

File No. 201183 Committee Item No. 7
Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date October 19, 2020

Board of Supervisors Meeting Date October 27, 2020

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Completed by: Erica Major Date October 15, 2020
Completed by: Erica Major Date October 21, 2020

1 [Administrative Code – Social-Housing Stability Program Fund]

2
3 **Ordinance amending the Administrative Code to establish the Social-Housing Program**
4 **Stability Fund for the acquisition, creation, and operation of affordable Social Housing**
5 **Developments, and establishing the Housing Stability Fund Oversight Board to advise**
6 **the Board of Supervisors regarding the use of the Housing Stability Fund.**

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.

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

15 Section 1. Article XIII of Chapter 10 of the Administrative Code is hereby amended by
16 adding Section 10.100-33478, to read as follows:

17 **SEC. 10.100-33478. SOCIAL-HOUSING STABILITY PROGRAM FUND.**

18 *(a) Establishment of Fund. The Social-Housing Stability Program Fund (the “Fund”) is*
19 *established as a category four fund to receive any monies appropriated or donated for the purpose of*
20 *providing funds for the acquisition, creation, operation, development, construction, or rehabilitation of*
21 *Social Housing Developments as defined in subsection (e).*

22 *(b) Use of Fund. The Social-Housing Stability Program Fund shall be used exclusively for*
23 *the purpose of providing funds for Social Housing Developments including, but not limited to, the*
24 *acquisition of land and/or improvements, preservation, development, rehabilitation, construction,*
25 *operation, loans, grants, and other eligible uses determined by the Mayor’s Office of Housing and*
Community Development (“MOHCD”), and as included in any Social-Housing Stability Program

1 Fund regulations. Among the objectives of the Fund is to prioritize acquisition and creation of
2 affordable housing that lacks access to traditional state and federal affordable housing
3 funding.

4 (c) Administration of Fund. MOHCD shall administer the ~~Social Housing Program Stability~~
5 Fund, and in that capacity may expend funds for a range of eligible uses in accordance with annual
6 program goals and priorities set for the Fund per subsection (d), and enter into loan or grant
7 agreements under terms as determined in the ~~Social Housing Stability Program~~ Fund regulations.

8 (d) Reporting. MOHCD shall submit a report annually by ~~February 15~~ ~~September 1~~ to the
9 Board of Supervisors and the Mayor, and the director of MOHCD shall present the report at a
10 hearing of the Board of Supervisors Budget Committee, on the use of the Social
11 Program ~~Housing Stability~~ Fund during the preceding fiscal calendar year, which may shall include,
12 but need not be limited to, the amounts approved for disbursement to specific uses, the number and
13 size of sites acquired and type (including improved or vacant), the scope of rehabilitation work for
14 improved sites, the number of units developed or assisted by the ~~Social Program~~ ~~Housing Stability~~
15 Fund, the neighborhoods/geography of projects funded, the impact on racial equity, and overall
16 program implementation goals for the current fiscal year and proposed priorities for the next fiscal
17 year. The report to the Board of Supervisors shall be accompanied by a draft motion for the
18 Board to accept the report.

19 (e) Social Housing Developments. Social Housing Developments are housing developments
20 that meet the following two criteria: (1) the City, a nonprofit, residents, or a residents association
21 under binding regulatory agreement ensuring permanent affordability, retains an ownership
22 interest in the land, improvements, or both, or has permanent loan and regulatory agreements for
23 the property, -and (2) the Social Housing Development serves all income qualified households with
24 ana maximum average of not more than 80% of area median income across all units in a project,
25 based on the median income within the zip code area where each the project is located, as

1 determined and updated annually and published by MOHCD and affordable to such households
2 applicable to a unit. Social Housing Developments shall include, but not be limited to, community land
3 trusts, limited equity cooperative housing, nonprofit housing corporation housing, and municipal
4 housing. MOHCD shall establish minimum regulatory requirements for all Social Housing
5 Developments, including but not limited to, enforceable income and affordability restrictions for the
6 useful life of the property but no less than 99 years through a recorded restriction or ground lease
7 from MOHCD.

8 (f) Fund Regulations. The Director of MOHCD, or the Director's designee, is authorized to
9 develop program rules or and regulations regarding use of monies in the Social Housing Stability
10 Program Fund, including regulatory agreements to ensure permanent affordability of Social
11 Housing Developments funded under this program, to best achieve the purposes of the Fund. No
12 housing funded under this program shall be allowed to be used for Short-Term Residential
13 Rental in accordance with Administrative Code Section 41A.4.

14
15 Section 2. Use of Housing Stability Funds through December 31, 2022.

16 It is the Board of Supervisors' present intent that with respect to expenditures made
17 from the Fund through December 31, 2022, a minimum of 20% of those funds be prioritized
18 for Social Housing Developments that provide housing for educators in San Francisco.

19
20 Section 3. The Administrative Code is hereby amended by adding Article XLV,
21 consisting of Sections 545.1 through 5.45-56, to Chapter 5, to read as follows:

22
23 **ARTICLE XLV: HOUSING STABILITY FUND OVERSIGHT BOARD**

24 ///

25 ///

1
2 **SEC. 5.45-1. ESTABLISHMENT OF HOUSING STABILITY FUND OVERSIGHT**

3 **BOARD.**

4 The Board of Supervisors hereby establishes the Housing Stability Fund Oversight
5 Board (the "Oversight Board").

6
7 **SEC. 5.45-2. MEMBERSHIP.**

8 The Oversight Board shall consist of the following 4511 voting members.

9 (a) Seats 1, 2, and 31 and 2 shall be held by persons who are residents of Social
10 Housing Developments, as defined in Section 10.100-78 of the Administrative Code, as
11 amended from time to time to be appointed by the Board of Supervisors.

12 (b) Seats 4, 5, and 63 and 4 shall be held by persons with experience owning,
13 operating, or developing Social Housing Developments, as defined in Section 10.100-78 of
14 the Administrative Code, to be appointed by the Board of Supervisors.

15 (c) Seats 7, 8, and 95 and 6 shall be held by persons with legal, academic, or
16 financing expertise regarding affordable housing creation and policy, to be appointed by the
17 Board of Supervisors.

18 (d) Seat 107 shall be held by a person with experience or expertise in advocacy on
19 behalf of tenants or residents of affordable housing, to be appointed by the Board of
20 Supervisors.

21 (e) Seat 118 shall be held by a person with experience or expertise in the organized
22 labor community, to be appointed by the Board of Supervisors.

23 (f) Seat 129 shall be held by an employee of the Mayor's Office of Housing and
24 Community Development (MOHCD), to be appointed by the Director of MOHCD.

25 ///

1 (g) Seats 13, 14, and 15 and 11 shall be held by any resident of San Francisco
2 with a demonstrated commitment to affordable housing and to racial and economic equity, to
3 be appointed by the Board of Supervisors.

4
5 **SEC. 5.45-3. ORGANIZATION AND TERMS OF OFFICE.**

6 (a) Members of the Oversight Board shall serve at the pleasure of their respective
7 appointing authorities and may be removed by the member's appointing authority at any time.
8 Each member may remain on the Oversight Board for a maximum of a four-year two full terms
9 unless removed prior to the expiration of the term by the member's appointing authority,
10 provided that such limitations to terms do not apply to Seat 129 (with such terms staggered so
11 as to minimize the number of terms expiring simultaneously). The staggered terms will be
12 applied as follows: the initial appointment for seats, 2, 4, 6, and 11, 8 and 14 is two years and
13 the initial appointment for seats 3, 6, 9 and 15 is three years, with the remaining seats, except
14 seat 12, for being appointed to initial four-year terms. Thereafter, all terms shall be for four
15 years. For purposes of the term limit, serving an initial term of two years, or serving more
16 than half of a four-year term, shall count as serving a full term. A seat that is vacant on the
17 Oversight Board shall be filled by the appointing authority for that seat.

18 (b) Members of the Oversight Board shall receive no compensation from the City,
19 except that the member in Seat 129 may receive their regular City salary for time spent on the
20 Oversight Board.

21 (c) Any member who misses three regular meetings of the Oversight Board within a
22 twelve-month period without the express approval of the Oversight Board at or before each
23 missed meeting shall be deemed to have resigned from the Oversight Board 10 days after the
24 third unapproved absence. The Oversight Board shall inform the appointing authority and the
25 Clerk of the Board of Supervisors of any such resignation.

1 (d) The Mayor’s Office of Housing and Community Development shall provide
2 administrative and clerical support for the Oversight Board. All City officials and agencies
3 shall cooperate with the Oversight Board in the performance of its functions.

4
5 **SEC. 5.45-4. POWERS AND DUTIES.**

6 (a) The Oversight Board shall provide oversight for the Housing Stability Program
7 Fund established under Section 10.100-78 of Article XIII of Chapter 10 of the Administrative
8 Code by making recommendations and providing guidance for the use of the Housing Stability
9 Program Fund for Social Housing Developments, including, but not limited to, the acquisition
10 of land and/or improvements, preservation, development, rehabilitation, construction,
11 operation, loans, grants, and other eligible uses determined by MOHCD, and as included in
12 any Housing Stability Fund regulations. The Oversight Board shall seek to make its
13 recommendations through a racial and economic equity lens, with an eye toward the short-
14 term and long-term impact on the use of the monies from the Housing Stability Program Fund.

15 (b) To aid the Oversight Board in making its recommendations and providing
16 guidance, MOHCD shall submit a report to the Oversight Board- by January 15 annually and
17 present on the report at a subsequent Oversight Board meeting. MOHCD shall report on the
18 use of the Housing Stability Fund during the preceding fiscal year, which report shall include,
19 but need not be limited to, the amounts approved for disbursement for specific uses, the
20 number and size of sites acquired and type (including improved or vacant), the scope of
21 rehabilitation work for improved sites, the number of units developed or assisted by the
22 Housing Stability Fund, the neighborhoods/geography of projects funded, and overall program
23 implementation goals for the current fiscal year and proposed priorities for the next fiscal year.

24 ///

25 ///

1 (c) The Controller’s Office shall provide a written report to the Board of Supervisors
2 and the Oversight Board, by February 1 annually, with a summary of all revenues collected
3 under real property transfer tax in the prior fiscal year

4 (d) The Oversight Board shall make recommendations, including budget
5 recommendations, to the Board of Supervisors by March 31 annually.

6
7 **SEC. 5.45-5. MEETINGS AND PROCEDURES.**

8 (a) The Oversight Board shall hold its inaugural meeting not more than 90 days
9 after the effective date of the ordinance in Board File No. 200610 enacting this Article XLVI.
10 There shall be at least 10 days’ notice of the inaugural meeting. Following the inaugural
11 meeting, the Oversight Board shall hold a regular meeting not less than once each quarter.

12 (b) The Oversight Board shall elect a Chair and such other officers as it deems
13 appropriate, and may establish bylaws and rules for its organization and procedures.

14
15 **SEC. 5.45-6. OVERSIGHT BOARD - TERM.**

16 Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides
17 that advisory bodies created by the Board should sunset within three years, the Board intends
18 the Oversight Board to exist indefinitely unless terminated by ordinance.

19
20 Section 4. Background.

21 ~~(a)~~–It is the intent of the Board of Supervisors to appropriate to the ~~Social Housing~~
22 Stability Program Fund revenues from the General Fund generated from any real property
23 transfer tax increase passed by the San Francisco electorate in the November 3, 2020
24 election, although nothing in this Section ~~23~~ or in Section 10.100-~~33478~~ of the Administrative
25

1 Code requires the City to appropriate any revenues from such real property transfer tax
2 increase for this purpose.

3 ~~(b) It is the intent of the Board of Supervisors to enact an ordinance establishing an~~
4 ~~advisory committee to provide policy advice and recommendations regarding the Social~~
5 ~~Housing Program Fund, and to monitor implementation of the Social Housing Program Fund,~~
6 ~~although nothing in this Section 2 or in Section 10.100-334 of the Administrative Code~~
7 ~~requires the City to enact such an ordinance.~~

8 Section 34. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor’s veto of the ordinance.

12

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

15

16 By: /s/ Heidi J. Gewertz
17 HEIDI J. GEWERTZ
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 10/19/2020)

[Administrative Code - Housing Stability Fund]

Ordinance amending the Administrative Code to establish the Housing Stability Fund for the acquisition, creation, and operation of affordable Social Housing Developments, and establishing the Housing Stability Fund Oversight Board to advise the Board of Supervisors regarding the use of the Housing Stability Fund.

Existing Law

Section 10.100-1 of Article XIII of Chapter 10 of the San Francisco Administrative Code, Administration of Special Funds, establishes fund categories to assist with the financial management of special funds or accounts as such fund accounts are authorized by the City. The City has established special funds or accounts under Section 10.100-1.

Chapter 5 of the San Francisco Administrative Code includes Articles describing the existing advisory committees established by the City.

Amendments to Current Law

The proposed ordinance, if adopted, would amend Article XIII of Chapter 10 of the Administrative Code by adding Section 10.100-334 which amendment would result in the establishment of the Housing Stability Fund for the acquisition, creation and operation of affordable Social Housing Developments. Further, the proposed ordinance, if adopted, would also add Article XLV to Chapter 5 of the Administrative Code to create the Housing Stability Fund Oversight Board.

The Housing Stability Fund would be established as a category four fund to receive any monies appropriated or donated for the purpose of providing funds for the acquisition, creation, operation, development, construction, or rehabilitation of Social Housing Developments which are defined as housing developments that meet the following two criteria: (1) the City, a nonprofit, residents, or a residents association under binding regulatory agreement ensuring permanent affordability, retains an ownership interest in the land, improvements, or both, or has permanent loan and regulatory agreements for the property, and (2) the Social Housing Development serves all income qualified households with a maximum average of not more than 80% of median income across all units in a project, based on the median income within the zip code area where the project is located, as determined and updated annually and published by the Mayor's Office of Housing and Community Development ("MOHCD") and affordable to such households applicable to a unit. Social Housing Developments shall include, but not be limited to, community land trusts, limited equity cooperative housing, nonprofit housing corporation housing, and municipal housing.

MOHCD shall establish minimum regulatory requirements for all Social Housing Developments, including but not limited to, enforceable income and affordability restrictions for the useful life of the property but no less than 99 years through a recorded restriction or ground lease from MOHCD. Further, while non-binding, it is the Board of Supervisors' present intent that with respect to expenditures made from the Housing Stability Fund through December 31, 2022, a minimum of 20% of those funds be prioritized for Social Housing Developments that provide housing for educators in San Francisco

MOHCD would be required to submit a report annually by February 15 to the Board of Supervisors and the Mayor on the use of the Housing Stability Fund during the preceding calendar year, which shall include, but need not be limited to, the amounts approved for disbursement to specific uses, the number and size of sites acquired and type (including improved or vacant), the scope of rehabilitation work for improved sites, the number of units developed or assisted by the Housing Stability Fund, the neighborhoods/geography of projects funded, the impact on racial equity and overall program implementation goals for the current fiscal year and proposed priorities for the next fiscal year. The report to the Board of Supervisors shall be accompanied by a draft motion for the Board to accept the report. The Director of MOHCD, or the Director's designee, would be authorized to develop program rules or regulations regarding use of monies in the Housing Stability Fund to best achieve the purposes of the Fund.

The proposed ordinance would establish the Housing Stability Fund Oversight Board as an eleven member voting oversight board with each member serving for a maximum of two full terms, with initial staggered terms so as to minimize the number of terms expiring simultaneously. Accordingly, initial appointments will be for two year terms for certain seats and four year terms for certain seats and thereafter all seats will be for a subsequent term of four years.. The Oversight Board shall provide oversight for the Housing Stability Program Fund by making recommendations and providing guidance for the use of the Housing Stability Program Fund for Social Housing Developments. The Oversight Board shall seek to make its recommendations through a racial and economic equity lens, with an eye toward the short-term and long-term impact on the use of the monies from the Housing Stability Program Fund.

To aid the Housing Stability Oversight Board in making its recommendations and providing guidance, MOHCD shall submit a report to the Oversight Board by January 15 annually and present on the report at a subsequent Oversight Board meeting. MOHCD shall report on the use of the Housing Stability Fund during the preceding fiscal year. Additionally, the Controller's Office shall provide a written report to the Board of Supervisors and the Oversight Board, by February 1 annually, with a summary of all revenues collected under real property transfer tax in the prior fiscal year

The Oversight Board shall make recommendations, including budget recommendations, to the Board of Supervisors by March 31 annually.

Background Information

This legislative digest reflects amendments made in the Land Use and Transportation Committee on October 5, 2020 to revise the name of the fund from the Social Housing Program Fund to the Housing Stability Fund, make certain clarifying revisions and create the Housing Stability Fund Oversight Board. It also reflects amendments made in the same committee on October 19, 2020 to reflect the Board's non-binding intent regarding the use of funds until 2022, and to adjust the size and terms of the Advisory Body.

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From: [Zachary Weisenburger](#)
To: [Major, Erica \(BOS\); Board of Supervisors, \(BOS\)](#)
Subject: In Support of Housing Stability Fund Legislation (File # 200610)
Date: Monday, October 19, 2020 7:09:30 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am contacting you in support of the Housing Stability Fund legislation (File # 200610).

My name is Zachary Weisenburger and I am with the Young Community Developers (YCD).

We are here representing the Affordable Housing community -- we who collectively build and deliver affordable housing and housing services to people in our communities, who today more than ever are at risk of displacement and of being impacted by the disparate effects of COVID-19.

We strongly support this Housing Stability Fund legislation as it will bring more needed resources to expand our affordable housing work for and with the communities we serve and those in need of affordable housing across the communities of San Francisco.

The Housing Stability Fund responds directly to the urgencies of the moment from COVID-19 and the economic crisis, by increasing public investments in preserving housing for long term affordability and in building new affordable housing. It is a real solution, in real-time.

The Housing Stability Fund will also finance the creation and acquisition of permanently affordable housing - including the preservation of San Francisco's rent-controlled housing that is liable to face another wave of speculation due to the economic fallout of COVID-19.

Finally, the Housing Stability Fund legislation will expand our affordable housing toolbox and we need an all of the above affordable housing approach looking ahead as the range of households in need continues to widen.

We strongly support this legislation and hope you do as well.

Thank you,



Zachary Weisenburger
Fellow - Housing and Anti-Displacement Policy
Young Community Developers, Inc.
1715 Yosemite Avenue | SF | CA | 94124
415-265-1034 | zweisenburger@ycdjobs.org

From: [Mchugh, Eileen \(BOS\)](#)
To: [Major, Erica \(BOS\)](#)
Subject: FW: SUPPORTING Land Use and Transportation Committee Agenda Item #2 Administrative Code - COVID-19 Rent Resolution and Relief Fund File #200611
Date: Wednesday, September 30, 2020 3:18:53 PM

From: aeboken <aeboken@gmail.com>
Sent: Sunday, September 27, 2020 8:47 PM
To: BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: SUPPORTING Land Use and Transportation Committee Agenda Item #2 Administrative Code - COVID-19 Rent Resolution and Relief Fund File #200611

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

TO: Board of Supervisors members

I am in support of establishing a COVID-19 rent resolution and relief fund.

Eileen Boken
Coalition for San Francisco Neighborhoods*

* For identification purposes only.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Aaron Goodman](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Safai, Ahsha \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Subject: SFBOS Land Use - sept 28th
Date: Monday, September 28, 2020 1:24:13 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please note I just noted today's agenda and although late to comment I am unable to call in due to wife and kid working from home (internet bandwidth) with multiple callers etc or call in So I would like to voice support on agenda items 1 and 2 and three today On the agenda, as well as the Baking Co. item on Mission street preservation item. We don't have a lot of good preservation items in the excelsior and need to assure that some buildings and cultural landmarks are preserved.

We also need to stabilize housing needs and create a fund to purchase larger scale sites. Example would be the Safeway site or Valentina funeral home site as permanently affordable public housing stock in D11 and other parts of the city. (See prior comments on purchasing back parkmerced!) its very realistic considering the overall housing needs and costs to build new housing stock...

Thank you for including in the support on comments.

Aaron Goodman D11

Sent from my iPhone

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: Eric D. Shaw, Director, Mayor's Office of Housing and Community Development

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: June 16, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Preston on June 9, 2020:

File No. 200610

Ordinance amending the Administrative Code to establish the Social Housing Program Fund for the acquisition, creation, and operation of affordable Social Housing Developments.

If you have 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 or by email at: erica.major@sfgov.org.

cc: Eugene Flannery, Mayor's Office of Housing and Community Development
Amy Chan, Mayor's Office of Housing and Community Development

Introduction Form

By a Member of the Board of Supervisors or 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 inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only