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## San Francisco Administrative Code

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## **CHAPTER 65A: COMPENSATION, OR SUBSTITUTE HOUSING SERVICE, FOR TENANTS AFFECTED BY TEMPORARY SEVERANCE OF SPECIFIED HOUSING SERVICES DURING MANDATORY SEISMIC WORK REQUIRED BY BUILDING CODE CHAPTER 34B**

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### **SEC. 65A.1. APPLICABILITY.**

This Chapter shall apply to residential rental units subject to Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" when, in accordance with Administrative Code Section 37.2(r), one or more specified housing services will be temporarily severed from such a rental unit during the performance of seismic work required by Building Code Chapter 34B "Mandatory Earthquake Retrofit of Wood-Frame Buildings" ("mandatory seismic work"). Consistent with Section 37.2(r), the specified housing services covered by this Chapter 65A are: garage facilities, parking facilities, driveways, storage spaces, laundry rooms, decks, patios, or gardens on the same lot, or kitchen facilities or lobbies in single room occupancy (SRO) hotels, supplied in connection with the use or occupancy of a unit ("services"). Tenants in an affected unit shall be entitled to either compensation or a substitute housing service, as provided in this Chapter 65A.

(Added by Ord. [173-14](#), File No. 140679, App. 7/31/2014, Eff. 8/30/2014)

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### **SEC. 65A.2. NOTICE OF TEMPORARY SEVERANCE OF HOUSING SERVICES.**

The landlord shall provide 30-days written notice to temporarily sever the specified housing service(s),

to the tenants in each affected unit. This notice shall include the length of time the specified housing service(s) will be temporarily severed. The landlord must obtain all necessary permits on or before the date the notice to temporarily sever is given.

(Added by Ord. [173-14](#), File No. 140679, App. 7/31/2014, Eff. 8/30/2014)

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### **SEC. 65A.3. CALCULATION AND DISTRIBUTION OF COMPENSATION.**

Calculation and distribution of landlord compensation payments to tenants of affected units shall be as follows:

(a) If the rental unit lease or other written agreement states a rate for the housing service to be severed, that rate shall be used to calculate the amount due on a daily basis.

(b) If there is no rate stated in the lease or other written agreement for the housing service to be severed, the rate shall be equal to the current replacement value of the service to be severed; that rate shall be used to calculate the amount due on a daily basis.

(1) The amount due pursuant to this Subsection 65A.3(b) for each such temporarily severed housing service shall not exceed 15% of the monthly base rent for the rental unit, pro-rated on a daily basis.

(2) The replacement value of the severed housing service will depend on the facts of each case. The following factors may be considered in the determination of replacement value:

(A) The rates for parking or storage or other severed housing service in the same neighborhood at the time the tenant first rented the parking or storage space or other service, adjusted by the amount of the intervening annual allowable rent increases; the current replacement value of the parking or storage space or other service in the same neighborhood as the tenant's unit; and/or the amount the landlord charges other tenants in the same property for the same service.

(B) If the parking or storage space or other housing service was provided to the tenant after the inception of the tenancy and the tenant does not pay any additional rent for the service, no compensation will be due upon temporary severance of the service.

(3) One-half of the compensation payment shall be due upon service of the notice of temporary severance of housing service; the remaining one-half shall be due on the date that the temporary severance actually commences.

(Added by Ord. [173-14](#), File No. 140679, App. 7/31/2014, Eff. 8/30/2014)

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### **SEC. 65A.4. SUBSTITUTE HOUSING SERVICE AS AN ALTERNATIVE.**

As an alternative to paying compensation as provided in Section 65A.3, the landlord may choose to provide a comparable housing service that is reasonably near the affected unit ("substitute housing service").

(Added by Ord. [173-14](#), File No. 140679, App. 7/31/2014, Eff. 8/30/2014)

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## **SEC. 65A.5. RENT BOARD PETITIONS.**

Either a landlord or a tenant may file a petition with the Rent Board to determine the amount of compensation or sufficiency of the substitute housing service under this Chapter 65A.

(Added by Ord. [173-14](#), File No. 140679, App. 7/31/2014, Eff. 8/30/2014)

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## **SEC. 65A.6. INAPPLICABILITY TO NON-TENANTS.**

If an individual rents a parking or storage space or other service on a property but that service is not rented in connection with the use or occupancy of a housing unit owned or operated by the landlord, such a rental of the service alone is a commercial transaction that is not covered by this Chapter 65A or Administrative Code Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance).

(Added by Ord. [173-14](#), File No. 140679, App. 7/31/2014, Eff. 8/30/2014)