

1 [Parcel Map.]

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3 **Ordinance placing 2 unit buildings in condominium conversion lottery and exempting 2**  
4 **unit buildings that are owner occupied as of August 1, 2008.**

5 Note: Additions are *single-underline italics Times New Roman*;  
6 deletions are *strikethrough italics Times New Roman*.  
7 Board amendment additions are double underlined.  
8 Board amendment deletions are ~~strikethrough normal~~.

8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. The San Francisco Subdivision Code is hereby amended by amending OR  
10 adding Section 1359, to read as follows:

11 ARTICLE 7  
12

13 SEC. 1359. PARCEL MAP.

14 (a) The requirements of Subsection (c) of Section 1356 of this Code shall apply to Parcel Maps.

15 (b) The Parcel Map shall conform to the requirements of Chapter 2, Article 3 of SMA and to the  
16 Subdivision Regulations regarding detailed format and contents.

17 (c) In the case of Conversions where a Tentative Map is not required, the requirements of Section 1314  
18 and the requirements of Article 9 on Conversions shall apply, provided that hearings as provided in  
19 Sections 1313 and 1332 shall not be required, and the 10-percent low and moderate income occupancy  
20 as provided in Section 1341 shall not be required, and provided further that Article 9 shall not be  
21 applied to two-unit buildings only where both units are owner-occupied for one year as of August 1,  
22 2008 and where both units remain owner occupied by the same owner occupants as on August 1, 2008  
23 up until prior to the application for Conversion. The Director of Planning, however, shall make the  
24 determination pursuant to Section 1385 concerning preservation of low and moderate income housing.

25 (d) In addition to the requirements of Subsection (c), the owners of record of a two-unit building  
conversion that qualify for the exemption from Article 9 must certify under penalty of perjury and the  
Department must verify with the Rent Stabilization and Arbitration Board, and with the Human Rights  
Commission as applicable, that since November 16, 2004, no eviction as defined in San Francisco  
Administrative Code Section 37.9(a)(8)– (14) of a senior, disabled person, or catastrophically ill tenant  
as defined below has occurred, or if an eviction has taken place under Administrative Code Section  
37.9(a)(11) or (14), that the original tenant reoccupied the unit after a temporary eviction. For purposes  
of this Subsection a "senior" shall be a person who is 60 years or older and has been residing in the unit  
for 10 years or more at the time of the lottery; a "disabled" tenant is defined for purposes of this  
Subsection as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and

1 a "catastrophically ill" tenant is defined for purposes of this Subsection as a person who is disabled as  
2 defined above, and who is suffering from a life threatening illness as certified by his or her primary care  
3 physician.

4 (e) If the owners of record cannot satisfy the requirements of Subsection (d), then the owners of record  
5 shall comply with Article 9, including its Section 1396.1(g)(3), prior to submitting an application for  
6 Conversion.

7 (f) If the Department determines that an applicant has knowingly provided false material information  
8 under Subsection (d) above, the Department shall immediately deny the application, or if the applicant  
9 has submitted an application for conversion, shall immediately deny the application for conversion.  
10 Moreover, the Department, the Director, or other authorized person or entity may also enforce the  
11 provisions of this Subsection under Section 1304 or any other applicable provision of law as warranted.

12 (Amended by Ord. 427-85, App. 9/12/85; Ord. 426-89, App. 11/22/89; Ord. 161-01, File No. 010891,  
13 App. 7/9/2001; Ord. 281-04, File No. 041353, App. 12/1/2004)

14 Sec.

15 Section 2.

16 APPROVED AS TO FORM:  
17 LOUISE H. RENNE, City Attorney

18 By: \_\_\_\_\_  
19 ATTORNEY'S NAME  
20 Deputy City Attorney