

1 [Opposing California Assembly Bill No. 68 (Ting) - Accessory Dwelling Units - Unless
2 Amended]

3 **Resolution opposing California State Assembly Bill 68 (Ting) unless amended to allow**
4 **the City and County of San Francisco and other early adopters of permissive**
5 **Accessory Dwelling Unit regulations to ensure the enforceability of San Francisco’s**
6 **just cause eviction protections and to continue subjecting Accessory Dwelling Units to**
7 **rent control.**

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9 WHEREAS, The City and County of San Francisco and the State of California are
10 experiencing a housing affordability crisis, characterized in part by the removal or demolition
11 of over 4,200 units of rent controlled or deed-restricted affordable housing in the past 10
12 years; and

13 WHEREAS, The City and County of San Francisco was among the first cities in the
14 State of California to adopt a Citywide Accessory Dwelling Unit Program in 2016 through
15 consensus legislation co-authored and co-sponsored by then Supervisors Mark Farrell, Scott
16 Wiener and Eric Mar, and current Supervisor Aaron Peskin (Board File No. 160657); and

17 WHEREAS, Since the adoption of San Francisco’s Citywide Accessory Dwelling Unit
18 Program, state lawmakers have also recognized the value in Accessory Dwelling Units as an
19 important tool for incentivizing the creation of new units of housing at neighborhood, infill scale
20 in zoning districts that have previously not allowed additional dwelling units on a given lot; and

21 WHEREAS, Shortly after the adoption of San Francisco’s Citywide Accessory Dwelling
22 Unit Program, state lawmakers passed State Senate Bill 1069 (Wieckowski) and Assembly
23 Bill 2299 (Bloom) to require local agencies across the State of California to adopt ordinances
24 allowing for the construction of Accessory Dwelling Units or to otherwise approve or
25 disapprove of applications ministerially; and

1 WHEREAS, A core innovative component of San Francisco’s Citywide Accessory
2 Dwelling Unit Program is the ability to impose certain standards on Accessory Dwelling Units
3 that are subject to administrative waiver in consideration of subjecting the proposed
4 Accessory Dwelling Unit(s) to rent control via so-called “Costa-Hawkins Regulatory
5 Agreements”; and

6 WHEREAS, With the apparent intent of building upon San Francisco’s model for the
7 approval and construction of Accessory Dwelling Units and expanding that model statewide,
8 State lawmakers effectively preempted and restricted the ability of jurisdictions like San
9 Francisco to flexibly respond to new areas of concern in the context of approving and
10 permitting the construction of Accessory Dwelling Units, including the construction of
11 Accessory Dwelling Units that would cause the eviction of tenants or severance of tenancies
12 in habitable or auxiliary spaces; and

13 WHEREAS, Specifically, AB 68 would undermine the “just cause” eviction provisions of
14 San Francisco’s Rent Code, Administrative Code Chapter 37, by providing that an Accessory
15 Dwelling Unit must be approved within 60 days even if it causes the partial or full eviction of
16 existing tenants from the project site; and

17 WHEREAS, AB 68 would impose rigid standards on local jurisdictions and impair the
18 ability of Charter cities like San Francisco – which have demonstrated leadership and ongoing
19 innovation in the provision of this important infill housing – to impose waivable standards for
20 the purpose of subjecting Accessory Dwelling Units to rent control; and

21 WHEREAS, The ministerial consideration of applications to construct Accessory
22 Dwelling Units need not impair the ability of San Francisco policymakers and City officials to
23 anticipate the potential unintended consequences of San Francisco’s Citywide Accessory
24 Dwelling Unit Program and address those unintended consequences legislatively; and

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1 WHEREAS, San Francisco continues to take steps to liberalize the construction of
2 Accessory Dwelling Units, expedite their approval, and facilitate their financing, while ensuring
3 that existing tenants are protected and that Accessory Dwelling Units are subject to rent
4 control; now, therefore be it

5 RESOLVED, That the City and County of San Francisco opposes Assembly Bill 68
6 unless amended to recapture the original intent of San Francisco's ordinance and to allow for
7 the proliferation of Accessory Dwelling Units unencumbered by concerns about the impact on
8 existing and future tenants; and, be it

9 FURTHER RESOLVED, That, specifically, AB 68 should be amended to allow San
10 Francisco to apply waivable standards to Accessory Dwelling Units in order to subject them to
11 rent control, and to ensure that San Francisco's rigorous just cause eviction protections
12 remain enforceable; and, be it

13 FURTHER RESOLVED, That the Clerk of the Board of Supervisors notify San
14 Francisco's State Legislative Delegation and the Office of the Governor of the State of
15 California accordingly.

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