

1 [General Obligation Bond Election - Amending Earthquake Loan Bond Program to Finance
2 Acquisition and Rehabilitation of Affordable Housing]

3 **Ordinance calling and providing for a special election to be held in the City and County**
4 **of San Francisco on November 8, 2016, for the purpose of submitting to San Francisco**
5 **voters a proposition to amend Proposition A (approved November 1992) to authorize**
6 **the City to incur general obligation bonded indebtedness (Bonds) for the additional**
7 **purposes of providing loans to finance the costs to acquire, improve, and rehabilitate**
8 **and to convert at-risk multi-unit residential buildings to permanent affordable housing,**
9 **performing needed seismic, fire, health, and safety upgrades and other major**
10 **rehabilitation for habitability, and related costs necessary or convenient for the**
11 **foregoing purposes; providing for the levy and collection of taxes to pay both principal**
12 **and interest on such Bonds; incorporating the provisions of the Administrative Code**
13 **relating to the Citizens' General Obligation Bond Oversight Committee's review of the**
14 **Bonds; setting certain procedures and requirements for the election; adopting findings**
15 **under the California Environmental Quality Act; and finding that the proposed Bonds**
16 **are in conformity with the General Plan, and with the eight priority policies of Planning**
17 **Code, Section 101.1(b).**

18 Note: Additions are *single-underline italics Times New Roman*;
19 deletions are ~~*strike through italics Times New Roman*~~.
20 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

22 Section 1. Findings.

23 A. On November 3, 1992, with the passage of Proposition A, voters of the City and
24 County of San Francisco (the "City") approved the issuance of up to \$350,000,000 of General
25 Obligation Bonds for a Seismic Safety Loan Program (referred to herein as "Proposition A") to

1 provide loans for the seismic strengthening of unreinforced masonry buildings (herein
2 collectively the “Project”), including specifically \$200,000,000 to be allocated for “market-rate
3 residential, commercial and institutional buildings . . . “ (referred to herein as the “Market Rate
4 Loan Program”).

5 B. WHEREAS, Proposition A was intended to provide a source of financing for
6 private loans for strengthening unreinforced masonry affordable housing and other privately
7 buildings to withstand a strong earthquake to safeguard the health and safety of City
8 residents; and

9 C. Participation in the Market Rate Loan Program has been modest, and there
10 remains \$156,000,000 of authorized but unused bond capacity under such program.

11 D. The City has the highest median rent in the country with a one-bedroom asking
12 rent of \$3,460, according to rental listing site Zumper.

13 E. The City continues to be one of the highest-priced ownership markets in the
14 country with a median home sales price in 2015 of \$1.1 million, a 19.4% increase from the
15 previous year, according to the real estate website Trulia.

16 F. The City continues to see a widening affordability gap for low to moderate
17 income households for both rental housing and homeownership.

18 G. Limited state and federal resources and the high cost of housing development
19 puts a greater burden on local government to contribute their own limited resources to
20 housing development, and thus means that the City’s supply of affordable housing has not
21 kept pace with demand.

22 H. The affordability gap has the greatest impact on low-income households such as
23 those with seniors, disabled persons, low-income working families, and veterans.

1 I. The housing need in the City is also particularly acute for moderate-income
2 households, for whom there are no federal or state financing programs that the City can
3 leverage with its own subsidies.

4 J. The housing affordability gap that has arisen and expanded in the local housing
5 market inhibits the City from ensuring that economic and cultural diversity can be maintained.

6 K. These high housing costs can inhibit healthy, balanced economic growth
7 regionally.

8 L. Individuals and families who are increasingly locked out of the local housing
9 market will be forced to leave the City and take on increasingly long employment commutes,
10 with attendant economic costs and costs to the environment.

11 M. This measure would amend Proposition A to add to the purposes for which
12 funds allocated to the Market Rate Loan Program can be used to include as an additional
13 purpose loans for the acquisition, improvement, and rehabilitation of “at-risk” multi-unit
14 residential properties, and to convert such properties to permanent affordable housing (as
15 further described in Section 3 below) and to perform needed seismic, fire, health, and safety
16 upgrades or other major rehabilitation for habitability.

17 N. There is a crisis of rent-controlled or low-rent residential buildings being
18 acquired on the speculation market and existing tenants displaced. The expansion of the
19 Market Rate Loan program to accommodate loans to at-risk multi-unit buildings would help
20 maintain affordable housing stock for City residents.

21 Section 2. A special election is called and ordered to be held in the City on Tuesday,
22 November 8, 2016, for the purpose of submitting to the electors of the City a proposition to
23 amend Proposition A, the Market Rate Loan Program, to provide for the additional purposes
24 (as shown by italicized text) described and in the amounts and conditions stated below:
25

1 "EARTHQUAKE LOAN BOND PROGRAM, 1992. \$350,000,000 to provide loans for
2 the seismic strengthening of unreinforced masonry buildings, and to provide loans for the
3 acquisition, improvement and rehabilitation of "at-risk" multi-unit residential buildings and
4 conversion of such buildings to permanent affordable housing as provided in subsection (b) below, and
5 to pay necessary administrative costs incident thereto, of which (a) \$150,000,000 shall be
6 allocated to affordable housing buildings at an interest rate equal to one-third of the City's true
7 interest cost of the series of bonds of which are used to fund the loan, of which \$60,000,00
8 shall be available for deferred loans, and (b) \$200,000,000 shall be allocated to market rate
9 residential, commercial and institutional buildings to, in addition to financing the cost of seismic
10 repairs, finance the cost to acquire, improve and rehabilitate at risk multi-unit residential buildings
11 (defined as three or more units) in need of seismic, fire, health and safety upgrades or other major
12 rehabilitation for habitability, including mixed-use residential buildings in order to convert such
13 structures to permanent affordable housing; with the interest rate on said loans being set in an
14 amount which, when coupled with the City's annual administrative fees charged by the City
15 yields a total annual return to the City which is one percent (1%) above the City's true interest
16 cost for the series of bonds the proceeds of which are used to fund the loan; . . . "

17 Loans made pursuant to this amendment shall be in accordance with the Mayor's
18 Office of Housing and Community Development underwriting standards for multifamily
19 housing.

20 Other than as stated above, the purposes, conditions, and other matters pertaining to
21 Proposition A shall remain in full force and effect, as approved by the voters on November 3,
22 1992. Nothing herein shall be read to restore bonding capacity for previously issued bonds
23 under Proposition A, the sole purpose herein being to provide additional purposes to which
24 funds in the Market Rate Loan Program can be used.

25

1 The special election called and ordered to be held hereby shall be referred to in this
2 ordinance as the "Bond Special Election."

3 Section 3. PROPOSED PROGRAM. All contracts that are funded with the proceeds
4 of Bonds authorized hereby shall be subject to the provisions of Chapter 83 of the
5 Administrative Code (the "First Source Hiring Program"), which fosters construction and
6 permanent employment opportunities for qualified economically disadvantaged individuals. In
7 addition, all contracts that are funded with the proceeds of Bonds authorized hereby also shall
8 be subject to the provisions of Chapter 14B of the Administrative Code (the "Local Business
9 Enterprise and Non-Discrimination in Contracting Ordinance"), which assists small and micro
10 local businesses to increase their ability to compete effectively for the award of City contracts,
11 to the extent the Local Business Enterprise and Non-Discrimination Contracting Ordinance
12 does not conflict with applicable state or federal law.

13 A. CITIZENS' OVERSIGHT COMMITTEE. A portion of the proposed Bonds shall
14 be used to perform audits of the Bonds, as further described in Section 15.

15 Additional Projects to be funded from the proceeds of the proposed Bonds may include
16 but are not limited to the following:

17 B. ACQUIRE EXISTING RENTAL HOUSING TO PRESERVE HOUSING. A portion
18 of the Bonds may be allocated to acquire, rehabilitate, and preserve existing rental housing as
19 permanent affordable housing in order to prevent the loss of rental housing stock and the
20 displacement of long-time residents of the City, as provided in Section 2 above. Loans made
21 pursuant to this amendment shall be in accordance with the Mayor's Office of Housing and
22 Community Development underwriting standards for multifamily housing.

1 Section 4. BOND ACCOUNTABILITY MEASURES.

2 The Bonds shall include the following administrative rules and principles:

3 A. OVERSIGHT. The proposed Bond funds shall be subjected to approval
4 processes and rules described in the Charter and Administrative Code. Pursuant to
5 Administrative Code Section 5.31, the Citizens' General Obligation Bond Oversight
6 Committee shall conduct an annual review of Bond spending, and shall provide an annual
7 report of the Bond program to the Mayor and the Board of Supervisors.

8 B. TRANSPARENCY. The City shall create and maintain a Web page outlining and
9 describing the bond program, progress, and activity updates. The City shall also hold an
10 annual public hearing and reviews on the bond program and its implementation before the
11 Capital Planning Committee and the Citizens' General Obligation Bond Oversight Committee.

12 Section 5. The estimated cost of the bond financed portion of the project described
13 in Section 2 above was fixed by the Board of Supervisors by the following resolution and in
14 the amount specified below:

15 Resolution No. _____, \$350,000,000.

16 Such resolution was passed by two-thirds or more of the Board of Supervisors and
17 approved by the Mayor. In such resolution it was recited and found by the Board of
18 Supervisors that the sum of money specified is too great to be paid out of the ordinary annual
19 income and revenue of the City in addition to the other annual expenses or other funds
20 derived from taxes levied for those purposes and will require expenditures greater than the
21 amount allowed by the annual tax levy.

22 The method and manner of payment of the estimated costs described in this ordinance
23 are by the issuance of Bonds of the City not exceeding the principal amount specified.

24 Such estimate of costs as set forth in such resolution is adopted and determined to be
25 the estimated cost of such bond financed improvements and financing, respectively.

1 Section 6. The Bond Special Election shall be held and conducted and the votes
2 received and canvassed, and the returns made and the results ascertained, determined, and
3 declared as provided in this ordinance and in all particulars not recited in this ordinance such
4 election shall be held according to the laws of the State of California (State) and the Charter of
5 the City (Charter) and any regulations adopted under State law or the Charter, providing for
6 and governing elections in the City, and the polls for such election shall be and remain open
7 during the time required by such laws and regulations.

8 Section 7. The Bond Special Election is consolidated with the General Election
9 scheduled to be held in the City on Tuesday, November 8, 2016 (General Election). The
10 voting precincts, polling places, and officers of election for the General Election are hereby
11 adopted, established, designated, and named, respectively, as the voting precincts, polling
12 places, and officers of election for the Bond Special Election called, and reference is made to
13 the notice of election setting forth the voting precincts, polling places, and officers of election
14 for the General Election by the Director of Elections to be published in the official newspaper
15 of the City on the date required under the laws of the State.

16 Section 8. The ballots to be used at the Bond Special Election shall be the ballots to
17 be used at the General Election. The word limit for ballot propositions imposed by Municipal
18 Elections Code Section 510 is waived. On the ballots to be used at the Bond Special
19 Election, in addition to any other matter required by law to be printed thereon, shall appear the
20 following as a separate proposition:

21 "SAN FRANCISCO EARTHQUAKE LOAN AND HOUSING PRESERVATION
22 BONDS, 1992. To Amend 1992 voter approved measure Proposition A, to allow as an
23 additional purpose the incurrence of bonded indebtedness to finance the acquisition,
24 improvement, and rehabilitation of at-risk multi-unit residential buildings and to convert such
25 structures to permanent affordable housing; shall the City and County of San Francisco issue

1 up to \$156 million in general obligation bonds, subject to independent citizen oversight and
2 regular audits?"

3 Each voter to vote in favor of the foregoing bond proposition shall mark the ballot in the
4 location corresponding to a "YES" vote for the proposition, and to vote against the proposition
5 shall mark the ballot in the location corresponding to a "NO" vote for the proposition.

6 Section 9. If at the Bond Special Election it shall appear that two-thirds of all the
7 voters voting on the proposition voted in favor of and authorized the incurring of bonded
8 indebtedness for the purposes set forth in such proposition, then such proposition shall have
9 been accepted by the electors, and the Bonds authorized shall be issued upon the order of
10 the Board of Supervisors. Such Bonds shall bear interest at a rate not exceeding that
11 permitted by law. Notwithstanding the foregoing, if this measure is not approved by the voters
12 voting on the proposition, then Proposition A shall remain unaffected and shall continue as a
13 valid authorization to issue General Obligation Bonds for the several purposes therein stated.

14 The votes cast for and against the proposition shall be counted separately and when
15 two-thirds of the qualified electors, voting on the proposition, vote in favor, the proposition
16 shall be deemed adopted.

17 Section 10. For the purpose of paying the principal and interest on the Bonds, the
18 Board of Supervisors shall, at the time of fixing the general tax levy and in the manner for
19 such general tax levy provided, levy and collect annually each year until such Bonds are paid,
20 or until there is a sum in the Treasury of the City, or other account held on behalf of the
21 Treasurer of the City, set apart for that purpose to meet all sums coming due for the principal
22 and interest on the Bonds, a tax sufficient to pay the annual interest on such Bonds as the
23 same becomes due and also such part of the principal thereof as shall become due before the
24 proceeds of a tax levied at the time for making the next general tax levy can be made
25 available for the payment of such principal.

1 Section 11. This ordinance shall be published in accordance with any State law
2 requirements, and such publication shall constitute notice of the Bond Special Election and no
3 other notice of the Bond Special Election hereby called need be given.

4 Section 12. The Board of Supervisors, having reviewed the proposed legislation,
5 makes the following findings in compliance with the California Environmental Quality Act
6 ("CEQA"), California Public Resources Code Sections 21000 et seq., the CEQA Guidelines,
7 15 Cal. Administrative Code Sections 15000 et seq., ("CEQA Guidelines"), and San Francisco
8 Administrative Code Chapter 31 ("Chapter 31"): The Environmental Review Officer
9 determined that this legislation is not defined as a project subject to CEQA because it is a
10 funding mechanism involving no commitment to any specific projects at any specific locations,
11 as set forth in CEQA Guidelines Section 15378.

12 Section 13. The Board of Supervisors finds and declares that the proposed Bonds (a)
13 were referred to the Planning Department in accordance with Section 4.105 of the Charter
14 and Section 2A.53(f) of the Administrative Code, (b) are in conformity with the priority policies
15 of Section 101.1(b) of the Planning Code, and (c) are consistent with the City's General Plan,
16 and adopts the findings of the Planning Department, as set forth in the General Plan Referral
17 Report dated June 27, 2016, a copy of which is on file with the Clerk of the Board of
18 Supervisors in File No. 160552, and incorporates such findings by this reference.

19 Section 14. Under Section 53410 of the California Government Code, the Bonds shall
20 be for the specific purpose authorized in this ordinance and the proceeds of such Bonds will
21 be applied only for such specific purpose. The City will comply with the requirements of
22 Sections 53410(c) and 53410(d) of the California Government Code.

23 Section 15. The Bonds are subject to, and incorporate by reference, the applicable
24 provisions of Administrative Code Sections 5.30 – 5.36 (the "Citizens' General Obligation
25 Bond Oversight Committee"). Under Administrative Code Section 5.31, to the extent permitted

1 by law, one-tenth of one percent (0.1%) of the gross proceeds of the Bonds shall be deposited
2 in a fund established by the Controller's Office and appropriated by the Board of Supervisors
3 of Supervisors at the direction of the Citizens' General Obligation Bond Oversight Committee
4 to cover the costs of such committee.

5 Section 16. The time requirements specified in Administrative Code Section 2.34 are
6 waived.

7 Section 17. The City hereby declares its official intent to reimburse prior expenditures
8 of the City incurred or expected to be incurred prior to the issuance and sale of any series of
9 the Bonds in connection with the Project. The Board of Supervisors hereby declares the City's
10 intent to reimburse the City with the proceeds of the Bonds for expenditures with respect to
11 the Project (the "Expenditures" and each, an "Expenditure") made on or after that date that is
12 no more than 60 days prior to the passage of this Ordinance. The City reasonably expects
13 that it will reimburse the Expenditures with the proceeds of the Bonds.

14 Each Expenditure was and will be either (a) of a type properly chargeable to a capital
15 account under general federal income tax principles (determined in each case as of the date
16 of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item
17 that is not customarily payable from current revenues, or (d) a grant to a party that is not
18 related to or an agent of the City so long as such grant does not impose any obligation or
19 condition (directly or indirectly) to repay any amount to or for the benefit of the City. The
20 maximum aggregate principal amount of the Bonds expected to be issued for the Project is
21 \$350,000,000. The City shall make a reimbursement allocation, which is a written allocation
22 by the City that evidences the City's use of proceeds of the applicable series of Bonds to
23 reimburse an Expenditure, no later than 18 months after the later of the date on which the
24 Expenditure is paid or the related portion of the Project is placed in service or abandoned, but
25 in no event more than three years after the date on which the Expenditure is paid. The City

1 recognizes that exceptions are available for certain “preliminary expenditures,” costs of
2 issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of
3 issuance and not the year of expenditure) and Expenditures for construction projects of at
4 least five years.

5 Section 18. The appropriate officers, employees, representatives and agents of the
6 City are hereby authorized and directed to do everything necessary or desirable to accomplish
7 the calling and holding of the Bond Special Election, and to otherwise carry out the provisions
8 of this ordinance.

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

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12 By: _____
13 MARK D. BLAKE
Deputy City Attorney
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