

File No. 240728

Committee Item No. 2

Board Item No. 2

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date July 31, 2024

Board of Supervisors Meeting

Date September 10, 2024

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

### OTHER (Use back side if additional space is needed)

- FYI Referral – MOHCD, OLSE, ASR, TTX, MYR 7/1/2024
- FYI CEQA 7/1/2024
- PLN CEQA Determination 7/3/2024
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Completed by: Brent Jalipa

Date July 25, 2024

Completed by: Brent Jalipa

Date August 19, 2024

1 [Business and Tax Regulations Code - Transfer Tax Reduction for Union Labor-Built and  
2 Union Pension Fund-Financed Housing]

3 **Ordinance amending the Business and Tax Regulations Code to reduce the real**  
4 **property transfer tax rates from 5.5% to 3% when the consideration or value of the**  
5 **interest or property conveyed is at least \$10,000,000 but less than \$25,000,000; and**  
6 **from 6% to 3% when the consideration or value of the interest or property conveyed**  
7 **equals or exceeds \$25,000,000, for transfers of certain properties with at least 12%**  
8 **rent-restricted affordable units, that were constructed using union labor, and had a**  
9 **debt or equity investment of at least \$25,000,000 from a union pension fund at the time**  
10 **of the transfer; and affirming the Planning Department's determination under the**  
11 **California Environmental Quality Act.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
15 **Board amendment additions** are in double-underlined Arial font.  
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
17 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
18 subsections or parts of tables.

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

20 Section 1. The Planning Department has determined that the actions contemplated in  
21 this ordinance comply with the California Environmental Quality Act (California Public  
22 Resources Code Sections 21000 *et seq.*). Said determination is on file with the Clerk of the  
23 Board of Supervisors in File No. 240728 and is incorporated herein by reference. The Board  
24 affirms this determination.  
25

1 Section 2. Article 12-C of the Business and Tax Regulations Code is hereby amended  
2 by adding Section 1108.8, to read as follows:

3  
4 **SEC. 1108.8. PARTIAL EXEMPTION FOR TRANSFERS OF RESIDENTIAL RENTAL**  
5 **PROPERTIES BUILT AND FINANCED BY CERTAIN LABOR ORGANIZATIONS.**

6 *(a) Definitions. For purposes of this Section 1108.8:*

7 *“Certificate of Final Completion and Occupancy” means a certificate of final completion and*  
8 *occupancy or an amended certificate of final completion and occupancy as those terms are used in*  
9 *Section 109A of the Building Code, as may be amended from time to time.*

10 *“First Construction Document” means the first building permit, building permit addendum, or*  
11 *other document that authorizes construction of a Newly-Constructed Building, not including permits or*  
12 *addenda for demolition, grading, shoring, pile driving, or site preparation work.*

13 *“Labor Organization” means any organization of any kind, or any agency or employee*  
14 *representation committee or plan, in which employees participate and which exists for the purpose, in*  
15 *whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay,*  
16 *hours of employment, or conditions of work.*

17 *“MOHCD” means the Mayor’s Office of Housing and Community Development, or its*  
18 *successor agency, department, or office.*

19 *“MOHCD Area Median Income” means the median income as published annually by MOHCD*  
20 *for the City and County of San Francisco, derived in part from the income limits and area median*  
21 *income determined by the United States Department of Housing and Urban Development, or its*  
22 *successor agency, for the San Francisco County metro fair market rent area, adjusted solely for*  
23 *household size, but not for high housing cost area.*

24 *“Newly-Constructed Building” means a building that has never before been used or occupied*  
25 *for any purpose.*

1 “OLSE” means the Office of Labor Standards Enforcement, or its successor agency,  
2 department, or office.

3 “Qualified Investment Manager” means any of the following that manages or invests assets on  
4 behalf of one or more Qualified Pension Plans, as defined in this Section 1108.8(a):

5 (1) An investment adviser registered under the U.S. Investment Advisers Act of 1940, as  
6 amended from time to time, or an investment adviser exempt from registration pursuant to  
7 Section 203(l) or Section 203(m) of the U.S. Investment Advisers Act of 1940, as amended from time to  
8 time;

9 (2) An investment company registered under the U.S. Investment Company Act of 1940,  
10 as amended from time to time; or

11 (3) An insurance company pooled separate account of a state or District of Columbia  
12 regulated life insurance company.

13 “Qualified Pension Plan” means either subpart (1) or (2), as stated below:

14 (1) A pension plan that has all of the following elements:

15 (A) Constitutes a qualified trust under Section 401(a) of the Internal Revenue  
16 Code of 1986, as amended from time to time;

17 (B) Is either:

18 (i) A multiemployer plan collectively bargained and maintained by more  
19 than one employer and a Labor Organization; or

20 (ii) A plan collectively bargained and maintained by a Labor  
21 Organization; and

22 (C) Its beneficiaries may not decide individually whether to participate or share  
23 in the profits and losses of such plan’s investments; or

24 (2) An annuity plan that meets the requirements for the deduction of the employer’s  
25 contribution under Section 402(a)(2) of the Internal Revenue Code of 1986, as amended from time to

1 time, and that has beneficiaries who are represented by a Labor Organization and the assets of which  
2 are managed without the direct intervention or control of the plan's beneficiaries.

3 “Qualified Residential Rental Property” means a Residential Rental Property, whether or not  
4 the property is subject to a condominium map recorded with the County Recorder, that meets all of the  
5 requirements in subparts (1) through (4), as stated below:

6 (1) At the time of the transfer for which an exemption is claimed under this  
7 Section 1108.8, no less than 12% of the residential units on the property, which percentage shall be  
8 calculated by excluding any density bonus units permitted through Planning Code Section 206.3,  
9 California Government Code Section 65915, or any other density bonus program, are, or concurrently  
10 with such transfer become, subject to a Recorded Restriction that:

11 (A) limits the maximum household income for each residential rental unit to no  
12 more than 110% of MOHCD Area Median Income; and

13 (B) limits the maximum monthly rent for each residential rental unit to no more  
14 than one-twelfth of 30% of 110% of the MOHCD Area Median Income; and

15 (C) provides for the regulation, monitoring, and enforcement of the restrictions  
16 in this subpart (1) by a governmental agency; and

17 (D) has a remaining term of no less than 55 years from the date of the transfer.

18 (2) On or after June 3, 2014, received a Certificate of Final Completion and Occupancy  
19 for a Newly-Constructed Building.

20 (3) All on-site construction of the Newly-Constructed Building, from the date of the  
21 First Construction Document through the date of the Certificate of Final Completion and Occupancy  
22 for the Newly-Constructed Building, was performed by workers represented by a Labor Organization  
23 and paid not less than the Prevailing Rate of Wages as defined in Section 6.1 of the San Francisco  
24 Administrative Code, as amended from time to time, for such on-site construction work.

1                   (4) At least one year before and through the date of the transfer for which an exemption  
2 is claimed under this Section 1108.8, one or more Qualified Pension Plans, either directly or through a  
3 Qualified Investment Manager, collectively held a \$25 million debt or equity investment, directly or  
4 indirectly, in the single property being transferred, and each such investor maintained and enforced a  
5 Responsible Contractor Policy with respect to that investor’s portion of the \$25 million investment.

6                   “Recorded Restriction” means a document, agreement, or instrument, recorded with the County  
7 Recorder, that restricts the use of the property against which the document, agreement, or instrument is  
8 recorded.

9                   “Residential Rental Property” means a property that may only be used to rent to residential  
10 tenants, including an onsite property manager, and excluding travelers, vacationers, or other similarly  
11 transient individuals, except that it may include: (1) up to 30% of the square footage of all floors other  
12 than the ground floor for non-profit space serving residents and/or the community, such as childcare  
13 centers, health clinics, or job training centers; and (2) any amount of square footage of the ground  
14 floor for non-residential space.

15                   “Responsible Contractor Policy” means a policy that requires all on-site construction work be  
16 performed by workers represented by a Labor Organization.

17                   (b) Exemption from Increased Tax Rate. As authorized by Section 1119, the tax rates  
18 imposed by subsections (e) and (f) of Section 1102 shall be reduced with respect to any deed,  
19 instrument, or writing that effects a transfer of an entire building that constitutes a Qualified  
20 Residential Rental Property, or an undivided interest in such entire building that constitutes a Qualified  
21 Residential Rental Property. For such transfers, the tax rate shall be \$15 for each \$500 or fractional  
22 part thereof for the entire value or consideration, including but not limited to, any portion of such value  
23 or consideration that is less than \$10,000,000. If the exemptions in both Sections 1108.6(b) and this  
24 Section 1108.8(b) apply with respect to any deed, instrument, or writing, the lower of the two rates in  
25 those two sections shall apply.

1           (c) Requirements for Exemption. *Every person claiming the exemption under subsection (b),*  
2 *above, must meet all of the following requirements:*

3                   (1) Maintain all records necessary to prove that they are entitled to the exemption in this  
4 Section 1108.8;

5                   (2) Obtain from OLSE a certificate confirming that the deed, instrument, or writing  
6 effects a transfer of a Qualified Residential Rental Property; and

7                   (3) Submit the certificate under subsection (c)(2), above, to the County Recorder at the  
8 time such person submits the affidavit described in subsection (c) or (d) of Section 1111.

9           Failure to timely satisfy the requirements in this subsection (c) renders the transfer ineligible  
10 for the exemption.

11           (d) Operative Date. *The exemption in Section 1108.8(b) shall apply to all deeds, instruments,*  
12 *or writings that effect transfers of Qualified Residential Rental Properties that are or have been*  
13 *delivered on or after the effective date of the ordinance adding this Section 1108.8, but on or before the*  
14 *sunset date in subsection (e).*

15           (e) Sunset Date.

16                   (1) The exemption in Section 1108.8(b) shall expire by operation of law at the end of the  
17 day on December 31, 2033, and shall not apply to any deeds, instruments, or writings that are  
18 delivered on or after January 1, 2034.

19                   (2) Notwithstanding subsection (e)(1), above, with respect to a transfer of property that  
20 received a Certificate of Final Completion and Occupancy before the effective date of the ordinance  
21 adding this Section 1108.8, the exemption in Section 1108.8(b) shall expire by operation of law at the  
22 end of the day on June 30, 2029, and shall not apply to any deeds, instruments, or writings that are  
23 delivered on or after July 1, 2029.

1            (f) **Non-Severability.** If any part or application of this Section 1108.8 is found in a final  
2 decision by a court of competent jurisdiction to be invalid or unconstitutional, this Section in its  
3 entirety shall have no force or effect.

4            (g) **Undertaking for the General Welfare.** In enacting and implementing this Section 1108.8,  
5 the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it  
6 imposing on its officers and employees, an obligation for breach of which it is liable in money damages  
7 to any person who claims that such breach proximately caused injury.

8  
9            Section 3. Effective Date. This ordinance shall become effective 30 days after  
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
12 of Supervisors overrides the Mayor’s veto of the ordinance.

13  
14 APPROVED AS TO FORM:  
15 DAVID CHIU, City Attorney

16 By: /s/ Carole F. Ruwart  
17        CAROLE F. RUWART  
18        Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Business and Tax Regulations Code - Transfer Tax Reduction for Union Labor-Built and Union Pension Fund-Financed Housing]

**Ordinance amending the Business and Tax Regulations Code to reduce the real property transfer tax rates from 5.5% to 3% when the consideration or value of the interest or property conveyed is at least \$10,000,000 but less than \$25,000,000; and from 6% to 3% when the consideration or value of the interest or property conveyed equals or exceeds \$25,000,000, for transfers of certain properties with at least 12% rent restricted affordable units, that were constructed using union labor, and had a debt or equity investment of at least \$25,000,000 from a union pension fund at the time of the transfer; and affirming the Planning Department’s determination under the California Environmental Quality Act.**

Existing Law

Since 2008, the voters have increased the real property transfer tax on the transfer of properties with a consideration or value of \$5 million or more from 0.75% of consideration or value to between 2.25% and 6%, depending on the consideration or value. (November 2008 Prop. N; November 2010 Prop. N; November 2016 Prop. W; and November 2020 Prop. I). In March 2024, the voters passed Proposition C, which permits the Board of Supervisors to exempt transfers from all or any part of the transfer tax.

Amendments to Current Law

This ordinance would partially exempt transfers of certain residential rental properties that meet each of the following four requirements:

- (1) At the time of the transfer at least 12% of the residential units on the property, calculated by excluding any density bonus units, are, or concurrently with such transfer become, subject to a recorded restriction that:
  - (a) Limits the maximum household income for each residential rental unit to no more than 110% of area median income;
  - (b) Limits the maximum monthly rent for each residential rental unit to no more than one-twelfth of 30% of 110% of the area median income;
  - (c) Provides for the regulation, monitoring, and enforcement of the recorded restriction by a governmental agency; and
  - (d) Has a remaining term of at least 55 years from the date of the transfer.

- (2) On or after June 3, 2014, received a certificate of final completion and occupancy for a newly-constructed building.
- (3) All on-site construction of the newly-constructed building was performed by workers represented by a labor organization and that were paid prevailing wages.
- (4) At least one year before and through the date of the transfer, one or more qualified pension plans (defined in the ordinance as requiring, among other things, that they be bargained and maintained by a labor organization or benefit individuals represented by a labor organization) collectively held a \$25 million debt or equity investment in the single property being transferred, and each such investor maintained and enforced a policy requiring that all construction work be performed by workers represented by a labor organization with respect to that investor's portion of the \$25 million investment.

For properties with a consideration or value of at least \$10 million but less than \$25 million, the ordinance would reduce the transfer tax rate from 5.5% to 3% of the consideration or value of the property transferred. For properties with a consideration or value of \$25 million or more, the ordinance would reduce the transfer tax rate from 6% to 3% of the consideration or value of the property transferred.

The Office of Labor Standards Enforcement would certify that the conditions of the exemption have been met.

This exemption would apply to transfers that occur on or after the effective date of the ordinance. For transfers of property that received a certificate of final completion and occupancy before the effective date of the ordinance, this exemption would expire on June 30, 2029. For transfers of property that received a certificate of final completion and occupancy on or after the effective date of the ordinance, this exemption would expire on December 31, 2033.

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<b>Item 2</b> <b>File 24-0728</b>	<b>Department:</b> Office of the Assessor-Recorder
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**EXECUTIVE SUMMARY**

**Legislative Objectives**

- The proposed ordinance would amend the Business and Tax Regulations Code to reduce the real property transfer tax rates for union pension fund-financed housing, newly constructed with union labor since June 3, 2014 with at least 12 percent rent-restricted affordable units. The transfer tax rates would be reduced from 5.5 percent to 3.0 percent for eligible properties of at least \$10 million but less than \$25 million. Transfer tax rates would be reduced from 6.0 percent to 3.0 percent for eligible properties with values equal to or greater than \$25 million.

**Key Points**

- Since 2008, San Francisco voters have approved increases in transfer tax rates for property transfers exceeding \$5.0 million in value from 0.75 percent to between 2.25 percent and 6.0 percent, depending on the property value. The Board of Supervisors is authorized to exempt rent restricted affordable housing from the increases in transfer taxes on property values of \$5 million or more. Under an existing exemption, transfers of multifamily rental housing with at least 90 percent rent-restricted affordable units qualify for reduced transfer tax rates.
- Under the proposed ordinance, eligible properties must have at least \$25 million in debt or equity investment from a qualified labor organization pension plan at least one year before and through the date of transfer. The exemption applies to transfers on or after the effective date of the ordinance and before the sunset date of January 1, 2034. For properties that received a Certificate of Final Completion between June 3, 2014 and the effective date, the sunset date is July 1, 2029.

**Fiscal Impact**

- According to estimates provided by Chief Economist Ted Egan, the proposed ordinance would reduce General Fund revenues by up to \$5 million per year over the 11-year period based on a review of sales of all multifamily rental properties built since 2014 and projected new units built through 2034. However, this is an overestimate that assumes all multifamily rental properties built after 2014 would be eligible due to the lack of data on which properties qualified as union pension fund-owned.

**Recommendation**

- Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

**MANDATE STATEMENT**

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

**BACKGROUND**

**Transfer Tax**

Article 12C of the City’s Business Tax and Regulations Code imposes a real property transfer tax on property acquisitions or leases of 35 years or more. The tax rate increases by the value of the property. Certain property transfers are exempt from this tax, including transfers of property between married couples, domestic partners, or parents and children, gifts and inheritances, or between individuals and their limited liability companies, limited partnerships, or trusts. According to the Controller’s FY 2024-25 – FY 2025-26 Revenue Letter, real property transfer tax revenues are budgeted at \$218.9 million in FY 2024-25 and \$267.6 million in FY 2025-26, down from \$222.0 million in FY 2023-24.

Administrative Code Section 10.60(c) requires the maintenance of a Budget Stabilization Reserve, which is funded, in part, by depositing 75 percent of real property transfer tax collections in excess of a rolling five-year average collection, adjusted for rate increases during that period. According to the Controller’s Revenue Letter, no deposits are expected in FY 2024-25 and FY 2025-26 as transfer taxes are expected to be below the prior five-year average.

**Exemptions for Affordable Housing**

Since 2008, San Francisco voters have approved increases in transfer tax rates for property transfers exceeding \$5.0 million in value from 0.75 percent to between 2.25 percent and 6.0 percent, depending on the property value. The Board of Supervisors is authorized to exempt rent restricted affordable housing from the increases in transfer taxes on property values of \$5 million or more.<sup>1</sup>

In 2023, the Board of Supervisors broadened and extended existing exemptions for rent-restricted affordable housing from the increases in transfer taxes (File 23-1007). The ordinance broadened the definition of affordable housing to include projects with at least 90 percent units rent restricted (rather than 100 percent), to allow affordable housing projects that have site manager units or units for other program use besides rent-restricted affordable housing to qualify. Eligible rent-restricted affordable housing is defined as: (1) property transferred under the Community Opportunity to Purchase Act; or (2) residential rental property that either is vacant, has qualified for a welfare exemption under Section 214 of the California Revenue and

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<sup>1</sup> In November 2020, voters approved Proposition I, which increased the transfer tax on property transactions above \$5 million. The tax became effective January 1, 2021. Voters also approved increases in 2016 (Proposition W), 2010 (Proposition N), and 2008 (Proposition N).

Taxation Code for at least 90 percent of residential units, or was owned by one or more non-profit organizations prior to the time of transfer and is being transferred to one or more entities who intend to comply with the welfare exemption for at least 90 percent of residential units and certify to MOHCD that an application for the welfare exemption will be submitted to the County Assessor within nine months of the date of transfer.<sup>2</sup> This exemption applies to property transactions between January 2017 and December 2030.

## DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would amend the Business and Tax Regulations Code to reduce the real property transfer tax rates for union pension fund-financed housing, newly constructed with union labor since June 3, 2014 with at least 12 percent rent-restricted affordable units. The transfer tax rates would be reduced from 5.5 percent to 3.0 percent for eligible properties of at least \$10 million but less than \$25 million. Transfer tax rates would be reduced from 6.0 percent to 3.0 percent for eligible properties with values equal to or greater than \$25 million.

Under the ordinance, eligible properties are defined as:

- Having at least **12 percent rent-restricted affordable housing units**, excluding any density bonus units. Qualifying rent-restricted housing must be restricted to households making up to 110 percent of area median income, and the property must have affordability restrictions recorded with a remaining term of at least 55 years from the date of transfer.
- Receiving a Certificate of Final Completion and Occupancy for a **newly constructed building on or after June 3, 2014**.
- **Constructed by workers represented by a labor organization**, paid at least the prevailing rate of wages, from the date of first construction document through the date of certificate of final completion and occupancy.
- With a **\$25 million debt or equity investment from a qualified labor organization pension plan**<sup>3</sup> at least one year before and through the date of transfer.

To claim the exemption, the claimant must: (a) maintain records to prove they qualify for the exemption; (b) obtain a certificate from the Office of Labor Standards Enforcement confirming that the transfer qualifies for the exemption; and (c) submit the certificate and an affidavit stating any relevant information needed to determine the transfer tax to the County Recorder.

### Effective Date and Sunset Date

The exemption applies to transfers on or after the effective date of the ordinance (i.e., 30 days after enactment) and before the sunset date of January 1, 2034. For properties that received a

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<sup>2</sup> In addition, qualifying residential rental property must also have affordability restrictions recorded for at least 55 years, with at least 35 years remaining in the term from the date of transfer. Qualifying rent restricted housing must be restricted to households making up to 120 percent of area median income.

<sup>3</sup> Governmental pension plans do not meet the definition of a qualified pension plan under the proposed ordinance.

Certificate of Final Completion between June 3, 2014 and the effective date, the sunset date is July 1, 2029.

**Proposed Transfer Tax Rates**

Exhibit 1 below shows the proposed transfer tax rates for eligible property transactions. For properties greater than \$5 million, the proposed rates are less than the rates for non-exempt properties, but greater than the rates for 90 percent to 100 percent rent restricted affordable housing (under an existing exemption).

**Exhibit 1: Proposed Transfer Tax Rates for Rent Restricted Pension Fund-Financed Housing**

Property Consideration or Value	Proposed Rates for Qualifying Rent Restricted Pension Fund-Financed Housing	Rates for Non-Exempt Properties	Difference	Existing Rates for 90-100% Rent Restricted Affordable Housing
\$100 - <\$250,000	0.50%	0.50%	-	0.50%
\$250,000 - <\$1,000,000	0.68%	0.68%	-	0.68%
\$1,000,000 - <\$5,000,000	0.75%	0.75%	-	0.75%
\$5,000,000 - <\$10,000,000	2.25%	2.25%	-	0.75%
\$10,000,000 - <\$25,000,000	3.00%	5.50%	-2.50%	0.75%
\$25,000,000 or more	3.00%	6.00%	-3.00%	0.75%

Source: Proposed Ordinance

**FISCAL IMPACT**

The proposed ordinance would reduce transfer taxes paid on transfers of eligible properties between the effective date of the ordinance and January 1, 2034. For an eligible property valued at \$50.0 million, the ordinance would reduce transfer taxes paid from \$3.0 million to \$1.5 million, a reduction of \$1.5 million (50 percent).

According to estimates provided by Chief Economist Ted Egan, the proposed ordinance would reduce General Fund revenues by up to \$5 million per year over the 11-year period based on a review of sales of all multifamily rental properties built since 2014 and projected new units built through 2034.<sup>4</sup> However, this is an overestimate that assumes all multifamily rental properties built after 2014 would be eligible due to the lack of data on which properties qualified as union pension fund-owned. The estimate also reflects an off-setting revenue gain from the reduced transfer tax rate and the provision that only allows properties built prior to the date of the ordinance to qualify for a five-year period that may encourage some sales to occur sooner than they otherwise would without the reduction.

<sup>4</sup> The projected number of new units built per year is based on the 2022 level and assumes the real estate market remains depressed through 2034.

Because the proposed ordinance would reduce General Fund revenues, we consider approval to be a policy matter for the Board of Supervisors.

**RECOMMENDATION**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

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## MEMORANDUM

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Date: July 1, 2024  
To: Planning Department / Commission  
From: Brent Jalipa, Clerk of the Budget and Finance Committee  
Subject: Board of Supervisors Legislation Referral - File No. 240728 - Business and Tax Regulations Code - Transfer Tax Reduction for Union Labor-Built and Union Pension Fund-Financed Housing

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- California Environmental Quality Act (CEQA) Determination  
(California Public Resources Code, Sections 21000 et seq.)
  - Ordinance / Resolution
  - Ballot Measure

CEQA clearance not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

07/03/2024 
- Amendment to the Planning Code, including the following Findings:  
(Planning Code, Section 302(b): 90 days for Planning Commission review)
  - General Plan
  - Planning Code, Section 101.1
  - Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning  
(Board Rule 3.23: 30 days for possible Planning Department review)
- General Plan Referral for Non-Planning Code Amendments  
(Charter, Section 4.105, and Administrative Code, Section 2A.53)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
  - Landmark (Planning Code, Section 1004.3)
  - Cultural Districts (Charter, Section 4.135 & Board Rule 3.23)
  - Mills Act Contract (Government Code, Section 50280)
  - Designation for Significant/Contributory Buildings (Planning Code, Article 11)

Please send the Planning Department/Commission recommendation/determination to Brent Jalipa at [Brent.Jalipa@sfgov.org](mailto:Brent.Jalipa@sfgov.org).



July 30, 2024

The Honorable Connie Chan, Chair  
Budget and Finance Committee  
Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

RE: Item [240728](#) - Business and Tax Regulations Code - Transfer Tax Reduction for Union Labor-Built and Union Pension Fund-Financed Housing

Dear Chair Chan,

I am writing in support of Item [240728](#) - Business and Tax Regulations Code - Transfer Tax Reduction for Union Labor-Built and Union Pension Fund-Financed Housing.

The AFL-CIO Housing Investment Trust is a \$6.6 billion mutual fund that invests union pension capital in high credit quality securities, to generate competitive fixed income returns for our investors. Our particular specialty is investing in debt for the construction of rental housing, including affordable and workforce housing. We require the use of 100% union labor for all developments whose construction we finance.

Since our launching in 1984, we have invested in 13 rental housing developments in San Francisco. These developments represent more than \$370 million in HIT capital, with a total development cost of \$729.2 million. Our financing has created 2,007 units of rental housing, 588 of them affordable or workforce housing, and generated 8.34 million union construction work hours. We estimate that wages paid thanks to these developments is \$819 million, with corresponding local and state tax revenue totaling \$84.4 million. Recent examples of developments whose construction we financed in San Francisco include Jazzie Collins Apartments, Ventana Residences, and San Cristina Apartments.

Item 240728 would create a significant incentive to our further investment in San Francisco. Particularly in the current economic environment, with commercial real estate development facing headwinds from higher interest rates, Item 240728 would make rental housing with substantial collateral benefits feasible. With its careful limits on which projects could avail themselves of the measure, Item 240728 ensures that San Francisco would reap substantial benefits from its enactment.

By providing an incentive to union pension fund investors to finance development, we believe that the City will see an increase in the supply of rental housing. Crucially, for a city still suffering from a housing affordability crisis, we also believe that the incentive will produce more affordable and workforce housing. At the same time, as an investor we make sure that the people who build those developments are skilled, are paid wages on which they can support a family, and both pay into a pension plan and receive retirement benefits. The pension plans that invest with us benefit from the competitive returns we provide, as well as the collateral benefits that our investments produce.

For these reasons, I encourage you to approve Item 240728. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted Chandler". The signature is fluid and cursive, with the first name "Ted" and last name "Chandler" clearly distinguishable.

Ted Chandler

Senior Managing Director – Strategic Initiatives

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

## MEMORANDUM

TO: Daniel Adams, Director, Mayor's Office of Housing and Community Development  
Patrick Mulligan, Director, Office of Labor Standards and Enforcement  
Joaquín Torres, Assessor Recorder, Office of the Assessor-Recorder  
José Cisneros, Treasurer, Office of the Treasurer and Tax Collector  
Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office

FROM: Brent Jalipa, Assistant Clerk, Budget and Finance Committee

DATE: July 1, 2024

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, introduced by Supervisor Ahsha Safai:

**File No. 240728**

**Ordinance amending the Business and Tax Regulations Code to reduce the real property transfer tax rates from 5.5% to 3% when the consideration or value of the interest or property conveyed is at least \$10,000,000 but less than \$25,000,000; and from 6% to 3% when the consideration or value of the interest or property conveyed equals or exceeds \$25,000,000, for transfers of certain properties with at least 12% rent restricted affordable units, that were constructed using union labor, and had a debt or equity investment of at least \$25,000,000 from a union pension fund at the time of the transfer; and affirming the Planning Department's determination under the California Environmental Quality Act.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Lydia Ely, Mayor's Office of Housing and Community Development  
Brian Cheu, Mayor's Office of Housing and Community Development  
Maria Benjamin, Mayor's Office of Housing and Community Development  
Sheila Nickolopoulos, Mayor's Office of Housing and Community Development  
Angela Chiu, Office of Labor Standards and Enforcement  
Kurt Fuchs, Office of the Assessor-Recorder  
Holly Lung, Office of the Assessor-Recorder  
Amanda Kahn Fried, Office of the Treasurer-Tax Collector  
Andres Power, Mayor's Office

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## MEMORANDUM

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Date: July 1, 2024  
To: Planning Department / Commission  
From: Brent Jalipa, Clerk of the Budget and Finance Committee  
Subject: Board of Supervisors Legislation Referral - File No. 240728 - Business and Tax Regulations Code - Transfer Tax Reduction for Union Labor-Built and Union Pension Fund-Financed Housing

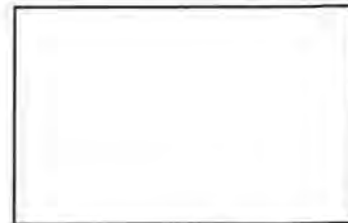
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- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
  - Ordinance / Resolution
  - Ballot Measure
  
- Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
  - General Plan
  - Planning Code, Section 101.1
  - Planning Code, Section 302
  
- Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
  
- General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
  
- Historic Preservation Commission
  - Landmark (*Planning Code, Section 1004.3*)
  - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
  - Mills Act Contract (*Government Code, Section 50280*)
  - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Brent Jalipa at [Brent.Jalipa@sfgov.org](mailto:Brent.Jalipa@sfgov.org).

## Introduction Form

*(by a Member of the Board of Supervisors or the Mayor)*



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor \_\_\_\_\_ inquires..."
- 5. City Attorney Request
- 6. Call File No. \_\_\_\_\_ from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. \_\_\_\_\_
- 9. Reactivate File No. \_\_\_\_\_
- 10. Topic submitted for Mayoral Appearance before the Board on \_\_\_\_\_

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission     Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes                       No

*(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)*

Sponsor(s):

Safai, Chan

Subject:

[Business and Tax Regulations Code - Transfer Tax Reduction for Union Labor-Built and Union Pension Fund-Financed Housing]

Long Title or text listed:

Ordinance amending the Business and Tax Regulations Code to reduce the real property transfer tax rates from 5.5% to 3% when the consideration or value of the interest or property conveyed is at least \$10 million but less than \$25 million, and from 6% to 3% when the consideration or value of the interest or property conveyed equals or exceeds \$25 million, for transfers of certain properties with at least 12% rent restricted affordable units and that were constructed using union labor and had a debt or equity investment of at least \$25 million from a union pension fund at the time of the transfer; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: