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SAN FRANCISCO SUPERVISOR SEEKS TO PROTECT HOUSING AMENITIES FOR LONGTIME TENANTS

San Francisco Supervisor Rafael Mandelman introduced legislation to protect tenants' right to keep housing amenities like storage, parking, bike rooms, or laundry

SAN FRANCISCO — Today District 8 Supervisor Rafael Mandelman introduced an ordinance to strengthen existing City law that prohibits landlords from taking away amenities like storage, parking, bike rooms or laundry from tenants who currently have access to them as part of their rental agreement. The City's rent ordinance prohibits such "housing services" from being removed without a just cause for doing so. Even so, some building owners still attempt to remove these critical housing services when they convert garage and commons areas into Accessory Dwelling Units, or ADUs, under various State and local programs that allow for the addition of such housing units into existing buildings.

"Keeping longtime San Franciscans in their homes is one of my top priorities," said Mandelman. "Adding a new unit or two or more to existing buildings can be a great way to increase the amount of housing in our neighborhoods, but adding new housing should not come at the expense of current tenants. It's not ok to take away storage, parking, bike rooms or laundry that people have relied on for years and have the right to continue enjoying as part of their home."

The ordinance would strengthen the current Rent Ordinance protections by stating explicitly that a permit to convert common space into one or more ADUs 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 challenge the loss of service in court. The ordinance would also make important changes in the way ADU permits are processed by the Planning Department by requiring notification of ADU applications to all tenants in the building and by requiring building owners to submit a declaration stating that no housing services will be removed without a just cause as part of the ADU application process.

Mandelman drafted the ordinance after hearing an increasing number of these cases reported to his office by District 8 tenants in recent months. Since the beginning of 2021, the Supervisor's office had learned of four separate buildings facing the loss or reduction of parking, storage, laundry or other common areas as part of plans to convert garage and common area space into ADUs. All of the cases are in rent-controlled apartment buildings ranging in size from 20 to 40 existing units and include 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 becoming real,” said Aaron Leifer, a longtime tenant at 700 Church Street, a 30-unit rent-controlled building in Dolores Heights where the building owner 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. By simply enforcing the law that’s already on the books, this legislation will strengthen tenant protections and support renters like me all over San Francisco who just want to keep the services that are already part of our tenancies and remain in our homes.”

Dave Massen, a retired postal worker and longtime tenant at 700 Church Street, stressed the importance of on-site parking and storage for senior tenants in particular. “As a senior, it was very disturbing to learn of our landlord’s plan to remove most of the parking and all our storage lockers, as well as our nice laundry room, so they could build several large new apartment units,” said Massen. “I’m Jack Palladino’s age, and I don’t want to be walking back and forth to my car parked on the street, carrying things, day and night, regardless of the weather. Both parking and storage are part of my tenancy. Having to rent offsite storage or parking would be a huge issue for me. No one should be forced into this position.”

Mandelman’s office reached out to the Housing Right Committee, 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 landlord’s plans to replace existing housing services for current tenants 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 Housing Rights Committee of San Francisco. "The problem becomes even more troubling when we see some of SF's largest real estate investment firms using ADUs to sever services and exacerbate the displacement of long-term tenants. HRCSF is ready to work with Supervisor Mandelman to make sure this legislation provides a strong new tool for tenants."

HRC 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 purely on the basis of the current Rent Ordinance protections. Based on this experience, the ordinance introduced Tuesday is designed to clarify and strengthen those protections, while also requiring that the impact of ADU projects on existing tenants’ housing service be factored in to the Planning Department’s review and approval of ADU permits for the first time.

"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."

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