

LEGISLATIVE DIGEST

[Residential Rent Ordinance, defining and prohibiting tenant harassment and providing remedies of rent reduction, criminal and civil penalties.]

Ordinance amending Administrative Code Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by: amending Section 37.2 to define harassment by or on behalf of an owner; and by adding Section 37.10B "Tenant Harassment" to prohibit defined harassment by landlords and to provide for enforcement by reduction in rent on grounds of substantial and significant decrease in services, and to provide for enforcement by criminal and civil penalties including punitive damages.

Existing Law

The City's existing Residential Rent Ordinance (Administrative Code Chapter 37) applies to most rental housing built before June 1979. In general, the existing Rent Ordinance limits annual rent increases, and requires specified good cause for evictions. The current Rent Ordinance lists approximately 15 potential "good causes" for eviction. When a unit is vacated the owner may set the rent at the market rate, and once the owner has re-rented the unit the Rent Ordinance again limits annual rent increases.

Existing Rent Ordinance provisions include Section 37.2(g) "Housing Services" which defines "services provided by the landlord connected with the use or occupancy of a rental unit" as "including, but not limited to: repairs; replacement; maintenance; painting; light; heat; water; elevator service; laundry facilities and privileges; janitor service; refuse removal; furnishings; telephone; parking; rights permitted the tenant by agreement, including the right to have a specific number of occupants,"

Existing provisions also include mechanisms for enforcement by reduction of rent upon reduction of housing services, refund of overpayments, misdemeanor criminal prosecutions, and civil actions and penalties. (See Sections 37.8, 37.8A, 37.10A, 37.11A.)

Amendments to Current Law

This proposed legislation would amend the current Ordinance by

- Amending existing Section 37.2(g) "Housing Services," to include "quiet enjoyment of the premises, without harassment by the landlord as provided in Section 10B," as part of the services provided by the landlord.

FILE NO.

- Adding new Section 37.10B "Tenant Harassment," by adding prohibitions against tenant harassment by landlords, and adding related enforcement mechanisms including reduction of rent upon reduction of housing services, misdemeanor prosecution, civil actions including injunctions, statutory and actual damages, and punitive damages. The proposed prohibitions against landlord harassment are as follows:
 - "(a) No landlord, and no agent, contractor, subcontractor or employee of the landlord shall do any of the following in bad faith or with ulterior motive or without honest intent:
 - (1) Interrupt, terminate or fail to provide housing services required by contract or by State, County or local housing, health or safety laws;
 - (2) Fail to perform repairs and maintenance required by contract or by State, County or local housing, health or safety laws;
 - (3) Fail to exercise due diligence in completing repairs and maintenance once undertaken, or fail to follow appropriate industry repair, containment or remediation protocols designed to minimize exposure to noise, dust, lead paint, mold, asbestos, or other building materials with potentially harmful health impacts;
 - (4) Abuse the landlord's right of access into a rental housing unit as that right is provided by law;
 - (5) Influence or attempt to influence a tenant to vacate a rental housing unit through fraud, intimidation or coercion;
 - (6) Attempt to coerce the tenant to vacate with offer(s) of payments to vacate which are accompanied with threats or intimidation;
 - (7) Continue to offer payments to vacate after tenant has notified the landlord in writing that they no longer wish to receive further offers of payments to vacate;
 - (8) Threaten the tenant, by word or gesture, with physical harm;
 - (9) Violate any law which prohibits discrimination based on actual or perceived race, gender, sexual preference, sexual orientation, ethnic background, nationality, place of birth, immigration or citizenship status, religion, age, parenthood, marriage, pregnancy, disability, AIDS or occupancy by a minor child;
 - (10) Interfere with a tenants right to quiet use and enjoyment of a rental housing unit as that right is defined by California law;
 - (11) Refuse to accept or acknowledge receipt of a tenant's lawful rent payment;
 - (12) Refuse to cash a rent check for over 30 days;
 - (13) Interfere with a tenant's right to privacy;
 - (14) Request information that violates a tenant's right to privacy, including but not limited to residence or citizenship status or social security number;

FILE NO.

(15) Other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of such dwelling unit and that cause, are likely to cause, or are intended to cause any person lawfully entitled to occupancy of a dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy.