

LEGISLATIVE DIGEST

[Planning and Administrative Codes - Affordable Housing Code Enforcement]

Ordinance amending the Planning Code to permit the Mayor's Office of Housing and Community Development to enforce, and collect fines and penalties for violations of, Planning Code provisions governing affordable housing; amending the Administrative Code to allow the Mayor's Office of Housing and Community Development (MOHCD) to use the proceeds in the Affordable Housing Enforcement Fund for all Planning Code enforcement activities by MOHCD relating to affordable housing; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Planning Code section 176 provides the enforcement procedures and methods for the Planning Department to enforce violations of the Planning Code. Under Current Law, fees and penalties collected pursuant to Section 176 must be deposited in the Planning Code Enforcement Fund established by Administrative Code Section 10.100-166, and the funds shall be used as directed in that section.

Amendments to Current Law

The proposed legislation calls upon the Mayor's Office of Housing and Community Development (MOHCD) to enforce Planning Code requirements relating to affordable housing, and directs MOHCD to enter into a memorandum of understanding with the Planning Department to identify the types of enforcement cases to be delegated to MOHCD. The proposed legislation clarifies that the Planning Department may charge applicants for time and materials costs incurred by other departments or agencies of the City and County of San Francisco, or may authorize such other departments or agencies to charge directly for any time and materials costs incurred by the respective department or agency, to recover the cost of correcting code violations, or violations of conditions of approval.

The proposed legislation provides that any fees and penalties that are collected as a result of the enforcement efforts of MOHCD as provided under Section 176 shall be deposited in the Affordable Housing Enforcement Fund established by the proposed legislation, and sets forth the permitted uses of the fund.