

# TEXT OF PROPOSED INITIATIVE ORDINANCE PROPOSITION G

## AMENDMENT TO CHAPTER 37 OF THE SAN FRANCISCO ADMINISTRATIVE CODE

### THE RESIDENTIAL RENT STABILIZA- TION AND ARBITRATION ORDINANCE

Additions Are Underlined; Deletions  
Indicated By ~~Strikethrough~~

#### Sec. 37.9. Evictions.

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

(a) A landlord shall not endeavor to recover possession of a rental unit unless:

///

(8) The landlord seeks to recover possession in good faith, without ulterior reasons and with honest intent, ~~for the landlord's use and occupancy as his or her principal residence, or for the use and occupancy as the principal residence of the landlord's children, parents, grandparents, grandchildren, brother or sister, or the landlord's spouse or the spouses of such relations, for a period of at least 12 continuous months.~~

(i) For the landlord's use or occupancy as his or her principal residence for a period of at least 36 continuous months.

(ii) For the use or occupancy of the landlord's grandparents, grandchildren, parents, children, brother or sister, or the landlord's spouse, or the spouses of such relations, as their principal place of residency for a period of at least 36 months, in the same building in which the landlord resides as his or her principal place of residency, or in a building in which the landlord is simultaneously seeking possession of a rental unit under 37.9(a)(8)(i). For purposes of this Section 37.9(a)(8)(ii), the term spouse shall include Domestic Partners as defined in San Francisco Administrative Code Chapter 62.1-62.8.

(iii) For purposes of this Section 37.9(a)(8) only, as to landlords who become owners of record of the rental unit on or before February 21, 1991, the term landlord shall be defined as an owner of record of at least 10% interest in the property or, for Section 37.9(a)(8)(i) only, two individuals registered as Domestic Partners as defined in San Francisco Administrative Code Chapter 62.1-62.8 whose combined ownership of record is at least 10 percent. For purposes of this Section 37.9(a)(8) only, as to landlords who become owners of record of the rental unit after February 21, 1991, the term "landlord" shall be defined as an owner of record of at least 25 percent interest in the property or, for Section 37.9(a)(8)(i) only, two individuals registered as Domestic Partners as defined in San Francisco Administrative Code Chapter 62.1-62.8 whose combined own-

ership of record is at least 25 percent.

(iii) A landlord may not recover possession under this Section 37.9(a)(8) if a comparable unit owned by the landlord in the building is already vacant and available, or if such a unit becomes vacant and available during the period of the notice terminating tenancy, before the recovery of possession of the unit. If a comparable unit does become vacant and available during said notice period, before the recovery of possession, the landlord shall rescind the notice to vacate and dismiss any action filed to recover possession of the premises. Provided further, if a non-comparable unit becomes available before the recovery of possession, the landlord shall offer that unit to the tenant at a rent based on the rent that the tenant is paying, with upward or downward adjustments allowed based upon the condition, size, and other amenities of the replacement unit. Disputes concerning the initial rent for the replacement unit shall be determined by the Rent Board. It shall be evidence of a lack of good faith if a landlord times the service of the notice, or the filing of an action to recover possession, so as to avoid moving into a comparable unit, or to avoid offering a tenant a replacement unit.

(iii) It shall be rebuttably presumed that the landlord has not acted in good faith if the landlord or relative for whom the tenant was evicted does not move into the rental unit within three months and occupy said unit as that person's principal residence for a minimum of 36 42 continuous months.

(vi) Once a landlord has successfully recovered possession of a rental unit pursuant to Section 37.9(a)(8)(i), then no other current or future landlords may recover possession of any other rental unit in the building under Section 37.9(a)(8)(i). It is the intention of this section that only one specific unit per building may be used for such occupancy under Section 37.9(a)(8)(i) and that once a unit is used for such occupancy, all future occupancies under Section 37.9(a)(8)(i) must be of that same unit, provided that a landlord may file a petition with the Rent Board, or at the landlord's option, commence eviction proceedings, claiming that disability or other similar hardship prevents him or her from occupying a unit which was previously occupied by the landlord.

(vii) If any provision or clause of this amendment to Section 37.9(a)(8) or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other chapter provisions, and clauses of this chapter are held to be severable; or

///

~~(g) TEMPORARY MORATORIUM.~~ The following additional provisions shall apply to a landlord who seeks to recover a rental unit by utilizing the grounds enumerated in Section 37.9(a)(8):

~~(1) As of the effective date of the Ordinance amending Chapter 37 by adding this Section 37.9(g) (Ordinance No. 109-97-4) and continuing through June 30, 1999, a~~ A landlord may not recover possession of a unit from a tenant under Section 37.9(a)(8) if the landlord has or receives notice, any time before recovery of possession, that any tenant in the rental unit:

(A) Is 60 years of age or older and has been residing in the unit for 10 years or more; or

(B) Is disabled within the meaning of Section 37.9(g)(1)(B)(i) and has been residing in the unit for 10 years or more, or is catastrophically ill within the meaning of Section 37.9(g)(1)(B)(ii) and has been residing in the unit for 5 years or more;

(i) A "disabled" tenant is defined for purposes of this Section 37.9(g)(1)(B) as a person who is disabled or blind within the meaning of the federal Supplemental Security Income/California State Supplemental Program (SSI/SSP), and who is determined by SSI/SSP to qualify for that program or who satisfies such requirements through any other method of determination as approved by the Rent Board;

(ii) A "catastrophically ill" tenant is defined for purposes of this Section 37.9(g)(1)(B) as a person who is disabled as defined by Section 37.9(g)(1)(B)(i), and who is suffering from a life threatening illness as certified by his or her primary care physician.

(2) The foregoing provisions of Section 37.9(g)(1)(A) and (B) shall not apply where there is only one rental unit owned by the landlord in the building, or where each of the rental units owned by the landlord in the same building where the landlord resides (except the unit actually occupied by the landlord) is occupied by a tenant otherwise protected from eviction by Sections 37.9(g)(1)(A) and (B) and where the landlord's qualified relative who will move into the unit pursuant to Section 37.9(a)(8) is 60 years of age or older.

~~(3) The temporary eviction moratorium provisions established by this Section 37.9(g) includes, but are is not limited to, any rental unit where a notice to vacate/quit has been served as of the date this amendment the temporary moratorium takes effect (see Section 37.9(g)(1)) but where the rental unit has not yet been vacated or an unlawful detainer judgment has not been issued.~~

~~(4) Unless otherwise limited or extended, the provisions of Section 37.9(g) shall remain in effect through June 30, 1999 only, and shall no~~

(Continued on next page)

## LEGAL TEXT OF PROPOSITION G (CONTINUED)

~~longer be in effect on July 1, 1999, and there-  
after.~~

~~(4) Within 30 days of personal service by the landlord of a written request, or at the landlord's option, a notice of termination of tenancy under 37.9(a)(8), the tenant must submit a statement, with supporting evidence, to the landlord if the tenant claims to be a member of one of the classes protected by Section 37.9(e). The written request or notice shall contain a warning that a tenant's failure to submit a statement within the 30 day period shall be deemed an admission that the tenant is not protected by Section 37.9(e). The landlord shall file a copy of the request or notice with the Rent Board within ten days of service on the tenant. A tenant's failure to submit a statement within the 30 day period shall be deemed an admission that the tenant is not protected by Section 37.9(e). A landlord may challenge a tenant's claim of protected status either by requesting a hearing with the Rent Board or, at the landlord's option, through commencement of eviction proceedings, including service of a notice of termination of tenancy. In the Rent Board hearing or the eviction action, the tenant shall have the burden of proof to show protected status. No civil or criminal liability under 37.9(e) or (f) shall be imposed upon a landlord for either requesting or challenging a tenant's claim of protected status.~~

~~(5) This Section 37.9(e) is severable from all other sections and shall be of no force or effect if any temporary moratorium on owner/relative evictions adopted by the Board of Supervisors after June 1, 1998 and before October 31, 1998 has been invalidated by the courts in a final decision.~~

~~///  
///~~