

REVISED LEGISLATIVE DIGEST
(Amended in Committee – July 28, 2025)

[Planning, Building Codes - Unauthorized and Rent-Controlled Dwelling Units]

Ordinance amending the Planning Code to require applicants to disclose the presence of any Unauthorized Dwelling Unit, and require the Planning Department to investigate any Unauthorized Dwelling Unit, upon submittal of a Development Application; require the Planning Department to document when a property is subject to a regulatory agreement subjecting any units on the property to the San Francisco Residential Rent Stabilization and Arbitration Ordinance; and require the Planning Department to inspect properties prior to recommending approval of any loss of a Residential Unit or Unauthorized Dwelling Unit; amending the Building Code to expand the Department of Building Inspection's Expanded Compliance Control Program to address fraud, bribery, and failure to accurately represent the presence and number of Unauthorized Dwelling Units at properties subject to a permit application; affirming the Planning Department's determination under the California Environmental Quality Act, making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

Various sections of the Planning Code require a property owner to enter into a regulatory agreement with the City subjecting certain dwelling units to the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) in exchange for waiver of certain Planning Code requirements.

Planning Code Section 176 sets forth the methods of enforcement and penalties for violations of the Planning Code.

Planning Code Section 306.1 sets forth the required contents of development applications, and requires property owners or their agents to verify the truth and correctness of all facts, statements and information presented in the application.

Planning Code Section 317 establishes procedures and controls for the removal of Dwelling Units, including through Demolition, Merger, and Conversion of Dwelling Units.

Building Code Section 103A.6 establishes the Department of Building Inspection's Expanded Compliance Control program, under which DBI tracks significant violations of the Building Code, places significant violators on an Expanded Compliance Control List, and applies additional scrutiny to applications and work involving listed violators.

Amendments to Current Law

This ordinance would require the Planning Department to note the existence of any recorded regulatory agreement on the Property Information Map entry for the subject property or other similar, publicly-accessible website.

This ordinance would amend Planning Code Section 176 to establish specific penalties for misrepresentation of material information related to tenant history within any Development Application or Building Permit application.

This ordinance would amend Planning Code Section 306.1 to require the Zoning Administrator to cancel any Development Application, and to require the applicant to re-file the application, where the Zoning Administrator determines that the application includes material misstatements or omissions regarding the presence or number of Unauthorized Dwelling Units or tenants on the property.

This ordinance would amend Planning Code Section 317 to require applicants to disclose the presence of any Unauthorized Dwelling Units at the property and to include certain information in any Development Application that may suggest the presence of Unauthorized Units at the property. This ordinance would also require the Planning Department to investigate whether the property contains an Unauthorized Unit if the application states that the property does not contain an Unauthorized Unit, but the information contained in the application leads Department staff to reasonably believe that an Unauthorized Unit may exist on the property.

This ordinance would expand the types of the violations that could result in listing in the Department of Building Inspection's Expanded Compliance Control program. Listing could occur when: (1) any individual, agent, or entity with business before the Department is convicted of any offense involving fraud, willful misrepresentation, or the making of any willfully inaccurate or false statement associated with a permit application or project considered by the City, or any offense involving bribery or other unlawful influence of a City official or employee; or (2) the Planning Department notifies the Department of Building Inspection that the Planning Department has identified a significant misrepresentation of existing conditions or project scope that has resulted in a failure to disclose or represent any Unauthorized Unit in any permit application submitted to the Department of Building Inspection.

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