

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Shirleen McSpadden, Executive Director, Homelessness and Supportive Housing
Charles Minor, Local Homeless Coordinating Board
Mary Hom, Our City, Our Home Oversight Committee
Eric Shaw, Director, MOHCD

FROM: Victor Young, Assistant Clerk, Rules Committee *Victor Young*
Board of Supervisors

DATE: May 31, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 8, 2022 Election

The Board of Supervisors' Rules Committee has received following Charter Amendment for the November 8, 2022, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.4.

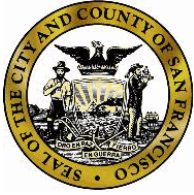
**File No. 220637 Charter Amendment - Housing and Community
Development Commission and Department**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco, to create the Housing and Community Development Commission to oversee the Housing and Community Development Department, and to establish the Housing and Community Development Department as a City department to succeed to the powers and duties of the Mayor's Office of Housing and Community Development; at an election to be held on November 8, 2022.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office
Patrick Ford, Ethics Commission
Michael Canning, Ethics Commission
Dylan Scheider, Homelessness and Supportive Housing
Emily Cohen, Homelessness and Supportive Housing
Bridget Badasow, Homelessness and Supportive Housing
Jaura Marshall, Office of the Controller
Jessica Shimmin, Office of the Controller
Lydia Ely, MOHCD
Brian Cheu, MOHCD
Maria Benjamin, MOHCD
Sheila Nickolopoulos, MOHCD



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220637 **File Type:** Charter Amendment **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Charter Amendment - Housing and Community Development Commission and Department **Date Introduced:** 05/24/2022

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco, to create the Housing and Community Development Commission to oversee the Housing and Community Development Department, and to establish the Housing and Community Development Department as a City department to succeed to the powers and duties of the Mayor’s Office of Housing and Community Development; at an election to be held on November 8, 2022.

Sponsors: Preston; Walton, Ronen and Peskin

History of Legislative File 220637

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	05/24/2022	ASSIGNED UNDER 30 DAY RULE	Rules Committee	06/23/2022	

1 [Charter Amendment - Housing and Community Development Commission and Department]

2
3 **Describing and setting forth a proposal to the voters, at an election to be held on November**
4 **8, 2022, to amend the Charter of the City and County of San Francisco, to create the**
5 **Housing and Community Development Commission to oversee the Housing and**
6 **Community Development Department, and to establish the Housing and Community**
7 **Development Department as a City department to succeed to the powers and duties of the**
8 **Mayor’s Office of Housing and Community Development.**

9
10 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
11 and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of
12 the City and County by adding Section 4.144 and revising Sections 15.105 and 16.110, to read as
13 follows:

14 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
15 **Additions** are *single-underline italics Times New Roman font*.
16 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Charter
18 subsections.

18 **SEC. 4.144. HOUSING AND COMMUNITY DEVELOPMENT COMMISSION.**

19 (a) **Purpose.** There is hereby established a Housing and Community Development
20 Commission (“Commission”). The Commission shall set policy and provide oversight for the
21 Housing and Community Development Department (“Department”).

22 (b) **Membership and Terms of Office.**

23 (1) The Commission shall consist of seven members, appointed as follows:
24 (A) Seats 1, 2, and 3 shall be appointed by the Mayor subject to
25 approval by the Board of Supervisors. Seat 4 shall be appointed by the Treasurer subject to

1 approval by the Board of Supervisors. Each nomination of the Mayor and the Treasurer shall be
2 subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and
3 vote within 60 days of the date the Clerk of the Board receives notice of the nomination from the
4 Mayor or Treasurer. If the Board fails to act on the nomination within those 60 days, the
5 nominee shall be deemed approved. The appointment shall become effective on the date the
6 Board adopts a motion approving the nomination or on the 61st day after the Clerk of the Board
7 receives notice of the nomination, whichever is earlier.

8 (B) Seats 5, 6, and 7 shall be appointed by the Board of Supervisors.

9 (2) Commissioners shall serve four-year terms, beginning at noon on April 1,
10 2023, except that the initial term of the appointees in Seats 1, 4, and 7 shall expire at noon on
11 April 1, 2025. The initial term of the appointees in Seats 2, 3, 5, and 6 shall expire at noon on
12 April 1, 2027.

13 (3) Commissioners may be removed from office by their appointing authority
14 only for official misconduct under Article XV.

15 (c) **Powers and Duties.** With regard to the Department, once the Commission comes
16 into existence as specified in subsection (e)(2), the Commission shall exercise all the powers and
17 duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, except as
18 modified in this subsection (c), and shall assume such other powers and duties, if any, as
19 prescribed by ordinance. Notwithstanding Sections 3.100(19) and 4.102(5), the Commission
20 shall appoint the Director of the Department.

21 (d) **Housing and Community Development Department.** Except as otherwise
22 provided in this Charter, the Department shall:

23 (1) provide for the development, construction, rehabilitation, preservation, or
24 purchase of affordable housing in the City for low-income and moderate-income households;

25 (2) administer programs for the development, construction, rehabilitation,

1 preservation, or purchase of affordable housing in the City for low-income and moderate-income
2 households;

3 (3) administer programs to finance the purchase and sale of housing in the
4 City by low-income and moderate-income homeowners;

5 (4) acquire and convey real property for the development, construction, or
6 preservation of affordable housing in the City for low-income and moderate-income households;

7 (5) administer the City's below-market-rate inclusionary housing program;

8 (6) administer grants programs to support community development in the
9 City; and

10 (7) undertake any other responsibilities prescribed in Section 16.110 or by
11 ordinance.

12 (e) **Transition provisions.**

13 (1) The Mayor and the Treasurer shall make initial appointments to seats 1, 2,
14 3, and 4, respectively, on the Commission by no later than January 31, 2023, and the Board of
15 Supervisors shall make initial appointments to seats 5, 6, and 7 by no later than March 1, 2023.

16 (2) The Commission and the Department shall come into existence at noon on
17 April 1, 2023, or when four members of the Commission have assumed office, whichever is later.
18 On the date the Commission and the Department come into existence, the Department shall
19 succeed to the powers and duties of the previously existing Mayor's Office of Housing and
20 Community Development, and that Office shall cease to exist.

21 (3) The Commission shall hold its inaugural meeting no later than 30 days
22 after the Commission comes into existence.

23 (4) The Director of the Mayor's Office of Housing and Community
24 Development, or the acting director of that Office, on the date the Department comes into
25 existence shall serve as the Director of the Department beginning on that date. That first head of

1 the Department shall have the same employment status as other department heads under the
2 Charter; hence, the previous sentence does not deprive the Commission of its authority under the
3 Charter to remove a department head, or to appoint a department head in accordance with
4 subsection (c).

5 (f) **Existing Contracts.** Nothing in this Section 4.144 shall be interpreted to impair
6 the obligations of any existing contract entered into by the City before April 1, 2023, or require
7 the City to abandon a competitive bid or contractor selection process initiated before that date.

8
9 **SEC. 15.105. SUSPENSION AND REMOVAL.**

10 (a) ELECTIVE OFFICERS AND ~~CERTAIN APPOINTED~~ OFFICERS ON CERTAIN
11 BOARDS AND COMMISSIONS APPOINTED BY THE MAYOR. Any elective officer, and any
12 member of the Airport Commission, Asian Art Commission, Civil Service Commission,
13 Commission on the Status of Women, Golden Gate Concourse Authority Board of Directors,
14 Health Commission, Human Services Commission, Juvenile Probation Commission, Municipal
15 Transportation Agency Board of Directors, Port Commission, Public Utilities Commission,
16 Recreation and Park Commission, Fine Arts Museums Board of Trustees, War Memorial and
17 Performing Art Center Board of Trustees, Board of Education or Community College Board is
18 subject to suspension and removal for official misconduct as provided in this section. Such
19 officer may be suspended by the Mayor and the Mayor shall appoint a qualified person to
20 discharge the duties of the office during the period of suspension. Upon such suspension, the
21 Mayor shall immediately notify the Ethics Commission and Board of Supervisors thereof in
22 writing and the cause thereof, and shall present written charges against such suspended officer to
23 the Ethics Commission and Board of Supervisors at or prior to their next regular meetings
24 following such suspension, and shall immediately furnish a copy of the same to such officer,
25 who shall have the right to appear in their defense with counsel before the Ethics Commission-~~in~~

1 ~~his or her~~ defense. The Ethics Commission shall hold a hearing not less than five days after the
2 filing of written charges. After the hearing, the Ethics Commission shall transmit the full record
3 of the hearing to the Board of Supervisors with a recommendation as to whether the charges
4 should be sustained. If, after reviewing the complete record, the charges are sustained by not less
5 than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall
6 be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within
7 30 days after the receipt of the record from the Ethics Commission, the suspended officer shall
8 thereby be reinstated.

9 (b) ~~BUILDING INSPECTION COMMISSION, PLANNING COMMISSION, BOARD~~
10 ~~OF APPEALS, ELECTIONS COMMISSION, ETHICS COMMISSION, SHERIFF'S~~
11 ~~DEPARTMENT OVERSIGHT BOARD, AND ENTERTAINMENT COMMISSION~~ OFFICERS ON
12 CERTAIN BOARDS AND COMMISSIONS WITH MULTIPLE APPOINTING OFFICERS.

13 Members of the Building Inspection Commission, the Planning Commission, the Board of
14 Appeals, the Elections Commission, the Ethics Commission, the Sheriff's Department Oversight
15 Board, the Housing and Community Development Commission, and the Entertainment
16 Commission may be suspended and removed pursuant to the provisions of subsection (a) of this
17 section except that the Mayor may initiate removal only of the Mayor's appointees and the
18 appointing authority shall act in place of the Mayor for all other appointees.

19 * * * *

20
21 **SEC. 16.110. HOUSING TRUST FUND.**

22 (a) **Creation of Fund.** There is hereby established a Housing Trust Fund to support
23 creating, acquiring, and rehabilitating affordable housing and promoting affordable home
24 ownership programs in the City, as provided in this Section 16.110.

25 (b) **Definitions.** For purposes of this Section 16.110:

1 * * * *

2 ~~“Mayor’s Office of Housing” shall mean the Mayor’s Office of Housing and Community~~
3 ~~Development or any successor City agency.~~

4 * * * *

5 (d) **Uses of the Housing Trust Fund.** The City may disburse monies from the
6 Housing Trust Fund through loans, grants, or other types of payments, on terms determined by
7 the ~~Mayor’s Office of Housing~~ Housing and Community Development Department in its sole
8 discretion. Any repayment of a loan or grant from the Fund that the City receives, or any interest
9 from a loan from the Fund that the City receives, will be returned to the Housing Trust Fund. The
10 City, acting through the ~~Mayor’s Office of Housing~~ Housing and Community Development
11 Department, shall disburse the monies from the Housing Trust Fund for the following eligible
12 expenditures:

13 (1) The creation, acquisition, and rehabilitation of rental and ownership
14 housing affordable to Households earning up to 120% of the Area Median Income, including,
15 without limitation, the acquisition of land for such purpose.

16 (2) No later than July 1, 2018, the City shall appropriate \$15 million from the
17 Housing Trust Fund to a program that provides loans to Households earning up to 120% of the
18 Area Median Income and to Households including a First Responder (subject to Area Median
19 Income limits designated by the ~~Mayor’s Office of Housing~~ Housing and Community
20 Development Department) for use as a down payment on the purchase of a housing unit ("the
21 Down Payment Assistance Loan Program"). As soon as is practical, the ~~Mayor’s Office of~~
22 ~~Housing~~ Housing and Community Development Department shall develop and implement a
23 manual for the Down Payment Assistance Loan Program.

24 (3) No later than July 1, 2018, the City shall appropriate up to \$15 million
25 from the Housing Trust Fund to a program that provides funds to Households earning up to

1 120% of Area Median Income for use as assistance to reduce the risk to current occupants of a
2 loss of housing and/or to help current occupants make their homes safer, more accessible, more
3 energy efficient, and more sustainable (the "Housing Stabilization Program"). As soon as is
4 practical, the ~~Mayor's Office of Housing~~ Housing and Community Development Department shall
5 implement and develop a manual for the Housing Stabilization Program.

6 (4) The City may use monies in the Housing Trust Fund to operate and
7 administer the Infrastructure Grant Program as described in subsection (e). The City may not
8 allocate to the Infrastructure Grant Program in any fiscal year an amount exceeding the greater of
9 \$2 million or 10% of the amount appropriated to the Housing Trust Fund for that fiscal year
10 under subsection (c).

11 (5) In any fiscal year, the City may allocate a sufficient amount from the
12 Housing Trust Fund to pay for all legally permissible administrative costs of the Fund, including,
13 without limitation, legal costs, associated with any use of the Housing Trust Fund.

14 (e) **Complete Neighborhoods Infrastructure Grant Program.** After conferring
15 with the Director of Planning, the Director of the ~~Mayor's Office of Housing~~ Housing and
16 Community Development Department shall design and administer a Complete Neighborhoods
17 Infrastructure Grant Program ("Infrastructure Grant Program"). The purpose of the Infrastructure
18 Grant Program is to accelerate the build-out of the public realm infrastructure needed to support
19 increased residential density in the City's neighborhoods. The City may use monies from the
20 Infrastructure Grant Program only for public facilities identified in the Community Facilities
21 District law (Cal. Govt. Code §§ 53311 et seq., as amended), and shall give priority to the use of
22 such monies by residential development project sponsors, community-based organizations, and
23 City departments for public realm improvements associated with proposed residential
24 development projects.

1 (f) **Bonding Authority.** Notwithstanding the limitations set forth in Sections
2 9.107, 9.108, and 9.109 of this Charter, upon recommendation of the Mayor, the Board of
3 Supervisors may authorize the issuance, without limitation, of revenue bonds, lease financing,
4 notes, or other evidences of indebtedness or other obligations ("Debt Obligations"), the proceeds
5 of which are to be used for creating, acquiring, and rehabilitating rental and ownership housing
6 affordable to Households earning up to 120% of the Area Median Income, including, without
7 limitation, the acquisition of land for such purpose. Such Debt Obligations shall be secured by
8 and/or repaid from any available funds pledged or appropriated by Board of Supervisors
9 ordinance for such purpose, which amount may include funds in the Housing Trust Fund
10 allocated under subsection (c). Debt Obligations authorized hereby shall be issued in accordance
11 with the ~~Mayor's Office of Housing~~ Housing and Community Development Department policies,
12 and upon the terms and conditions as the Board of Supervisors shall approve. Funds appropriated
13 to pay debt service on the Debt Obligations in such fiscal year under the terms of this Section
14 16.110(f) shall be set aside in an account for such use until such payment is made.

15 * * * *

16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney

18 By: /s/
19 JON GIVNER
20 Deputy City Attorney

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22
23
24
25

LEGISLATIVE DIGEST

[Charter Amendment - Housing and Community Development Commission and Department]

Describing and setting forth a proposal to the voters, at an election to be held on November 8, 2022, to amend the Charter of the City and County of San Francisco, to create the Housing and Community Development Commission to oversee the Housing and Community Development Department, and to establish the Housing and Community Development Department as a City department to succeed to the powers and duties of the Mayor’s Office of Housing and Community Development.

Existing Law

The Mayor’s Office of Housing and Community Development (“MOHCD”) provides financing and administers programs for the development, construction, rehabilitation, and preservation of affordable housing in the City; provides financing and administers programs to assist low- and moderate-income homeowners purchase homes; administers the City’s below-market-rate inclusionary housing program; and administers grant programs to support community development. The Mayor appoints and may remove the head of MOHCD. MOHCD is not subject to direct oversight by a City commission.

Amendments to Current Law

The proposed Charter amendment would create the Housing and Development Commission (the “Commission”). The Commission would have seven members, three appointed by the Mayor, three appointed by the Board of Supervisors, and one appointed by the Treasurer. The Mayor’s and Treasurer’s nominees would be subject to approval by the Board of Supervisors within 60 days of the appointment. The appointing authorities could remove commissioners only for official misconduct through the process provided in the Charter for removal of members of other commissions. Commissioners would serve four-year terms (except for three commissioners serving initial two-year terms).

The Commission would oversee a newly formed department—the Housing and Community Development Department—which would generally take over the powers and duties of MOHCD. The Commission would have the power to appoint, review, and remove the director of the new Department.

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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:

From: [Givner, Jon \(CAT\)](#)
To: [BOS Legislation, \(BOS\)](#); [Kilgore, Preston \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Preston, Dean \(BOS\)](#); [PEARSON, ANNE \(CAT\)](#); [Smeallie, Kyle \(BOS\)](#); [Hernandez, Melissa G \(BOS\)](#); [NAGAYAMA, KEITH \(CAT\)](#)
Subject: RE: Housing and Community Development Charter amendment
Date: Tuesday, May 24, 2022 3:05:43 PM
Attachments: [image004.png](#)

Thanks Jocelyn. I approve the measure as to form.

Jon Givner (he/him)
Deputy City Attorney
Office of City Attorney David Chiu
1 Dr. Carlton B. Goodlett Place, Suite 234
San Francisco, CA 94102
phone: (415) 554-4694 (Email preferred.)
www.sfcityattorney.org

The information in this email is confidential and may be protected by the attorney/client privilege and/or the attorney work product doctrine. If you are not the intended recipient of this email or received this email inadvertently, please notify the sender and delete it.

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, May 24, 2022 2:51 PM
To: Kilgore, Preston (BOS) <preston.kilgore@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Preston, Dean (BOS) <dean.preston@sfgov.org>; Pearson, Anne (CAT) <Anne.Pearson@sfcityatty.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; Hernandez, Melissa G (BOS) <melissa.g.hernandez@sfgov.org>; Givner, Jon (CAT) <Jon.Givner@sfcityatty.org>; Nagayama, Keith (CAT) <Keith.Nagayama@sfcityatty.org>
Subject: RE: Housing and Community Development Charter amendment

Hi Preston,

Thank you. We are seeking the approval from Deputy City Attorney Jon Givner for use of his electronic signature and approval as to form, by reply to this email.

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T: 415.554.7702 | F: 415.554.5163
jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please

ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services



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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

From: Kilgore, Preston (BOS) <preston.kilgore@sfgov.org>
Sent: Tuesday, May 24, 2022 2:36 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Preston, Dean (BOS) <dean.preston@sfgov.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; Hernandez, Melissa G (BOS) <melissa.g.hernandez@sfgov.org>; GIVNER, JON (CAT) <Jon.Givner@sfcityatty.org>; NAGAYAMA, KEITH (CAT) <Keith.Nagayama@sfcityatty.org>
Subject: Housing and Community Development Charter amendment

Good afternoon,

Please find Supervisor Preston's Charter Amendment introduction form, legislative digest, and charter ordinance approved by Deputy City Attorney, Jon Givner.

Please reach out with any questions. I have Cced Supervisor Preston to provide his confirmation.

Preston Kilgore
Legislative Aide
Office of Supervisor Dean Preston
(415) 554-7630

From: [Preston, Dean \(BOS\)](#)
To: [Kilgore, Preston \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [Smeallie, Kyle \(BOS\)](#); [Hernandez, Melissa G \(BOS\)](#); [GIVNER, JON \(CAT\)](#); [NAGAYAMA, KEITH \(CAT\)](#)
Subject: RE: Housing and Community Development Charter amendment
Date: Wednesday, May 25, 2022 11:55:26 AM

Not sure if I replied yesterday to this one, but just in case:

Approved. Thank you!

Dean Preston
Supervisor, District 5

From: Kilgore, Preston (BOS) <preston.kilgore@sfgov.org>
Sent: Tuesday, May 24, 2022 2:36 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Preston, Dean (BOS) <dean.preston@sfgov.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; Hernandez, Melissa G (BOS) <melissa.g.hernandez@sfgov.org>; GIVNER, JON (CAT) <Jon.Givner@sfcityatty.org>; NAGAYAMA, KEITH (CAT) <Keith.Nagayama@sfcityatty.org>
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Preston Kilgore
Legislative Aide
Office of Supervisor Dean Preston
(415) 554-7630

[Charter Amendment - Housing and Community Development Commission and Department]

Describing and setting forth a proposal to the voters, at an election to be held on November 8, 2022, to amend the Charter of the City and County of San Francisco, to create the Housing and Community Development Commission to oversee the Housing and Community Development Department, and to establish the Housing and Community Development Department as a City department to succeed to the powers and duties of the Mayor’s Office of Housing and Community Development.

Section 1. The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of the City and County by adding Section 4.144 and revising Sections 15.105 and 16.110, to read as follows:

NOTE: **Unchanged Charter text and uncodified text** are in plain font. **Additions** are *single-underline italics Times New Roman font*. **Deletions** are ~~*strike-through italics Times New Roman font*~~. **Asterisks** (* * * *) indicate the omission of unchanged Charter subsections.

SEC. 4.144. HOUSING AND COMMUNITY DEVELOPMENT COMMISSION.

(a) Purpose. *There is hereby established a Housing and Community Development Commission (“Commission”). The Commission shall set policy and provide oversight for the Housing and Community Development Department (“Department”).*

(b) Membership and Terms of Office.

(1) The Commission shall consist of seven members, appointed as follows:

(A) Seats 1, 2, and 3 shall be appointed by the Mayor subject to approval by the Board of Supervisors. Seat 4 shall be appointed by the Treasurer subject to

1 approval by the Board of Supervisors. Each nomination of the Mayor and the Treasurer shall be
2 subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and
3 vote within 60 days of the date the Clerk of the Board receives notice of the nomination from the
4 Mayor or Treasurer. If the Board fails to act on the nomination within those 60 days, the
5 nominee shall be deemed approved. The appointment shall become effective on the date the
6 Board adopts a motion approving the nomination or on the 61st day after the Clerk of the Board
7 receives notice of the nomination, whichever is earlier.

8 (B) Seats 5, 6, and 7 shall be appointed by the Board of Supervisors.

9 (2) Commissioners shall serve four-year terms, beginning at noon on April 1,
10 2023, except that the initial term of the appointees in Seats 1, 4, and 7 shall expire at noon on
11 April 1, 2025. The initial term of the appointees in Seats 2, 3, 5, and 6 shall expire at noon on
12 April 1, 2027.

13 (3) Commissioners may be removed from office by their appointing authority
14 only for official misconduct under Article XV.

15 (c) **Powers and Duties.** With regard to the Department, once the Commission comes
16 into existence as specified in subsection (e)(2), the Commission shall exercise all the powers and
17 duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, except as
18 modified in this subsection (c), and shall assume such other powers and duties, if any, as
19 prescribed by ordinance. Notwithstanding Sections 3.100(19) and 4.102(5), the Commission
20 shall appoint the Director of the Department.

21 (d) **Housing and Community Development Department.** Except as otherwise
22 provided in this Charter, the Department shall:

23 (1) provide for the development, construction, rehabilitation, preservation, or
24 purchase of affordable housing in the City for low-income and moderate-income households;

25 (2) administer programs for the development, construction, rehabilitation,

1 preservation, or purchase of affordable housing in the City for low-income and moderate-income
2 households;

3 (3) administer programs to finance the purchase and sale of housing in the
4 City by low-income and moderate-income homeowners;

5 (4) acquire and convey real property for the development, construction, or
6 preservation of affordable housing in the City for low-income and moderate-income households;

7 (5) administer the City's below-market-rate inclusionary housing program;

8 (6) administer grants programs to support community development in the
9 City; and

10 (7) undertake any other responsibilities prescribed in Section 16.110 or by
11 ordinance.

12 (e) **Transition provisions.**

13 (1) The Mayor and the Treasurer shall make initial appointments to seats 1, 2,
14 3, and 4, respectively, on the Commission by no later than January 31, 2023, and the Board of
15 Supervisors shall make initial appointments to seats 5, 6, and 7 by no later than March 1, 2023.

16 (2) The Commission and the Department shall come into existence at noon on
17 April 1, 2023, or when four members of the Commission have assumed office, whichever is later.
18 On the date the Commission and the Department come into existence, the Department shall
19 succeed to the powers and duties of the previously existing Mayor's Office of Housing and
20 Community Development, and that Office shall cease to exist.

21 (3) The Commission shall hold its inaugural meeting no later than 30 days
22 after the Commission comes into existence.

23 (4) The Director of the Mayor's Office of Housing and Community
24 Development, or the acting director of that Office, on the date the Department comes into
25 existence shall serve as the Director of the Department beginning on that date. That first head of

1 the Department shall have the same employment status as other department heads under the
2 Charter; hence, the previous sentence does not deprive the Commission of its authority under the
3 Charter to remove a department head, or to appoint a department head in accordance with
4 subsection (c).

5 (f) **Existing Contracts.** Nothing in this Section 4.144 shall be interpreted to impair
6 the obligations of any existing contract entered into by the City before April 1, 2023, or require
7 the City to abandon a competitive bid or contractor selection process initiated before that date.

8
9 **SEC. 15.105. SUSPENSION AND REMOVAL.**

10 (a) ELECTIVE OFFICERS AND ~~CERTAIN APPOINTED~~ OFFICERS ON CERTAIN
11 BOARDS AND COMMISSIONS APPOINTED BY THE MAYOR. Any elective officer, and any
12 member of the Airport Commission, Asian Art Commission, Civil Service Commission,
13 Commission on the Status of Women, Golden Gate Concourse Authority Board of Directors,
14 Health Commission, Human Services Commission, Juvenile Probation Commission, Municipal
15 Transportation Agency Board of Directors, Port Commission, Public Utilities Commission,
16 Recreation and Park Commission, Fine Arts Museums Board of Trustees, War Memorial and
17 Performing Art Center Board of Trustees, Board of Education or Community College Board is
18 subject to suspension and removal for official misconduct as provided in this section. Such
19 officer may be suspended by the Mayor and the Mayor shall appoint a qualified person to
20 discharge the duties of the office during the period of suspension. Upon such suspension, the
21 Mayor shall immediately notify the Ethics Commission and Board of Supervisors thereof in
22 writing and the cause thereof, and shall present written charges against such suspended officer to
23 the Ethics Commission and Board of Supervisors at or prior to their next regular meetings
24 following such suspension, and shall immediately furnish a copy of the same to such officer,
25 who shall have the right to appear in their defense with counsel before the Ethics Commission-~~in~~

1 ~~his or her~~ defense. The Ethics Commission shall hold a hearing not less than five days after the
2 filing of written charges. After the hearing, the Ethics Commission shall transmit the full record
3 of the hearing to the Board of Supervisors with a recommendation as to whether the charges
4 should be sustained. If, after reviewing the complete record, the charges are sustained by not less
5 than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall
6 be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within
7 30 days after the receipt of the record from the Ethics Commission, the suspended officer shall
8 thereby be reinstated.

9 (b) ~~BUILDING INSPECTION COMMISSION, PLANNING COMMISSION, BOARD~~
10 ~~OF APPEALS, ELECTIONS COMMISSION, ETHICS COMMISSION, SHERIFF'S~~
11 ~~DEPARTMENT OVERSIGHT BOARD, AND ENTERTAINMENT COMMISSION~~ OFFICERS ON
12 CERTAIN BOARDS AND COMMISSIONS WITH MULTIPLE APPOINTING OFFICERS.

13 Members of the Building Inspection Commission, the Planning Commission, the Board of
14 Appeals, the Elections Commission, the Ethics Commission, the Sheriff's Department Oversight
15 Board, the Housing and Community Development Commission, and the Entertainment
16 Commission may be suspended and removed pursuant to the provisions of subsection (a) of this
17 section except that the Mayor may initiate removal only of the Mayor's appointees and the
18 appointing authority shall act in place of the Mayor for all other appointees.

19 * * * *

20
21 **SEC. 16.110. HOUSING TRUST FUND.**

22 (a) **Creation of Fund.** There is hereby established a Housing Trust Fund to support
23 creating, acquiring, and rehabilitating affordable housing and promoting affordable home
24 ownership programs in the City, as provided in this Section 16.110.

25 (b) **Definitions.** For purposes of this Section 16.110:

1 * * * *

2 ~~“Mayor’s Office of Housing” shall mean the Mayor’s Office of Housing and Community~~
3 ~~Development or any successor City agency.~~

4 * * * *

5 (d) **Uses of the Housing Trust Fund.** The City may disburse monies from the
6 Housing Trust Fund through loans, grants, or other types of payments, on terms determined by
7 the ~~Mayor’s Office of Housing~~ Housing and Community Development Department in its sole
8 discretion. Any repayment of a loan or grant from the Fund that the City receives, or any interest
9 from a loan from the Fund that the City receives, will be returned to the Housing Trust Fund. The
10 City, acting through the ~~Mayor’s Office of Housing~~ Housing and Community Development
11 Department, shall disburse the monies from the Housing Trust Fund for the following eligible
12 expenditures:

13 (1) The creation, acquisition, and rehabilitation of rental and ownership
14 housing affordable to Households earning up to 120% of the Area Median Income, including,
15 without limitation, the acquisition of land for such purpose.

16 (2) No later than July 1, 2018, the City shall appropriate \$15 million from the
17 Housing Trust Fund to a program that provides loans to Households earning up to 120% of the
18 Area Median Income and to Households including a First Responder (subject to Area Median
19 Income limits designated by the ~~Mayor’s Office of Housing~~ Housing and Community
20 Development Department) for use as a down payment on the purchase of a housing unit ("the
21 Down Payment Assistance Loan Program"). As soon as is practical, the ~~Mayor’s Office of~~
22 ~~Housing~~ Housing and Community Development Department shall develop and implement a
23 manual for the Down Payment Assistance Loan Program.

24 (3) No later than July 1, 2018, the City shall appropriate up to \$15 million
25 from the Housing Trust Fund to a program that provides funds to Households earning up to

1 120% of Area Median Income for use as assistance to reduce the risk to current occupants of a
2 loss of housing and/or to help current occupants make their homes safer, more accessible, more
3 energy efficient, and more sustainable (the "Housing Stabilization Program"). As soon as is
4 practical, the ~~Mayor's Office of Housing~~ Housing and Community Development Department shall
5 implement and develop a manual for the Housing Stabilization Program.

6 (4) The City may use monies in the Housing Trust Fund to operate and
7 administer the Infrastructure Grant Program as described in subsection (e). The City may not
8 allocate to the Infrastructure Grant Program in any fiscal year an amount exceeding the greater of
9 \$2 million or 10% of the amount appropriated to the Housing Trust Fund for that fiscal year
10 under subsection (c).

11 (5) In any fiscal year, the City may allocate a sufficient amount from the
12 Housing Trust Fund to pay for all legally permissible administrative costs of the Fund, including,
13 without limitation, legal costs, associated with any use of the Housing Trust Fund.

14 (e) **Complete Neighborhoods Infrastructure Grant Program.** After conferring
15 with the Director of Planning, the Director of the ~~Mayor's Office of Housing~~ Housing and
16 Community Development Department shall design and administer a Complete Neighborhoods
17 Infrastructure Grant Program ("Infrastructure Grant Program"). The purpose of the Infrastructure
18 Grant Program is to accelerate the build-out of the public realm infrastructure needed to support
19 increased residential density in the City's neighborhoods. The City may use monies from the
20 Infrastructure Grant Program only for public facilities identified in the Community Facilities
21 District law (Cal. Govt. Code §§ 53311 et seq., as amended), and shall give priority to the use of
22 such monies by residential development project sponsors, community-based organizations, and
23 City departments for public realm improvements associated with proposed residential
24 development projects.

1 (f) **Bonding Authority.** Notwithstanding the limitations set forth in Sections
2 9.107, 9.108, and 9.109 of this Charter, upon recommendation of the Mayor, the Board of
3 Supervisors may authorize the issuance, without limitation, of revenue bonds, lease financing,
4 notes, or other evidences of indebtedness or other obligations ("Debt Obligations"), the proceeds
5 of which are to be used for creating, acquiring, and rehabilitating rental and ownership housing
6 affordable to Households earning up to 120% of the Area Median Income, including, without
7 limitation, the acquisition of land for such purpose. Such Debt Obligations shall be secured by
8 and/or repaid from any available funds pledged or appropriated by Board of Supervisors
9 ordinance for such purpose, which amount may include funds in the Housing Trust Fund
10 allocated under subsection (c). Debt Obligations authorized hereby shall be issued in accordance
11 with the ~~Mayor's Office of Housing~~ Housing and Community Development Department policies,
12 and upon the terms and conditions as the Board of Supervisors shall approve. Funds appropriated
13 to pay debt service on the Debt Obligations in such fiscal year under the terms of this Section
14 16.110(f) shall be set aside in an account for such use until such payment is made.

15 * * * *

16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney

18
19 By: /s/ _____
JON GIVNER
Deputy City Attorney

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