

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~~.

12

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

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

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

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

22 **CHAPTER 39**

23 **SEC. 39.1. APPLICATION.**

24 This Chapter shall apply as a condition of receipt of any Financial Assistance to be provided by
25 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.

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.

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 householdtenants*
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