

LEGISLATIVE DIGEST

[Planning Code - Unauthorized and Rent-Controlled Dwelling Units]

Ordinance amending the Planning Code to require the Planning Department to investigate the presence and number of Unauthorized Dwelling Units at properties subject to a Development Application; refer design professionals that fail to disclose the presence of Unauthorized Dwelling Units to any applicable licensing board or regulatory agency; post online whether 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 inspect properties prior to recommending approval of any loss of a Residential Unit or Unauthorized Dwelling Unit; affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

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.

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 specify that, and to establish specific penalties for any misrepresentation of material information within any Development Application or Building Permit application, including failure to disclose or misrepresentation of tenant history at a site.

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. If a Development Application failed to disclose any Unauthorized Unit, this ordinance would also require the Planning Department, in certain circumstances, to refer any design professional that failed to disclose the Unauthorized Unit to the appropriate licensing body or regulatory agency.

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