

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 within fourteen  
12 (14) days of actual receipt of the tenant's written ~~notice~~ request, the tenant's request for the  
13 additional person is deemed approved pursuant to Ordinance Section 37.9(a)(2)(B).

14 (c) The tenant's inability to obtain the landlord's consent to the addition of a person  
15 specified in subsection 6.15D(a) above shall not constitute a breach of the lease or rental  
16 agreement for purposes of eviction under Ordinance Section 37.9(a)(2), where the additional  
17 person is deemed approved pursuant to subsection (b) above, or where the additional person is  
18 a minor child allowed under subsection 6.15D(a) above, or where the landlord has unreasonably  
19 ~~withheld consent to such~~ denied, pursuant to subsection (d) below, the tenant's request to add  
20 an additional person allowed under subsection 6.15D(a) above who ~~Withholding of consent by~~  
21 ~~the landlord shall be deemed to be unreasonable if the tenant has notified the landlord of the~~  
22 ~~addition of a minor child, or if the additional person is not a minor child~~ and the tenant has met  
23 the following requirements:

24 (i) (1) The tenant has requested in writing the permission of the landlord to the  
25 additional person's occupancy of the unit, and stated the relationship of the person to the tenant;

26 (ii) (2) The additional occupant, if requested by the landlord, has completed the  
27 landlord's standard form application or provided sufficient information to allow the landlord to  
28 confirm the relationship of the person to the tenant and to conduct a typical background check,

1 including references and background information; provided, however, the landlord may request  
2 credit or income information only if the additional person will be legally obligated to pay some or  
3 all of the rent to the landlord;

4 (iii) (3) The tenant has provided the landlord ~~five (5) business days to process~~  
5 with the additional occupant's application or typical background check information within xx days  
6 of receipt of the landlord's request;

7 (iv) (4) The additional occupant meets the regular reasonable application  
8 standards of the landlord, except that creditworthiness may not be the basis for ~~refusal~~ denial of  
9 the tenant's request for an additional occupant ~~only if and when~~ the additional occupant will not  
10 be legally obligated to pay some or all of the rent to the landlord;

11 (v) (5) The additional occupant, if requested by the landlord, has agreed in  
12 writing to be bound by the current rental agreement between the landlord and the tenant.

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

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

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

23 (i) two persons in a studio unit, three persons in a one-bedroom unit, four  
24 persons in a two-bedroom unit, six persons in a three-bedroom unit, or eight persons in a four-  
25 bedroom unit; or

26 (ii) the maximum number permitted in the unit under state law and/or other  
27 local codes such as the Building, Fire, Housing and Planning Codes.  
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1                   (2) where the proposed additional occupant will be legally obligated to pay some  
2 or all of the rent to the landlord and the landlord can establish the proposed additional  
3 occupant's lack of creditworthiness;

4                   (3) where the proposed additional occupant does not, within xx days of receipt of  
5 the landlord's request, complete the landlord's standard form application or provide sufficient  
6 information to allow the landlord to conduct a typical background check;

7                   (4) where the landlord can establish that the proposed additional occupant has  
8 intentionally misrepresented significant facts on the landlord's standard form application or  
9 provided significant misinformation to the landlord that interferes with the landlord's ability to  
10 conduct a typical background check;

11                   (5) where the landlord can establish that the proposed additional occupant  
12 presents a direct threat to the health, safety or security of other residents of the property;

13                   (6) where the landlord can establish that the proposed additional occupant  
14 presents a direct threat to the safety, security or physical structure of the property; and,

15                   (7) where an additional occupant would require the landlord to increase the  
16 electrical or hot water capacity in the building, or adapt other building systems or amenities, and  
17 payment for such enhancements presents a financial hardship to the landlord, as determined by  
18 a Rent Board Administrative Law Judge.

19                   ~~(d)~~ (e) Nothing in this Section shall prevent the landlord from providing an additional  
20 occupant with written notice as provided under Section 6.14 that the occupant is not an original  
21 ~~tenant~~ occupant as defined in Section 6.14(a)(1) and that when the last original ~~tenant~~ occupant  
22 vacates the premises, a new tenancy is created for purposes of determining the rent under the  
23 Rent Ordinance. Furthermore, nothing in this Section 6.15D shall serve to waive, alter or modify  
24 the landlord's rights under the Costa-Hawkins Rental Housing Act (California Civil Code  
25 §§1954.50 et seq.) to impose an unlimited rent increase once the last original occupant(s) no  
26 longer permanently resides in the unit.

27                   (e) A landlord's unreasonable ~~refusal to consent to~~ denial of a tenant's written  
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1 request for the addition to the unit of a tenant's child, parent, grandchild, grandparent, brother or  
2 sister, or the spouse or domestic partner (as defined in Administrative Code Sections 62.1  
3 through 62.8) of such relatives, or the spouse or domestic partner of a tenant, subject to  
4 subsections ~~6.15D(c)(i)-(vi)~~ 6.15D(c)(1)-(6) above, may constitute a decrease in housing  
5 services pursuant to Section 10.10 of these Regulations. A landlord may choose not to have any  
6 screening requirements or not to respond in any way when the tenant makes a written request to  
7 add an additional occupant to the unit pursuant to this Section 6.15D. The landlord's choice not  
8 to screen a proposed additional occupant or not to respond to the tenant's written request shall  
9 not be deemed an unreasonable denial of a tenant's request for the addition to the unit of a  
10 person specified in subsection 6.15D(a) above.

11 (f) (g) In the event the landlord ~~withholds consent to~~ denies a tenant's request for an  
12 additional person under ~~subsections~~ Section 6.15D(c)(i)-(vi) ~~above~~, either the landlord or the  
13 tenant may file a petition with the Board to determine if the landlord's ~~withholding of consent~~  
14 denial of the request was reasonable.

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