#### **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: Ralph Remington, Director of Cultural Affairs, Arts Commission

FROM: Victor Young, Assistant Clerk

DATE: August 7, 2025

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed Ordinance:

File No. 250812

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.

If you have comments or reports to be included with the file, please forward them to Victor Young at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: <a href="mailto:victor.young@sfgov.org">victor.young@sfgov.org</a>.

(attachment)

c. Alyssa Ventre, Arts Commission Mary Chou, Arts Commission Lex Leifheit, Arts Commission



# City and County of San Francisco Master Report

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

File Number: 250812 File Type: Ordinance Status: 30 Day Rule **Enacted:** Effective: Version: 1 In Control: Rules Committee Date Introduced: 07/29/2025 File Name: Administrative Code - Artist Housing Certification Program Requester: Cost: **Final Action:** Comment: Title: 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. Sponsors: Mandelman; Dorsey

**History of Legislative File** 250812

| Ver | Acting Body | Date       | Action                          | Sent To         | Due Date   | Result |
|-----|-------------|------------|---------------------------------|-----------------|------------|--------|
| 1   | President   | 07/29/2025 | 5 ASSIGNED UNDER 30<br>DAY RULE | Rules Committee | 08/28/2025 |        |

[Administrative Code - Artist Housing Certification Program] 1 2 3 Ordinance amending the Administrative Code to require the Arts Commission to develop and administer a certification process to identify artists in San Francisco who 4 5 may be eligible for affordable housing for artists. 6 NOTE: Unchanged Code text and uncodified text are in plain Arial font. **Additions to Codes** are in *single-underline italics Times New Roman font*. 7 **Deletions to Codes** are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. 8 Board amendment deletions are in strikethrough Arial font. Asterisks (\* \* \* \*) indicate the omission of unchanged Code 9 subsections or parts of tables. 10 11 Be it ordained by the People of the City and County of San Francisco: 12 Section 1. Legislative Findings. 13 14 (a) San Francisco has long been a destination for artists, whose work has made a 15 lasting impact on the City's culture and economy. According to a 2023 Arts Commission 16 report, in a single year, San Francisco's Arts and Culture sector generated over \$1.3 billion in 17 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 18 19 governments. 20 (b) Despite this significant economic and cultural contribution, the artists who power 21 this sector are increasingly at risk of being pushed out of the City due to rising housing costs. 22 A 2018 study commissioned by the Arts Commission revealed that 19% of surveyed artists 23 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

24

- greatest space needs within the Bay Area. In 2014 and 2015, the Arts Commission surveyed nearly 600 artists that either live or recently lived in San Francisco. Over 70% of respondents had been or were being displaced from their workplace, home, or both.
- (c) To preserve and promote San Francisco's creative identity as a hub of creativity and cultural diversity, there is an urgent need to make it easier for San Francisco's low- and middle-income artists to live in the City. In response to similar challenges, policymakers at the state and federal levels have increasingly recognized the value of supporting artists through targeted housing policies.
- (d) At the state level, California's legislature approved AB 812 (2023), which authorized cities and counties to reserve up to 10% of affordable housing units within cultural districts for artists, acknowledging the public benefit of such housing. In addition, affordable housing developers may use federal Low-Income Housing Tax Credits (LIHTC) for projects that contain units for artists.
- (e) Other cities have successfully implemented artist housing programs. Boston's Mayor's Office of Arts and Culture has supported the development of permanently affordable artist live/work housing, creating over 250 residential units in partnership with nonprofit developers. The Boston's Mayor's Office of Arts and Culture qualifies artists through its Artist Housing Certification program. New York City has two of the oldest and best-known affordable artist housing projects, Westbeth and Manhattan Plaza each over 50 years old. Artspace, a nonprofit real estate developer based in Minneapolis, has developed over 40 artist affordable housing units for artists projects around the country, totaling over 1,700 residential units. The Tannery Lofts in Santa Cruz is the closest to San Francisco. The recently completed Hollywood Arts Collective in Los Angeles developed by the Los Angeles Entertainment Community Fund provides 152 units of affordable housing for artists. These examples

| 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.               |
| 14 |   |
| 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 Commission shall create and                  |
| 19 | administer an Artist Housing Certification program. The purpose of the Artist Housing Certification     |
| 20 | program is to create a registry of artists who may qualify for affordable housing in San Francisco that |
| 21 | is being programmed and/or prioritized for artists. For the purposes of this Section 2A.150.2,          |
| 22 | "affordable housing" shall have the same definition as a "100% Affordable Housing Project" under        |
| 23 | Administrative Code Section 109.1.  |
|    |   |

(1) The Commission shall maintain a registry of certified artists who have qualified for

artist housing in San Francisco for use by other City and State agencies in their work to promote

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| 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 assist                    |
| 11 | with the creation and administration of the Artist Housing Certification program. And, the                |
| 12 | Commission, and any of the Commission's contracted entities, may charge an administrative fee to          |
| 13 | applicants seeking certification, to entities seeking access to the Artist Housing Certification program  |
| 14 | registry for the purpose of marketing and leasing affordable housing units to artists, and to owners of   |
| 15 | affordable housing for certifying or re-certifying artists. Such administrative fees shall not exceed the |
| 16 | estimated costs to cover the administrative expenses in connection with administering the Artist          |
| 17 | Housing Certification program and registry.   |
| 18 | (b) Implementation; Regulations. The Commission may adopt regulations and/or guidance to                  |
| 19 | interpret this ordinance and implement an Artist Housing Certification program. MOHCD shall help          |
| 20 | the Commission publish any guidance on how an affordable housing project can integrate priorities for     |
| 21 | artists with any applicable requirements for eligibility, marketing, and/or preferences under City        |
| 22 | funding or law. MOHCD shall also help the Commission publish any guidance for artists regarding the       |
| 23 | certification process and any other eligibility requirements for affordable housing that may apply.       |
| 24 | (c) Eligibility Criteria.   |

| 1  | (1) Scope. The Artist Housing Certification program is intended to cover artists                           |
|----|--|
| 2  | working in one or more of the following disciplines:   |
| 3  | (A) Performing Arts: including dance, music, theater and musicals, opera,                                  |
| 4  | circus/aerial arts, technical and production workers, and producers.                                       |
| 5  | (B) Media Arts: including television, radio, documentaries, digital media,                                 |
| 6  | animation, new media, and production related arts and entertainment workers.                               |
| 7  | (C) Interdisciplinary Art: including installation art, public and performance art,                         |
| 8  | and time-based experiential art.   |
| 9  | (D) Literary Arts: including writers of fiction, creative non-fiction, plays, poetry,                      |
| 10 | and lyrics.  |
| 11 | (E) Visual Arts: including painting, drawing, sculpture, ceramics, printmaking,                            |
| 12 | photography, mixed media, and design.  |
| 13 | (F) Folk Arts and Crafts: including beadwork, masks, textiles, jewelry, and                                |
| 14 | glass.   |
| 15 | (2) Application Process; Eligibility. Individuals seeking certification shall file an                      |
| 16 | application with the Commission upon a form provided by said Commission. The Commission shall              |
| 17 | include an artist on the registry upon finding that the applicant meets any of the following criteria:     |
| 18 | (A) The applicant provides documentation to demonstrate earnings over                                      |
| 19 | \$10,000 annually for three out of the last five years from one or more of the disciplines listed above.   |
| 20 | (B) The applicant has received a grant from a foundation, not-for-profit, federal,                         |
| 21 | state, or local public agency, to produce art in one of the disciplines listed above within the past three |
| 22 | <u>years.</u>  |
| 23 | (C) If the applicant does not meet either of the criteria above, then the applicant                        |
| 24 | will be evaluated based on engagement in and professional commitment to artistic practice, which will      |
| 25 | be evaluated and determined based on a portfolio review by the Commission.                                 |

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Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors

(d) **Sunset Date.** This Section 2A.150.2 shall expire by operation of law if no affordable

housing projects prioritizing artists under this Artist Housing Certification program have commenced

construction within five years after the effective date of the ordinance adding this Section 2A.150.2.

intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

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.

| 1  |  |
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| 2  | Section 6. Undertaking for the General Welfare. In enacting and implementing this                |
| 3  | ordinance, the City is assuming an undertaking only to promote the general welfare. It is not    |
| 4  | assuming, nor is it imposing on its officers and employees, an obligation for breach of which it |
| 5  | is liable in money damages to any person who claims that such breach proximately caused          |
| 6  | injury.  |
| 7  |  |
| 8  |  |
| 9  |  |
| 10 | APPROVED AS TO FORM:   |
| 11 | DAVID CHIU, City Attorney  |
| 12 | By: /s/ Lauren Curry   |
| 13 | LAUREN CURRY<br>Deputy City Attorney   |
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#### **LEGISLATIVE DIGEST**

[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.

#### Existing Law

Currently, there is no law requiring the Arts Commission to establish and maintain an Artist Housing Certification program.

#### Amendments to Current Law

The proposed ordinance would require the Arts Commission to establish an Artist Housing Certification program and maintain a registry of artists who may qualify for affordable housing in San Francisco that is being programmed and/or prioritized for artists.

#### **Background Information**

Currently, the City lacks an Artist Housing Certification program. A recent \$100 million private gift is helping to fund the 1687 Market Street project, a new development that will provide over 90 affordable apartments and creative spaces for artists—including rehearsal spaces and a black box theater. This philanthropic investment underscores both the need and the opportunity to create an Artist Housing Certification program to replicate such efforts citywide. By supporting the creation of stable affordable housing opportunities for artists, the City reinforces its commitment to preserving its uniquely diverse cultural landscape.

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BOARD OF SUPERVISORS Page 1

Introduction Form

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

g item for introduction (select only one):

| I here | by sub   | mit the following item for introduction (select only one):   |                             |
|--------|----------|--|-----------------------------|
|        | 1.       | For reference to Committee (Ordinance, Resolution, Motion or Charter Amendm  | ent)                        |
|        | 2.       | Request for next printed agenda (For Adoption Without Committee Reference) (Routine, non-controversial and/or commendatory matters only)                               | ,                           |
| П      | 3.       | Request for Hearing on a subject matter at Committee   |                             |
|        |          |  |                             |
|        | 4.       | Request for Letter beginning with "Supervisor  | nquires"                    |
|        | 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 p  | ropose   | d legislation should be forwarded to the following (please check all appropriate box   | es):                        |
|        | •        | small Business Commission  |                             |
|        |          | Planning Commission   Building Inspection Commission   Human Resource  |                             |
|        |          |  |                             |
| Gener  | al Plan  | Referral sent to the Planning Department (proposed legislation subject to Charter  | 1.105 & Admin 2A.53):       |
|        | □ Y      | Zes ■ No   |                             |
| (Note. | For I    | mperative Agenda items (a Resolution not on the printed agenda), use the Imperativ   | ve Agenda Form.)            |
| Spons  | or(s):   |  |                             |
| Man    | delma    | an; Dorsey   | ž.                          |
| Subje  | ct:      |  |                             |
| [Adm   | ninistra | ative Code - Artist Housing Certification Program]   |                             |
| Long   | Title o  | r text listed:   |                             |
| admi   | nister   | amending the Administrative Code to require the Arts Commission to develope a certification process to identify artists in San Francisco who may be eligible rartists. | op and<br>le for affordable |
|        |          |  |                             |

Signature of Sponsoring Supervisor:

 From:
 Ho, Calvin (BOS)

 To:
 BOS Legislation, (BOS)

Cc: Somera, Alisa (BOS); Tam, Madison (BOS); CURRY, LAUREN (CAT); NAGAYAMA, KEITH (CAT)

**Subject:** Mandelman - Ordinance - Artist Housing Program

**Date:** Tuesday, July 29, 2025 3:09:02 PM

Attachments: <u>Intro Form.pdf</u>

Mandelman Ord Artist Housing PDF.pdf Mandelman Ord Artist Housing.DOCX LEG DIGEST - Artist Housing Certfication.DOCX

Hi all,

President Mandelman is introducing an ordinance creating an artist housing certification program. Attached is the ordinance approved as to form, the redline copy, legislative digest, and intro form. DCA Lauren Curry is copied to verify her signature and Madison Tam from Supervisor Dorsey's office is copied to confirm their early co-sponsorship.

### Calvin Ho (he/they)

Legislative Aide Office of Board President Rafael Mandelman, District 8 calvin.ho@sfgov.org | (415) 554-6968 From: <u>Tam, Madison (BOS)</u>

To: <u>CURRY, LAUREN (CAT)</u>; <u>Ho, Calvin (BOS)</u>; <u>BOS Legislation, (BOS)</u>

Cc: Somera, Alisa (BOS); NAGAYAMA, KEITH (CAT)

Subject: Re: Mandelman - Ordinance - Artist Housing Program

**Date:** Tuesday, July 29, 2025 3:42:36 PM

Confirming Supervisor Dorsey's cosponsorship. Thanks Lauren and Calvin.

Madison Tam 譚詩薇| Legislative Aide Office of Supervisor Matt Dorsey, District 6 San Francisco City Hall, Room 284 Madison.R.Tam@sfgov.org | (415) 554-7970

From: Curry, Lauren (CAT) <Lauren.Curry@sfcityatty.org>

**Sent:** Tuesday, July 29, 2025 3:28:37 PM

To: Ho, Calvin (BOS) <calvin.ho@sfgov.org>; BOS Legislation, (BOS) <box>legislation@sfgov.org>

**Cc:** Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Tam, Madison (BOS)

<madison.r.tam@sfgov.org>; NAGAYAMA, KEITH (CAT) <Keith.Nagayama@sfcityatty.org>

Subject: RE: Mandelman - Ordinance - Artist Housing Program

Confirming that my electronic signature represents approval as to form.



From: Ho, Calvin (BOS) <calvin.ho@sfgov.org>

Sent: Tuesday, July 29, 2025 3:09 PM

**To:** BOS Legislation, (BOS) <br/> <br/> dos.legislation@sfgov.org>

**Cc:** Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Tam, Madison (BOS)

<madison.r.tam@sfgov.org>; Curry, Lauren (CAT) <Lauren.Curry@sfcityatty.org>; Nagayama, Keith

(CAT) <Keith.Nagayama@sfcityatty.org>

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Calvin Ho (he/they)

Legislative Aide
Office of Board President Rafael Mandelman, District 8
<a href="mailto:calvin.ho@sfgov.org">calvin.ho@sfgov.org</a> | (415) 554-6968

From: <u>Curry, Lauren (CAT)</u>

To: <u>Ho, Calvin (BOS)</u>; <u>BOS Legislation, (BOS)</u>

Cc: Somera, Alisa (BOS); Tam, Madison (BOS); NAGAYAMA, KEITH (CAT)

**Subject:** RE: Mandelman - Ordinance - Artist Housing Program

**Date:** Tuesday, July 29, 2025 3:29:02 PM

Attachments: <u>image001.png</u>

Confirming that my electronic signature represents approval as to form.

Lauren Curry (she/her) Deputy City Attorney

Office of City Attorney David Chiu

(415) 554-4670 Direct (415) 412-7431 Cell

www.sfcityattorney.org

From: Ho, Calvin (BOS) <calvin.ho@sfgov.org>

Sent: Tuesday, July 29, 2025 3:09 PM

To: BOS Legislation, (BOS) <br/> <br/> dos.legislation@sfgov.org>

**Cc:** Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Tam, Madison (BOS)

<madison.r.tam@sfgov.org>; Curry, Lauren (CAT) <Lauren.Curry@sfcityatty.org>; Nagayama, Keith

(CAT) <Keith.Nagayama@sfcityatty.org>

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#### Calvin Ho (he/they)

Legislative Aide

Office of Board President Rafael Mandelman, District 8

calvin.ho@sfgov.org | (415) 554-6968

NOTE:

[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.

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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

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

- (c) To preserve and promote San Francisco's creative identity as a hub of creativity and cultural diversity, there is an urgent need to make it easier for San Francisco's low- and middle-income artists to live in the City. In response to similar challenges, policymakers at the state and federal levels have increasingly recognized the value of supporting artists through targeted housing policies.
- (d) At the state level, California's legislature approved AB 812 (2023), which authorized cities and counties to reserve up to 10% of affordable housing units within cultural districts for artists, acknowledging the public benefit of such housing. In addition, affordable housing developers may use federal Low-Income Housing Tax Credits (LIHTC) for projects that contain units for artists.
- (e) Other cities have successfully implemented artist housing programs. Boston's Mayor's Office of Arts and Culture has supported the development of permanently affordable artist live/work housing, creating over 250 residential units in partnership with nonprofit developers. The Boston's Mayor's Office of Arts and Culture qualifies artists through its Artist Housing Certification program. New York City has two of the oldest and best-known affordable artist housing projects, Westbeth and Manhattan Plaza each over 50 years old. Artspace, a nonprofit real estate developer based in Minneapolis, has developed over 40 artist affordable housing units for artists projects around the country, totaling over 1,700 residential units. The Tannery Lofts in Santa Cruz is the closest to San Francisco. The recently completed Hollywood Arts Collective in Los Angeles developed by the Los Angeles Entertainment Community Fund provides 152 units of affordable housing for artists. These examples

demonstrate that intentional artist housing policies are both feasible and effective at anchoring artists in place and strengthening communities.

- (f) San Francisco is poised to lead in this space.
- (g) A recent \$100 million private gift is helping to fund the 1687 Market Street project, a new development that will provide over 90 affordable apartments and creative spaces for artists—including rehearsal spaces and a black box theater. The project reflects growing civic and philanthropic momentum to invest in artist housing. This philanthropic investment underscores both the need and the opportunity to create a structured program that can support, certify, and replicate such efforts citywide.
- (h) Implementing an Artist Housing Certification program aligns with the City's broader objectives of promoting cultural equity, supporting the arts, and addressing the affordable housing crisis. By supporting the creation of stable affordable housing opportunities for artists, the City reinforces its commitment to preserving its uniquely diverse cultural landscape.

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

## SEC. 2A.150.2. ARTS COMMISSION; ARTIST HOUSING CERTIFICATION.

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

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

(d) Sunset Date. This Section 2A.150.2 shall expire by operation of law if no affordable housing projects prioritizing artists under this Artist Housing Certification program have commenced construction within five years after the effective date of the ordinance adding this Section 2A.150.2.

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

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, 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/ Lauren Curry
LAUREN CURRY
Deputy City Attorney

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| FILE NO. 25081; | 2 |
|-----------------|---|
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#### ORDINANCE NO.

[Administrative Code - Artist Housing Certification Program]

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Board amendment deletions are in <u>strikethrough Arial font</u>.
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

- (c) To preserve and promote San Francisco's creative identity as a hub of creativity and cultural diversity, there is an urgent need to make it easier for San Francisco's low- and middle-income artists to live in the City. In response to similar challenges, policymakers at the state and federal levels have increasingly recognized the value of supporting artists through targeted housing policies.
- (d) At the state level, California's legislature approved AB 812 (2023), which authorized cities and counties to reserve up to 10% of affordable housing units within cultural districts for artists, acknowledging the public benefit of such housing. In addition, affordable housing developers may use federal Low-Income Housing Tax Credits (LIHTC) for projects that contain units for artists.
- (e) Other cities have successfully implemented artist housing programs. Boston's Mayor's Office of Arts and Culture has supported the development of permanently affordable artist live/work housing, creating over 250 residential units in partnership with nonprofit developers. The Boston's Mayor's Office of Arts and Culture qualifies artists through its Artist Housing Certification program. New York City has two of the oldest and best-known affordable artist housing projects, Westbeth and Manhattan Plaza each over 50 years old. Artspace, a nonprofit real estate developer based in Minneapolis, has developed over 40 artist affordable housing units for artists projects around the country, totaling over 1,700 residential units. The Tannery Lofts in Santa Cruz is the closest to San Francisco. The recently completed Hollywood Arts Collective in Los Angeles developed by the Los Angeles Entertainment Community Fund provides 152 units of affordable housing for artists. These examples

| demonstrate that intentional artist housing policies are both feasible and effective at anchoring |
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| artists in place and strengthening communities.   |

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

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- (g) A recent \$100 million private gift is helping to fund the 1687 Market Street project, a new development that will provide over 90 affordable apartments and creative spaces for artists—including rehearsal spaces and a black box theater. The project reflects growing civic and philanthropic momentum to invest in artist housing. This philanthropic investment underscores both the need and the opportunity to create a structured program that can support, certify, and replicate such efforts citywide.
- (h) Implementing an Artist Housing Certification program aligns with the City's broader objectives of promoting cultural equity, supporting the arts, and addressing the affordable housing crisis. By supporting the creation of stable affordable housing opportunities for artists, the City reinforces its commitment to preserving its uniquely diverse cultural landscape.

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

#### SEC. 2A.150.2. ARTS COMMISSION; ARTIST HOUSING CERTIFICATION.

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

(1) The Commission shall maintain a registry of certified artists who have qualified for 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      |
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| 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 assist                    |
| 11 | with the creation and administration of the Artist Housing Certification program. And, the                |
| 12 | Commission, and any of the Commission's contracted entities, may charge an administrative fee to          |
| 13 | applicants seeking certification, to entities seeking access to the Artist Housing Certification program  |
| 14 | registry for the purpose of marketing and leasing affordable housing units to artists, and to owners of   |
| 15 | affordable housing for certifying or re-certifying artists. Such administrative fees shall not exceed the |
| 16 | estimated costs to cover the administrative expenses in connection with administering the Artist          |
| 17 | Housing Certification program and registry.   |
| 18 | (b) Implementation; Regulations. The Commission may adopt regulations and/or guidance to                  |
| 19 | interpret this ordinance and implement an Artist Housing Certification program. MOHCD shall help          |
| 20 | the Commission publish any guidance on how an affordable housing project can integrate priorities for     |
| 21 | artists with any applicable requirements for eligibility, marketing, and/or preferences under City        |
| 22 | funding or law. MOHCD shall also help the Commission publish any guidance for artists regarding the       |
| 23 | certification process and any other eligibility requirements for affordable housing that may apply.       |
| 24 | (c) Eligibility Criteria.   |
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|               | (1) Scope. The Artist Housing Certification program is intended to cover artists                    |
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| workir        | ng in one or more of the following disciplines:   |
|               | (A) Performing Arts: including dance, music, theater and musicals, opera.                           |
| <u>circus</u> | aerial arts, technical and production workers, and producers.                                       |
|               | (B) Media Arts: including television, radio, documentaries, digital media,                          |
| <u>anima</u>  | tion, new media, and production related arts and entertainment workers.                             |
|               | (C) Interdisciplinary Art: including installation art, public and performance art,                  |
| and tir       | ne-based experiential art.  |
|               | (D) Literary Arts: including writers of fiction, creative non-fiction, plays, poetry,               |
| and ly        | rics.   |
|               | (E) Visual Arts: including painting, drawing, sculpture, ceramics, printmaking,                     |
| photog        | graphy, mixed media, and design.  |
|               | (F) Folk Arts and Crafts: including beadwork, masks, textiles, jewelry, and                         |
| glass.        |   |
|               | (2) Application Process; Eligibility. Individuals seeking certification shall file an               |
| <u>applic</u> | ation with the Commission upon a form provided by said Commission. The Commission shall             |
| <u>includ</u> | e an artist on the registry upon finding that the applicant meets any of the following criteria:    |
|               | (A) The applicant provides documentation to demonstrate earnings over                               |
| \$10,00       | 00 annually for three out of the last five years from one or more of the disciplines listed above.  |
|               | (B) The applicant has received a grant from a foundation, not-for-profit, federal,                  |
| state, e      | or local public agency, to produce art in one of the disciplines listed above within the past three |
| <u>years.</u> |   |
|               | (C) If the applicant does not meet either of the criteria above, then the applicant                 |
| will be       | e evaluated based on engagement in and professional commitment to artistic practice, which will     |
| ha ava        | luated and determined based on a portfolio review by the Commission.                                |

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housing projects prioritizing artists under this Artist Housing Certification program have commenced construction within five years after the effective date of the ordinance adding this Section 2A.150.2.

(d) Sunset Date. This Section 2A.150.2 shall expire by operation of law if no affordable

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

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, 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.

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| 2  | Section 6. Undertaking for the General Welfare. In enacting and implementing this                |
| 3  | ordinance, the City is assuming an undertaking only to promote the general welfare. It is not    |
| 4  | assuming, nor is it imposing on its officers and employees, an obligation for breach of which it |
| 5  | is liable in money damages to any person who claims that such breach proximately caused          |
| 6  | injury.  |
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| 10 | APPROVED AS TO FORM:   |
| 11 | DAVID CHIU, City Attorney  |
| 12 | By: <u>/s/ Lauren Curry</u><br>LAUREN CURRY  |
| 13 | Deputy City Attorney   |
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