably ~~withheld consent to such~~ denied, pursuant to
27 subsection (d) below, the tenant's request to add an additional person family member allowed
28 under subsection 6.15D(a) above who ~~Withholding of consent by the landlord shall be deemed~~

1 to be unreasonable if the tenant has notified the landlord of the addition of a minor child, or if the
2 additional person is not a minor child and the tenant has met the following requirements:

3 (i) (1) The tenant has requested in writing the permission of the landlord to ~~the~~
4 add an additional person's occupancy of family member to the unit, and stated the relationship
5 of the person to the tenant;

6 (ii) (2) After receipt of the tenant's written request, the landlord has five
7 calendar days to request the tenant to submit a ~~The additional occupant, if requested by the~~
8 ~~landlord, has~~ completed the landlord's standard form application for the proposed additional
9 family member or provided sufficient information to allow the landlord to confirm the relationship
10 of the person to the tenant and to conduct a typical background check, including references and
11 background information; The 5-day period begins to run on the day after receipt of the tenant's
12 written request for permission to add an additional family member to the unit. ~~provided,~~
13 ~~however, t~~ The landlord may request credit or income information only if the additional person
14 family member will be legally obligated to pay some or all of the rent to the landlord. Nothing in
15 Section 6.15D shall be construed as allowing a landlord to require an additional family
16 member to pay some or all of the rent to the landlord.

17 (iii) (3) The tenant has five calendar days after receipt of the landlord's timely
18 request pursuant to subsection 6.15D(c)(2) to ~~provided the landlord five (5) business days to~~
19 ~~process with~~ the additional occupant's family member's application or typical background check
20 information. within xx days of receipt of the landlord's request; The 5-day period begins to run
21 on the day after actual receipt of the landlord's request.

22 (iv) (4) The additional occupant family member meets the regular reasonable
23 application standards of the landlord, except that creditworthiness may not be the basis for
24 refusal denial of the tenant's request for an additional occupant family member only if and when
25 the additional occupant family member will not be legally obligated to pay some or all of the rent
26 to the landlord;

27 (v) (5) The additional occupant family member, if requested by the landlord, has
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1 agreed in writing to be bound by the current rental agreement between the landlord and the
2 tenant.

3 (vi) ~~(6)~~ With the additional ~~occupant~~ ***family member***, the total number of
4 occupants does not exceed the lesser of (a) two persons ~~per~~ in a studio rental unit, three ~~per~~
5 persons in a one-bedroom unit, four ~~per~~ persons in a two-bedroom unit, six ~~per~~ persons in a
6 three-bedroom unit or eight per persons in a four-bedroom unit, or (b) the number of occupants
7 permitted under state law and/or other local codes (e.g., Planning, Housing, Fire and Building
8 Codes).

9 (d) Denial by the landlord of the tenant's written request to add an additional person
10 ***family member*** allowed under subsection 6.15D(a) above shall not be considered unreasonable
11 in some circumstances, including but not limited to the following:

12 (1) where the total number of occupants in the unit exceeds (or with the proposed
13 additional occupant(s) would exceed) the lesser of:

14 (i) two persons in a studio unit, three persons in a one-bedroom unit, four
15 persons in a two-bedroom unit, six persons in a three-bedroom unit, or eight persons in a four-
16 bedroom unit; or

17 (ii) the maximum number permitted in the unit under ~~state law and/or other~~
18 ~~local codes such as the Building, Fire, San Francisco Housing and Planning Codes~~ ***Section 503***;

19 (2) where the proposed additional ~~occupant~~ ***family member*** will be legally
20 obligated to pay some or all of the rent to the landlord and the landlord can establish the
21 proposed additional ~~occupant's~~ ***family member's*** lack of creditworthiness;

22 (3) where ***the landlord has made a timely request for the proposed additional***
23 ***family member to complete the landlord's standard form application or provide sufficient***
24 ***information to allow the landlord to conduct a typical background check and the proposed***
25 ~~additional occupant~~ ***family member*** does not ~~comply~~ within ***five calendar*** days of ***actual*** receipt
26 ***by the tenant*** of the landlord's request; ~~complete the landlord's standard form application or~~
27 ~~provide sufficient information to allow the landlord to conduct a typical background check;~~
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1 (4) where the landlord can establish that the proposed additional ~~occupant~~ *family*
2 *member* has intentionally misrepresented significant facts on the landlord's standard form
3 application or provided significant misinformation to the landlord that interferes with the
4 landlord's ability to conduct a typical background check;

5 (5) where the landlord can establish that the proposed additional ~~occupant~~ *family*
6 *member* presents a direct threat to the health, safety or security of other residents of the
7 property; and,

8 (6) where the landlord can establish that the proposed additional ~~occupant~~ *family*
9 *member* presents a direct threat to the safety, security or physical structure of the property.

10 ~~(d)~~ (e) Nothing in this Section shall prevent the landlord from providing an additional
11 *family member* occupant with written notice as provided under Section 6.14 that the occupant is
12 not an original ~~tenant~~ occupant as defined in Section 6.14(a)(1) and that when the last original
13 ~~tenant~~ occupant vacates the premises, a new tenancy is created for purposes of determining the
14 rent under the Rent Ordinance. Furthermore, nothing in this Section 6.15D shall serve to waive,
15 alter or modify the landlord's rights under the Costa-Hawkins Rental Housing Act (California Civil
16 Code §§1954.50 et seq.) to impose an unlimited rent increase once the last original occupant(s)
17 no longer permanently resides in the unit.

18 ~~(e)~~ (f) A landlord's unreasonable ~~refusal to consent to~~ denial of a tenant's written
19 request for the addition to the unit of a tenant's child, parent, grandchild, grandparent, brother or
20 sister, or the spouse or domestic partner (as defined in Administrative Code Sections 62.1
21 through 62.8) of such relatives, or the spouse or domestic partner of a tenant, subject to
22 subsections ~~6.15D(c)(i)-(vi)~~ 6.15D(c)(1)-(6) above, may constitute a decrease in housing
23 services pursuant to Section 10.10 of these Regulations. ~~A landlord may choose not to have any~~
24 ~~screening requirements or not to respond in any way when the tenant makes a written request to~~
25 ~~add an additional occupant to the unit pursuant to this Section 6.15D. The landlord's choice not~~
26 ~~to screen a proposed additional occupant or not to respond to the tenant's written request~~ For
27 purposes of subsection 6.15D(f), a landlord's non-response to a tenant's written request shall
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1 not be deemed an unreasonable denial of a tenant's request for the addition to the unit of a
2 person *family member* specified in subsection 6.15D(a) above.

3 (f) (g) In the event the landlord ~~withholds consent to~~ denies a tenant's request for an
4 additional ~~person~~ *family member* under subsections Section 6.15D(e)(i)-(vi) above, either the
5 landlord or the tenant may file a petition with the Board to determine if the landlord's ~~withholding~~
6 ~~of consent~~ denial of the request was reasonable.

7 (g) (h) Any petition filed under subsection 6.15D(e) ~~or (f)~~ or (g) shall be expedited.
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