

1 [Subdivision Code – Two-unit buildings that won the 2001 condominium conversion lottery.]

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3 **Ordinance amending the Subdivision Code by amending Section 1359 with clarifying**  
4 **language and providing a grandfather provision for specified two-unit buildings where**  
5 **the owner won in the 2001 condominium conversion lottery but failed to convert at that**  
6 **time.**

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

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

11 Section 1. The Subdivision Code is hereby amended by amending Section 1359, to  
12 read as follows:

13 SEC. 1359. PARCEL MAP.

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

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

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

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

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

18 (f) If the Department determines that an applicant has knowingly provided false  
19 material information under Subsection (d) above, the Department shall immediately deny the  
20 application, or if the applicant has submitted an application for conversion, shall immediately  
21 deny the application for conversion. Moreover, the Department, the Director, or other  
22 authorized person or entity may also enforce the provisions of this Subsection under Section  
23 1304 or any other applicable provision of law as warranted.

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1           Section 2. The following is an uncodified provision of this Ordinance. Notwithstanding  
2 the limitation for the conversion of residential units in 2001, if a property owner for a two-unit  
3 residential structure won the 2001 condominium conversion lottery but failed to obtain a  
4 subdivision approval that year due to changes in the two-unit condominium conversion law,  
5 said owner or owners may convert the two-unit building pursuant to the provisions of the  
6 Subdivision Code; provided, however, that the applicant must submit a complete subdivision  
7 application to the Department of Public Works on or before December 31, 2005.

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

11 By: \_\_\_\_\_  
12       John D. Malamut  
13       Deputy City Attorney