

File No. 210657

Committee Item No. 9

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Appropriations Committee

Date June 16, 2021

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Mayor's Budget Submission Memo
- Notice of Public Hearing - June 16, 2021
- _____
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- _____

Completed by: Linda Wong

Date June 11, 2021

Completed by: Linda Wong

Date _____

1 [Administrative Code - Collection of Rent Board Fee]

2

3 **Ordinance amending the Administrative Code to require the Rent Board to collect the**
4 **Rent Board fee through invoices rather than through the property tax bill; to impose**
5 **penalties in the event of non-payment of the fee; and to clarify existing law regarding**
6 **the procedures for landlords to recover a portion of the fee from their tenants.**

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

11

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

13

14 Section 1. Chapter 37A of the Administrative Code is hereby amended by revising
15 Sections 37A.1, 37A.4, 37A.5, 37A.6, 37A.7, and 37A.8 to read as follows:

16 **SEC. 37A.1. SCOPE.**

17 This Chapter 37A is applicable to all residential units in the City and County of San
18 Francisco, including residential units which are exempt from the rent increase limitation
19 provisions (but not other provisions) of Chapter 37 pursuant to the Costa-Hawkins Rental
20 Housing Act (California Civil Code §§ 1954.50. et seq.) and/or San Francisco Administrative
21 Code Section 37.3(d). For purposes of this Chapter 37A, "residential units" are dwelling units
22 and guest rooms as those terms are defined in Sections 400 and 401 of the San Francisco
23 Housing Code. The term shall not include:

24 * * * *

25

1 (f) Any dwelling unit which is occupied by an owner of record on either a full-time or
2 part-time basis and which is not rented at any time, provided that the owner file with the Rent
3 Board Tax Collector an affidavit so stating.

4
5 **SEC. 37A.4. IMPOSITION OF THE FEE.**

6 The owner of each residential unit in San Francisco shall pay annually to the City and
7 County of San Francisco a Residential Rent Stabilization and Arbitration fee to be calculated
8 by the Controller as provided in Section 37A.2(d) above. The Executive Director of the Rent
9 Board or the Executive Director's designee Tax Collector shall bill the fee to the owners of all
10 residential units ~~on the property tax bill.~~ Fees shall be paid by March 1 of each year. The Rent Board
11 shall add a 5% penalty to the amount of the fee if the fee has not been paid by March 1, an additional
12 5% if the fee has not been paid by April 1, and an additional 5% if the fee has not been paid by May 1.
13 If the fee remains outstanding as of June 1, the Rent Board shall refer the matter to the Bureau of
14 Delinquent Revenues. The Rent Board shall provide owners written notice of any late payments and
15 penalties consistent with Section 37A.8. ~~All laws applicable to the collection and enforcement of ad~~
16 ~~valorem property taxes shall be applicable to the collection and enforcement of the Residential Rent~~
17 ~~Stabilization and Arbitration fee, except that any lien arising from nonpayment of the fee shall have the~~
18 ~~force, effect and priority of a judgment lien.~~

19
20 **SEC. 37A.5. RESIDENTIAL RENT STABILIZATION AND ARBITRATION FUND.**

21 All fees collected under this Chapter 37A shall be deposited in the Residential Rent
22 Stabilization and Arbitration Fund as provided in Chapter 10, Article XIII, Section 10.117-88 of
23 the ~~San Francisco~~ Administrative Code. All funds so collected shall be used solely for the
24 purpose of funding the Rent Board plus related administrative costs pursuant to Section
25

1 10.194 of this Code including, but not limited to, costs pertaining to the imposition and collection
2 of the fee~~the Tax Collector and Controller~~.

3
4 **SEC. 37A.6. RECOVERY OF THE FEE, LIMITATIONS.**

5 ~~The~~An owner who has paid the fee in full may seek recovery of the fee (exclusive of any
6 penalties that had been added to the fee under Section 37A.4) from the tenant(s) in occupancy of
7 each residential unit on November 1~~st~~, up to a maximum of 50% of the annual fee for each
8 unit, as follows:

9 (a) An owner seeking recovery of the fee shall deduct it from the next interest
10 payment owed on the tenant's security deposit pursuant to Chapter 49 of this Code, except
11 that where the interest has been paid annually the owner may bill the tenant directly as
12 provided in subsection 37A.6(c); or

13 (b) When the fee is not recovered from the tenant ~~collected~~ during the year in which
14 the owner is first entitled to it, the owner may bank the fee and collect it from that tenant in a
15 future year. Only those fees that become due after July 25, 1999 (the effective date of
16 Ordinance No. 178-99) may be banked. A banked fee may only be collected as a deduction
17 against security deposit interest due the tenant, except that where no interest or insufficient
18 interest exists (due to no deposit or low amount of deposit) the owner may bill for any balance
19 owing as provided in subsection 37A.6(c). The billing statement must specifically show the fee
20 amount owed by the tenant for each year, and the amount of interest due the tenant (if any)
21 for each year owing.

22 (c) To the extent provided in subsections 37A.6(a) and (b), the owner may bill the
23 tenant directly for the fee. The bill shall state the amount for that unit, that the purpose of the
24 fee is to fund the Rent Board and related administrative costs under Chapter 37A of the San
25

1 Francisco Administrative Code, and that the fee is due and payable within 30 days of the date
2 of the bill.

3 (d) The owner remains liable for full payment of the fee to the Rent Board Tax
4 Collector whether or not the owner seeks any recovery under one of the above methods or in
5 fact does recover any portion from the tenant.

6
7 **SEC. 37A.7. RULES AND REGULATIONS.**

8 The Executive Director of the Rent Board or their designee~~Tax Collector~~ may adopt such
9 rules, regulations, and administrative procedures as the Executive Director or designee ~~he or she~~
10 deems necessary to implement this Chapter 37A.

11
12 **SEC. 37A.8. MANNER OF GIVING NOTICE.**

13 Any notice required to be given herein by the Rent Board Tax Collector to an owner
14 shall be sufficiently given or served upon the owner for all purposes if personally served upon
15 the owner; or if deposited, postage prepaid, in a post office letter box addressed in the name
16 of the owner either at the official address of the owner maintained by the Tax Collector for the
17 mailing of property tax bills, or at such other address that is on file with the Rent Board. This Section
18 37A.8 shall not preclude the Rent Board from supplementing the above procedures by developing
19 procedures to issue invoices and collect payments electronically through the online housing inventory
20 to be established under Section 37.15.

21
22 Section 2. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

LEGISLATIVE DIGEST

[Administrative Code - Collection of Rent Board Fee]

Ordinance amending the Administrative Code to require the Rent Board to collect the Rent Board fee through invoices rather than through the property tax bill; to impose penalties in the event of non-payment of the fee; and to clarify existing law regarding the procedures for landlords to recover a portion of the fee from their tenants.

Existing Law

The City imposes a fee on owners of residential property to fund the Rent Board's costs of administering the Rent Ordinance. Currently the fee is collected by means of an additional charge that appears on the property tax bill, and failure to pay the fee is enforced similar to a failure to pay the property taxes.

Amendments to Current Law

The proposed ordinance would remove the fee from the property tax bill. Instead, the Rent Board would issue invoices to all owners who are subject to the fee. Failure to pay the fee on time would result in penalties of 5% per month. After three months, the Rent Board would refer the matter to the Bureau of Delinquent Revenues for collection.

Background Information

The ordinance is intended to align Rent Board fee collection practices with other fees that are collected through invoices rather than via the property tax bill. With the exception of penalties for late payment, the manner of calculating the fees would not change.

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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

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO BUDGET AND APPROPRIATIONS COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Budget and Appropriations Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: June 16, 2021

Time: 10:00 a.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26, 78 or 99 (*depending on your provider*)
once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: **File No. 210657.** Ordinance amending the Administrative Code to require the Rent Board to collect the Rent Board fee through invoices rather than through the property tax bill; to impose penalties in the event of non-payment of the fee; and to clarify existing law regarding the procedures for landlords to recover a portion of the fee from their tenants.

The owner of each residential unit in San Francisco shall pay annually to the City and County of San Francisco a Residential Rent Stabilization and Arbitration fee to be calculated by the Controller as provided in Administrative Code, Section 37A.2(d).

If the legislation passes, the Executive Director of the Rent Board or the Executive Director's designee shall bill the fee to the owners of all residential units. Fees shall be paid by March 1 of each year. The Rent Board shall add a 5% penalty to the amount of the fee if the fee has not been paid by March 1, an additional 5% if the fee has not been paid by April 1, and an additional 5% if the fee has not been paid by May 1. If the fee remains outstanding as of June 1, the Rent Board shall refer the matter to the Bureau of Delinquent Revenues. The Rent Board shall provide owners written notice of any late payments and penalties consistent with Administrative Code, Section 37A.8.

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

PUBLIC COMMENT CALL-IN

WATCH: SF Cable Channel 26, 78 or 99 (*depending on your provider*), once the meeting starts, and the telephone number and access code will be displayed on the screen; or

VISIT: <https://sfbos.org/remote-meeting-call>

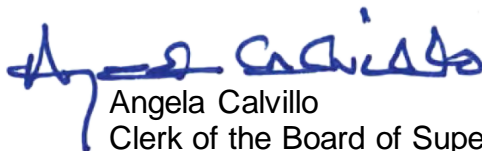
Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, June 11, 2021.

For any questions about this hearing, please contact Linda Wong, the Clerk of the Budget and Appropriations Committee:

Linda Wong (Linda.Wong@sfgov.org) ~ (415) 554-7719)

Please Note: *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

lw:vy

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LINDA WONG
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description
LW - File No. 210657 - Collection of Rent Board Fee

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

06/06/2021 , 06/11/2021

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	\$1073.25
Total	\$1073.25

EXM# 3479282

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO BUDGET AND APPROPRIATIONS COMMITTEE JUNE 16, 2021 - 10:00 AM REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org
Watch: SF Cable Channel 26, 78 or 99 (depending on your provider) once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.
Public Comment Call-In: <https://sfbos.org/remotemeeting-call>

NOTICE IS HEREBY GIVEN THAT the Budget and Appropriations Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 210657, Ordinance amending the Administrative Code to require the Rent Board to collect the Rent Board fee through invoices rather than through the property tax bill; to impose penalties in the event of non-payment of the fee; and to clarify existing law regarding the procedures for landlords to recover a portion of the fee from their tenants. The owner of each residential unit in San Francisco shall pay annually to the City and County of San Francisco a Residential Rent Stabilization and Arbitration fee to be calculated by the Controller as provided in Administrative Code, Section 37A.2(d). If the legislation passes, the Executive Director of the Rent Board or the Executive Director's designee shall bill the fee to the owners of all residential units. Fees shall be paid by March 1 of each year. The Rent Board shall add a 5% penalty to the amount of the fee if the fee has not been paid by March 1, an additional 5% if the fee has not been paid by April 1, and an additional 5% if the fee has not been paid by May 1. If the fee remains outstanding as of June 1, the Rent Board shall refer the matter to the Bureau of Delinquent Revenues. The Rent Board shall provide owners written notice of any late payments and penalties consistent with Administrative Code, Section 37A.8. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene

remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand. Public Comment Call-In WATCH: SF Cable Channel 26, 78 or 99 (depending on your provider), once the meeting starts, and the telephone number and access code will be displayed on the screen; or VISIT: <https://sfbos.org/remotemeeting-call> Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-irc>). Agenda information relating to this matter will be available for public review on Friday, June 11, 2021. For any questions about this hearing, please contact Linda Wong, the Clerk of the Budget and Appropriations Committee: Linda Wong (Linda.Wong@sfgov.org) (415) 554-7719. Please Note: The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email. Angela Calvillo Clerk of the Board of Supervisors City and County of San Francisco



* A 0 0 0 0 0 5 7 4 0 0 0 0 *



To: Angela Calvillo, Clerk of the Board of Supervisors
From: Ashley Groffenberger, Mayor's Budget Director
Date: June 1, 2021
Re: Mayor's FY 2021-22 and FY 2022-23 Budget Submission

Madam Clerk,

In accordance with City and County of San Francisco Charter, Article IX, Section 9.100, the Mayor's Office hereby submits the Mayor's proposed budget by June 1st, corresponding legislation, and related materials for Fiscal Year (FY) 2021-22 and FY 2022-23.

In addition to the Mayor's Proposed FY 2021-22 and FY 2022-23 Budget Book, the following items are included in the Mayor's submission:

- The Annual Appropriation Ordinance and Annual Salary Ordinance, along with Administrative Provisions, physical copies of which will be delivered by the Controller's Office
- The proposed budget for the Office of Community Investment and Infrastructure for FY 2021-22
- 22 separate pieces of trailing legislation (see list attached)
- A Transfer of Function letter detailing the transfer of positions from one City department to another
- An Interim Exception letter
- A letter addressing funding levels for nonprofit corporations or public entities for the coming two fiscal years
- Memo to the Board President requesting for 30-day rule waivers on ordinances
- Request for release of Budget and Appropriations Committee Reserve

Please note the following:

- Technical adjustments to the budget are being prepared, but are not submitted with this set of materials.

Sincerely,

Ashley Groffenberger
Mayor's Budget Director

cc: Members of the Board of Supervisors
Budget & Legislative Analyst's Office
Controller

DEPT	Item	Relevance to Budget	Type of Legislation
ADM	Critical Repair/Recovery Stimulus COPs	Authorizes COPs to finance or refinance the capital plan in the budget.	Ordinance
CON	Prop J Certification - new	Costs related to Prop J services assumed in budget.	Resolution
CON	Prop J Certification - previously approved	Costs related to Prop J services assumed in budget.	Resolution
CON	Access Line Tax	Sets Access Line Tax. Revenues assumed in budget.	Resolution
CON	Neighborhood Beautification Fund	Neighborhood Beautification Fund contribution levels assumed in budget.	Ordinance
CON	Supplemental Enterprise Budget - AAO	Amendment to the AAO for the Airport, Port, and the PUC	Ordinance
CON	Supplemental Enterprise Budget - ASO	Amendment to the ASO for the Airport, Port, and the PUC	Ordinance
DPH	Annual Update to Patient Rates	Fee revenue assumed in budget.	Ordinance
DPH	Recurring State Grants	Grant revenue assumed in budget.	Resolution
DPH	DPH City Option Payouts	Approves the execution of a payment agreement assumed in budget.	Resolution
DPH	Emergency Medical Services Fee Transfer of Function	Transfer of function for positions reflected in the budget	Ordinance
HSH	Annual HSH Fund Expenditures	Expenditure plan assumed in budget.	Resolution
LIB	In-Kind Grant of Friends of San Francisco Public Library	Grant assumed in budget.	Resolution
LIB	In-Kind Grant of Friends of San Francisco Public Library Mission Branch	Grant assumed in budget.	Resolution
PUC	Hetch Hetchy Capital Budget	Appropriates funds to support PUC Hetch Hetchy capital budget expenditures.	Ordinance
PUC	Wastewater Capital Budget	Appropriates funds to support PUC Wastewater Enterprise capital budget expenditures.	Ordinance
PUC	Hetch Hetchy Debt Authorization	Authorizes bond issuance to finance Hetch Hetchy capital projects.	Ordinance
PUC	Wastewater Debt Authorization	Authorizes bond issuance to finance Wastewater capital projects.	Ordinance
REC	Continuing Flexible Pricing Model for REC Owned Gardens	Continues current pricing model for REC-owned gardens-- revenues reflected in budget.	Ordinance
REC	Parking Rates and Codes Revision	Authorizes SFMTA to implement paid parking and revise existing rates at certain parking lots-- revenues reflected in budget.	Ordinance
RNT	Direct Administration of the Rent Board Fee	Legislation that allows the Rent Board to directly collect the annual fee on rent-controlled units-- revenues reflected in budget.	Ordinance
TTX	Street Artist Fee	Lowers the fee of a street artist certificate— revenues reflected in budget.	Ordinance



TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sophia Kittler
RE: 30-Day Waiver Requests
DATE: June 1, 2021

Madam Clerk,

The Mayor's Office respectfully requests 30-day hold waivers for the following pieces of trailing legislation:

- FY2021-2022 & FY2022-2023 Mayor's Proposed Budget and Appropriation Ordinance
- FY2021-2022 & FY2022-2023 Mayor's Proposed Interim Budget and Appropriation Ordinance
- FY2021-2022 & FY2022-2023 Mayor's Proposed Salary Ordinance
- FY2021-2022 & FY2022-2023 Mayor's Proposed Interim Salary Ordinance
- Health Code - Patient Rates for Fiscal Years 2020-2021, 2021-2022, and 2022-2023
- Authorizing Tax-Exempt and/or Taxable Certificates of Participation (Multiple Capital Improvement Projects) - Not to Exceed \$67,500,000
- Appropriation - \$19,344,824 in Proceeds from Revenue Bonds in Hetch Hetchy Water and Power Capital Improvements - De-appropriation and Re-appropriation \$2,000,000 Low Carbon Fuel Standard Fund – FY2021-2022, De-appropriation and Re-appropriation \$6,843,536 Hetchy Revenue funds – FY2020-2021
- Appropriation - \$213,511,178 Proceeds from Revenue Bonds, State loans or grants, Wastewater Revenues, De-appropriating and Re-appropriating \$42,900,587 for Wastewater Capital Improvements at the Public Utilities Commission – FY2021-2022
- Amending Ordinance 172-20---SFPUC Power Revenue Bond Issuance---Not to Exceed [\$162,314,897]
- San Francisco Public Utilities Commission Wastewater Revenue Bond Issuance---Not to Exceed [\$563,430,430]
- Park Code - Non-Resident Fees at Certain Specialty Attractions
- Park Code - Parking Fees
- Police Code - Street Artist Certificate Fee
- Administrative Code - Collection of Rent Board Fee
- Neighborhood Beautification and Graffiti Clean-up Fund Tax Designation Ceiling
- Business and Tax Regulations Code - Emergency Medical Services Fees

Should you have any questions, please contact Sophia Kittler at 415-554-6153.

President, District 10
BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-6516
Fax No. 554-7674
TDD/TTY No. 544-6546

Shamann Walton

PRESIDENTIAL ACTION

Date: 6/3/2021

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No.

210657

Mayor

(Primary Sponsor)

Title.

Administrative Code - Collection of Rent Board Fee

Transferring (Board Rule No 3.3)

File No.

(Primary Sponsor)

Title.

From:

Committee

To:

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor:

Replacing Supervisor:

For:

(Date)

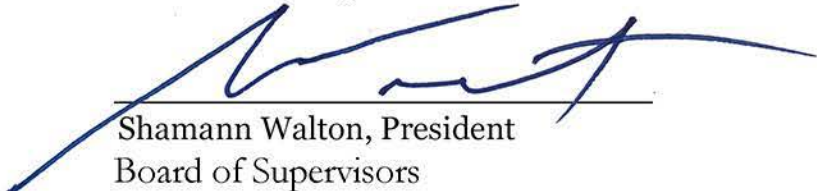
(Committee)

Meeting

Start Time:

End Time:

Temporary Assignment: Partial Full Meeting


Shamann Walton, President
Board of Supervisors