[Administrative Code - Evictions for Nonpayment of Rent]

**Ordinance amending the Administrative Code to provide that a landlord may not evict a residential tenant for unpaid rent below the local standard for fair market rent for an equivalent sized rental unit as set by the United States Department of Housing and Urban Development; and deleting various obsolete provisions.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
**Additions to Codes** are in *single-underline italics Times New Roman font*.
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
**Board amendment additions** are in double-underlined Arial font.
**Board amendment deletions** are in ~~strikethrough Arial font~~.
**Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Purpose and Findings.

San Francisco is seeing an increase in evictions, in many cases due to relatively small amounts of unpaid rent, and evicted tenants are often at risk of being permanently displaced from the City. In many instances, landlords have wanted to take advantage of relatively trivial shortcomings in the rent, even as other costs skyrocket, simply so they can evict long-time tenants. Evictions can be life-changing events for the tenants, and landlords may have ways to collect the rent that do not involve evictions. For these reasons, the Board of Supervisors finds that it is appropriate to set a minimum threshold for the amount of unpaid rent that can justify an eviction. This minimum threshold does not excuse a tenant from their obligation to pay the rent, restrict a landlord's ability to recover the rent, or restrict a landlord from evicting once the unpaid rent has exceeded the minimum threshold

Section 2. Chapter 37 of the Administrative Code is hereby amended by revising Section 37.9, to read as follows:

**SEC. 37.9. EVICTIONS.**

Notwithstanding Section 37.3, this Section 37.9 shall apply as of August 24, 1980, to all landlords and tenants of rental units as defined in Section 37.2(r).

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

(1) The tenant:

(A) Has failed to pay the rent to which the landlord is lawfully entitled under the oral or written agreement between the tenant and landlord:

* * * *

*(D) Provided, however, that subsection (a)(1) is limited to defaults in payment where the amount due exceeds one month of fair market rent for the San Francisco metropolitan area set annually by the U.S. Department of Housing and Urban Development for an equivalent sized rental unit as that occupied by the tenant. The written notice to the tenant required under Section 37.9(c) shall state the number of bedrooms in the tenant's rental unit. Nothing in this subsection (a)(1)(D) shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.*

~~*(D) Provided, however, that subsection (a)(1) shall not apply with respect to rent payments that initially became due during the time period when paragraph 2 of the Governor's Executive Order No. N-28-20 was in effect (March 16, 2020 through September 30, 2020), and where the tenant's failure to pay (i) arose out of a substantial decrease in household income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or substantial out-of-pocket expenses); (ii) that was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19; and*~~

~~*(iii) is documented. The types of documentation that a tenant may use to show an inability to pay due to COVID-19 may include, without limitation, bank statements, pay stubs, employment termination notices, proof of unemployment insurance claim filings, sworn affidavits, and completed forms prepared by the Rent Board. A tenant shall have the option, but shall not be required, to use third-party documentation such as a letter from an employer to show an inability to pay. The provisions of this subsection (a)(1)(D), being necessary for the welfare of the City and County of San Francisco and its residents, shall be liberally construed to effectuate its purpose, which is to protect tenants from being evicted for missing rent payments due to the COVID-19 pandemic. Nothing in this subsection (a)(1)(D) shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due;*~~

~~*(E) Provided, further, that subsection (a)(1) also shall not apply with respect to rent payments that initially became due during the time period between July 1, 2022, and 60 days after the date that the Mayor's proclamation of emergency related to the COVID-19 pandemic ceases to be in effect, if the tenant can show inability to pay the rent because of the financial impacts of the COVID-19 pandemic as set forth in subsection (a)(1)(D). Nothing in this subsection (a)(1)(E) shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.*~~

~~*(F) The protections in subsections (a)(1)(D) and (a)(1)(E) shall also apply to units where the rent is controlled or regulated by the City, notwithstanding Section 37.2(r)(4), including without limitation privately-operated units controlled or regulated by the Mayor's Office of Housing and Community Development and/or the Department of Homelessness and Supportive Housing. This subsection (a)(1)(F) shall apply to all such units, including but not limited to those where a notice to vacate or quit was pending as of the date that this subsection (a)(1)(F) first took effect and regardless whether the notice was served before, on, or after April 3, 2023.*~~

* * * *

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 4. Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

Section 6. Codification Note. Section 2 of this Ordinance depicts the current existing text of Administrative Code Section 37.9(a)(1), and does not reflect potential amendments to Section 37.9(a)(1) that the Board of Supervisors is presently considering in File No. 260680.

If the ordinance in File No. 260680 and this Ordinance are both enacted, the City Attorney is instructed to harmonize the two ordinances and may instruct the Code Publisher as needed, so that both ordinances can go into full effect as intended by the Board of Supervisors.

Section 7. Effective Date. This ordinance shall become effective on the 31st day after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: */s/ Manu Pradhan*
MANU PRADHAN
Deputy City Attorney

4938-5831-0346, v. 2

# City and County of San Francisco
## Tails
## Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

**File Number:** 260962 **Date Passed:** October 27, 2026

Ordinance amending the Administrative Code to provide that a landlord may not evict a residential tenant for unpaid rent below the local standard for fair market rent for an equivalent sized rental unit as set by the United States Department of Housing and Urban Development; and deleting various obsolete provisions.

October 05, 2026 Land Use and Transportation Committee - RECOMMENDED

October 20, 2026 Board of Supervisors - PASSED ON FIRST READING

Ayes: 9 - Chan, Dorsey, Fielder, Mahmood, Mandelman, Sauter, Sherrill, Walton and Wong
Excused: 2 - Chen and Melgar

October 27, 2026 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Chen, Dorsey, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill, Walton and Wong

File No. 260962

**I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/27/2026 by the Board of Supervisors of the City and County of San Francisco.**

**Angela Calvillo**
**Clerk of the Board**

**Daniel Lurie**
**Mayor**

10/29/2026
**Date Approved**