

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

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

17 Section 3. The San Francisco Subdivision Code is hereby amended by adding Section  
18 1396.2, to read as follows:

19 SEC. 1396.2. PROHIBITION ON CONDOMINIUM CONVERSIONS FOR CERTAIN  
20 BUILDINGS.

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

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

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

4 (3) the eviction(s) occurred pursuant to San Francisco Administrative Code sections  
5 37.9(a)(8), 37.9(a)(9), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13).

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

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

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

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

23 (e) For purposes of subsections (a) and (b), "eviction" shall mean the issuance of a written  
24 notice terminating tenancy pursuant to Administrative Code sections 37.9(a)(8), 37.9(a)(9),

1 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13); provided, however, that if the property owner(s) issues then  
2 withdraws the eviction notice prior to its expiration and the tenant receiving the notice remains in  
3 tenancy for at least 120 days following the expiration of the notice, the property owner's action shall  
4 not be deemed an eviction pursuant to this subsection.

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

By: \_\_\_\_\_  
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