

1 [Administrative Code - San Francisco Public Housing Tenant Protection Ordinance]

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3 **Ordinance amending the San Francisco Administrative Code by adding a new Chapter**  
4 **39 to establish the San Francisco Public Housing Tenant Protection Ordinance and set**  
5 **City policy regarding Financial Assistance to development projects that involve the**  
6 **demolition, disposition, rehabilitation, and/or conversion of Public Housing Units**  
7 **and/or the relocation of tenants from Public Housing Units.**

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NOTE: Additions are *single-underline italics Times New Roman*;  
9 deletions are *strike-through italics Times New Roman*.  
Board amendment additions are double-underlined;  
10 Board amendment deletions are ~~strike-through normal~~.

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

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12 Section 1. The San Francisco Administrative Code is hereby amended by adding

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13 Sections 39.1 to 39.10, to read as follows:

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14 SEC. 39.1 - APPLICATION.

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15 This Chapter shall apply as a condition of any Financial Assistance to be provided by the City  
16 to a Public Housing Development Project located within the City.

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17 SEC. 39.2 – INTENT AND PURPOSE.

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18 It is the intent and purpose of the City to preserve the supply of Public Housing in the City,  
19 prevent or minimize the hardship associated with the displacement and relocation of Public Housing  
20 Tenants as a result of a Public Housing Development Project, and protect the rights of Public Housing  
21 Tenants to maintain their sense of community, reside in their neighborhood while a Public Housing  
22 Development Project is underway, return to revitalized and fully comparable dwelling units upon  
23 completion of a Public Housing Development Project, and to be fully informed of all of their rights and  
24 opportunities related to the Public Housing Development Project. In order to further such purpose, it  
25 is the intent of the City to require advance and thorough planning, meaningful participation of Public

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1 Housing Tenants in the Public Housing Development Project, and to ensure transparency, careful  
2 monitoring and accountability of any Public Housing Development Project that receives Financial  
3 Assistance from the City. This Chapter shall be construed consistent with the intent and purpose as  
4 stated above, and in accordance with applicable state and federal law.

5 SEC. 39.3 - DEFINITIONS.

6 "City" means the City and County of San Francisco.

7 "Community Redevelopment Law or CRL" means Cal. Health & Safety Code §33000 et seq.

8 "PHR Unit" means a permanent housing replacement unit that is comparable in all material  
9 respects to the Public Housing Unit it replaces, whether owned and operated by SFHA or another  
10 public entity, private developer and/or their agents, managers, or partners. "Comparable in all  
11 material respects" means that the PHR Unit: (i) must be decent, safe and sanitary; (ii) has the same  
12 number of bedrooms and accessibility features, utility allowance, and affordability level as the Public  
13 Housing Unit it replaces; (iii) has long-term affordability restrictions that are equal to or longer than  
14 the restrictions applicable to the Public Housing Unit it replaces; (iv) shall not be restricted for  
15 occupancy by senior(s) unless the Public Housing Unit it replaces was so restricted, and the "good  
16 cause" eviction protections and fair grievance procedures set forth in 24 C.F.R. §964 and the  
17 admissions and occupancy policies set forth in SFHA's Admissions and Continued Occupancy Policy  
18 (ACOP) shall apply to the PHR Unit. Market rate or affordable housing units that are built as part of a  
19 New Development in connection with a Public Housing Development Project, but that are not intended  
20 to replace existing Public Housing Units and that shall not be owned by SFHA, shall not be deemed  
21 PHR Units.

22 "Current Tenant(s)" means a lawful tenant of a Public Housing Unit, including each member of  
23 the tenant household, that occupies a Public Housing Unit in an Existing Public Housing Development  
24 on the Trigger Date. For purposes of this Chapter, each lawful tenant within a Public Housing Unit  
25 shall be treated as a single Tenant and shall not have rights to separate Replacement Units.

1 "Existing Public Housing Development" means an existing development of Public Housing  
2 Units that will be demolished, disposed of, removed, and/or converted, in whole or in part, in  
3 connection with a Public Housing Development Project.

4 "Existing Public Housing Unit" means an existing Public Housing Unit from which a Current  
5 Tenant moves in connection with a Public Housing Development Project.

6 "Financial Assistance" means the provision of any federal, state, or local public funds that are  
7 administered, allocated, or committed by the City to SFHA, another public entity, private developer,  
8 and/or any agents, managers or partners of such entities in connection with a Public Housing  
9 Development Project.

10 "Monitoring Committee" means the committee described in Section 39.5 that is charged with  
11 ensuring transparency, monitoring and compliance with this Chapter in connection with any Public  
12 Housing Development Project that receives Financial Assistance from the City.

13 "New Development" means a residential and/or mixed use development that is produced on the  
14 same site as an Existing Public Housing Development in connection with a Public Housing  
15 Development Project.

16 "Prior Tenants" means any Current Tenant that moves from a Public Housing Unit located in  
17 an Existing Public Housing Development, with or without relocation assistance, on or after the Trigger  
18 Date of a Public Housing Development Project, unless the Current Tenant was notified, in writing,  
19 before such move of their eligibility for relocation assistance and rehousing in a Replacement Unit;  
20 provided, any tenant that is evicted for just cause in accordance with applicable law shall not be a  
21 Prior Tenant.

22 "Public Housing Development Project" means a development or redevelopment project that  
23 involves the demolition, disposition, removal, revitalization, rehabilitation, and/or conversion in whole  
24 or in part, of an Existing Public Housing Development and/or the relocation of Current Tenant(s) in  
25 connection therewith.

1 “Public Housing Unit” means a public housing dwelling unit as defined in the United States  
2 Housing Act of 1937, as amended (42 U.S.C. §1437) and any regulations adopted in connection  
3 therewith, and that is owned and operated by SFHA in the City.

4 “Relocation Assistance Laws” means any and all federal, state, and local relocation assistance  
5 laws that may be applicable to a Public Housing Development Project, including but not limited to, the  
6 California Relocation Assistance Law, Cal. Govt. Code § 7260 et seq.; Uniform Relocation Assistance  
7 and Real Property Acquisitions Policies Act, 24 U.S.C. 42 U.S.C. §4601 et seq.; the Housing and  
8 Community Development Act, 42 U.S.C. §5301 et seq.; the United States Housing Act, 42 U.S.C. §  
9 1437 and all regulations, guidelines, and/or HUD Handbooks adopted in connection with each; and  
10 this Chapter.

11 “Relocation Unit” means a dwelling unit to which a Current Tenant relocates, either  
12 temporarily or permanently, in connection with a Public Housing Development Project that is  
13 comparable to the Existing Public Housing Unit from which the Current Tenant moves. “Comparable  
14 to” means that the relocation unit (1) is decent, safe and sanitary; (2) located at the Existing Public  
15 Housing Development, unless a waiver applies pursuant to Section 39.4(b)(6), or off-site in a  
16 neighborhood of the Current Tenant’s choice; (3) has an equal number of bedrooms as the Existing  
17 Public Housing Unit, or if fewer, is sufficient to accommodate the Current Tenant’s housing needs; (4)  
18 meets any accessibility needs of the Current Tenant; and (5) rent and utilities for the unit are equal to  
19 or less than the Existing Public Housing Unit until a Replacement Unit(s) is made available to the  
20 Current Tenant, or for the period that a replacement housing payment is required by any other  
21 applicable Relocation Assistance Law, if the Current Tenant elects to permanently relocate. “Within  
22 the financial means of the Current Tenant” means that the rent and utilities for an on-site unit shall be  
23 determined on the same basis as the Current Tenant’s Public Housing Unit, and for an off-site unit, the  
24 rent and utilities shall not exceed 30% of the Current Tenant’s adjusted monthly income. “Adjusted  
25 monthly income” shall be determined pursuant to 24 C.F.R. §5.601 et seq. Any eviction, fair hearing

1 or grievance procedures, and admissions and occupancy policies of the unit shall be governed by any  
2 state, federal or local law that is applicable to the unit and/or to the Current Tenant due to any subsidy  
3 provided in connection with the unit.

4 “Replacement Housing Laws” means any and all federal, state, and local replacement housing  
5 laws that may be applicable to a Public Housing Development Project, including but not limited to, the  
6 Community Redevelopment Law, Cal. Health & Safety Code §33000 et seq.; the Housing and  
7 Community Development Act, 42 U.S.C. §5301 et seq.; and all regulations, guidelines, and/or HUD  
8 Handbooks or Notices adopted in connection with each; and this Chapter.

9 “Replacement Unit(s)” means a Public Housing Unit or PHR Unit that replaces a Public  
10 Housing Unit that is demolished, disposed of, removed, revitalized, rehabilitated or converted as a  
11 result of a Public Housing Development Project.

12 “SFHA” means the San Francisco Housing Authority, a public body, corporate and politic,  
13 organized and existing under the California Housing Authorities Law (Cal. Health & Saf. Code §  
14 34200 et seq.).

15 “Tenant Participation Meeting(s)” means the meeting(s) referred to in Section 39.4(a)(1)(A).

16 “Tenant Protection Plans” means, collectively, the Replacement Housing, Relocation  
17 Assistance, and Rehousing Plans referred to in Sections 39.4(b)(4), 39.4(d)(3) and 39.4(e)(4).

18 “Timeline of Planning Process” means the anticipated date(s) by which the (1) Tenant  
19 Protection Plans will be developed; (2) draft Tenant Protection Plans will be available to Current  
20 Tenants for review and comment and to the Monitoring Committee for review and approval; and (3)  
21 any application for approval of the Public Housing Development Project, including any preliminary,  
22 draft, conditional, or final applications or plans, will be made available for public review and  
23 comment, and will thereafter be submitted to any state, federal, or local public entity or agency as  
24 required by applicable law.

1 “Trigger Date” is the date of the first notice of a Tenant Participation Meeting in connection  
2 with a Public Housing Development Project.

3 SEC. 39.4 – CONDITIONS FOR FINANCIAL ASSISTANCE TO A PUBLIC HOUSING  
4 DEVELOPMENT PROJECT.

5 Any Public Housing Development Project for which Financial Assistance from the City is  
6 allocated, committed or provided shall meet the following requirements as a condition of receipt of  
7 such Financial Assistance, unless the condition is waived or modified by the Monitoring Committee or  
8 the Board of Supervisors pursuant to the provisions of this Chapter.

9 (a) Participation by Current Tenants in Public Housing Development Project.

10 (1) Current Tenant Participation. Before submitting a request for Financial Assistance to  
11 the City and at all times during the planning process for a Public Housing Development Project, SFHA  
12 shall ensure full and meaningful participation by the Current Tenants in planning the Public Housing  
13 Development Project, which shall be satisfied by providing the following:

14 (A) SFHA shall convene a minimum of three meetings, open to all Current Tenants and their  
15 representatives, to describe the nature and scope of the proposed Public Housing Development Project  
16 and solicit and respond to resident input regarding the proposal (“Tenant Participation Meetings”);

17 (B) Inform Current Tenants of all Replacement Housing Laws and Relocation Assistance  
18 Laws that may be applicable to (a) replacement of the Public Housing Units located within the Existing  
19 Public Housing Development, (b) relocation of Current Tenants, and (c) rehousing rights of the  
20 Current Tenants in the event the proposed Public Housing Development Project is approved and  
21 carried out;

22 (C) Inform Current Tenants of the effect on their eligibility for relocation assistance and  
23 rehousing in a Replacement Unit if they move from the Existing Public Housing Development prior to  
24 approval of a Proposed Housing Development Project by the Monitoring Committee.

25 (D) Affirmatively advise the Current Tenants of their right to organize;

1           (E) Provide an overview of the requirements of such laws;

2           (F) Discuss the amount and sources of financing that may be requested in connection with  
3 the Public Housing Development Project; and

4           (G) Provide an anticipated timeline of the planning and development of the proposed Public  
5 Housing Development Project.

6           (2) Notice of Tenant Participation Meetings. Written notice of each Tenant Participation  
7 Meeting shall be provided to the Current Tenants at least ten (10) business days prior to the meeting.  
8 The notice shall be dated and shall state the date, time, and place of the meeting, describe the agenda,  
9 and, if known, identify the representatives of SFHA and/or other persons that will participate in the  
10 meeting. Each notice shall be mailed by first-class mail to each Current Tenant of the Existing Public  
11 Housing Development, posted in the office and at the entrance to every building of the Existing Public  
12 Housing Development, and prominently posted on SFHA's website.

13           (3) Tenant Protection Plans. Prior to submitting a request for Financial Assistance to the  
14 City, SFHA shall use reasonable efforts to (1) ensure full and meaningful participation by the Current  
15 Tenants in developing draft Replacement Housing, Relocation Assistance, and Rehousing Plans in  
16 accordance with this Chapter; and (2) submit the proposed Tenant Protection Plans to the Monitoring  
17 Committee for review and approval.

18           (4) Language Access. The notice required by this Section 39.4(a) shall be provided in  
19 English with a statement in all appropriate native languages of the Current Tenants residing at the  
20 Existing Public Housing Development that SFHA will provide the notice and all other documents  
21 related to the Public Housing Development Project in the Current Tenant's native language, upon oral  
22 or written request by a Current Tenant or representative of a Current Tenant.

23           (b). Replacement of Public Housing Units.

24           (1) One-for-One Unit Replacement. Any and all occupied or unoccupied Public Housing  
25 Units located in an Existing Public Housing Development on the Trigger Date must, at a minimum, be

1 replaced on a one-for-one basis with a Public Housing Unit Replacement Unit on the same site or  
2 adjacent to (“on-site”) the Existing Public Housing Development, subject to any variation approved by  
3 the Board of Supervisors. There shall be no net loss of Public Housing Units located in an Existing  
4 Public Housing Development on the Trigger Date or reduction in the number of bedrooms in the Public  
5 Housing Units as a result of a Public Housing Development Project. The Public Housing Unit  
6 Replacement Units shall be of appropriate size to meet the needs of Current Tenants and Prior Tenants  
7 that elect to return to such Replacement Unit, as reasonably determined by SFHA.

8 (2) Accessibility of Replacement Units. The number of fully accessible and/or adaptable  
9 Replacement Units shall be the greater of: (1) the number of units required by any applicable state,  
10 federal or local law, or (2) sufficient to meet the needs of Current Tenants or Prior Tenants that elect to  
11 return to a Replacement Unit, as determined by the Mayor’s Office on Disability. Any costs associated  
12 with making an adaptable Replacement Unit fully accessible for a tenant shall be borne by the owner  
13 and operator of the Replacement Units.

14 (3) Current Tenant Participation. Before finalizing a Replacement Housing Plan, SFHA  
15 shall ensure full and meaningful participation by the Current Tenants in developing the Replacement  
16 Housing Plan, which shall be satisfied by providing the following: (1) SFHA shall convene at least one  
17 meeting open to all Current Tenants to solicit and respond to resident input on development of the  
18 Replacement Housing Plan, which may be the same meeting as the Tenant Participation Meeting; (2)  
19 inform Current Tenants of all Replacement Housing Laws that may be applicable to the Public Housing  
20 Development Project and provide an overview of the requirements of such laws; (3) provide  
21 information and solicit and respond to input from the Current Tenants with respect to assessing the  
22 Replacement Unit needs of all Current Tenants; (4) provide information and solicit and respond to  
23 input from the Current Tenants with respect to the financial resources available to meet the  
24 Replacement Unit needs of Current Tenants; and (4) provide a written timeline of the anticipated date  
25 by which Replacement Units will be made available for occupancy.



1           (4) Replacement Housing Plan. A Replacement Housing Plan that comports in all material  
2 respects with the replacement housing plan required by the Community Redevelopment Law (Cal.  
3 Health & Safety C. §33413.5) and that demonstrates the ability of SFHA to fully comply with this  
4 Chapter, shall be made available by SFHA for review and comment by the public and all Current  
5 Tenants and Prior Tenants at least 45 days prior to submitting it to the Monitoring Committee for  
6 review and approval. SFHA also shall certify in the Replacement Housing Plan that there will be no  
7 net loss of Public Housing Units or reduction in the number of bedrooms as a result of the Public  
8 Housing Development Project, and that SFHA will fully comply with the Replacement Housing Plan.  
9 No Financial Assistance shall be provided for the Public Housing Development Project absent prior  
10 approval of the Replacement Housing Plan by the Monitoring Committee or the Board of Supervisors.

11           (5) Management of Replacement Units. Whether owned and operated by SFHA, another  
12 public entity and/or a private developer, the owners and operators of the Replacement Units that are  
13 Public Housing Units, including their agents, managers and/or partners, shall comply in all material  
14 respects with all federal regulations applicable to Public Housing Units and SFHA's Admissions and  
15 Continued Occupancy Policy ("ACOP") in managing and administering such Replacement Units. For  
16 all other Replacement Units, any eviction, fair hearing or grievance procedures, and admissions and  
17 occupancy policies of such unit shall be governed by the state, federal or local law applicable to such  
18 unit.

19           (6) Waiver of "On-Site Replacement" Requirement. In reviewing any request to be  
20 excused, in whole or in part, from the requirement to replace the Public Housing Units on-site as set  
21 forth in Section 39.4(b)(1), the Monitoring Committee shall consider such constraints as economic  
22 feasibility of the Public Housing Development Project and land use, zoning, development standards,  
23 environmental issues or other concerns. The on-site replacement requirement shall not be waived by  
24 the Monitoring Committee unless SFHA demonstrates, supported by evidence, that: (1) financing for  
25 the Public Housing Development Project is inadequate to permit on-site replacement of any or all

1 Public Housing Units; or (2) constraints related to land use, zoning, development standards,  
2 environmental or other concerns prevent on-site replacement of any or all Public Housing Units; and  
3 (3) such constraints cannot be sufficiently waived, modified, eliminated or mitigated to permit on-site  
4 replacement of any or all Public Housing Units. SFHA shall also demonstrate and provide such  
5 information and evidence as may be requested by the Monitoring Committee that: (4) an alternative  
6 site over which SFHA and/or the private developer of the Public Housing Development Project has or  
7 will secure site control is available and suitable to accommodate any or all Replacement Units that  
8 cannot be replaced on-site; (5) such alternative site(s) are appropriately located to accommodate the  
9 need or desire of any and all Current Tenants to remain in the same neighborhood as the Public  
10 Housing Units to be replaced; and (6) a specified source of financing is or will be available to SFHA to  
11 ensure that any and all proposed “off-site” Replacement Units are and will be made available for  
12 occupancy prior to the issuance of a certificate of occupancy for any dwelling unit to be produced in  
13 connection with the Public Housing Development Project. Nothing in this provision shall be construed  
14 to permit a waiver of the “one-for-one” replacement and “no net loss” requirements set forth in  
15 Section 39.4(b)(1).

16 (c) Phasing of Public Housing Development Project to Minimize Displacement of Current  
17 Tenants.

18 (1) Phasing of Replacement Units. The Public Housing Development Project shall be  
19 conducted in phases in order to minimize the displacement and relocation of Current Tenants. To  
20 permit phasing of the Public Housing Development Project, Current Tenants shall be temporarily  
21 relocated to a vacant on-site Public Housing Unit that is comparable in size, accessibility, and  
22 affordability level of the Public Housing Unit the Current Tenant occupies on the Trigger Date. Such  
23 temporary relocation shall occur before the start of any demolition, removal, revitalization,  
24 rehabilitation, or conversion of occupied Public Housing Units.

1           (2) No Unlawful Evictions or Long-Term Vacancies. No Current Resident shall be evicted  
2 or displaced for the purpose of creating on-site Relocation Units except in accordance with the  
3 requirements of this Chapter. SFHA shall attempt to maintain as near to full occupancy as possible in  
4 all Public Housing Units until the Public Housing Development Project is reasonably expected to  
5 commence construction activities. In the event that there are insufficient vacant Public Housing Units  
6 to permit phasing of the Public Housing Development Project, Current Tenants shall be temporarily  
7 relocated off-site, subject to the provisions of Section 39.4(d), during the construction phase of the  
8 Public Housing Development Project.

9           (3) Special Needs of Current Tenants. A Current Tenant that requires a reasonable  
10 accommodation or that requests to be relocated off-site during the construction phase of the Public  
11 Housing Development Project shall not be required to relocate to an on-site Public Housing Unit, but  
12 shall be permitted to temporarily or permanently relocate off-site at the option of the Current Tenant.

13           (4) Waiver of Phasing Requirement. In reviewing any request to be excused, in whole or in  
14 part, from the phased development requirement as set forth in Section 39.4(c)(1), the Monitoring  
15 Committee shall consider such factors as the availability of vacant on-site Public Housing Units, health  
16 and safety of Current Tenants, economic feasibility of the Public Housing Development Project, scope  
17 and nature of the construction phase of the Public Housing Development Project, and any delay that  
18 may be occasioned in producing Replacement Units if phasing of the Public Housing Development  
19 Project is required. The phased development requirement shall not be waived by the Monitoring  
20 Committee unless SFHA demonstrates, supported by evidence, that: (1) there are insufficient vacant  
21 and suitable on-site Public Housing Units available to temporarily relocate Current Tenants; (2) the  
22 health and safety of Current Tenants will be at risk; (3) financing of the Public Housing Development  
23 Project will be inadequate or impeded; or (4) constraints related to land use, zoning, development  
24 standards, environmental issues, or other concerns prevent phasing of the Public Housing  
25 Development Project, and (5) that the identified constraints cannot be sufficiently waived, modified,

1 eliminated or mitigated to permit phasing of the Public Housing Development Project. SFHA shall  
2 also provide such information and evidence as may be requested by the Monitoring Committee to  
3 demonstrate that (6) sufficient Relocation Units will be made available to all Current Tenants who  
4 cannot be temporarily relocated on-site; (7) such Relocation Units are appropriately located to  
5 accommodate the temporary housing needs and desires of each Current Resident, including the need or  
6 desire to remain in the same neighborhood as the Public Housing Units to be replaced; and (8) a  
7 specified source(s) of financing or subsidy is or will be made available to ensure that the proposed  
8 Relocation Units will remain available to Current Tenants until the Replacement Units become  
9 available for lease-up and occupancy.

10 (d) Relocation of Current Tenants.

11 (1) No Premature Displacement or Relocation. No Current Tenant shall be encouraged or  
12 required to temporarily or permanently relocate from the Public Housing Unit the Current Tenant  
13 occupies on the Trigger Date before: (1) a Relocation Plan as required by this Chapter has been  
14 approved by the Monitoring Committee; (2) all relocation notices and information required by  
15 applicable Relocation Assistance Laws and Section 39.4(d)(5) have been provided to the Current  
16 Tenant; and (3) a Rehousing Plan as required by this Chapter has been approved by the Monitoring  
17 Committee.

18 (2) Current Tenant Participation. Before finalizing a Relocation Plan, SFHA shall ensure  
19 full and meaningful participation by the Current Tenants in developing the Relocation Plan, which  
20 shall be satisfied by providing the following: (1) SFHA shall convene at least one meeting open to all  
21 Current Tenants to solicit and respond to resident input on development of the Relocation Plan, which  
22 may be the same meeting as the Tenant Participation Meeting; (2) inform Current Tenants of all  
23 Relocation Assistance Laws that may be applicable to the Public Housing Development Project and  
24 provide an overview of the requirements of such laws; (3) provide information and solicit and respond  
25 to input from the Current Tenants with respect to assessing the relocation assistance needs of all

1 Current Tenants; (4) provide information and solicit and respond to input from the Current Tenants  
2 with respect to the resources available to meet the relocation assistance needs of Current Tenants; and  
3 (4) provide a written timeline of the anticipated relocation process.

4 (3) Relocation Plan. A Relocation Plan that comports in all material respects with the  
5 relocation plan required by the California Relocation Assistance Act (Cal. Govt. Code §7260 et seq.),  
6 Guidelines of the Department of Housing and Community Development (25 C.C.R. §6000 et seq.)  
7 (“HCD Guidelines”), and that demonstrates the ability of SFHA to fully comply with Section 39.4(d)  
8 shall be made available by SFHA for review and comment by the public and all Current Tenants and  
9 Prior Tenants, if any, at least 45 days prior to submitting it to the Monitoring Committee for review  
10 and approval. In addition to meeting the requirements of the California Relocation Assistance Act and  
11 HCD Guidelines, the Relocation Plan shall: (1) specify all advisory services and relocation assistance  
12 that will be provided to Current Tenants and Prior Tenants pursuant to Section 39.4(d)(4); (2) describe  
13 all relocation notices and information that will be provided during the relocation process in  
14 accordance with Section 39.4(d)(5); and (3) describe the appeal process applicable to relocation of  
15 Current Tenants and Prior Tenants. SFHA shall certify in the Relocation Plan that no Current Tenant  
16 or Prior Tenant was encouraged or required to move from the Existing Public Housing Development  
17 prior to submission of the Relocation Plan to the Monitoring Committee for review and approval, no  
18 Current Tenant or Prior Tenant has or will be encouraged or required to waive any rights to advisory  
19 services, relocation assistance, or relocation notices, and that SFHA will fully comply with the  
20 Relocation Plan. No Financial Assistance shall be provided for a Public Housing Development Project  
21 absent prior approval of the Relocation Plan by the Monitoring Committee or the Board of  
22 Supervisors.

23 (4) Relocation Assistance. SFHA shall ensure that all Current Tenants and Prior Tenants  
24 receive all relocation assistance required by all applicable Relocation Assistance Laws, including but  
25 not limited to, all advisory services, moving assistance, and moving expenses required by such laws,

1 and that a Relocation Unit, whether temporary or permanent, is made available to the Current Tenants  
2 and Prior Tenants pursuant to a Relocation Plan that has been approved in accordance with this  
3 Chapter. SFHA shall further ensure that: (1) the advisory services and moving assistance include any  
4 services and assistance that may be necessary to reasonably accommodate the special needs of Current  
5 Tenants and Prior Tenants that are elderly and/or disabled; (2) every reasonable effort is made to  
6 accommodate the relocation needs of Current Tenants and Prior Tenants with school age children,  
7 including, to the extent possible, planning for the relocation of families to occur during summer  
8 months; (3) moving expenses shall include all reasonable and actual moving expenses necessary for  
9 Current Tenants and Prior Tenants to temporarily or permanently move to a Relocation Unit, including  
10 but not limited to, all expenses associated with the physical move and all credit check fees, pet deposits,  
11 security deposits, utility hook-ups and deposits, and expenses necessary to make a Relocation Unit fully  
12 accessible or adaptable to the special needs of an elderly or disabled Current Tenant or Prior Tenant;  
13 (4) all replacement housing payments necessary to ensure that a Relocation Unit remains within the  
14 financial means of a Current Tenant or Prior Tenant until a Replacement Unit is made available, or for  
15 the period that a replacement housing payment is required by applicable Relocation Assistance Laws if  
16 the Current Tenant or Prior Tenant elects to permanently relocate; and (5) all actual and reasonable  
17 moving expenses necessary for a Prior Tenant to move to a Replacement Unit (“move back” expenses).  
18 For purposes of Sections 39.4(d) and 39.4(e), Current Tenant and Prior Tenant includes the head of  
19 household of the Current Tenant and Prior Tenant, any adult member(s) of a Current Tenant or Prior  
20 Tenant household, and a Current Tenant and/or adult member(s) of the household that was lawfully  
21 evicted after the Trigger Date if such lawful eviction took place in order to accommodate the relocation  
22 in connection with the Public Housing Development Project.

23 (5) Relocation Notices and Informational Brochure. SFHA shall provide to all Current  
24 Tenants and Prior Tenants timely and written relocation notices as required by all applicable  
25 Relocation Assistance Laws, including but not limited to, notice of a potential Public Housing

1 Development Project, notice of eligibility for relocation assistance, notice of approval of the Public  
2 Housing Development Project by any state, federal, or local public entity or agency, and notice of  
3 mandatory displacement and relocation. SFHA shall further ensure that all Current Tenants and Prior  
4 Tenants receive (1) a written Notice of Mandatory Relocation at least 120 days prior to the mandatory  
5 relocation date that specifies all advisory services and relocation assistance available to the tenant and  
6 that identifies the Relocation Unit that is available; and (2) an informational brochure, at least 120  
7 days prior to the mandatory relocation date, that describes all rights and responsibilities of the tenant  
8 in connection with the Public Housing Development project, including but not limited to (a)  
9 replacement housing rights and responsibilities, (b) relocation assistance rights and responsibilities,  
10 (c) rehousing rights and responsibilities, (d) appeal rights in connection with the tenant's relocation  
11 assistance and rehousing rights, (e) the right to remain in the Public Housing Unit during the 120-day  
12 period unless evicted for good cause, (f) tenant organizing rights, (g) any and all consequences of  
13 failing to relocate by the mandatory date of displacement, (h) requesting that the tenant provide SFHA  
14 with the tenant's contact information and any changes in that contact information until a Replacement  
15 Unit is made available to the tenant, and (i) providing contact information for SFHA, local legal  
16 services, and social services agencies. The Notice of Mandatory Displacement and informational  
17 brochure shall be provided in plain, non-technical language, in English and in the native language of  
18 the tenant if previously requested.

19 (6) Method and Manner of Notice. All general relocation notices and the informational  
20 brochure required by Section 39.4(d)(5) shall be mailed by first-class mail to each Current Tenant and  
21 Prior Tenant, posted in the office and at the entrance to every building of the Existing Public Housing  
22 Development, and prominently posted on SFHA's website. Notices to an individual Current Resident  
23 or Prior Resident regarding specific relocation assistance rights of that tenant and containing  
24 confidential tenant information, such as a Notice of Eligibility and Notice of Mandatory Relocation,  
25

1 shall be delivered to the individual Current Resident or Prior Resident by registered or certified mail  
2 with return receipt requested.

3 (7) Current Tenant Option regarding Relocation Unit. Nothing in this Chapter shall be  
4 construed to preclude a Current Tenant from electing to permanently relocate from the Existing Public  
5 Housing Development to an off-site Relocation Unit or to a Relocation Unit located in a neighborhood  
6 of the Current Tenant's choice.

7 (8) Limitation on the Issuance of Any Demolition or Building Permit. If relocation of some  
8 or all of the Current Tenants is required to proceed with the Public Housing Development Project, no  
9 demolition or building permit shall be issued until relocation of the Current Tenants that are required  
10 to move has been completed in accordance with the provisions of this Chapter and the Relocation Plan  
11 approved by the Monitoring Committee.

12 (e) Right to Return and Rehousing Plan.

13 (1) Right to Return. Subject to Section 39.4(e)(5), all Current Tenants and Prior Tenants in  
14 good standing shall have a right to return, and the highest priority for, a suitable Replacement Unit at  
15 the New Development or, if applicable, for an off-site Replacement Unit. For purposes of this  
16 subsection, "in good standing" means that a Current Tenant whose tenancy at the Existing Public  
17 Housing Development Project was not lawfully terminated prior to or after the Trigger Date, unless  
18 such lawful termination was done pursuant to the relocation in connection with the Public Housing  
19 Development Project.

20 (2) Contact List. SFHA shall develop, maintain, and use a contact list of all Current  
21 Tenants and Prior Tenants to ensure proper notice to all Current Tenants and Prior Tenants regarding  
22 any matter related to the Public Housing Development Project. On or before the Trigger Date, SFHA  
23 shall prepare or update the contact list of all Current Tenants which shall include the Current Tenants'  
24 names, addresses, telephone numbers, and if available, e-mail addresses. SFHA will update the  
25 contact list whenever a Current Tenant becomes a Prior Resident, and whenever a Prior Resident



1 notifies SFHA of a change in address, telephone number, or e-mail address. SFHA will remove a Prior  
2 Tenant from the contact list only if the Prior Tenant makes an affirmative written request for SFHA to  
3 remove the Prior Resident from the Contact List. A copy of the contact list shall be made available  
4 upon request to the Monitoring Committee.

5 (3) Current Tenant Participation. Before finalizing a Rehousing Plan, SFHA shall ensure  
6 full and meaningful participation by the Current Tenants in developing the Rehousing Plan, which shall  
7 be satisfied by providing the following: (1) SFHA shall convene at least one meeting open to all  
8 Current Tenants to solicit and respond to resident input on development of the Rehousing Plan, which  
9 may be the same meeting as the Tenant Participation Meeting; (2) inform Current Tenants of the Right  
10 to Return and Rehousing provisions of this Chapter; (3) provide information and solicit and respond to  
11 input from the Current Tenants with respect to the Rehousing needs of all Current Tenants; (4) provide  
12 information regarding any subsidies that may be applicable to the Replacement Units and any income  
13 eligibility criteria that may apply to the Replacement Units due to each subsidy; (5) provide  
14 information and solicit and respond to input from the Current Residents with respect to the application  
15 and selection process for the Replacement Units; and (6) provide a written timeline of the anticipated  
16 dates by which notice to all Current Tenants or Prior Tenants of the availability of the Replacement  
17 Units will be provided, the availability of applications and any deadline for submission of an  
18 application, the date by which tenant selection will be completed, and the anticipated date of  
19 occupancy.

20 (4) Rehousing Plan. A Rehousing Plan that demonstrates the ability of SFHA to fully  
21 comply with this Chapter, shall be made available by SFHA for review and comment by the public and  
22 all Current Tenants and Prior Tenants at least 45 days prior to submitting it to the Monitoring  
23 Committee for review and approval. The Rehousing Plan shall (1) identify any state, federal, or local  
24 subsidies that may be applicable to any or all Replacement Units and any eligibility criteria that may  
25 apply to the Replacement Units due to each subsidy; (2) state the number of Replacement Units by

1 bedroom size and identify which of those Replacement Units may be subject to which identified subsidy;  
2 (3) state the number of Replacement Units by bedroom size that will be fully accessible or adaptable;  
3 (4) describe how the application and tenant selection process will be conducted to ensure that all  
4 Current Tenants and Prior Tenants are given advance notice, an opportunity to apply, and a highest  
5 priority for a suitable Replacement Unit; (5) describe all notices and information that will be provided  
6 to Current Tenants and Prior Tenants regarding the availability of the Replacement Units for  
7 application, application deadlines and assistance to be provided to Current Tenants and Prior Tenants  
8 in completing the application process, lease-up, and occupancy; and (6) provide a written timeline of  
9 the dates by which notice of the availability of applications is anticipated to occur, the application  
10 process will be completed, selection of eligible Current Tenants and Prior Tenants for lease-up will  
11 occur, and the anticipated date of occupancy of the Replacement Units. The Rehousing Plan shall also  
12 describe the appeal process applicable to the denial of an application for a Replacement Unit by a  
13 Current Tenant, Prior Tenant, or adult member that was added to the household during the period of  
14 relocation. SFHA also shall certify in the Rehousing Plan that all eligible Current Tenants and Prior  
15 Tenants shall have a right of return and highest priority for a Replacement Unit, subject only to the  
16 provisions of this Chapter and applicable law, and that SFHA will fully comply with the Replacement  
17 Housing Plan. No Financial Assistance shall be provided for the Public Housing Development Project  
18 absent prior approval of the Rehousing Plan by the Monitoring Committee or the Board of Supervisors.

19 (5) Eligibility and Screening Criteria. Current Tenants and Prior Tenants that remain in  
20 good standing during the period of relocation shall be deemed eligible for a Replacement Unit, and  
21 shall not be subjected to any eligibility or screening criteria for a Replacement Unit other than income  
22 eligibility restrictions that may apply to a suitable Replacement Unit due to a subsidy affecting the unit.  
23 Current Tenants and Prior Tenants that are evicted from a Relocation Unit for good cause and any  
24 adult members added to the household during the period of relocation may only be screened for  
25 criminal background and income eligibility for the Replacement Unit. If the application of a Current

1 Tenant or Prior Tenant for a Replacement Unit is denied on the basis of a criminal background check  
2 or income eligibility, the tenant shall have the right to appeal and shall be placed on a waiting list for  
3 the next available Replacement Unit pending a determination of the appeal.

4 (6) Periodic Progress Reports and Rehousing Notices. SFHA will provide periodic status  
5 reports at least once every six months to all Current Tenants and Prior Tenants on the Contact List  
6 describing the status of the New Development and/or alternative Replacement Units, and updating the  
7 time line described in the Rehousing Plan. Not less than six months before the anticipated date of  
8 occupancy, SFHA shall notify all persons on the Contact List by mail that rental units in the New  
9 Development or alternative Replacement Units will be available. This notice will inform persons on the  
10 contact list that they may apply for a Replacement Unit, provide all information necessary to apply,  
11 and advise of any deadline by which applications must be submitted and to whom. Current Tenants  
12 and Prior Tenants will be given at least four weeks' advance notice of the date when applications will  
13 be available, and applications will be due not less than four weeks after they become available.  
14 Current Tenants and Prior Tenants will be given a written notice advising them of the Replacement  
15 Unit that is offered and the steps and any deadline for the tenant to accept or reject the Replacement  
16 Unit. If an application for a Replacement Unit is denied or the tenant rejects the Replacement Unit as  
17 unsuitable, the written notice shall state the reasons for denial and advise the Current Tenant or Prior  
18 Tenant of the right to appeal, including instructions regarding the appeal process.

19 (7) Method and Manner of Notices. The periodic progress reports required by Section  
20 39.4(e)(6) shall be mailed by first-class mail to all persons on the contact list at their most recently  
21 updated address. Notices that applications for a Replacement Unit are available and notices  
22 responding to the application shall be delivered to the Current Tenants and Prior Tenants by registered  
23 or certified mail with return receipt requested.

24 (8) Declination of a Replacement Unit. If SFHA offers a Current Tenant or Prior Tenant a  
25 suitable Replacement Unit at the New Development at the time of lease-up at the New Development or,

1 if applicable, an alternative Replacement Unit, and the Current Resident or Prior Resident refuses the  
2 unit but requests to be put on a waiting list, SFHA shall place the declining tenant on a waiting list,  
3 with highest priority for the next available unit of appropriate size and accessibility when such unit  
4 becomes available. A Current Tenant or Prior Tenant may decline an available Replacement Unit  
5 twice before losing the right of return.

6 SEC. 39.5 – MONITORING AND OVERSIGHT COMMITTEE.

7 (a) Composition of the Monitoring Committee. A nine-member advisory Monitoring  
8 Committee, consisting of at least one at-large Public Housing tenant, one Current Tenant, one attorney  
9 with expertise in landlord-tenant law, a member of City staff that is familiar with the development  
10 process, and a representative of a private non-profit developer [do you want to specify who will make  
11 up the other 4 members?], shall be appointed by the Board of Supervisors. No SFHA representative,  
12 developer, managing agent, or partner of SFHA that is directly involved in a Public Housing  
13 Development Project shall participate as a member of the Monitoring Committee. All members shall  
14 serve as volunteers, and shall not receive compensation for serving on the Monitoring Committee.  
15 Members shall also be subject to the City's conflict of interest laws that apply to members of advisory  
16 bodies.

17 (b) Duties of the Monitoring Committee. The Monitoring Committee shall ensure  
18 transparency of a Public Housing Development Project that receives Financial Assistance from the  
19 City by ensuring compliance with Current Tenant participation provisions of the Chapter; reviewing all  
20 Tenant Protection Plans and comments submitted to the Monitoring Committee pursuant to this  
21 Chapter; ensuring compliance of those plans with this Chapter; and recommending approval or  
22 disapproval of a request to the City for Financial Assistance based upon the Committee's monitoring  
23 and review as set forth in this Chapter.

24 (c) Ongoing Monitoring. If Financial Assistance is provided to a Public Housing  
25 Development Project, the Monitoring Committee also shall monitor SFHA's compliance with the

1 Tenant Protection Plans and this Chapter until completion of the Rehousing Plan. The Committee  
2 shall, upon request, provide reports to the Board of Supervisors and the Mayor regarding the Public  
3 Housing Development Project. If the Monitoring Committee determines that the Tenant Protection  
4 Plans or this Chapter are not being followed, the Monitoring Committee shall notify the Board of  
5 Supervisors of the failure to comply, and the City shall take appropriate steps to ensure compliance, as  
6 determined by the City's Board of Supervisors.

7 (d) Authority of Monitoring Committee. The Monitoring Committee is authorized to provide  
8 input and comment to the City, SFHA and any development team involved in the Public Housing  
9 Development Project. The Committee is also authorized to waive or modify "on-site" replacement and  
10 phasing requirements pursuant to the provisions of this Chapter. The Monitoring Committee may act  
11 as the appeal body for appeals related to relocation assistance and notices and assist in the  
12 development of a fair and independent appeal procedure in connection with the Rehousing provisions  
13 of the Chapter. The Monitoring Committee may also act as an information clearinghouse by holding  
14 public meetings, occasional hearings and ensuring access to public records regarding the Public  
15 Housing Development Project.

16 (e) SFHA Cooperation. The Monitoring Committee shall be entitled to receive verbal or  
17 written quarterly reports from SFHA regarding the status of the Public Housing Development Project,  
18 including but not limited to, financing for the development, development status, efforts to ensure  
19 Current Tenant participation in the planning stages of the development, development of the Tenant  
20 Protection Plans, implementation of approved Tenant Protection Plans, relocation of Current Tenants  
21 to Relocation Units, development of Replacement Units, and rehousing of Current Tenants and Prior  
22 Tenants.

23 (f) Appeal to Board of Supervisors. SFHA shall have the right to appeal any decision made  
24 by the Monitoring Committee to the Board of Supervisors. The Board of Supervisors may override any  
25 decision made by the Monitoring Committee in its sole and absolute discretion.

1           SEC. 39.6 – APPLICATION OF OTHER LAWS.

2           Nothing in this Chapter is intended to limit the rights of Public Housing tenants that may exist  
3 pursuant to other state, federal, or local laws.

4           SEC. 39.7 - ENFORCEABILITY.

5           This Chapter shall be enforceable by the City and any beneficially interested person or  
6 community organization. Any enforcement action shall be limited to injunctive relief, including specific  
7 performance. As set forth in Section 39.8, there shall be no monetary damages for any violation of this  
8 Chapter.

9           SEC. 39.8 - CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

10          In undertaking the adoption and enforcement of this Chapter, this City is assuming an  
11 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers  
12 and employees or on any other person or entity, including but not limited to the SFHA, an obligation  
13 for breach of which it is liable in money damages to any person who claims that such breach  
14 proximately caused injury.

15          SEC. 39.9 - SEVERABILITY.

16          This Chapter shall be construed so as not to conflict with applicable federal or State laws, rules  
17 or regulations. Nothing in this Chapter shall authorize any City agency to impose any duties or  
18 obligations in conflict with limitations on municipal authority established by federal law at the time  
19 such agency action is taken.

20          If any section, paragraph, sentence, clause or phrase of this Chapter is for any reason held to  
21 be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not  
22 affect the validity or effectiveness of the remaining portions of this Chapter. The Board of Supervisors  
23 declares that it would have passed each section, paragraph, sentence, clause or phrase of this Chapter  
24 irrespective of the fact that any portion of this Chapter could be declared unconstitutional, invalid or  
25 ineffective.

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SEC. 39.10 – EFFECTIVE DATE.

This Chapter shall become effective 30 days after it is adopted. This Chapter is intended to have prospective effect only.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
Evan Gross  
Deputy City Attorney