

# 6.14 FORM AND NOTICE

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**TO ORIGINAL OCCUPANT(S):**

*Full Name*

**AND SUBSEQUENT OCCUPANT(S):**

*All others occupying the following described premises*

**City and County of San Francisco, State of California,  
including all garage(s), storage and common areas.**

**PLEASE TAKE NOTICE** that when the last Original Occupant(s) no longer permanently resides at the above-described premises, the current tenancy for purposes of the San Francisco Residential Rent Stabilization and Arbitration Ordinance will terminate. The Landlord will then have the option of (a) recovering possession of the rental unit from any remaining occupants, or (b) creating a new tenancy for purposes of determining the rent under the San Francisco Residential Rent Stabilization and Arbitration Ordinance.

**PLEASE TAKE FURTHER NOTICE** that all new purported Co-occupant(s) or Subsequent Occupant(s) are not considered Original Occupants under subsection (a) of Section 6.14 of the San Francisco Residential Rent Stabilization and Arbitration Board's Rules and Regulations and will not be considered Original Occupants under Civil Code Section 1954.53(d). In the absence of a written agreement to the contrary, Landlord disapproves of, and objects to, the occupancy and purported tenancy of all such individuals. However, no action will be taken by the Landlord to terminate the tenancy or recover possession of the rental unit at this time. To the extent that the Landlord has, or is deemed to have, approved a subletting or consented to any new occupancy, that approval or consent shall only be effective so long as an Original Occupant continues to reside in the unit.

A complete copy of the above-referenced Section 6.14 is attached to this Notice.

Nothing in this Notice is intended to waive any rights the Landlord may have under the terms of the existing rental agreement or any current or future law, nor does this Notice, or any acceptance of rent, constitute an acceptance of, or consent to, any additional occupants, or a waiver of any rights the Landlord may have under the terms of the existing rental agreement or any current or future law.

Dated:

Name:

*Landlord or Landlord's Duly Authorized Agent*

## **SECTION 6.14 ESTABLISHING RENTAL RATES FOR SUBSEQUENT OCCUPANTS**

(Added March 7, 1989; amended August 29, 1989; Subsection (e) added February 14, 1995; repealed and adopted April 25, 1995, effective February 14, 1995; Subsections (a), (b), (c), (d) and (e) amended and renumbered July 2, 1996; amended and renumbered April 25, 2000)

**(a) Definitions.** The following terms have the following meaning for purposes of this Section 6.14: (1) "Original Occupant(s)" means one or more individuals who took possession of a unit with the express consent of the Landlord at the time that the base rent for the unit was first established with respect to the vacant unit. (2) "Subsequent Occupant" means an individual who became an occupant of a rental unit while the rental unit was occupied by at least one original occupant. (3) "Co-occupant," for purposes of this Section 6.14 only, is a subsequent occupant who has a rental agreement directly with the owner.

**(b) Subsequent Occupants who commenced occupancy before January 1, 1996; Co-occupants who commenced occupancy before, on or after January 1, 1996.** When all Original Occupant(s) no longer permanently reside in the rental unit, the Landlord may raise the rent of any Subsequent Occupant who resided in the unit prior to January 1, 1996, or of any Subsequent Occupant who is a Co-occupant and who commenced occupancy before, on or after January 1, 1996, without regard to the limitations set forth in Section 37.3(a) of the Rent Ordinance if the Landlord served on the Subsequent Occupant(s), within a reasonable time of actual knowledge of occupancy, a written notice that when the last of the Original Occupant(s) vacates the premises, a new tenancy is created for purposes of determining the rent under the Rent Ordinance. Failure to give such a notice within 60 days of the Landlord's actual knowledge of the occupancy by the Subsequent Occupant(s) establishes a rebuttable presumption that notice was not given within a reasonable period of time. If the Landlord has not timely served such a notice on the Subsequent Occupant(s), a new tenancy is not created for purposes of determining the rent under the Rent Ordinance when the last of the Original Occupant(s) vacates the premises.

**(c) Subsequent Occupants who are not Co-occupants and who commenced occupancy on or after January 1, 1996, where the last Original Occupant vacated on or after April 25, 2000.** When all Original Occupant(s) no longer permanently reside in a rental unit, and the last of the Original Occupants vacated on or after April 25, 2000, the Landlord may establish a new base rent of any Subsequent Occupant(s) who is not a Co-occupant and who commenced occupancy of the unit on or after January 1, 1996 without regard to the limitations set forth in Section 37.3(a) of the Rent Ordinance unless the Subsequent Occupant proves that the Landlord waived his or her right to increase the rent by: (1) Affirmatively representing to the Subsequent Occupant that he/she may remain in possession of the unit at the same rental rate charged to the Original Occupant(s); or (2) Failing, within 90 days of receipt of written notice that the last Original Occupant is going to vacate the rental unit or actual knowledge that the last Original Occupant no longer permanently resides at the unit, whichever is later, to serve written notice of a rent increase or a reservation of the right to increase the rent at a later date; or (3) Receiving written notice from an Original Occupant of the Subsequent Occupant's occupancy and thereafter accepting rent unless, within 90 days of said acceptance of rent, the Landlord reserved the right to increase the rent at a later date. Where the Landlord has waived the right to increase the rent under subsection (c)(1) or (c)(3) above, the Subsequent Occupant to whom the representation was made or from whom the Landlord accepted rent shall thereafter have the protection of an Original Occupant as to any future rent increases under this Section 6.14. Where the Landlord has waived the right to increase the rent under subsection (c)(2) above, any Subsequent Occupant who permanently resides in the rental unit with the actual knowledge and consent of the Landlord (if the Landlord's consent is required and not unreasonably withheld) at the time of the waiver shall thereafter have the protection of an Original Occupant as to any future rent increases under this Section 6.14.

**(d) Subsequent Occupants who are not Co-occupants and who commenced occupancy on or after January 1, 1996, where the last Original Occupant vacated prior to April 25, 2000.** When all Original Occupants no longer permanently reside in a rental unit and the last of the Original Occupants vacated prior to April 25, 2000, the Landlord may establish a new base rent for any Subsequent Occupants who are not Co-occupants and who commenced occupancy of the unit on or after January 1, 1996 without regard to the limitations set forth in Section 37.3(a) of the Rent Ordinance if: (1) The Landlord served on the Subsequent Occupant(s), within a reasonable time of actual knowledge of occupancy, a written notice that when the last of the Original Occupants vacates the premises, the new tenancy is created for purposes of determining the rent under the Rent Ordinance. Failure to give such a notice within 60 days of the Landlord's actual knowledge of the occupancy by the Subsequent Occupant(s) establishes a rebuttable presumption that notice was not given within a reasonable period of time; or (2) The Landlord is entitled to establish a new base rent under the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.53(d), even if no notice was served on the Subsequent Occupant(s) pursuant to subsection (d)(1) above.

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## SECTION 6.14 ESTABLISHING RENTAL RATES FOR SUBSEQUENT OCCUPANTS (CONTINUED)

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**(e) Subsequent Occupants of Proposition I Affected Units.** When all Original Occupant(s) no longer permanently reside in a Proposition I Affected Unit, the Landlord may raise the rent of any Subsequent Occupant who resided in the unit prior to February 15, 1995, without regard to the limitations set forth in Section 37.3(a) of the Rent Ordinance if the Landlord served on the Subsequent Occupant(s), on or before August 15, 1995, a written notice that when the last of the Original Occupant(s) vacates the premises, a new tenancy is created for purposes of determining the rent under the Rent Ordinance. If the Landlord has not timely served such a notice on the pre-February 15, 1995 Subsequent Occupant(s) of the Proposition I Affected Unit, a new tenancy is not created for purposes of determining the rent under the Rent Ordinance when the last of the Original Occupant(s) vacates the premises. For Subsequent Occupants who commenced occupancy in a Proposition I Affected Unit on or after February 15, 1995, the provisions of subsections (a) through (d) above apply.

**(f) This Section 6.14 is intended to comply with Civil Code Section 1954.50 et seq. and shall not be construed to enlarge or diminish rights thereunder.**

**Disclaimer:** This form has been prepared for Landlords represented by Rentals In SF. Rentals In SF, however, does not make any representation or warranty about the legal sufficiency or effect of this form. Please consult an attorney if you need assistance in filling out and serving this form, or to determine if this form is appropriate for your particular situation.