

REVISED LEGISLATIVE DIGEST

(9/25/2012, Substituted in Board)

[Administrative Code - Extending Restrictions of the Apartment Conversion Ordinance to Business-Sponsored Short Term Occupancies; Allowing Civil Actions by Certain Non-Profit Entities; Revising Enforcement Procedures]

Ordinance amending the San Francisco Administrative Code by amending Chapter 41A to 1) extend the restrictions against converting apartment units to short-term occupancies to tenants or guests of business entities that rent such apartments; (2) allow civil actions to be brought by certain non-profit entities; (3) revise enforcement procedures; and 4) making environmental findings.

Existing Law

Administrative Code Chapter 41A prohibits the occupancy of an apartment unit for less than thirty days, which is defined as a tourist or transient use. Chapter 41A provides both civil remedies and criminal penalties for violations, and authorizes the Director of Building Inspection to enforce the provisions of Chapter 41A. The ordinance also permits a permanent resident of a building, where unlawful tourist or transient use is alleged to occur, to institute proceedings for injunctive and monetary relief for a violation of Chapter 41A.

Amendments to Current Law

This Ordinance specifies that even where a business entity may have a long term lease for an apartment unit, if the business entity leases or permits the use of the apartment unit for less than 30 days, such activity is illegal under Chapter 41A. In addition, the amendments permit a non-profit organization, which has the preservation or improvement of housing as a stated purpose in its articles of incorporation or bylaws, to institute proceedings for injunctive and monetary relief for a violation of Chapter 41A. This Ordinance clarifies the procedures for enforcement in the following ways. First, the Director of Building Inspection has discretion to determine whether a potential violation may exist. If the Director so determines, a hearing officer will conduct a hearing. Second, penalties are specified to be four times the standard rate of \$104, and the City may also collect the cost of enforcement, including attorneys fees, from an owner or business entity found to be in violation of Chapter 41A. An interested party may bring a civil action following the hearing officer's determination.