# Table of Contents

Items and page numbers in *italics* refer to the text in boxes on the corresponding page.

## Chapter 1: The Story So Far 1

- Tenants Begin to Organize ........................................ 1
- The City Finally Responds to the Crisis .......................... 1
- Condo Conversions Soared Along With Rent Increases .............. 2
- The High Tech and Housing Bubbles Hit ............................. 2
- The Great Recession ...................................................... 3
- After the Recession ....................................................... 3
- COVID-19 Pandemic ...................................................... 4
- San Francisco Renters Fight Back .................................. 4

## Chapter 2: Understanding Landlording 6

- Landlord Types .......................................................... 6
- Big vs. Small ................................................................ 7
- Professional vs. Amateur ............................................... 7
- Absentee vs. Landlord-Occupant .................................. 7
- Old/Long-Term Investor vs. New/Short-Term Speculator Ownership .................................................. 8
- How Landlords Make Money ......................................... 8
- Equity .......................................................................... 8
- Appreciation and Speculation ....................................... 9
- Rental Income .............................................................. 10
- Tax Advantages .......................................................... 10

## Chapter 3: Researching Landlords, Buildings, and Laws 12

- Landlord and Building Information .................................. 12
- Department of Building Inspection .................................. 12
- Department of Planning ............................................... 12
- Department of Public Health .......................................... 12
- Assessor and Recorder .................................................. 12
- Rent Board .................................................................... 13
- Additional Online Information ....................................... 14
- Court Records ............................................................... 14
- Superior Court — Limited Jurisdiction ......................... 14
- Superior Court — Unlimited Jurisdiction ..................... 14
- Small Claims Court ....................................................... 15
- Laws ........................................................................... 15
- Law Libraries ............................................................... 15
- Law Books .................................................................... 15
- Laws on the Web .......................................................... 15

## Chapter 4: Renting Basics 16

- Protections for the Tenant Under the San Francisco Rent Ordinance and State Law ......................... 16
- *SF v. CA Exemptions to Rent Control/Just Cause Eviction* .................................................. 16
- What Does the Rent Ordinance Cover? ......................... 18
- Certificate of Occupancy Date ..................................... 18
- Government-Assisted Housing .................................... 19
- *Subsidized Housing* .................................................. 19
- Residential Hotels ....................................................... 19
- Transient Housing ......................................................... 20
- Substantially Rehabilitated Housing ........................... 20
- Unusual Residences ..................................................... 20
- Sharing Rental Unit with Landlord ............................ 20
- Single Residential Unit ............................................... 20
- Additional Definitions of a Single Residential Unit .......... 20
- Rent Ordinance Rent Increase Limitations Still Apply to Single Residential Units in the Following Circumstances .................................................. 20
- Just Cause Eviction Requirement for Single Residential Units .................................................. 21
- California Law Disclosure and Ownership Requirement for .................................................. 21
- Single Residential Unit Exception ................................ 21
- Landlord’s Duty of Habitability .................................... 21
- Tenant’s Duty of Habitability ....................................... 21
- Leases and Rental Agreements ..................................... 22
- Leases vs. Month-to-Month Rental Agreements .......... 22
- Oral vs. Written Rental Agreements ......................... 23
- Requirements and Protections in Rental Agreements .................. 23
- Disclosure Under California Law Requiring Just Cause Eviction or Rent Control .................... 24
- Rights That CANNOT Be Signed Away ....................... 24
- Rights That CAN Be Signed Away ............................... 25
- Other Undesirable Rental Agreement Clauses ............... 25
- Late Charge .................................................................. 25
- Overnight Guest and Pet Restrictions ......................... 25
- “Merger” Clause .......................................................... 25
- House Rules ............................................................... 26
- Utilities Paid by Tenant ............................................... 26
- Shared .................................................................. 26
- Submetered Water ....................................................... 26
- Posting and Distributing of Information by Tenant .................................................. 26
- Desirable Clause in Rental Agreement ....................... 26
- Attorney’s Fees for Landlord ...................................... 26
- Paying Rent ............................................................... 26
- Waiver of Breach of Rental Agreement by Landlord .................. 27
- Breaking a Lease .......................................................... 27
- *Examples of Letters for Moving Out* ............................. 28
- Notices and Other Communications Between Landlord and Tenant .................................................. 29
Sale of Building...........................................................29
Estoppel Agreement or Rental Questionaire...30
Should I Sign It? .........................................................30
Rental Agreement for New Owner .....................31
Special Rental Situations .........................................31
Foreclosure by a Bank ..............................................31
Notice of Foreclosure or Ownership Change ..31
Foreclosure Process .................................................31
Resident Managers ..................................................33
Working for Your Landlord ........................................34
Live/Work Rental Units .............................................34
Squatting..................................................................34

Chapter 5: Security Deposits 36

Application Screening Fee .......................................36
“Holding” Deposits ..................................................36
Destuction of Rental Unit .........................................36
Use of Security Deposits ..........................................36
Preventive Medicine ................................................37
Moving Out ................................................................37
Sale of Building and Security Deposits ................37
Move-In/Move-Out Checklist ....................................38
Sample Letter for Return of Security Deposit .......39
Interest on Deposits ..................................................40
Suing for Refund ........................................................40
Rent Board Fee ..........................................................41
Increases in Deposits After the Tenancy Begins .42
Last Month’s Rent Deducted from Security Deposit 42
Partial Refund as “Payment in Full” .......................42

Chapter 6: Repairs and Services 43

Obligations of the Landlord.......................................43
Construction Requirements .................................44
Windows and Doors ..................................................44
Earthquake Retrofit ..................................................44
Contractor .............................................................44
Health Requirements in Addition to
Construction Requirements ................................45
Lead, Mold, Filth, and Pest Nuisances ...............45
Bed Bugs ...............................................................45
Air Quality (Besides Lead, Mold, Filth) and
Fire Hazards ..........................................................45
Smoke Detectors .....................................................46
Fire Extinguishers ...................................................46
Fire Alarm Systems ..................................................46
Carbon Monoxide Detectors ..................................46
Disclosure Requirements for Smoke,
Carbon Monoxide and Fire Safety .......................46
Ventilation for Urban Infill Sensitive
Developments .......................................................47
Security ..................................................................47
Additional Rights....................................................47
Quiet Possession ......................................................47
Roommates ............................................................47
Communication Devices .......................................47

Chapter 7: Rent Increases 70

Rent Increases Under California Law ....................70
Single Residential Units .........................................70
Rent Increases Under San Francisco Rent
Control ................................................................70
Vacancy Control .....................................................71
Rent Increases Not Requiring Approval of the
Table of Contents

Rent Board .................................................. 71
Annual Rent Increases ...................................... 71
“Banking” Past Annual Rent Increases .................... 71
Reinstating Original Rent If Rent Was Lowered .......... 72
Expiration of Good Samaritan Occupancy Status .......... 73
General Obligation Bond Passthroughs ................. 73
Water Passthroughs ........................................ 73
Hardship Exemption for General Bond Passthroughs .... 73
Gas, Electric or Steam Heat Passthroughs .............. 74
Original Tenant Moves Out ................................ 75
Contesting Rent Increases Which Do Not Require Rent Board Approval ........ 75
Summary Petition for Unlawful Rent Increases ........ 76
Unlawful Rent Increase Petition ......................... 76
Failure to Repair and Maintain Petition ................ 76
Passthrough Challenges by Petition ..................... 76
Rent Increases Requiring Rent Board Approval ......... 76
Capital Improvements ..................................... 77
Defenses to Capital Improvement Passthroughs ........ 78
Operating and Maintenance Expense Rent Increase ....................... 81
Gas, Electric or Steam Heat Passthroughs That Do Not Require Rent Board Approval .... 82
Tenant Not in Occupancy .................................. 82
Miscellaneous Landlord Petitions ......................... 82

Chapter 8: Harassment 83
Privacy and Landlord Entry ................................ 83
Prohibition on Illegal Landlord Acts to Influence a Tenant Move-Out ........ 84
Buyouts, Almost Always a Bad Idea ...................... 85
Examples of Letters You Can Write to Your Landlord ....................... 85
Lockouts .................................................... 86
Utility Shutoffs ............................................ 87
Debt Collection ............................................ 88
Sexual Harassment ....................................... 88
Noise and Nuisance from a Neighbor .................... 89
Other Forms of Harassment by the Landlord ............ 90
Stopping These Types of Harassment .................... 90
Example of a Letter About Harassment ................. 91
Restraining Orders and Injunctions ....................... 91
Example of a Temporary Restraining Order Complaint ....................... 92

Chapter 9: Discrimination 93

Laws ................................................................ 93
More Information on Specific Characteristics
Protected by Anti-Discrimination Statutes .......... 94
Disability ...................................................... 94
Defining Disability ........................................ 94
Reasonable Accommodations and Modifications .......... 95
Personal Care Attendants ................................ 97
People with AIDS/HIV ................................... 97
Familial Status .............................................. 97
Height and Weight ......................................... 97
Income Source ............................................. 97
Age ................................................................ 97
Sexual Orientation ........................................ 98
Marital Status .............................................. 98
Race ............................................................ 98
Retaliation—Protected Acts of the Tenant .......... 98
Sexual Discrimination ................................... 98
Undocumented Immigrants .............................. 99
What Can You Do? ......................................... 99

Chapter 10: Roommates 100
Types of Tenant-Landlord Relationships ............. 100
Roommates with Equal Rights ......................... 100
Roommate(s) with a Master Tenant .................... 100
Subletting .................................................. 100
Roommate(s) Living with Owner ....................... 102
Adding Non-Family Members ......................... 103
Adding Family Members ................................ 104
Breaking Up ............................................... 106
Changing Roommates ................................... 107
What If There’s Already a New Roommate? .......... 107
Assignment of Rental Agreement to Another Tenant ............. 109
Rent Increase When Original Occupant Vacates ....................... 109
NOTICE OF TERMINATION OF TENANCY ....................... 109
NOTICE OF REVOCATION OF PURPORTED “GUARANTEE” .......... 109
Rent Increases Under the Costa-Hawkins Rental Housing Act ....................... 110
Proving That a Rental Agreement Directly with the Landlord Exists .......... 111
Rules and Regulations § 6.14 .......................... 111
Rules and Regulations § 1.21 ......................... 112
Guests ...................................................... 112
Model Roommate Agreement ......................... 113

Chapter 11: Changes in Use 114
Loss of Rental Units ..................................... 114
Condominium Conversions ............................. 114
Tenancies in Common (TICs) ............................ 114
Fighting Conversion to TIC ............................ 115
Fighting the Sale of Your Home ....................... 116
Condo Conversion Law .................................. 117

San Francisco Tenants Union – Tenants Rights Handbook
Condo Conversions Prohibited.............................. 118
Expedited Conversion Bypass for Existing
TICs ........................................................................ 120
Condo Conversions Require Lease Options.......... 122
Vacation and Corporate Guest Suite Rentals by
the Landlord.......................................................... 123
Airbnb, Home Exchanges, or Similar Uses by
the Tenant.............................................................. 123
Removal of Parking, Storage, or Laundry
Room...................................................................... 124
Accessory Dwelling Units.................................... 124
Unauthorized Units ............................................... 124
Demolition of a Rental Unit and Mergers .......... 125
Demolition of a Building...................................... 125
Permit Process .................................................... 126
Proposition M (1986): Priority General Plan
Policies ................................................................... 126

Chapter 12: Eviction Defenses 128

What Is NOT an Eviction? ................................. 128
Illegal Reasons for Evictions If the Unit Is
Not Covered Under Just Cause ....................... 128
Retaliation ............................................................ 128
Discrimination....................................................... 128
Domestic Violence, Sexual Assault, Stalking,
Abuse of an Elder or Dependent Adult
or Human Trafficking ........................................... 130
Servicemembers ................................................. 130
Natural Disaster .................................................. 130
Tax Credit Units for Low-Income
Housing ................................................................. 130
SF v. CA Just Cause for Eviction ....................... 129
The Eviction Process Before Going to Court..... 130
Notice to (Cure or) Quit ...................................... 130
10 Day Warning Notice ..................................... 130
Sixty- and Thirty-Day Notices ....................... 131
Other Notice Periods Besides
Sixty/Thirty/Three Tenancy .............................. 131
Three-Day Notices .............................................. 131
Invalid Notices ................................................... 131
Right to an Attorney for Eviction Notices ....... 131
Credit Reports and Tenant Screening Agencies. 132
Calculating the Notice Period ......................... 133
Service of the Eviction Notice ......................... 133
Acceptance of Rent May Waive Notice ............ 133
San Francisco Rent Ordinance Evictions .......... 134
Just Causes for Eviction Under the SF Rent
Ordinance ........................................................... 134
Rent Board Reports of Alleged Wrongful
Eviction ............................................................... 135
Relocation Payment for Evictions Under SF
Law .................................................................. 136
Contesting the Just Cause for Eviction Under
the SF Rent Ordinance ....................................... 137
Fighting “Fault” Evictions ................................. 137
Nonpayment of Rent ....................................... 137
Habitual Late Payment of Rent ....................... 140
Breach (Violation) of Rental Agreement .......... 141
Waiver, Estoppel, and Change of Agreement:
Unenforced Rental Agreement Provisions as
Defenses to an Eviction ................................. 141
Nuisance ............................................................ 143
Waste ( Destruction of Rental Unit) ................. 143
Illegal Use .......................................................... 144
Working at Home .............................................. 144
Subletting .......................................................... 144
Illegal Unit ......................................................... 144
Marijuana and Secondhand Smoke ............... 144
Renewal of Rental Agreement Refused by
Tenant ................................................................. 145
Access for Landlord Denied ......................... 145
Subtenant Holding Over Is Unapproved .......... 145
Fighting “No-Fault” Evictions ......................... 146
Owner Move-In Under California Law
Requiring Just Cause Eviction ....................... 146
Owner Move-In/Landlord Move-In Under the
San Francisco Rent Ordinance ...................... 146
“Protected” Tenants for OMI Under SF Rent
Ordinance ......................................................... 146
Senior, Disabled, and Dying Tenants .......... 146
Children ............................................................ 147
School Workers .................................................. 147
Other Restrictions for OMI Under SF Rent
Ordinance .......................................................... 147
One Eviction per Building Except for
Close Relatives of Landlord ......................... 147
Relatives of Landlord Living in Building
Who Qualify for Additional OMI ............... 148
Same Unit for Future OMIIs ......................... 148
Procedural Requirements for OMI Under
SF Rent Ordinance .............................................. 148
Ownership .......................................................... 148
Eviction Notice for Tenant ......................... 148
Disclosure to Tenant ....................................... 148
Relocation Payment ....................................... 149
Vacant Units Available ................................. 149
Disclosure to Rent Board ......................... 149
Occupancy by Landlord ......................... 150
Re-Rental Restrictions ................................ 150
Is the Landlord Evicting in Good Faith for
OMI? .............................................................. 150
Procedural Defenses for OMI Under SF
Rent Ordinance .................................................. 152
Ellis Act v. Owner Move-In Eviction
Under SF Rent Ordinance ......................... 151
Ellis Act ............................................................... 152
Fighting an Ellis Eviction ................................. 152
Public Pressure for Fighting an Ellis
Eviction .......................................................... 152
California Law Requiring Just Cause for
Table of Contents

Chapter 13: Eviction Process in Court 160

Summary of the Eviction Process .............................160
Eviction Lawsuit Is Filed ........................................160
Bypassing the Courts: Lodgers and Hotels ..........160
Right to a Free Attorney ........................................160
Unlawful Detainer Procedures & Time
Diagram ..................................................................161
Summons and Complaint for Unlawful
Detainer ................................................................162
Unlawful Detainer Procedural Defenses ..........163
“Motions” — Procedural Defenses .......................163
Motion to Quash ...................................................163
Demurrer ..............................................................164
Motion to Strike ....................................................164
Discovery ..............................................................164
The Answer ...........................................................164
Affirmative Defenses .............................................165
Filing Fees .............................................................166
Eviction Timelines ...............................................166
Trial .......................................................................167
Why Fight? ............................................................168
After the Trial? ......................................................169

Chapter 14: Taking Action 171

Individual Action ..................................................171
Read This Book ....................................................171
Write Letters ........................................................171
Alternative Dispute Resolution ..........................171
Bureaucracies .......................................................172
Petition the Rent Board ........................................172
Mediation Before Arbitration at the Rent
Board .....................................................................173
The Hearing Process ..........................................174
Expedited Hearing Process .................................175
Preparing for a Hearing .......................................176
Presenting Your Case at the Hearing .................177
Conduct of Arbitration Hearings .......................177
Appealing Decisions to the Rent Board
Commission .......................................................178
Hardship Appeal at Tenant’s Request ...............178
Hardship Appeal at Landlord’s Request ..........179
Protest ..................................................................179
Sue Your Landlord ...............................................180
Withhold Rent ......................................................180
Prosecute Your Landlord .....................................180
Group Tactics .......................................................183
Building-Wide Collective Action .........................183
Starting a Tenants Union .....................................184
Things to Think About .........................................185
Neighborhood or Citywide Action .....................185

Appendix A: Resources 186

Non-Governmental Agencies in San Francisco 186
Governmental Agencies ..........................................192
United States .........................................................192
San Francisco ........................................................193
Resources Outside of San Francisco ..................196

Appendix B: List of Changes 199

Appendix C: San Francisco Law and Regulations
Excerpts

Appendix D: California Law Excerpts 270

Appendix E: Table of Statutes, Regulations,
and Cases 311

Index 322