

[Administrative Code - Artist Housing Certification Program]

Ordinance amending the Administrative Code to require the Arts Commission to develop and administer a certification process to identify artists in San Francisco who may be eligible for affordable housing for artists.

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

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

Section 1. Legislative Findings.

(a) San Francisco has long been a destination for artists, whose work has made a lasting impact on the City's culture and economy. According to a 2023 Arts Commission report, in a single year, San Francisco's Arts and Culture sector generated over \$1.3 billion in economic activity, supported more than 12,000 jobs, provided \$1.0 billion in personal income to residents, and generated \$221.9 million in tax revenue to local, state, and federal governments.

(b) Despite this significant economic and cultural contribution, the artists who power this sector are increasingly at risk of being pushed out of the City due to rising housing costs. A 2018 study commissioned by the Arts Commission revealed that 19% of surveyed artists living in San Francisco had been displaced from their homes within the previous two years. Additionally, a 2021 study also commissioned by the Arts Commission revealed that 62% of Bay Area artists, arts administrators, and arts educators identified affordable housing as their

1 greatest space needs within the Bay Area. In 2014 and 2015, the Arts Commission surveyed
2 nearly 600 artists that either live or recently lived in San Francisco. Over 70% of respondents
3 had been or were being displaced from their workplace, home, or both.

4 (c) To preserve and promote San Francisco's ~~creative identity as a hub of creativity~~
5 ~~and cultural diversity~~ identity as a hub of diverse creativity, there is an urgent need to make it
6 easier for San Francisco's low- and middle-income artists to live in the City. In response to
7 similar challenges, policymakers at the state and federal levels have increasingly recognized
8 the value of supporting artists through targeted housing policies.

9 (d) At the state level, the California's Legislature approved AB 812 (2023), which
10 authorized cities and counties to reserve up to 10% of affordable housing units within cultural
11 districts for artists, acknowledging the public benefit of such housing. In addition, affordable
12 housing developers may use federal Low-Income Housing Tax Credits (LIHTC) for projects
13 that contain units for artists.

14 (e) Other cities have successfully implemented artist housing programs. Boston's
15 Mayor's Office of Arts and Culture has supported the development of permanently affordable
16 artist live/work housing, creating over 250 residential units in partnership with nonprofit
17 developers. The Boston's Mayor's Office of Arts and Culture qualifies artists through its Artist
18 Housing Certification program. New York City has two of the oldest and best-known affordable
19 artist housing projects, Westbeth and Manhattan Plaza – each over 50 years old. Artspace, a
20 nonprofit real estate developer based in Minneapolis, has developed over 40 artist affordable
21 housing units for artists projects around the country, ~~totaling over 1,700 residential units. The~~
22 ~~Tannery Lofts in Santa Cruz is the closest to San Francisco.~~ The recently completed
23 Hollywood Arts Collective in Los Angeles – developed by the Los Angeles Entertainment
24 Community Fund – provides 152 units of affordable housing for artists. These examples
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1 demonstrate that intentional artist housing policies are both feasible and effective at anchoring
2 artists in place and strengthening communities.

3 (f) San Francisco is poised to lead in this space.

4 (g) A recent \$100 million private gift is helping to fund the 1687 Market Street project,
5 a new development that will provide over 90 affordable apartments and creative spaces for
6 artists—including rehearsal spaces and a black box theater. The project reflects growing civic
7 and philanthropic momentum to invest in artist housing. This philanthropic investment
8 underscores both the need and the opportunity to create a structured program that can
9 support, certify, and replicate such efforts citywide.

10 (h) Implementing an Artist Housing Certification program aligns with the City’s broader
11 objectives of promoting cultural equity, supporting the arts, and addressing the affordable
12 housing crisis. By supporting the creation of stable affordable housing opportunities for artists,
13 the City reinforces its commitment to preserving its uniquely diverse cultural landscape.

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15 Section 2. The Administrative Code is hereby amended by adding Section 2A.150.2, to
16 read as follows:

17 **SEC. 2A.150.2. ARTS COMMISSION; ARTIST HOUSING CERTIFICATION.**

18 **(a) Artist Housing Certification Program and Registry. The Arts Commission**
19 **(“Commission”) shall create and administer an Artist Housing Certification program. The purpose of**
20 **the Artist Housing Certification program is to create a registry of artists who may qualify for**
21 **affordable housing in San Francisco that is being programmed and/or prioritized for artists. For the**
22 **purposes of this Section 2A.150.2, “affordable housing” shall have the same definition as a “100%**
23 **Affordable Housing Project” under Administrative Code Section 109.1.**

24 **(1) The Commission shall maintain a registry of certified artists who have qualified for**
25 **artist housing in San Francisco for use by other City and State agencies in their work to promote**

1 affordable housing in San Francisco, including, but not limited to, the Planning Department, Mayor's
2 Office of Housing and Community Development (MOHCD), the Office of Community Investment and
3 Infrastructure (OCII), and Housing Authority of the City and County of San Francisco (SFHA).

4 (2) The Commission shall provide individuals with the opportunity to apply for an artist
5 housing certification at least twice per year.

6 (3) An artist housing certification shall be valid for up to five years. Individuals may
7 renew their artist housing certification as many times as desired provided they can demonstrate they
8 continue to meet the criteria for certification, as provided in this Section 2A.150.2 and by the
9 Commission.

10 ~~(4) The Commission may enter into contracts with individuals and/or entities to~~
11 ~~assist with the creation and administration of the Artist Housing Certification program. And,~~
12 ~~the Commission, and any of the Commission's contracted entities, may charge an~~
13 ~~administrative fee to applicants seeking certification, to entities seeking access to the Artist~~
14 ~~Housing Certification program registry for the purpose of marketing and leasing affordable~~
15 ~~housing units to artists, and to owners of affordable housing for certifying or re-certifying~~
16 ~~artists. Such administrative fees shall not exceed the estimated costs to cover the~~
17 ~~administrative expenses in connection with administering the Artist Housing Certification~~
18 ~~program and registry.~~

19 (b) Implementation; Rules and Regulations. The Commission may adopt rules and
20 regulations and/or guidance to interpret this to effectuate the intent of this ordinance, including
21 expanding or modifying the eligibility criteria in subsection (c), and to implement an Artist
22 Housing Certification program. MOHCD shall help assist the Commission develop and publish any
23 guidance on how an affordable housing project can integrate priorities for artists with any applicable
24 requirements for eligibility, marketing, and/or preferences under City funding or law. MOHCD shall
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1 also help assist the Commission develop and publish any guidance for artists regarding the
2 certification process and any other eligibility requirements for affordable housing that may apply.

3 **(c) Eligibility Criteria.**

4 (1) Scope. The Artist Housing Certification program is intended to cover shall
5 include, but is not limited to, artists working in one or more of the following disciplines:

6 (A) Performing Arts: including such as, dance, music, theater and musicals,
7 opera, circus/aerial arts, technical and production workers, and producers.

8 (B) Media Arts: including such as, television, radio, documentaries, digital
9 media, animation, new media, and production related arts and entertainment workers.

10 (C) Interdisciplinary Art: including such as, installation art, public and
11 performance art, and time-based experiential art.

12 (D) Literary Arts: including such as, writers of fiction, creative non-fiction,
13 plays, poetry, and lyrics.

14 (E) Visual Arts: including such as, painting, drawing, sculpture, ceramics,
15 printmaking, photography, mixed media, and design.

16 (F) Folk Arts and Crafts: including such as, beadwork, masks, textiles, jewelry,
17 and glass.

18 (G) Any other discipline the Commission includes or modifies in the rules
19 and regulations.

20 (2) Application Process; Eligibility. Individuals seeking certification shall file an
21 application with the ~~Commission~~ Director of Cultural Affairs upon a form provided by said
22 Commission staff. The Director of Cultural Affairs ~~Commission~~ shall include an artist on the registry
23 upon a finding by Commission staff that the applicant meets any of the following criteria:

24 (A) The applicant provides documentation to demonstrate earnings over
25 \$10,000 annually for three out of the last five years from one or more of the disciplines listed above.

1 (B) The applicant has received a grant from a foundation, not-for-profit, federal,
2 state, or local public agency, to produce art in one of the disciplines listed above within the past three
3 years.

4 (C) If the applicant does not meet either of the criteria above, then the applicant
5 will be evaluated based on engagement in and professional commitment to artistic practice, which will
6 be evaluated and determined based on a portfolio review by the Commission staff.

7 (D) Any applicant whose application is denied may file a request for
8 reconsideration in writing to the Director of Cultural Affairs, not later than 10 days after receipt
9 of the notice of the decision.

10 (d) **Sunset Date.** This Section 2A.150.2 shall expire by operation of law if the Director of
11 Cultural Affairs determines following consultation with MOHCD that no affordable housing
12 projects prioritizing artists under this Artist Housing Certification program have commenced
13 construction by May 31, 2031. ~~within five years after the effective Operative dDate of the~~
14 ~~ordinance adding this Section 2A.150.2.~~ Upon expiration, the City Attorney shall cause this
15 Section 2A.150.2 to be removed from the Administrative Code.

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17 Section 3. Effective and Operative Dates. This ordinance shall become effective 30
18 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
19 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
20 or the Board of Supervisors overrides the Mayor's veto of the ordinance. The operative date
21 of the ordinance shall be is no later than May 31, 2026.

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23 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Keith Nagayama
KEITH NAGAYAMA
Deputy City Attorney

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