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Supervisors double down on housing services protections for longtime tenants

The San Francisco Board of Supervisors passed legislation authored by Supervisor Rafael Mandelman to protect tenants' right to keep housing amenities including storage, parking, and laundry.

SAN FRANCISCO — The Board of Supervisors unanimously voted in favor of an ordinance authored by District 8 Supervisor Rafael Mandelman to strengthen an existing City law that prohibits landlords from taking away certain amenities like storage, parking, or laundry from tenants who currently have access to them as part of their rental agreement. The San Francisco Rent Ordinance currently prohibits such “housing services” from being removed without a just cause. Even so, these critical housing services are often removed when building owners convert garages, storage, and commons areas of existing rental buildings into Accessory Dwelling Units, or ADUs, under various State and local programs that allow for the addition of such housing units in existing buildings.

“Keeping longtime San Franciscans in their homes is a top priority for me,” said Mandelman. “While ADUs are a good way to add housing in our neighborhoods, I believe that new housing should not come at the expense of current tenants. The purpose of this ordinance is to make clear that in San Francisco it’s not ok to take away things like storage, parking, or laundry that tenants have relied on for years and have the right to continue enjoying as part of their home.”

The ordinance strengthens the current protections by explicitly stating that a permit to construct an ADU does not count as a valid just cause to remove a housing service, and by extending the same legal remedies that apply in cases of wrongful evictions to cases of an illegal removal of housing services. These legal remedies include the right for tenants to seek triple financial damages and have their legal fees covered by the landlord if tenants successfully challenge the loss of service in court, making it more likely for tenant attorneys to take these cases as well. The ordinance also makes important changes to the way ADU permits are processed by requiring notification of ADU applications to all tenants in the building and requiring building owners to submit a declaration stating that no housing services will be removed or reduced without a just cause as part of the ADU application process. Tenants will have an opportunity to petition the City’s Rent Board if they believe the proposed ADU would in fact remove or reduce access to existing services.

“The threat of losing a parking spot or storage space you've been using for years is a tactic that many tenants are all too familiar with,” said Mitchell Omerberg of the Affordable Housing Alliance, a longtime tenant advocacy organization. “For years, tenants have struggled to defend their right to keep the housing services that they rely on, and we applaud Supervisor Mandelman's effort to put the law squarely on the tenant's side of this important issue.”

Mandelman drafted the ordinance after hearing an increasing number of such cases reported to his office by District 8 tenants in recent months. Since the beginning of the year, the Supervisor's office had learned of four separate buildings facing the loss of parking, storage, or other common areas as part of plans to convert garage and common area space into ADUs. All the cases are in rent-controlled apartment buildings ranging in size from 20 to 40 existing units and affected longtime tenants and seniors who feared their ability to remain would be jeopardized by the loss of amenities they had long relied on.

"I'm very grateful to see this legislation become real," said Aaron Leifer, a longtime tenant at 700 Church Street, a 30-unit rent-controlled building in Dolores Heights where the landlord has proposed adding four new units. "When I saw my landlord's plan to wipe out most parking and all of the essential storage in my building – in violation of the Rent Ordinance – frankly, I was terrified. We weren't even officially notified of their intentions. This latest 'renoviction' attempt would compound more than a year of highly disruptive construction in our building with the loss of our parking and storage," said Leifer. "By simply enforcing the law that's already on the books, this legislation will strengthen tenant protections and support renters like me who just want to keep the services that are already part of our tenancies and remain in our homes."

Dave Massen, a retired letter carrier and longtime tenant at 700 Church Street, echoed that appreciation. "I always believed that the ADU program was not intended to create housing by making life worse for people already living in the building, but I learned that certain landlords were getting away with abusing the program because Rent Ordinance protections were not included in the permitting process. This legislation plugs that loophole," said Massen. "As a senior, my parking and storage are invaluable to me and this legislation will protect tenants like me all over San Francisco."

Mandelman's office reached out to the Housing Right Committee of San Francisco, which was aware of similar cases in at least 10 other apartment buildings around San Francisco and is working with tenants of those buildings to push back against their landlords' plans to replace their existing housing services with ADUs.

"Landlords should build ADUs to create new rent-controlled housing, not to remove existing tenants' contracted housing services," said Brad Hirn, a Lead Organizer at HRCSF. "The problem becomes even more troubling when we see some of the city's largest real estate investment firms using ADUs to sever services and exacerbate the displacement of long-term tenants. HRCSF has worked closely with Supervisor Mandelman to make sure this legislation provides a strong new tool for tenants."

HRCSF has supported tenants in filing applications for Discretionary Review by the Planning Commission or appeals to the City's Board of Appeals in a number of cases, only to find that commissioners struggled to overturn or modify the ADU proposals on the basis of the current Rent Ordinance protections of housing services, which fall outside their jurisdiction. Based on this experience, the ordinance passed today gives tenants the ability to petition the Rent Board directly when the feel housing services may be wrongfully impacted by an ADU proposal and

requires that the impact on existing tenants' housing services be factored into the City's review and approval of ADU permits for the first time.

“For years when tenants complained that a landlord was taking away their housing services to construct ADUs, their rights under the Rent Ordinance were ignored,” said Anastasia Yovanopoulos of the San Francisco Tenants Union, which endorsed the ordinance along with the SF Anti-Displacement Coalition. “We are grateful that Supervisor Mandelman’s legislation explicitly prohibits property owners from taking away housing services without tenants’ express written consent, and that tenants’ rights to housing services will finally be protected when ADU permits are filed.”

The ordinance passed on first reading at the Board of Supervisors today and is scheduled to be confirmed at a final reading at the Board’s next meeting on November 2, after which it would come into effect in mid-December. The provisions of the ordinance apply to any ADU project that has not yet been finally approved before it is in effect, and tenants would have up to one year after an alleged wrongful severance or reduction of housing services to pursue court action.

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