



LONDON N. BREED  
MAYOR

JANUARY 17, 2020

ROBERT A. COLLINS  
EXECUTIVE DIRECTOR

DAVID GRUBER  
PRESIDENT

**NOTICE OF PUBLIC HEARING**

DAVE CROW  
SHOBA DANDILLAYA  
RICHARD HUNG  
REESE AARON ISBELL  
ASHLEY KLEIN  
CATHY MOSBRUCKER  
KENT QIAN  
ARTHUR TOM  
DAVID WASSERMAN

**DATE: JANUARY 28, 2020**  
**TIME: 7:00 P.M.**  
**PLACE: 25 VAN NESS AVENUE (AT MARKET ST.)  
SUITE 70, LOWER LEVEL  
SAN FRANCISCO, CALIFORNIA**

**THE RENT BOARD COMMISSION INVITES 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 SECTIONS 12.15, 12.16 AND 12.17. EFFECTIVE DECEMBER 2, 2019, RENT ORDINANCE SECTION 37.9(a)(11) WAS AMENDED TO CLARIFY THAT TEMPORARY EVICTIONS FOR CAPITAL IMPROVEMENTS OR REHABILITATION WORK ARE ONLY ALLOWED WHERE THE WORK WILL MAKE THE UNIT HAZARDOUS, UNHEALTHY, AND/OR UNINHABITABLE, AND ARE INTENDED TO LAST FOR THE MINIMUM AMOUNT OF TIME REQUIRED TO COMPLETE THE WORK; TO MODIFY THE STANDARDS THAT THE RENT BOARD MUST CONSIDER WHEN REVIEWING A LANDLORD’S PETITION FOR EXTENSION OF TIME TO COMPLETE CAPITAL IMPROVEMENT WORK THAT WILL LAST MORE THAN THREE MONTHS; TO ESTABLISH PROCEDURES FOR THE LANDLORD TO INFORM THE DISPLACED TENANT OF THE TENANT’S RIGHT TO REOCCUPY THE UNIT UPON COMPLETION OF THE WORK; AND TO ESTABLISH THAT A LANDLORD’S FAILURE TO TIMELY ALLOW THE TENANT TO REOCCUPY THE UNIT MAY CREATE A REBUTTABLE PRESUMPTION THAT THE TENANCY HAS BEEN TERMINATED BY THE LANDLORD RATHER THAN BY THE TENANT. THE AMENDMENTS ALSO**

♻️ Printed on 30% post-consumer recycled paper

**REQUIRE THE LANDLORD TO PROVIDE THE TENANT WITH A FORM PREPARED BY THE RENT BOARD AT THE TIME THE TEMPORARY CAPITAL IMPROVEMENT EVICTION NOTICE IS SERVED THAT THE TENANT CAN USE TO ADVISE THE LANDLORD AND THE RENT BOARD OF ANY CHANGE OF ADDRESS, AND THAT ALSO ADVISES THE TENANT OF THE TENANT'S RIGHT TO RETURN TO THE UNIT ONCE THE WORK IS COMPLETE.**

**TO IMPLEMENT THE ORDINANCE AMENDMENTS, THE RENT BOARD HAS PROPOSED THE ATTACHED REGULATIONS.**

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 Rent Board's office no later than **noon on Thursday, January 23, 2020**, so that the Commissioners can receive your comments and review them prior to the hearing. Written comments may also be submitted at the hearing. Please submit 16 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 SECTIONS 12.15, 12.16, AND 12.17 OF THE RENT BOARD'S  
RULES AND REGULATIONS – PUBLIC HEARING ON JANUARY 28, 2020**

1 NOTE: Unchanged text is in plain Arial font.

2 11/22/19 Additions to Regulations are in single-underline plain Arial font.

3 11/22/19 Deletions to Regulations are in ~~single-strikethrough Arial font.~~

4 12/10/19 Board amendment additions are in double-underlined Arial font.

5 12/10/19 Board amendment deletions are in ~~double-strikethrough Arial font.~~

6 **Section 12.15 Evictions Regarding Capital Improvement or Rehabilitation Work**

(Amended February 10, 1987, effective February 14, 1987 and applicable to notices served on or after that date; amended January 9, 2007; amended [date])

7 (a) For purposes of an eviction under Section 37.9(a)(11) of the Ordinance, the  
8 capital improvement and/or rehabilitation work to be done must involve work that would make  
9 the unit hazardous, unhealthy, and/or uninhabitable while work is in progress. If there is a  
10 dispute between the landlord and the tenant as to whether the work that is to be performed  
11 creates a hazardous or unhealthy environment, the tenant may file a report of alleged wrongful  
12 eviction with the Board.

13 (b)(4) In addition to general eviction notice requirements, a landlord who endeavors to  
14 recover possession under Ordinance Section 37.9(a)(11) shall provide the tenant with the  
15 following documents and information in writing on or before service of the notice to vacate and  
16 file a copy of same with the Rent Board within 10 days after service of the notice to vacate on  
17 the tenant, together with a copy of the notice to vacate and proof of service upon the tenant:

18 (1) a statement in the notice to vacate of the lawful rent for the unit;

19 (2) a description of work to be done and ~~a reasonable approximate date when~~  
20 ~~the tenant can reoccupy the unit~~ an anticipated date of completion as to when the tenant can  
21 reoccupy the unit;

22 (3) Copies of all necessary permits, ~~a description of work to be done and a~~  
23 reasonable approximate date (month and year) when the tenant can reoccupy the unit shall be  
24 given to the tenant on or before the date of service of the notice to vacate. On or before the date  
25 of service of the notice to vacate, the landlord also must advise the tenant in writing and a written  
26 statement that the permit application and the rehabilitation or capital improvement plans, if  
27 required by the Bureau of Building Inspection, are on file with the Central Permit Bureau of the  
28 Department of Building Inspection located at 1660 Mission Street and arrangements may be

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2 made to review such applications or plans;

3 (4) the right the tenant(s) may have to relocation costs under Ordinance Section  
4 37.9C, the amount of those relocation costs, and a copy of Section 37.9C;

5 (5) a warning that the tenant must submit a statement to the landlord within 30  
6 days of service of the notice to vacate, with supporting evidence, if the tenant claims to be a  
7 member of a protected class under Ordinance Section 37.9(j), and that failure to do so shall be  
8 deemed an admission that the tenant is not protected by Section 37.9(j);

9 (6) a form prepared by the Rent Board stating that a tenant's failure to timely act  
10 in response to a notice to vacate may result in a lawsuit by the landlord to evict the tenant, that  
11 advice regarding the notice to vacate is available from the Rent Board, and that the tenant may  
12 be eligible for affordable housing programs through the Mayor's Office of Housing and  
13 Community Development; and

14 (7) a blank change of address form prepared by the Rent Board that the tenant  
15 can use to keep the landlord and Rent Board apprised of any future change of address and that  
16 advises the tenant of the tenant's right to return to the unit upon completion of the capital  
17 improvement or rehabilitation work.

18 ~~(2) The tenant will vacate the unit only for the minimum time required to do~~  
19 ~~the work as stated in the notice, not to exceed three months, unless the time is extended by the~~  
20 ~~Board upon petition by the landlord pursuant to subsection (e) below.~~

21 (c) The tenant will vacate the unit only for the minimum time required to do the work  
22 as stated in the notice, not to exceed three months, unless the time is extended by the Board  
23 upon petition by the landlord pursuant to subsection (e) below. Displaced tenants should advise  
24 the Board and the landlord of their temporary addresses during the period of displacement in  
25 order that they may be notified regarding their relocation.

26 (d) Moving Costs

27 Any landlord who seeks to recover possession of a unit pursuant to Section 37.9(a)(11)  
28 of the Ordinance for 20 days or more shall pay relocation expenses as provided in Section 37.9C

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2 of the Ordinance. The amount of relocation payments under Ordinance Section 37.9(a)(11) for  
3 temporary evictions of less than 20 days is governed by California Civil Code Section 1947.9  
4 and not Ordinance Section 37.9C.

5 (e) Landlord's Petition for Extension of Time

6 (1) Before giving the notice to vacate, if the landlord knows or should know  
7 that the work will require the removal of the tenant(s) for more than the three months authorized  
8 under Ordinance Section 37.9(a)(11), the landlord shall petition the Rent Board for approval of  
9 displacement for more than three months. The petition shall include one original and copies for  
10 each involved tenant of the following documents:

11 (A) A completed petition form;

12 (B) Copies of all necessary building permits, showing approval has  
13 been granted;

14 (C) A written breakdown of the work to be performed, detailing where  
15 the work will be done ~~and~~, the cost of the work, and whether the work is reasonable and  
16 necessary to meet state or local requirements concerning the safety or habitability of the building  
17 or the unit, rather than elective in nature;

18 (D) An estimate of the time needed to accomplish the work and  
19 approximate date (month and day) each involved tenant may reoccupy.

20 (2) If, after the notice to vacate has been given or after the work has  
21 commenced, it is apparent that the work will take longer than the three months authorized under  
22 Section 37.9(a)(11) or longer than the time approved by the Board, the landlord immediately  
23 shall file a petition pursuant to subsection (e)(1) above, along with a statement of why the work  
24 will require more time.

25 (3) A hearing on the landlord's petition shall be scheduled within 30 days of  
26 the date of filing the petition and conducted pursuant to Part 11 of these Rules and Regulations.  
27 The Administrative Law Judge shall render a written decision as to the reasonableness of the  
28 landlord's time estimate. The tenants or the landlord may appeal this determination by filing an

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appeal with the Commissioners pursuant to Ordinance Section 37.8(f).

(f) Nothing in this section shall preclude a tenant from filing a report of alleged wrongful eviction with the Board.

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5 **Section 12.16 Reoccupancy Following Evictions Under Section 37.9(a)(11)**

6 (Formerly Section 12.15; amended February 10, 1987, effective February 14,  
7 1987 and applicable to notices to vacate served on or after that date;

8 Subsection (a) amended September 8, 2009, to be effective November 1, 2009;  
9 amended [date])

10 (a) Where a tenant has vacated a unit to allow a landlord to carry out capital  
11 improvements or rehabilitation work, pursuant to Section 37.9(a)(11) of the Ordinance, the  
12 landlord shall advise the tenant, in writing, immediately on completion of the improvements, and  
13 shall allow the tenant to reoccupy the unit as soon as the improvements or rehabilitation work is  
14 completed, and shall not increase the rent for such reoccupancy by more than the limitations set  
15 forth in Section 4 above. The landlord shall notify the tenant by mailing a written offer to the  
16 address that the tenant has provided to the landlord. If the tenant has not provided the landlord a  
17 mailing address, the landlord shall mail the offer to the address on file with the Rent Board, and if  
18 the Rent Board does not have an address on file, then to the unit from which the tenant was  
19 displaced and to any other physical or electronic address of the tenant of which the landlord has  
20 actual knowledge. The landlord shall file a copy of the offer with the Rent Board within 15 days of  
21 the offer. The tenant shall have 30 days from receipt of the landlord's offer of reoccupancy to  
22 notify the landlord of acceptance or rejection of the offer and, if accepted, shall reoccupy the unit  
23 within 45 days of receipt of the landlord's offer. If the landlord's offer is sent to the tenant by mail,  
24 the request shall be deemed received on the fifth calendar day after the postmark date.

25 (b) If the time period allowed to perform the work pursuant to Section 12.15 above  
26 has passed and the landlord has not informed the tenant that the unit is ready for reoccupancy,  
27 the tenant may file a decrease in service petition and/or a report of alleged wrongful eviction.  
28 Upon a proper showing, the tenant may be awarded a rent reduction to correspond with the  
decrease in services calculated by the difference between the monthly rent formerly paid for the  
unit from which the tenant was displaced and the monthly rent paid for the replacement unit.

(c) If the landlord does not timely allow the tenant to reoccupy the unit, and upon

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completion of the work the subsequent occupant is someone other than the original tenant, there shall be a rebuttable presumption that the original tenant did not reoccupy the unit due to the delay and therefore, for purposes of restricting the rent as set forth in Ordinance Section 37.3(f)(1), that the original tenancy was terminated by the landlord.



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4 **Section 12.17 Notices to Vacate Filed with the Board**

5 (Added February 10, 1987, effective February 14, 1987; amended November 21,  
6 2017, effective January 1, 2018; amended September 11, 2018; amended  
7 [date])

8 At the time of filing, the Board shall make no determination as to the legal sufficiency of  
9 notices to vacate filed pursuant to Ordinance Section 37.9(c) or of procedures followed by the  
10 parties; provided, however, that for notices to vacate under 37.9(a)(8), 37.9(a)(9), 37.9(a)(10),  
11 37.9(a)(11) and 37.9(a)(14), the Board may request that the notice state the tenant's rent and for  
12 notices to vacate under 37.9(a)(8) and 37.9(a)(11) only, the Board may request that the notice  
13 include a blank change of address form for the tenant, as required by Ordinance Sections  
14 37.9(a)(8)(v) and 37.9(a)(11)(A).  
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