

**Amendment of the Whole
April 26, 2006.**

FILE NO. 060443

ORDINANCE NO.

1 [Prohibition on condominium conversion for buildings where specified evictions occurred.]

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3 **Ordinance amending the Subdivision Code to add Section 1396.2 to prohibit**
4 **condominium conversion for a building where specified evictions occurred and making**
5 **findings, including environmental findings.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. (a) This legislation supports and furthers the purposes of the San Francisco
11 Subdivision Code, including Section 1302(b) and (c)(1)-(5).

12 (b) This legislation supports and furthers provisions in the Housing Element of the
13 City's General Plan, in particular its Policies 2.3, 3.1, 6.1, 6.3, and 8.9.

14 (c) With the City's annual condominium conversion limit of 200 units, this legislation
15 also will create greater opportunities for conversion of those buildings: (1) where evictions
16 have not occurred and (2) where non-owning tenants are afforded the ability to purchase the
17 units in which they reside.

18 Section 2. Environmental Findings. The Planning Department has determined that the
19 actions contemplated in this Ordinance are in compliance with the California Environmental
20 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
21 on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein
22 by reference.

23 Section 3. The San Francisco Subdivision Code is hereby amended by adding Section
24 1396.2, to read as follows:

1 SEC. 1396.2. PROHIBITION ON CONDOMINIUM CONVERSIONS FOR CERTAIN
2 BUILDINGS.

3 (a) Notwithstanding any provisions in this Code to the contrary, including section 1359, the
4 Department of Public Works shall not sell residential condominium conversion lottery tickets to; shall
5 not accept a residential condominium conversion subdivision application from; and shall deny a
6 tentative subdivision or tentative parcel map for residential condominium conversion submitted by the
7 owner(s) of a building that meets all of the following conditions:

8 (1) the building had two or more evictions with each eviction associated with a separate
9 unit(s);

10 (2) each eviction occurred on or after January 1, 1999; and,

11 (3) the eviction(s) occurred pursuant to San Francisco Administrative Code sections
12 37.9(a)(8), 37.9(a)(9), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13).

13 (b) Subsection (a) also shall apply to the owner(s) of a building with one or more evictions if
14 the person(s) evicted was a senior, disabled, or catastrophically ill tenant and the eviction occurred in
15 accordance with the conditions of subsections (a)(2) and (3).

16 (1) For purposes of this subsection, a "senior" shall be a person who is 60 years or
17 older and has been residing in the unit for one year or more at the time of the eviction; a "disabled"
18 tenant is defined for purposes of this Section as a person who is disabled within the meaning of Title 42
19 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined for purposes of this
20 Subsection as a person who is disabled as defined above, and who is suffering from a life threatening
21 illness as certified by his or her primary care physician.

22 (c) Subsections (a) and (b) shall apply to all buildings subject to such provisions without
23 regard to whether the current owner(s) initiated or otherwise participated in the eviction(s).

1 (d) If the Department determines that an applicant has knowingly provided false material
2 information concerning subsections (a) or (b) above, the Department shall immediately deny the
3 application for the lottery, or if the applicant has submitted an application for conversion, shall
4 immediately deny the application for conversion. Moreover, the Department, the Director, or other
5 authorized person or entity may also enforce the provisions of this Section under section 1304 or any
6 other applicable provision of law as warranted.

7 (e) For purposes of subsections (a) and (b), "eviction" shall mean the issuance of a written
8 notice terminating tenancy pursuant to Administrative Code sections 37.9(a)(8), 37.9(a)(9),
9 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13); provided, however, that if the property owner(s) issues then
10 withdraws the eviction notice prior to its expiration and the tenant receiving the notice remains in
11 tenancy for at least 120 days following the expiration of the notice, the property owner's action shall
12 not be deemed an eviction pursuant to this subsection.

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

By: _____
John D. Malamut
Deputy City Attorney