

File No. 160792

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date November 2, 2016

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER

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Completed by: Linda Wong

Date October 28, 2016

Completed by: Linda Wong

Date _____

1 [Administrative Code - Citywide Affordable Housing Fund and Mayor's Housing Programs
2 Fees Fund]

3 **Ordinance amending the Administrative Code to change the Citywide Affordable**
4 **Housing Fund and Mayor's Housing Programs Fees Fund from Category Eight funds,**
5 **under which the Director of the Mayor's Office of Housing and Community**
6 **Development may approve expenditures without Board of Supervisors approval, to**
7 **Category Four funds, under which the Director may expend funds only if the Board of**
8 **Supervisors approves the expenditures by appropriation ordinance.**

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

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

17 Section 1. The Administrative Code is hereby amended by revising Sections 10.100-
18 49 and 10.100-117, to read as follows:

19 **SEC. 10.100-49. CITYWIDE AFFORDABLE HOUSING FUND.**

20 (a) **Establishment of Fund.** The Citywide Affordable Housing Fund is established as
21 a category ~~eight~~ four fund to receive fee revenue dedicated to affordable housing and other
22 contributions to the fund. The fund receives money from, among other sources:

23 (1) The Jobs Housing Linkage Program, Planning Code Section 413 *et seq.*;

24 (2) The Inclusionary Affordable Housing Program, Planning Code Section 415

25 *et seq.*;

1 (3) The Market and Octavia Affordable Housing Program, Planning Code
2 Section 416.5;

3 (4) The Eastern Neighborhoods Housing Fund, Planning Code Section 423.5;

4 (5) The Expedited Condominium Conversion Program, Subdivision Code
5 Section 1396.4; and,

6 (6) Repayments of loans and other program income associated with
7 investments initially made with monies from the fund.

8 (b) **Use of Fund.** The fund is to be used exclusively by the Mayor's Office of Housing
9 and Community Development, or its successor, for the purpose of supporting affordable
10 housing in San Francisco. Specific eligible uses of the fund are delineated for each fee in the
11 code where the fee is established. Within the fund, all fees, repayments, and program income
12 shall be separately accounted for as required by each fee.

13 ~~(c) **Exceptions to Fund Category.** The Director of the Mayor's Office of Housing and~~
14 ~~Community Development shall approve all expenditures from the fund.~~

15 (d) **Administration of Fund.** The Mayor's Office of Housing and Community
16 Development, or its successor, shall administer the fund and shall report annually to the
17 Board of Supervisors on the current status of the fund, the amounts approved for
18 disbursement, and the number and types of housing units or households assisted. The
19 Mayor's Office of Housing and Community Development shall have the authority to prescribe
20 rules and regulations governing the Fund.

21
22 **SEC. 10.100-117. MAYOR'S HOUSING PROGRAMS FEES FUND.**

23 (a) **Establishment of Fund.** The Mayor's Housing Programs Fees Fund is
24 established as a category *eight four* fund to receive monies from fees earned by the Mayor's
25 Office of Housing and Community Development in connection with the administration of

1 affordable housing. Such fees shall include, but are not ~~be~~ limited to, fees from single-family
2 and multifamily housing mortgage revenue bonds as issuer or as administrator, fees from the
3 California Natural Disaster Assistance Program, and fees from similar housing programs in
4 which the ~~e~~City earns fees for services provided by the Mayor's Office of Housing and
5 Community Development. This Section 10.100-117 shall not authorize the levy of fees except
6 as otherwise provided by ordinance or resolution of the Board of Supervisors.

7 (b) **Use of Fund.** The fund shall be used for the purpose of supporting the City's
8 efforts to provide affordable housing for persons and households of low and moderate income
9 in the City. For the purposes of this Fund, "low and moderate income" shall mean incomes
10 which are not greater than 120% ~~percent~~ of median for San Francisco, as defined by the
11 United States Department of Housing and Urban Development. Monies from the Fund may be
12 used for the following purposes:

13 (1) To pay the costs of the Mayor's Office of Housing and Community
14 Development for administering housing programs for which administrative funding is not
15 otherwise available from the City's General Fund, federal or state grants, or other sources of
16 administrative funding. Such programs shall include the City's single-family and multifamily
17 housing mortgage revenue bond programs, the first time homebuyer programs, rental housing
18 development programs, and the monitoring of units to ensure their continued affordability.

19 (2) To the extent that monies are available and not needed to cover current
20 and anticipated future administrative costs described in Subparagraph (1), the Mayor's Office
21 of Housing and Community Development may transfer said monies to the Citywide Affordable
22 Housing Fund, Administrative Code Section 10.100-49, to make loans or grants for the
23 development of affordable housing in the City.

24 ~~(c) **Exceptions to Fund Category.** The Director of the Mayor's Office of Housing and~~
25 ~~Community Development shall approve expenditures from the fund.~~

1 (~~d~~) **Administration of Fund.** The Mayor's Office of Housing and Community
2 Development shall administer the Fund, and in such capacity shall review the needs of the
3 administration of affordable housing programs and the availability of monies from the fund for
4 other eligible purposes. The Mayor's Office of Housing and Community Development shall
5 report annually to the Board of Supervisors on the current status of the Mayor's Housing
6 Program Fees Fund as a part of its Annual Report, including the amounts of fees received
7 and to be budgeted for administrative funding, and any recommendations deemed necessary
8 to improve effectiveness of the Mayor's Housing Program Fees Fund in achieving its purpose.
9

10 Section 2. Effective and Operative Dates.

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

15 (b) Operative Date. This ordinance shall become operative 90 days after its Effective
16 Date.
17

18 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
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1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

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

By: 

JON GIVNER
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Citywide Affordable Housing Fund and Mayor's Housing Programs Fees Fund]

Ordinance amending the Administrative Code to change the Citywide Affordable Housing Fund and Mayor's Housing Programs Fees Fund from Category Eight funds, under which the Director of the Mayor's Office of Housing and Community Development may approve expenditures without Board of Supervisors approval, to Category Four funds, under which the Director may expend funds only if the Board of Supervisors approves the expenditures by appropriation ordinance.

Existing Law

The Citywide Affordable Housing Fund in the Administrative Code is a Category Eight self-appropriating fund. The Mayor's Office of Housing and Community Development (MOHCD) administers the Fund, and the Director of MOHCD approves all expenditures from the Fund. The Mayor's Housing Programs Fees Fund is also a Category Eight self-appropriating fund. This fund receives monies from fees earned by the MOHCD in connection with the administration of affordable housing programs, including fees from single-family and multifamily housing mortgage revenue bonds. MOHCD can use money in the fund for administration, and may transfer extra money into the Citywide Affordable Housing Fund for the development of affordable housing.

Amendments to Current Law

The proposed ordinance would change the two funds so that they are both Category Four funds. Under the proposed ordinance, MOHCD could expend monies in the funds only if the Board of Supervisors approves the expenditures by appropriation ordinance.

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Wong, Linda (BOS)

From: Wong, Linda (BOS)
Sent: Tuesday, August 09, 2016 3:15 PM
To: Lee, Olson (MYR)
Cc: Flannery, Eugene (MYR); Hayward, Sophie (MYR)
Subject: File No. 160792 - REFERRAL FROM BOARD OF SUPERVISORS (Budget & Finance Committee)
Attachments: 160792.pdf

Good afternoon,

Attached is a referral for BOS File No. 160792, which is being sent to you for informational purposes. If you have any comments or reports to be included with the file, please respond to this email or forward them to me at the address listed below.

File No. 160792

Ordinance amending the Administrative Code to change the Citywide Affordable Housing Fund and Mayor's Housing Programs Fees Fund from Category Eight funds, under which the Director of the Mayor's Office of Housing and Community Development may approve expenditures without Board of Supervisors approval, to Category Four funds, under which the Director may expend funds only if the Board of Supervisors approves the expenditures by appropriation ordinance.

Sincerely,

Linda Wong
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: 415.554.7719 | Fax: (415) 554-5163
Linda.Wong@sfgov.org | www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



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

MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing and Community Development

FROM: Linda Wong, Assistant Clerk, Budget and Finance Committee

DATE: August 9, 2016

SUBJECT: LEGISLATION INTRODUCED

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

File No. 160792

Ordinance amending the Administrative Code to change the Citywide Affordable Housing Fund and Mayor's Housing Programs Fees Fund from Category Eight funds, under which the Director of the Mayor's Office of Housing and Community Development may approve expenditures without Board of Supervisors approval, to Category Four funds, under which the Director may expend funds only if the Board of Supervisors approves the expenditures by appropriation ordinance.

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: Eugene Flannery, Mayor's Office of Housing and Community Development
Sophie Hayward, Mayor's Office of Housing and Community Development

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

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

Sponsor(s):

Supervisor Peskin

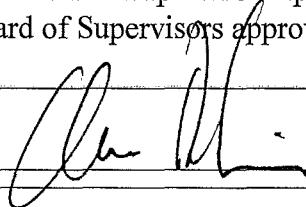
Subject:

[Administrative Code - Citywide Affordable Housing Fund and Mayor's Housing Programs Fees Fund]

The text is listed below or attached:

Ordinance amending the Administrative Code to change the Citywide Affordable Housing Fund and Mayor's Housing Programs Fees Fund from Category Eight funds, under which the Director of the Mayor's Office of Housing and Community Development may approve expenditures without Board of Supervisors approval, to Category Four funds, under which the Director may expend funds only if the Board of Supervisors approves the expenditures by appropriation ordinance.

Signature of Sponsoring Supervisor:



For Clerk's Use Only: