

File No. 120812

Committee Item No. 3

Board Item No. 15

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 15, 2012

Board of Supervisors Meeting Date October 23, 2012

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Environmental Review Determination, dtd 9/18/12</u> |
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Completed by: Alisa Miller Date October 12, 2012

Completed by: Alisa Miller Date October 17, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

1 [Administrative Code - Public Housing Right to Return to Revitalized Housing]

2  
3 Ordinance amending the San Francisco Administrative Code by: 1) adding Chapter 39,  
4 Sections 39.1 through 39.9, to establish the San Francisco Right to Revitalized Housing  
5 Ordinance and set City policy regarding the Right to Return to Revitalized Public  
6 Housing Units; and 2) adding Section 37.6(n) to establish new powers for the San  
7 Francisco Residential Rent Stabilization and Arbitration Board in connection with the  
8 new San Francisco Right to Revitalized Housing Ordinance.

9  
10 NOTE: Additions are *single-underline italics Times New Roman*;  
11 deletions are *strike-through italics Times New Roman*.  
12 Board amendment additions are double-underlined;  
13 Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. The San Francisco Administrative Code is hereby amended by adding  
16 Section 37.6(n) as follows:

17 (n) As provided by Administrative Code Chapter 39, utilize Administrative Law  
18 Judges to review relocation claims from Current Households related to a Public Housing  
19 Development Project, and make advisory recommendations thereon to the San Francisco  
20 Housing Authority for its final determination.

21 Section 2. The San Francisco Administrative Code is hereby amended by adding  
22 Chapter 39, Section 39.1 through 39.9, to read as follows:

23 **CHAPTER 39**

24 **SEC. 39.1. APPLICATION.**

25 This Chapter shall apply as a condition of receipt of any Financial Assistance to be provided by  
the City to a Public Housing Development Project located within the City.

1  
2 **SEC. 39.2. INTENT AND PURPOSE.**

3 It is the intent and purpose of the City to expressly give public housing households tenants a  
4 right to revitalized housing after temporary relocation or displacement as a result of a Public Housing  
5 Mixed Finance Development Project so long as the household tenant is not in eviction processes,  
6 having been duly and properly served with a summons and complaint by the SFHA, or has not been  
7 evicted from a unit that is managed by the SFHA. In order to further such purpose, it is the intent of  
8 the City that, upon notification of his/her eligibility for a revitalized housing unit, the household  
9 tenant shall not be subject to any additional screening by the landlord or someone acting under the  
10 landlord's authority.

11 Additionally, it is the intent and purpose of the City to protect the relocation rights of such  
12 household tenants. In order to further such purpose, it is the intent of the City to require that any  
13 relocation plans produced by the project sponsor of a Public Housing Development Project must be  
14 reviewed by the City department providing the Financial Assistance San Francisco Relocation  
15 Appeals Board, as well as to establish the Relocation Appeals Board San Francisco Residential  
16 Rent Stabilization and Arbitration Board as an independent third party to review relocation claims  
17 and make advisory recommendations thereon to the SFHA for its final determination. This Chapter  
18 shall be construed consistent with the intent and purpose as stated above, and in accordance with  
19 applicable state and federal law.

20  
21 **SEC. 39.3. DEFINITIONS.**

22 As used in this Article, the following terms shall have the following meanings:

23 (a) "Agreement" means any contract with the City for the provision of Financial Assistance for  
24 a Public Housing Development Project.

25 (b) "City" means the City and County of San Francisco.

1           (c) “Community Redevelopment Law or CRL” means Cal. Health & Safety Code §33000 et  
2 seq.

3           (d) “Current TenantHousehold(s)” means a lawful householdtenant of a Public Housing  
4 Unit, including each member of the tenant household, that occupies a Public Housing Unit in an  
5 Existing Public Housing Development on the Initiation Date. For purposes of this Chapter, each  
6 lawful tenant within a Public Housing Unit household shall be treated as a single householdTenant  
7 and shall not have rights to separate Replacement Units.

8           (e) “Existing Public Housing Development” means an existing development of Public Housing  
9 Units that will be demolished, disposed of, removed, and/or converted, in whole or in part, in  
10 connection with a Public Housing Development Project.

11           (f) “Financial Assistance” means the provision of any federal, state, or local public funds that  
12 are administered, allocated, or committed by the City to SFHA, another public entity, private  
13 developer, and/or any agents, managers or partners of such entities in connection with a Public  
14 Housing Development Project.

15           (g) “Initiation Date” is the date of the first notice of eligibility for relocation benefits in  
16 connection with a Public Housing Development Project

17           (h) “New Development” means a residential and/or mixed use development that is developed  
18 under federal regulations stated in 24 CFR Part 941 to replace an Existing Public Housing  
19 Development in connection with a Public Housing Development Project.

20           (i) “Prior Tenants” means any Current Tenant that moves from a Public Housing Unit  
21 located in an Existing Public Housing Development, with or without relocation assistance, on  
22 or after the Initiation Date of a Public Housing Development Project, unless the Current  
23 Tenant was notified, in writing, before such move of their eligibility for relocation assistance  
24 and rehousing in a Replacement Unit; provided, any tenant that is evicted for just cause in  
25 accordance with applicable law shall not be a Prior Tenant.

1           (ji) “Public Housing Development Project” means a development or redevelopment project  
2 that: (i) involves the demolition, disposition, removal, revitalization, rehabilitation, and/or conversion,  
3 in whole or in part, of an Existing Public Housing Development; (ii) involves and/or the relocation of  
4 Current Tenant Household(s) in connection therewith; and (iii) as a result of such activities, is  
5 required to comply with the Uniform Relocation Assistance and Real Property Acquisitions  
6 Policies Act, 24 U.S.C. 42 U.S.C. §4601 et seq. and the implementing regulations issued by  
7 the Department of Transportation at 49 CFR part 24.

8           (kj) “Public Housing Unit” means a public housing dwelling unit as defined in the United  
9 States Housing Act of 1937, as amended (42 U.S.C. §1437) and any regulations adopted in connection  
10 therewith, and that is owned and operated by SFHA in the City.

11           (kk) “Relocation Assistance Laws” means any and all federal, state, and local relocation  
12 assistance laws that may be applicable to a Public Housing Development Project, including but not  
13 limited to, the California Relocation Assistance Law, Cal. Govt. Code § 7260 et seq.; Uniform  
14 Relocation Assistance and Real Property Acquisitions Policies Act, 24 U.S.C. 42 U.S.C. §4601 et seq.;  
15 the Housing and Community Development Act, 42 U.S.C. §5301 et seq.; the United States Housing Act,  
16 42 U.S.C. § 1437 and all regulations, guidelines, and/or HUD Handbooks adopted in connection with  
17 each; and this Chapter.

18           (l) “Rent Board” means the San Francisco Residential Rent Stabilization and  
19 Arbitration Board.

20           (m) “Replacement Housing Laws” means any and all federal, state, and local replacement  
21 housing laws that may be applicable to a Public Housing Development Project, including but not  
22 limited to, the Community Redevelopment Law, Cal. Health & Safety Code §33000 et seq.; the Housing  
23 and Community Development Act, 42 U.S.C. §5301 et seq.; and all regulations, guidelines, and/or  
24 HUD Handbooks or Notices adopted in connection with each; and this Chapter.  
25

1           (n) "Replacement Unit(s)" means a comparable Public Housing Unit or other comparable  
2 residential unit that is developed under federal regulations stated in 24 CFR Part 941, 24 CFR 970,  
3 or 24 CFR 972 to replace a Public Housing Unit that is demolished, disposed of, removed, revitalized,  
4 rehabilitated or converted as a result of a Public Housing Development Project.

5           (o) "SFHA" means the San Francisco Housing Authority, a public body, corporate and politic,  
6 organized and existing under the California Housing Authorities Law (Cal. Health & Saf. Code §  
7 34200 et seq.).

8  
9           **SEC. 39.4. REQUIREMENTS FOR AGREEMENTS FOR FINANCIAL ASSISTANCE.**

10           Every officer and employee of the City shall include in any Agreement a provision requiring the  
11 recipient of the Financial Assistance, as a condition of receiving the Financial Assistance, to provide  
12 Current Households Tenants and Prior Tenants with a Replacement Unit as provided in subsection  
13 (1) and (2) and to obtain review of relocation plans as provided in subsection (3). In addition, the  
14 recipient of the Financial Assistance shall be required, as a condition of receiving the Financial  
15 Assistance, to include these requirements in any contract with SFHA regarding the Public Housing  
16 Development Project. Every officer and employee of the City who enters into such Agreement shall  
17 confer with the City Attorney's Office in drafting and negotiating the provisions thereof in order to  
18 implement these requirements, including the provision of appropriate remedies for violation of the  
19 Agreement.

20           (1) **Right to Replacement Unit.** Subject to Section 39.4(2b), all Current Households  
21 Tenants and Prior Tenants whose tenancy at the Existing Public Housing Development Project was  
22 not lawfully terminated prior to or after the Initiation Date, unless such lawful termination was done  
23 pursuant to the relocation plan in connection with the Public Housing Development Project, shall have  
24 a right to, and the highest priority for, a Replacement Unit at the New Development or, if applicable,  
25 for an off-site Replacement Unit.

1           (2) Eligibility and Screening Criteria. Current Households Tenants and Prior Tenants  
2 shall be deemed eligible for a Replacement Unit, and shall not be subjected to any eligibility or  
3 screening criteria for a Replacement Unit other than income eligibility restrictions that may apply to a  
4 suitable Replacement Unit due to a subsidy affecting the unit.

5           (3) Review Of Relocation Plan. The recipient of Financial Assistance shall obtain a review by  
6 the San Francisco Relocation Appeals Board, as established pursuant to San Francisco  
7 Administrative Code Chapter 24B, City department providing the Financial Assistance of any  
8 relocation plan drafted for a Public Housing Development Project. The recipient of Financial  
9 Assistance shall present the proposed relocation plan to the applicable City department Relocation  
10 Appeals Board at least thirty days prior to adoption and request that the City department Relocation  
11 Appeals Board submit comments regarding the plan or policy in the form of a memorandum to the  
12 entity responsible for adopting the final plan. If the City department Relocation Appeals Board  
13 decides not to take a position or does not seek to provide comment, it shall issue a memorandum to the  
14 appropriate entity stating as such.

15  
16       **SEC. 39.5. APPEALS.**

17           For all Public Housing Development Projects, the Rent Board Relocation Appeals Board  
18 shall be the independent third party to review relocation claims and make advisory recommendations  
19 thereon to the SFHA for its final determination. In reviewing the claim and making recommendations  
20 to the SFHA, the Rent Board Relocation Appeals Board shall be guided by the provisions of the  
21 Appeals/Grievance Procedure established as part of the adopted relocation plan for the Public  
22 Housing Development Project. The review and advisory recommendation process for all claims  
23 submitted under this Section 39.5 shall consist of a hearing conducted by a Rent Board  
24 Administrative Law Judge (as defined in Administrative Code Section 37.2(f)) and a written  
25 advisory recommendation from the Administrative Law Judge to the SFHA.

Supervisor Olague  
BOARD OF SUPERVISORS

1        The project sponsor for a Public Housing Development Project will be billed time and  
2 materials for any administrative costs that the Rent Board or any other City entity incurs in  
3 reviewing relocation claims under this Chapter.

4  
5        **SEC. 39.6. APPLICATION OF OTHER LAWS.**

6        Nothing in this Chapter is intended to limit the rights of Public Housing household tenants  
7 that may exist pursuant to other state, federal, or local laws.

8  
9        **SEC. 39.7. ENFORCEABILITY.**

10        This Chapter shall be enforceable by the City and any beneficially interested person. Any  
11 enforcement action shall be limited to injunctive relief, including specific performance. As set forth in  
12 Section 39.8, there shall be no monetary damages for any violation of this Chapter.

13  
14        **SEC. 39.8. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE**

15        In undertaking the adoption and enforcement of this Chapter, this City is assuming an  
16 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers  
17 and employees or on any other person or entity, including but not limited to the SFHA, an obligation  
18 for breach of which it is liable in money damages to any person who claims that such breach  
19 proximately caused injury.

20  
21        **SEC. 39.9. NO CONFLICT WITH STATE OR FEDERAL LAW; SEVERABILITY.**

22        This Chapter shall be construed so as not to conflict with applicable federal or State laws, rules  
23 or regulations, including but not limited to the Relocation Assistance Laws and Replacement Housing  
24 Laws. Nothing in this Chapter shall authorize any City agency to impose any duties or obligations in  
25



1 conflict with limitations on municipal authority established by federal law at the time such agency  
2 action is taken.

3 If any section, paragraph, sentence, clause or phrase of this Chapter is for any reason held to  
4 be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not  
5 affect the validity or effectiveness of the remaining portions of this Chapter. The Board of Supervisors  
6 declares that it would have passed each section, paragraph, sentence, clause or phrase of this Chapter  
7 irrespective of the fact that any portion of this Chapter could be declared unconstitutional, invalid or  
8 ineffective.

9  
10 Section 32. Effective Date. This ordinance shall become effective 30 days from the  
11 date of passage. This ordinance is intended to have prospective effect only.

12  
13 Section 43. This section is uncodified. In enacting this Ordinance, the Board intends  
14 to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
15 punctuation, charts, diagrams, or any other constituent part of the Administrative Code that  
16 are explicitly shown in this legislation as additions, deletions, Board amendment additions,  
17 and Board amendment deletions in accordance with the "Note" that appears under the official  
18 title of the legislation.

19  
20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By:

  
23 EVAN GROSS  
24 Deputy City Attorney

25  
Supervisor Olague  
BOARD OF SUPERVISORS

**REVISED LEGISLATIVE DIGEST**

(10/15/2012, Amended in Committee)

[Administrative Code - Public Housing Right to Return to Revitalized Housing]

**Ordinance amending the San Francisco Administrative Code by: 1) adding Chapter 39, Sections 39.1 through 39.9, to establish the San Francisco Right to Revitalized Housing Ordinance and set City policy regarding the Right to Return to Revitalized Public Housing Units; and 2) adding Section 37.6(n) to establish new powers for the San Francisco Residential Rent Stabilization and Arbitration Board in connection with the new San Francisco Right to Revitalized Housing Ordinance.**

Existing Law

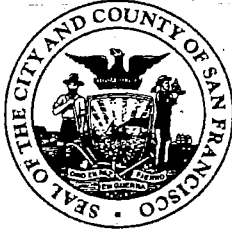
There is currently no existing City law regarding this subject matter. There is existing Federal law applicable to operations and development of public housing, including but not limited to the United States Housing Act of 1937, as amended (42 U.S.C. §1437). There is existing Federal and State law applicable to relocation assistance, including but not limited to, the California Relocation Assistance Law, Cal. Govt. Code § 7260 et seq.; Uniform Relocation Assistance and Real Property Acquisitions Policies Act, 24 U.S.C. 42 U.S.C. §4601 et seq.; the Housing and Community Development Act, 42 U.S.C. §5301 et seq.; and the United States Housing Act, 42 U.S.C. § 1437. There is also existing Federal and State law governing replacement housing requirements for public housing and Redevelopment Area developments, including but not limited to the Community Redevelopment Law, Cal. Health & Safety Code §33000 et seq. and the Housing and Community Development Act, 42 U.S.C. §5301 et seq. There is also existing law regarding the powers and duties of the San Francisco Residential Rent Stabilization and Arbitration Board.

Amendments to Current Law

It is the intent and purpose of the City to preserve the supply of public housing in the City, prevent or minimize permanent displacement and the hardship associated with the displacement and relocation of public housing tenants as a result of a public housing development project, and protect the rights of public housing tenants to: (i) maintain their sense of community, (ii) return to revitalized and fully comparable dwelling units upon completion of a public housing development project, and to (iii) require the responsible City department to conduct a review of any related relocation plans, and to (iv) provide independent, third-party oversight of relocation appeals associated with public housing redevelopment. This Ordinance proposes to amend current law to provide such protections. The Ordinance establishes, amongst other things:

- (i) an administrative framework and timeline for the City's involvement in the relocation planning process for public housing development projects that obtain financial assistance from the City;
- (ii) the right of all current public housing tenants to return to any new development constructed in connection with a public housing development project, provided they have not been evicted from public housing; and
- (iii) for all current public housing tenants being relocated from any public housing development project that receives financial assistance from the City, the right to have their relocation claims heard by the San Francisco Residential Rent Stabilization and Arbitration Board ~~Relocation Appeals Board~~.

BOARD of SUPERVISORS



City Hall  
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: John Rahaim, Director, Planning Department  
Henry Alvarez III, Executive Director, Housing Authority  
Olson Lee, Director, Mayor's Office of Housing

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: July 9, 2012

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Olague on July 31, 2012, which is being forwarded to your department for review.

**File No. 120812**

Ordinance amending the San Francisco Administrative Code, by adding Chapter 39, Sections 39.1 through 39.9, to establish the San Francisco Right to Revitalized Housing Ordinance and set City policy regarding the Right to Return to Revitalized Public Housing Units.

If you have any additional reports or comments 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.

c: AnMarie Rodgers, Planning Department

*Not a Project*  
*CEQA Section 15060 (c)(3)*  
*[Signature]* 7/18/12  
*Joy Navarrete*



# SAN FRANCISCO PLANNING DEPARTMENT

September 27<sup>th</sup>, 2012

Supervisor Olague and  
Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Re: Transmittal of Planning Case Number 2012.1066U  
BF 120812 Amendments relating to the Administrative Code  
Public Housing Right to Return to Revitalized Housing

Recommendation: Endorsement of Policy

Dear Supervisor Olague and Clerk Calvillo,

On September 27<sup>th</sup>, 2012 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance under Board of Supervisors File Number 12-0812.

At the September 27<sup>th</sup> Hearing, the Commission voted 7-0 to recommend endorsement of the policy described in the proposed Ordinance which would establish the San Francisco Right to Revitalized Housing Ordinance and set City policy regarding the Right to Return to Revitalized Public Housing Units.

This action will be officially recorded in the minutes for this hearing, which are not yet finalized. In lieu of the official minutes, we submit their endorsement via this transmittal memo and the attached case report for the Board of Supervisor's consideration at the Land Use Committee hearing on October 1, 2012. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "AnMarie Rodgers", with a horizontal line extending to the right.

AnMarie Rodgers  
Manager of Legislative Affairs

Cc: City Attorneys Jon Givner and Evan Gross

Attachments (one copy of the following): Department Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Administrative Code Text Change HEARING DATE: SEPTMEBER 20, 2012

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* Amendments relating to the Administrative Code:  
**Public Housing Right to Return to Revitalized Housing**  
*Case Number:* 2012.1066U [Board File No. 12-0812]  
*Initiated by:* Supervisor Olague / Introduced July 31, 2012  
*Staff Contact:* Aaron Starr, Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6257  
*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Recommendation:* **No Action at This Time**

### ADMINISTRATIVE CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Administrative Code, by adding Chapter 39, Sections 39.1 through 39.9, to establish the San Francisco Right to Revitalized Housing Ordinance and set City policy regarding the Right to Return to Revitalized Public Housing Units.

#### The Way It Is Now:

There is currently no existing Federal, State or City law that guarantees a person who has been displaced by a public housing revitalization project the right of return to the development once the work is complete. There is existing Federal law that requires that anyone displaced by a public housing revitalization project be provided relocation assistance and to ensure that there is comparable housing or temporary housing. This can either be through the Housing Choice Voucher Program (formerly "Section 8") or placement in temporary or other permanent housing. Because there is no right-of-return there is no process outlining the right-of-return.

Currently, there is an entity called the "San Francisco Relocation Appeals Board" that is under the auspices of the Mayor's Office of Housing. The Appeals Board meets once a year and is described on their web site as "a resource for individuals and families whose residence or business is displaced by public action."

#### The Way It Would Be:

The proposed Ordinance would establish a right-of-return in the City of San Francisco so that a person who has been displaced by a public housing revitalization project will have the right of return to the development once the work is complete. This would apply only to public housing projects (i.e. projects on property owned by the San Francisco Housing Authority<sup>1</sup>) that received money from the Mayor's

<sup>1</sup> The San Francisco Housing Authority is a separate agency not under the control of the City and County of San Francisco. It administers many affordable housing and homeless programs funded by the U.S. Office of Housing and Urban Development (HUD), the U.S. Department of Agriculture (USDA), and the State of California.

Office of Housing. It would not apply to other projects that receive money from the Mayor's Office of Housing. The Ordinance would also establish a framework for the relocation process and establish the San Francisco Relocation Appeals Board as the appeal body for any relocation appeals.

## BACKGROUND

The largest public housing effort underway in San Francisco is HOPE SF. According to the HOPE SF website, the "HOPE SF initiative seeks to transform eight of San Francisco's most distressed public housing sites into vibrant, thriving communities through holistic revitalization. HOPE SF will transform 2,500 severely deteriorated public housing sites into sustainable, mixed-income communities with neighborhood retail, community centers, parks, and playgrounds." Particularly relevant to this proposed Ordinance is the HOPE SF commitment to "replace every public housing unit and add new homes to the eight project sites. The final mix of housing will include public housing, market-rate, and affordable rental and ownership housing<sup>2</sup>." The five active HOPE SF public housing properties include: Hunters View, Sunnydale-Velasco, Westside Courts, Potrero Terrace and Potrero Annex, Alice Griffith. Two future HOPE SF sites include Hunters Point and Westbrook.

Prior to HOPE SF, San Francisco revitalized five public housing projects with funding from HOPE VI. An evaluation of HOPE VI prepared by the UC Berkeley Health Impact Group, for the purposes of evaluating HOPE VI stated,

"There are major concerns about the time taken for redevelopment (in some cases more than a few years), displacement of population caused by the long redevelopment timelines; and the push towards fewer units and mixed-income housing. Rates of return of original residents back to HOPE VI sites vary considerably, but generally are below 50%, which raises serious questions about how relocations were handled (about a third received section 8 vouchers that could be accepted regionally, about a half were relocated to other public housing sites, and the remainder left the public housing program), and whether this resulted in a major exodus away from the redeveloped sites and ensuing gentrification. Worse, in some cases, poor record-keeping may have prevented some of the original residents in reclaiming their spots in the HOPE VI housing (Peterson 2005). Moreover, new screening criteria for the redeveloped sites may have filtered out some residents from returning. Evidence suggests that on the average, original residents had moved to areas of lower poverty and crime, but it is unclear what economic hardships this has created, or how the disruption of social ties and social services has impacted health<sup>3</sup>."

## ISSUES AND CONSIDERATIONS

- Public housing is more than just a physical structure it is a home for the people and families who live within it.

---

<sup>2</sup> This quote was retrieved from <http://hope-sf.org/basic.php> on September 11, 2012.

<sup>3</sup> This quote was retrieved from the report titled "HOPE IV to HOPE SF San Francisco Public Housing Redevelopment A Health Impact Assessment" from report pages Intro 6-7. This document was retrieved from <http://www.healthimpactproject.org/resources/document/hope-vi-to-hope-sf-san-francisco-public-housing-redevelopment.pdf> on September 11, 2012.

- Demolishing housing can have a negative effect on a community by breaking community bonds that have taken years to develop. Allowing those who have been displaced to return would help to lessen this impact.
- There are several agencies as well as some private non-profits that are involved with the funding, construction, administration and maintenance of public housing in San Francisco. There are also Federal, State and local laws that govern public housing. Given the complexity of the issues it is important to ensure that these agencies have had the opportunity to comment on the Ordinance before it is adopted.
- Several policy's in the General Plan and Proposition M findings call for not only the retention and reinvestment in affordable housing, but also the preservation of community and cultural history.

### REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

### RECOMMENDATION

The Department recommends that the Commission not take a position on the proposed Ordinance at this time.

### BASIS FOR RECOMMENDATION

The Mayor's office of Housing, the Housing Authority and Supervisor Olague's office are still fine-tuning the legislation and, as of the date of this report, the interested parties have not agreed upon a final version of the Ordinance. Some areas of concern include potential conflicts that the proposed Ordinance has with existing Federal and State Law, the wording of certain provisions that define which residents have the right to return and which body will hear relocation appeals. Planning Department staff have been in contact with staff from the Mayor's Office of Housing and the Housing Authority. The Department has requested that staff from these offices attend the planning hearing to help answer questions from the Commission.

The intent of the proposed Ordinance is supported by General Plan and Proposition M Findings which encourage the rehabilitation and conservation of existing affordable housing to serve the City's existing and expanding housing needs. The following policies specifically address those goals:

- **Policy 2.4:** Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.
- **Policy 4.1:** Develop new housing, and encourage the remodeling of existing housing, for families with children.
- **Policy 4.3:** Create housing for people with disabilities and aging adults by including universal design principles in new and rehabilitated housing units.
- **Policy 9.3:** Maintain and improve the condition of the existing supply of public housing, through programs such as HOPE SF.
- **Prop M Finding 3:** The City's supply of affordable housing will be preserved and enhanced



At the same time, the General Plan and Proposition M findings encourage the retention of not just housing, but also a neighborhood's sense of community and sense of place:

- **Policy 11.9:** Foster development that strengthens local culture sense of place and history.
- **Prop M Finding 2:** The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

While the overall goal of the legislation is supported by the General Plan, because the final version of the Ordinance is not available, the Planning Department is recommending that the Commission not take an action on the item at this time.

### ENVIRONMENTAL REVIEW

CEQA review is not required for this ordinance.

### PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any comments on the proposed Ordinance.

<b>RECOMMENDATION:</b> <b>No Action at This Time</b>
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### Attachments:

Exhibit A:      Board of Supervisors File No. 12-0812

Member, Board of Supervisors  
District 5



City and County of San Francisco

**CHRISTINA OLAGUE**  
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July 31, 2012

Angela Calvillo, Clerk of the Board  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Attached please find an original and four copies of proposed ordinance for Board of Supervisors approval, amending the San Francisco Administrative Code by adding Chapter 39, Sections 39.1 through 39.9, to establish the San Francisco Right to Revitalized Housing Ordinance and set City policy regarding the Right to Return to Revitalized Public Housing Units.

The following is a list of accompanying documents:

- Introduction Form
- Legislative Digest
- Draft Legislation

The following person may be contacted regarding this matter:  
Dominica Henderson, (415) 554-6783.

Signed,

A handwritten signature in cursive script that reads "Christina Olague".

Supervisor Christina Olague

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee: Land Use & Economic Development  
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  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) 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 a different form.**

**Sponsor(s):**

Olague

**Subject:**

Administrative Code - Public Housing Right to Return to Revitalized Housing

**The text is listed below or attached:**

Ordinance amending the San Francisco Administrative Code by adding Chapter 39, Sections 39.1 through 39.9, to establish the San Francisco Right to Revitalized Housing Ordinance and set City policy regarding the Right to Return to Revitalized Public Housing Units

Signature of Sponsoring Supervisor: Christina Olague

For Clerk's Use Only:

