

1 [Promoting Safety and Minimizing Displacement of Unauthorized Live/Work Spaces and  
2 Entertainment Venues]

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4 **Resolution finding that unauthorized live/work spaces and entertainment venues are**  
5 **valuable and irreplaceable components of the City’s housing stock and artistic**  
6 **communities; and urging various City departments to address safety issues in these**  
7 **unauthorized spaces, develop a legalization process that minimizes displacement, and**  
8 **identify resources to help property owners fund safety improvements and legalization.**  
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10 WHEREAS, On December 2, 2016 a fire in an Oakland warehouse that was being  
11 used as an unauthorized live/work space known as “Ghost Ship” claimed the lives of thirty-six  
12 young people who ranged in age from ages 17 to 36; and

13 WHEREAS, In addition to the unfathomably tragic loss of life, the Ghost Ship fire has  
14 led to evictions and citations for unauthorized housing units, art spaces, and entertainment  
15 venues (“unauthorized spaces”) across the country; and

16 WHEREAS, San Francisco has a long history of cultivating and celebrating  
17 underground art spaces that have provided safe spaces for the LGBTQ community, artists,  
18 immigrants, low-income residents, and other vulnerable communities; and sf

19 WHEREAS, Media reports published on December 8 and 9, 2016 inaccurately stated  
20 that the City and County of San Francisco was conducting a crackdown on unauthorized  
21 spaces and have generated needless alarm among both tenants and owners of buildings  
22 containing unauthorized units; and

23 WHEREAS, In recent years, the Board of Supervisors has passed multiple pieces of  
24 legislation recognizing the need to preserve unauthorized housing units whenever possible  
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1 because they represent a valuable and irreplaceable source of naturally occurring affordable  
2 housing; and

3 WHEREAS, Objective 2 of the San Francisco Housing Element is to “retain existing  
4 housing units, and promote safety and maintenance standards, without jeopardizing  
5 affordability;” and

6 WHEREAS, In March 2016, the Board of Supervisors unanimously passed ordinance  
7 33-16 to require the legalization of all unauthorized residential units, unless the Planning  
8 Commission approves the removal of the unit, it is determined that the unit cannot be  
9 legalized, or if it determined that a serious and imminent hazard exists; and

10 WHEREAS, Planning Commission Resolution No. 19532 supported this ordinance and  
11 found that “as for unauthorized units, the proposed legislation would fill the void of necessary  
12 controls for retaining this important portion of our housing stock. Many of these units are  
13 tenant occupied at lower rates of rent due to the illegal status of the unit. Removing these  
14 units only exacerbates the already critical state of evictions and displacement in San  
15 Francisco;” and

16 WHEREAS, Planning Commission Resolution No. 19660 recommended that the Board  
17 of Supervisors expand protections for unauthorized units by allowing for more than one  
18 unauthorized unit to be legalized per lot; and

19 WHEREAS, In recent years, City departments have successfully saved many  
20 unauthorized housing units while simultaneously ensuring safe conditions for both the tenants  
21 and the surrounding neighborhoods—ranging in scale and complexity from individual “in-law  
22 units” to large multi-unit commercial buildings; and

23 WHEREAS, San Francisco’s Department of Building Inspection (DBI) has become a  
24 national model for their ability to ensure safe conditions while also minimizing displacement of  
25 tenants; and

1 WHEREAS, DBI's groundbreaking Code Enforcement Outreach Program partners with  
2 non-profit organizations representing the interests of tenants and property owners to identify  
3 occupancy hazards, assist in code compliance issues, prevent displacement, and serve as  
4 liaisons between tenants, property owners, and the department; and

5 WHEREAS, The San Francisco Entertainment Commission has similarly worked with  
6 unauthorized entertainment venues to help them obtain permits and ensure their facilities  
7 comply with local and state codes; and

8 WHEREAS, The San Francisco Arts Commission provides funding for fire and life  
9 safety tenant improvements for nonprofit art spaces through its annual Creative Space grant  
10 program and is committed to the safety and stability of all San Francisco's arts and culture  
11 spaces; and

12 WHEREAS, The Arts Commission supports San Francisco's individual artists through  
13 annual unrestricted commissions awarded through the Cultural Equity Endowment Fund that  
14 can be used for a variety of purposes including rent and/or safety improvements of live and/or  
15 work spaces; and

16 WHEREAS, In the wake of the Ghost Ship fire, a number of arts organizations in San  
17 Francisco and the Bay Area have organized to offer free safety consultations and  
18 improvements for unauthorized spaces; now, therefore, be it

19 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
20 finds that unauthorized live/work spaces and entertainment venues that operate safely and  
21 responsibly are valuable and irreplaceable components of the City's housing stock and artistic  
22 communities; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors is committed to protecting  
24 these unauthorized live/work spaces and entertainment venues whenever they can be  
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1 legalized, helping property owners make them safe and secure, and protecting tenants from  
2 displacement; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors urges DBI to include in its Code  
4 Enforcement Outreach Program non-profit organizations that have experience with supporting  
5 unauthorized spaces; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors urges DBI, the Planning  
7 Department, the San Francisco Fire Department, the City Attorney, the City Administrator, the  
8 Mayor's Office of Housing and Community Development, the Entertainment Commission, the  
9 Arts Commission, and any other relevant City agencies to work together to:

- 10 - quickly address any imminent safety hazards in unauthorized spaces,
- 11 - develop a process based on DBI's successful Code Enforcement Outreach  
12 Program for the legalization of unauthorized spaces that is consistent with  
13 neighborhood context whenever possible that minimizes the displacement of  
14 tenants and assists property owners, and
- 15 - identify resources to help property owners fund needed safety improvements and  
16 legalization, such as low-interest loans, the Code Enforcement Fund, and the  
17 Housing Stabilization and Preservation Fund.