

FILE NO. *060443*

ORDINANCE NO. *112-06*

1 [Prohibition on condominium conversion for buildings where specified evictions occurred.]

2
3 **Ordinance amending the Subdivision Code to add Section 1396.2 to prohibit**
4 **condominium conversion for a building where specified evictions occurred and making**
5 **findings, including environmental findings.**

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

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

10 Section 1. (a) This legislation supports and furthers the purposes of the San Francisco
11 Subdivision Code, including Section 1302(b) and (c)(1)-(5).

12 (b) This legislation supports and furthers provisions in the Housing Element of the
13 City's General Plan, in particular its Policies 2.3, 3.1, 6.1, 6.3, and 8.9.

14 (c) With the City's annual condominium conversion limit of 200 units, this legislation
15 also will create greater opportunities for conversion of those buildings: (1) where evictions
16 have not occurred and (2) where non-owning tenants are afforded the ability to purchase the
17 units in which they reside.

18 (d) This Ordinance will limit the displacement of some of the City's most vulnerable
19 tenants, particularly senior, disabled, and catastrophically ill tenants and protect the City's
20 dwindling supply of existing rental housing stock.

21 (e) This legislation also is an effort to discourage real estate speculation and predatory
22 practices that target tenants by allowing committed, long-term property owners to convert their
23 properties to condominiums through applicable procedures even though certain evictions may
24 have occurred. The provisions of this legislation that allow for subsequent conversion will
25 promote stable neighborhoods and communities by rewarding property owners who invest in

Supervisor Peskin, *Amiando, Daly, Maxwell*
BOARD OF SUPERVISORS

1 the long-term occupancy and improvement of their properties. These provisions also provide
2 affordable homeownership opportunities for a wide array of individuals, spouses, partners,
3 and families who are committed to purchasing the individual unit in which reside.

4 (f) In enacting this Ordinance the City has considered the housing needs of the region
5 and balanced these needs against the public service needs of its residents and available
6 fiscal and environmental resources.

7 Section 2. Environmental Findings. The Planning Department has determined that the
8 actions contemplated in this Ordinance are in compliance with the California Environmental
9 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
10 on file with the Clerk of the Board of Supervisors in File No. 060443 and is incorporated herein
11 by reference.

12 Section 3. The San Francisco Subdivision Code is hereby amended by adding Section
13 1396.2, to read as follows:

14 SEC. 1396.2. PROHIBITION ON CONDOMINIUM CONVERSIONS FOR CERTAIN
15 BUILDINGS.

16 (a) Notwithstanding any provisions in this Code to the contrary, including section 1359, the
17 Department of Public Works shall not sell residential condominium conversion lottery tickets to; shall
18 not accept a residential condominium conversion subdivision application from; and shall deny a
19 tentative subdivision or tentative parcel map for residential condominium conversion submitted by the
20 owner(s) of a building that meets all of the following conditions:

21 (1) the building had two or more evictions with each eviction associated with a separate
22 unit(s);

23 (2) issuance of each eviction notice occurred on or after January 1, 1999 May 1,
24 2005; and,

1 (3) issuance of the eviction(s) notice(s) occurred pursuant to San Francisco
2 Administrative Code sections 37.9(a)(8), ~~37.9(a)(9)~~, 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13).

3 (b) Subsection (a) also shall apply to the owner(s) of a building with one or more evictions if
4 the person(s) evicted was a senior, disabled, or catastrophically ill tenant and the issuance of the
5 eviction notice occurred in accordance with the conditions of subsections (a)(2) and (3).

6 (1) For purposes of this subsection, a "senior" shall be a person who is 60 years or
7 older and has been residing in the unit for ~~one year~~ ten years or more at the time of issuance of the
8 eviction notice; a "disabled" tenant is defined for purposes of this Section as a person who is disabled
9 within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is
10 defined for purposes of this Subsection as a person who is disabled as defined above, and who is
11 suffering from a life threatening illness as certified by his or her primary care physician.

12 (c) Subsections (a) and (b) shall apply to all buildings subject to such provisions without
13 regard to whether the current owner(s) initiated or otherwise participated in the eviction(s).

14 (d) If the Department determines that an applicant has knowingly provided false material
15 information concerning subsections (a) or (b) above, the Department shall immediately deny the
16 application for the lottery, or if the applicant has submitted an application for conversion, shall
17 immediately deny the application for conversion. Moreover, the Department, the Director, or other
18 authorized person or entity may also enforce the provisions of this Section under section 1304 or any
19 other applicable provision of law as warranted.

20 (e) For purposes of subsections (a) and (b), "eviction" shall mean the issuance of a written
21 notice terminating tenancy pursuant to Administrative Code sections 37.9(a)(8), ~~37.9(a)(9)~~,
22 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13); provided, however, that if the property owner(s) issues then
23 withdraws the eviction notice prior to its expiration and the tenant receiving the notice remains in
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1 tenancy for at least 120 days following the expiration of the notice, the property owner's action shall
2 not be deemed an eviction pursuant to this subsection.

3 (f) Notwithstanding the limitations set forth in subsection (a), a building that meets the
4 conditions of subsections (a)(1)-(3) but did not result in the issuance of an eviction notice, as
5 defined, to a senior, disabled, or catastrophically ill tenant shall be eligible for conversion ten
6 (10) years following the date of the last eviction from the building. Conversion of a 2-unit
7 building pursuant to this section shall be subject to Section 1359 except that both units in the
8 building shall be owner-occupied by the same owners of record for ten (10) years prior to the
9 date of application for Conversion. Conversion of a building of up to six (6) units pursuant to
10 this section shall be subject to the provisions of Article 9 except that the owner occupancy
11 requirements of sections 1396(a) and (b) shall be ten (10) years prior to the date of
12 registration for the lottery as selected by the Director.

13 (g) Notwithstanding the limitations set forth in subsection (a) or (b), a building where
14 one or more eviction notices, as defined, were issued after May 1, 2005, shall be exempt from
15 this section 1396.2 if each unit in the building was occupied by a separate owner of record on
16 April 4, 2006, the introduction date of this legislation.

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

22 By:


23 John D. Malamut
24 Deputy City Attorney
25

Supervisor Peskin
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 060443

Date Passed:

Ordinance amending the Subdivision Code to add Section 1396.2 to prohibit condominium conversion for a building where specified evictions occurred and making findings, including environmental findings.

May 2, 2006 Board of Supervisors — CONTINUED

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Peskin, Sandoval

Excused: 2 - Maxwell, Mirkarimi

May 9, 2006 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Alioto-Pier, Ma

Excused: 1 - Mirkarimi

May 9, 2006 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Elsbernd, Ma

Excused: 1 - Mirkarimi

May 16, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Elsbernd, Ma

Excused: 1 - Mirkarimi

File No. 060443

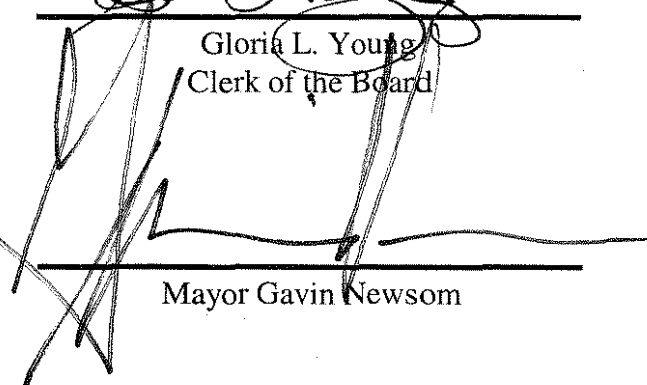
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on May 16, 2006 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

5.22.06

Date Approved



Mayor Gavin Newsom