| | |
|---|---|
| **From:** | melissa hernandez |
| **To:** | Carroll, John (BOS) |
| **Cc:** | MelgarStaff (BOS); MahmoodStaff; ChenStaff |
| **Subject:** | Protect Tenants & Rent Controlled Housing |
| **Date:** | Monday, November 17, 2025 12:00:13 PM |



Land Use Committee,

I am reaching out regarding item #3 on today's agenda. I am a rent controlled tenant in District 11 (in a 2-unit home). I urge you to adopt the modest tenant protections on the table today. It would be absolutely irresponsible and cruel for the Board to give a thumbs up to tenant displacement in a town where so many folks already struggle to survive. Developing tenant protections should have been at the forefront of this process and it is baffling that the administration seems to have had no problem moving forward without them. I ask you not to throw tenants under the bus at this crucial stage.

Regarding item #4, I urge you to protect rent controlled housing — like my unit — from demolition. Protect the small businesses that make our city sparkle.

Thank you for your time.

Respectfully,
Melissa Hernandez
she/they

- Please excuse any typos; sent from mobile device

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|---|---|
| **From:** | Board of Supervisors (BOS) |
| **To:** | BOS-Supervisors; BOS-Legislative Aides |
| **Cc:** | Calvillo, Angela (BOS); Somera, Alisa (BOS); Ng, Wilson (BOS); De Asis, Edward (BOS); Mchugh, Eileen (BOS); BOS-Operations; BOS Legislation, (BOS); Carroll, John (BOS) |
| **Subject:** | FW: SFAA Opposition Letter File No. 250926 |
| **Date:** | Monday, November 17, 2025 11:36:13 AM |
| **Attachments:** | SFAA Opposition Letter File No. 250926.pdf |

Hello,

Please see below and attached for communication from the San Francisco Apartment Association regarding File No. 250926, which is Item No. 3 on today's Board of Supervisors meeting agenda.

> **File No. 250926:** Ordinance amending the Planning Code to 1) require property owners seeking to demolish residential units to replace all units that are being demolished; 2) require relocation assistance to affected occupants of those units, with additional assistance and protections for lower-income tenants; 3) modify the conditional use criteria that apply to projects to demolish residential units; amending the Administrative Code to 4) require landlords to provide additional relocation assistance to lower-income tenants who are being required to vacate temporarily due to capital improvements or rehabilitation work; 5) update the standards and procedures for hearings related to tenant harassment; 6) require additional disclosures in buyout agreements; 7) making various non-substantive changes and clarifications; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1. (Chen, Fielder, Walton, Chan, Dorsey, Sauter, Sherrill, Melgar)

Sincerely,

**Joe Adkins**
**Office of the Clerk of the Board**
**San Francisco Board of Supervisors**
**1 Dr. Carlton B. Goodlett Place, Room 244**
**San Francisco, CA 94102**
**Phone: (415) 554-5184 | Fax: (415) 554-5163**
**board.of.supervisors@sfgov.org | www.sfbos.org**

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**From:** Charley Goss <charley@sfaa.org>
**Sent:** Monday, November 17, 2025 11:23 AM
**To:** Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Chen, Chyanne (BOS) <Chyanne.Chen@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Fielder, Jackie (BOS) <Jackie.Fielder@sfgov.org>; Mahmood, Bilal (BOS)

<bilal.mahmood@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Sauter, Danny (BOS) <Danny.Sauter@sfgov.org>; Sherrill, Stephen (BOS) <Stephen.Sherrill@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>
**Cc:** Janan New <janan@sfaa.org>; Lurie, Daniel (MYR) <daniel.lurie@sfgov.org>
**Subject:** SFAA Opposition Letter File No. 250926



To Whom It May Concern,

Attached please find the San Francisco Apartment Association's letter of opposition to File No. 250926, "Tenant Protections Related to Residential Demolitions and Renovations." This ordinance will be heard by the Land Use Committee today, 11/17/25.

Please reach out if you have any questions or concerns.

Best,

Charley Goss
Government and Community Affairs Manager
San Francisco Apartment Association
415.255.2288 ext. 114

San Francisco
Apartment Association

Supervisor Chyanne Chen
San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Board.of.Supervisors@sfgov.org

VIA EMAIL

**RE: Proposed Ordinance No. 250926**

Dear Supervisor Chen and Honorable Members of the Board of Supervisors:

The San Francisco Apartment Association (SFAA) hereby writes to object to proposed San Francisco Ordinance No. 250926: Tenant Protections Related to Residential Demolitions and Renovations (the "Ordinance"), which will be considered by the Land Use Committee on November 17, 2025. As drafted, the Ordinance is preempted by the Ellis Act and Costa Hawkins, is an unconstitutional exaction, and is in violation of the judicial powers doctrine. In fact, it appears to resurrect and impose multiple unlawful requirements that have previously been struck down by both federal and state courts.

First, the Ordinance proposes to amend the SF Administrative Code to require significantly heightened "relocation assistance" to certain lower income tenants who are temporarily evicted for capital improvements. The Ordinance also proposes to amend the SF Planning Code ("PC") to impose restrictions on owners' demolition of residential units per California SB 330, but at the same time significantly increases the "relocation assistance" required to lower income tenants than is provided for under that state scheme. In imposing this new "relocation assistance" scheme, which would require property owners to pay potentially onerous financial payments to certain displaced tenants for a period of up to approximately 3.5 years, the Ordinance appears to be preempted by the Ellis Act and violate the unconstitutional exactions doctrine. (See, *Coyne v. City and County of San Fracisco* (2017) 9.Cal.App.5th 1215 and *Levin v. City & Cnty. of San Francisco* (N.D. Cal. 2014) 71 F.Supp.3d 1072.)

Second, the Ordinance amends PC § 317(c)(10), which is an exception permitting some owners who wish to remove a non-tenant-occupied UDU in a single-family home to bypass the


conditional use process for removal. That section currently requires those applicants to restrict single-family homes to the SF Rent Ordinance (SF Admin Code Chapter 37), but does not expressly include the rent control provisions of the Rent Ordinance. The Chen Ordinance proposes to require restricting such single-family homes to the "rent increase limitations" of the SF Rent Ordinance in perpetuity. Because single-family homes are generally exempt from rent control, this amendment is preempted by Costa Hawkins. (See, *Palmer/Sixth Street Properties, L.P. v. City of Los Angeles* (2009) 175 Cal.App.4th 1396.)

Finally, the Ordinance Expands SF Admin Code § 37.9(1) regarding "Hearings on Alleged Wrongful Endeavor to Recover Possession Through Tenant Harassment." While that section currently permits investigations into tenant harassment, and allows the Rent Board to determine "whether to undertake any further proceedings such as, but not limited to civil litigation…or referral to the District Attorney," that section does *not* currently give the Rent Board authority to adjudicate tortious conduct or award damages, which are powers generally reserved for courts. The Ordinance expands SF Admin Code § 37.9(1) to invest the Rent Board with the authority to hold evidentiary hearings on tenant reports of harassment, and further gives the Board the authority to deem those tenants "Existing Occupants" for purposes of the amended Planning Code section discussed above. The result of such a finding is that the owner is required to pay that "harassed" "Existing Occupant" relocation payments, and/or heightened relocation payments (i.e. damages) under that scheme. In doing so, the Ordinance appears to violate the judicial powers doctrine. (See, *Larson v. City & Cnty. of San Francisco* (2011) 192 Cal.App.4th 1263.)

Pursuant to the above, SFAA respectfully urges the Board to consider the aforesaid objections to the Ordinance, and vote against this illegal proposal.

Sincerely,

SAN FRANCISCO APARTMENT ASSOCIATION

Cc: Mayor Daniel Lurie

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|---|---|
| **From:** | Charley Goss |
| **To:** | Board of Supervisors (BOS); Chan, Connie (BOS); Chen, Chyanne (BOS); Dorsey, Matt (BOS); Fielder, Jackie (BOS); Mahmood, Bilal (BOS); Mandelman, Rafael (BOS); Melgar, Myrna (BOS); Sauter, Danny (BOS); Sherrill, Stephen (BOS); Walton, Shamann (BOS); Carroll, John (BOS) |
| **Cc:** | Janan New; Lurie, Daniel (MYR) |
| **Subject:** | SFAA Opposition Letter File No. 250926 |
| **Date:** | Monday, November 17, 2025 11:23:50 AM |
| **Attachments:** | SFAA Opposition Letter File No. 250926.pdf |



To Whom It May Concern,

Attached please find the San Francisco Apartment Association's letter of opposition to File No. 250926, "Tenant Protections Related to Residential Demolitions and Renovations." This ordinance will be heard by the Land Use Committee today, 11/17/25.

Please reach out if you have any questions or concerns.

Best,

Charley Goss
Government and Community Affairs Manager
San Francisco Apartment Association
415.255.2288 ext. 114

San Francisco
Apartment Association

Supervisor Chyanne Chen
San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Board.of.Supervisors@sfgov.org

VIA EMAIL

**RE: Proposed Ordinance No. 250926**

Dear Supervisor Chen and Honorable Members of the Board of Supervisors:

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First, the Ordinance proposes to amend the SF Administrative Code to require significantly heightened "relocation assistance" to certain lower income tenants who are temporarily evicted for capital improvements. The Ordinance also proposes to amend the SF Planning Code ("PC") to impose restrictions on owners' demolition of residential units per California SB 330, but at the same time significantly increases the "relocation assistance" required to lower income tenants than is provided for under that state scheme. In imposing this new "relocation assistance" scheme, which would require property owners to pay potentially onerous financial payments to certain displaced tenants for a period of up to approximately 3.5 years, the Ordinance appears to be preempted by the Ellis Act and violate the unconstitutional exactions doctrine. (See, *Coyne v. City and County of San Fracisco* (2017) 9.Cal.App.5th 1215 and *Levin v. City & Cnty. of San Francisco* (N.D. Cal. 2014) 71 F.Supp.3d 1072.)

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Pursuant to the above, SFAA respectfully urges the Board to consider the aforesaid objections to the Ordinance, and vote against this illegal proposal.

Sincerely,

SAN FRANCISCO APARTMENT ASSOCIATION

Cc: Mayor Daniel Lurie

| | |
|---|---|
| **From:** | Avi Gandhi |
| **To:** | Melgar, Myrna (BOS); Mahmood, Bilal (BOS); Chen, Chyanne (BOS) |
| **Cc:** | Carroll, John (BOS) |
| **Subject:** | Board File No. 250926 – Tenant Protections Related to Residential Demolitions and Renovations |
| **Date:** | Monday, November 17, 2025 10:08:52 AM |
| **Attachments:** | Joint Letter to Land Use & Transportation Committee Re TPO_11.17.2025.pdf |



Dear Supervisors and Clerk Carroll,

Please see a joint letter from CCDC, YCD and Calle 24, on the Tenant Protections Related to Residential Demolitions and Renovations, scheduled for the November 17th Land Use and Transportation hearing. Please let us know if you have any questions or comments.

Thank you!
Avi

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**Avi Gandhi** *(she/her)* **| Senior Planner**
**Community Planning and Policy**
**Chinatown Community Development Center**
615 Grant Ave | San Francisco, CA | 94108
Phone: (562) 504-7520 | chinatowncdc.org

November 17, 2025

Land Use & Transportation Committee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: Board File No. 250926 – Tenant Protections Related to Residential Demolitions and Renovations

Dear Chair Melgar, Supervisor Chen, and Supervisor Mahmood,

The undersigned organizations write to express our strong support for Supervisor Chen's legislation, which moves the needle forward for citywide tenant protections. Our organizations collectively represent neighborhoods such as Chinatown, the Mission, and Bayview-Hunters Point. Two years ago, through the Housing Element process, the City, the Board of Supervisors, and HCD recognized that these neighborhoods have been disproportionately impacted by decades of redevelopment and displacement — and that they require different solutions and stronger protections. That's why Priority Equity Geographies (PEGs) were created.

PEGs are identified using the Department of Public Health's "Areas of Vulnerability" (AOV) framework, developed in 2016 as part of its Community Health Needs Assessment. A census tract is designated "vulnerable" if it has one of the city's highest rates of deep poverty and a high concentration of people of color, youth or seniors, people experiencing unemployment, people with an education level of high school or less, limited-English-proficient residents, linguistically isolated households, or people with disabilities. The median household income in AOVs is half ($50,000) that of areas that are not AOVs ($111,000).[1] PEGs are, therefore, the areas in San Francisco where residents remain most at risk of displacement and face persistent barriers to economic stability and health — making stronger demolition protections essential.

And while PEGs are largely excluded from the Local Program rezoning, they remain vulnerable to redevelopment and loss of existing housing through state streamlining and upzoning laws, including the State Density Bonus Law, SB 79, and other recent state legislation. Strengthening demolition protections in PEGs is therefore necessary to safeguard residents from the next wave of development pressure. We therefore ask that Supervisors go further and strengthen protections by adopting stronger anti-displacement policies — including neighborhood-specific design standards and additional conditions on demolitions of existing housing in PEGs. One example could be conditioning demolition of existing protected units in PEGs on the requirement that the replacement units have greater affordability than the baseline CHAS-based replacement formula currently required citywide.

[1] https://sfhip.org/chna/community-health-data/summary-of-data-findings-by-section/

Doing so would align the TPO with the Housing Element's call for targeted anti-displacement policies.[2] And adopting such stronger and targeted standards is, in fact, authorized by state law.[3] Ultimately, the TPO should advance the City's housing-equity goals by further strengthening tenant protections and reducing demolitions in neighborhoods that have already borne the brunt of development-driven displacement and gentrification.

We also share the San Francisco Anti-Displacement Coalition's (SFADC) concerns about ensuring strong, clear controls on the demolitions of all rent-controlled housing, Demolition permits should not be granted to owners who fail to comply with local tenant protections laws, including buyout-disclosure requirements, or who engage in harassment or wrongful evictions, These protections must be mandatory — not optional — to ensure that tenants are not removed long before they could benefit from relocation assistance or rights of return under this ordinance.

Thank you for your consideration and for your leadership in supporting San Franciscans' ability to remain in their homes and their communities.

Sincerely,

Calle 24 Latino Cultural District
Chinatown Community Development Center (CCDC)
Young Community Developers (YCD)

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[2] Housing Element Actions related to PEGs:

4.2.6 Identify and adopt zoning changes that implement priorities of American Indian, Black, Filipino, Latino(a,e), and other communities of color identified in Cultural Districts or other community-led processes within Priority Equity Geographies.

4.2.7 Consult with related Cultural Districts or other racial equity-focused community bodies such as the Community Equity Advisory Council to evaluate the racial and social equity impacts of proposed zoning changes within Priority Equity Geographies and areas vulnerable to displacement, using the framework identified under Actions 4.1.7 and 4.1.8.

4.2.8 Allocate resources and create an implementation plan for any applicable anti-displacement measures parallel with the adoption of zoning changes within Priority Equity Geographies and areas vulnerable to displacement.

4.5.3 Create objective Special Area Design Guidelines if requested by communities in Cultural Districts and Priority Equity Geographies where the design of public space and architecture could help reinforce cultural identities, in compliance with State requirements.

[3] Section 66300.6(c): "This section shall not supersede any objective provision of a locally adopted ordinance that places restrictions on the demolition of residential dwelling units or the subdivision of residential rental units that are more protective of lower income households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation assistance to displaced households."
Section 65912.157(c): "A development proposed pursuant to this section shall comply with the anti-displacement requirements of Section 66300.6."

| | |
|---|---|
| **From:** | lgpetty |
| **To:** | MelgarStaff (BOS); ChenStaff; MahmoodStaff |
| **Cc:** | Carroll, John (BOS); MelgarStaff (BOS); ChenStaff; mahmoudstaff@sfgov.org; Board of Supervisors (BOS); BOS-Legislative Aides |
| **Subject:** | All Tenant Protection Ordinance Amendments Require Due Deliberation |
| **Date:** | Saturday, November 15, 2025 5:33:13 PM |



Dear Supervisors,

I write in support of Supervisor Cheyanne Chen's Tenant Protection Ordinance and to urge you not to "disappear" all the other amendments to it that have been proposed by Supervisors Chan and Chen.

In our democracy (yes we still have one) every serious proposal deserves serious consideration in a fair hearing and open decision process.

The public are entitled to know about all of the TPO amendment proposals -- in clear words, and in full. They are entitled to time and opportunity to examine them freely. People are entitled to express their opinions on them -- softly in writing; loudly in public. And, not least of all, the public are entitled to know the position of each of their representatives on each of the proposals.

Or has San Francisco fallen into an elitist shadow world where electeds get to ignore proposed legislation that might help the people, and hide the proposals so deeply that the people are forever denied them?

San Francisco government must not operate in secret.

Would any Supervisor take away the People's basic rights? For what reason? For "efficiency"? For political advantage? For monetary gain? For misguided fear of higher government reprisal? Or just because some can't stand the "noise" in a noisy, messy democracy?

I'll be delighted if you prove San Francisco is indeed still a democracy by giving all the Chan and Chen TPO amendments a full airing.

Lorraine Petty

-For Affordable Housing.
-Against Demolition of Sound Residential Housing.
-D2/5 Voter.

| | |
|---|---|
| **From:** | Board of Supervisors (BOS) |
| **To:** | BOS-Supervisors; BOS-Legislative Aides |
| **Cc:** | BOS-Supervisors; Carroll, John (BOS); Calvillo, Angela (BOS); De Asis, Edward (BOS); Entezari, Mehran (BOS); Mchugh, Eileen (BOS); Ng, Wilson (BOS); Somera, Alisa (BOS) |
| **Subject:** | FW: SFADC and REP Letter re: 2025-008704PCA |
| **Date:** | Thursday, November 13, 2025 10:16:10 AM |
| **Attachments:** | ADC, REP Letter for 2025-008704PCA.pdf |

Hello,

Please see attached and below communication regarding **File No. 250926:**

Ordinance amending the Planning Code to 1) require property owners seeking to demolish residential units to replace all units that are being demolished; 2) require relocation assistance to affected occupants of those units, with additional assistance and protections for lower-income tenants; 3) modify the conditional use criteria that apply to projects to demolish residential units; amending the Administrative Code to 4) require landlords to provide additional relocation assistance to lower-income tenants who are being required to vacate temporarily due to capital improvements or rehabilitation work; 5) update the standards and procedures for hearings related to tenant harassment; 6) require additional disclosures in buyout agreements; 7) making various non-substantive changes and clarifications; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Regards,

John Bullock
Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184
BOS@sfgov.org | www.sfbos.org

**From:** Meg Heisler <meg@sfadc.org>
**Sent:** Wednesday, November 5, 2025 3:00 PM
**To:** So, Lydia (CPC) <lydia.so@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Braun, Derek (CPC) <derek.braun@sfgov.org>; Mcgarry, Sean (CPC) <sean.mcgarry@sfgov.org>; Campbell, Amy (CPC) <amy.campbell@sfgov.org>; Williams, Gilbert A (CPC) <gilbert.a.williams@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>
**Cc:** BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Joseph Smooke <joseph@peoplepowermedia.org>
**Subject:** SFADC and REP Letter re: 2025-008704PCA



Dear President So, Vice President Moore, and Planning Commissioners,

Please find attached a letter from the San Francisco Anti-Displacement Coalition and the Race & Equity in All Planning Coalition, San Francisco regarding Planning Case #2025-008704PCA: Tenant Protections Related to Residential Demolitions and Renovations.

Thank you for your consideration of these matters and we look forward to your discussion tomorrow.

--

Meg Heisler
San Francisco Anti-Displacement Coalition
1212 Market Street, Unit 200
San Francisco, CA 94102
SFADC.org

**5 November 2025**

**Re: Planning, Administrative Codes - Tenant Protections Related to Residential Demolitions and Renovations.**

**Planning Case #2025-008704PCA**
**Board File #250926**

**San Francisco Planning Commission**

Dear President So, Vice President Moore, and Planning Commissioners,

The San Francisco Anti-Displacement Coalition (SFADC) and the Race & Equity in all Planning Coalition (REP-SF) support Supervisor Chen's legislation to create, clarify, and implement systems of support for tenants facing increasing risk of displacement. We are especially grateful to Charlie Sciammas from the District 11 office and Malena Leon-Farrera from the Planning Department for the long hours they have put into researching, coordinating and drafting the Tenant Protection Ordinance (TPO). Navigating the complex web of state laws and local programs that make this ordinance necessary has been an extraordinary undertaking, beyond any of our expectations at the beginning of this months' long effort. This legislation accomplishes much of what our coalitions set out to do: enhance noticing and language requirements, expand relocation assistance, and establish consequences for tenant harassment, among many other interventions. But, while the TPO is poised to accomplish much, there are still significant issues that have not been fully resolved, that go unmentioned or are inadequately addressed in Planning's staff report. This letter details these issues as well as our proposed solutions

The Housing Crisis Act, passed as SB 330 in 2019 and subsequently amended, presents a host of new threats to tenants that did not previously exist. Planning's staff report characterizes SB 330 as a tenant protection measure, when in fact it is a measure that preemptively allows developers to demolish existing housing, including rent-controlled and tenant-occupied apartments. While SB 330 does require developers to meet a set of *minimum* standards in exchange for permission to demolish someone's home, we must emphasize that these standards are nowhere near sufficient nor are they accompanied by any systems of enforcement or accountability. It is, therefore, absolutely critical for San Francisco's tenants and communities that we get the TPO right.

There are provisions in SB 330 as well as other state laws, namely the Ellis Act, that constrain our ability to implement all of the local protections that are needed when developers seek to demolish existing units. For example, SB 330 makes distinctions between the relocation assistance and right to return that developers must provide to "lower-income" versus "above-lower-income" households that are displaced. While we do not support such a framework that distinguishes between tenants based on their incomes, we are focused on ensuring the TPO provides the greatest possible protections to tenants under existing laws. It is in this constrained context that we raise the following issues which, if left unresolved, will undermine the legislation's intent. Please see Attachment A for additional background and context for our proposed solutions.

**Issue #1 Conditional Use Authorization:** The proposed changes to the Conditional Use Authorization (CUA) process create options for developers while short-changing tenants and communities.

a. Per constraints imposed by a prior local ordinance, all proposed demolitions in the PEGs must go through a CUA process, however, proposed demolitions outside the PEGs are exempted from CUA unless: 1) the units are not tenant occupied; 2) there is no history of buyouts in the last 5 years; 3) there is no history of OMI eviction in the past 5 years; 4) there is no history of temporary eviction for capital improvements in the past 5 years.
b. When a project is required to obtain CUA, the Planning Commission can only have a consequential role in determining whether a project is able to proceed by evaluating the project against a set of objective criteria. To meet this requirement, imposed by SB 330, the TPO currently proposes that project sponsors select and satisfy 10 criteria from a list of 12 criteria (or 80%), effectively allowing them to opt out of two standards.
c. The proposal erases consideration of core priorities and goals of our Planning Code, denying the Planning Commission the opportunity to consider such principles in approving or denying the demolition of existing housing, including *(F) whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing*.

**Solution to Issue #1:** Establish a category of mandatory objective standards which are enforced by the Planning Commission.

a. Some of the proposed criteria must be mandatory. Others can remain on a list from which a project sponsor can comply by satisfying only 80%. If this distinction is not made, the CUA process will remain as inconsequential as it is now, and the Planning Commission will be unable to prevent projects from moving forward.
b. We must also advance additional criteria to replace those that have been stricken in order to assure that the preservation of existing rent-controlled housing continues to be a priority of this City.

**Issue #2 Ellis Act:** As written, tenants displaced by Ellis will not be eligible for the enhanced relocation assistance and right to return triggered by an application to develop and demolish under the TPO.

**Solution to Issue #2:** Adopt Los Angeles' approach which requires Ellis evictors to declare whether or not they intend to demolish and to provide enhanced relocation assistance if they do.

a. Project sponsors must be required to declare their intent to evict and demolish at the time they file their "notice of intent to withdraw."
b. Tenants evicted through the Ellis Act must be eligible for increased relocation assistance whether their former unit is vacant or not.

**Issue #3. Buyouts:** The legislation will strengthen existing disclosure requirements for buyout agreements, however, the enforcement standards set forth in Section 317(g)(6)(G) for such requirements are incomplete, leaving out other important disclosure requirements that already exist within the City's buyout ordinance.

**Solution to Issue #3:** The ordinance should require full compliance with City law to ensure tenants receive full disclosure of their rights.

**Issue #4. Harassment:** The TPO amends the Admin Code to require that the Rent Board Executive Director schedule hearings for petitions of harassment and alleged wrongful eviction. As written, the Executive Director retains too much discretion in determining the severity of a petition before a hearing is scheduled.

**Solution to Issue #4:** Remove criterion that maintains Director discretion in the evaluation and elevation of tenant petitions to a hearing.

a. The TPO sets objective criteria by which petitions will be evaluated and elevated (or not) to a hearing. As written, one of the criteria for evaluating whether the tenant's petition will move forward to a hearing is that "the alleged harassment is so severe that it has materially impacted a tenant's enjoyment of the unit." This criterion must be removed to ensure the severity of the alleged harassment is evaluated *during* the hearing process rather than used to prevent petitions from proceeding to a hearing.[1]

**Issue #5. Demolition Definition:** The new definition of demolition being proposed by Planning will not address our longstanding concern that many projects that displace tenants and should be treated as demolitions slip through the cracks.

a. In order for tenants to be eligible for the rights and benefits provided under the TPO, there must be a clear, consistent and appropriate determination as to whether a project sponsor's proposed scope of work is in fact demolition. This requires updating the definition of demolition to capture projects that permanently displace tenants, but have not heretofore qualified as demolitions.

**Solution to Issue #5:** Prioritize further study of this issue and continue to work toward a definition of demolition that centers the displacement of tenants and prevents "renovictions."[2]

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[1] We expect that Supervisor Chen's forthcoming amendments will address this issue but have shared our analysis here for the Commission's understanding.

[2] We understand that the issue of the definition of "demolition" is an ongoing one for the Planning Commission and has needed to be addressed for a long time. Because SB 330 creates the ability for

a. The Planning Department should commit to studying the following concepts expeditiously:
    i. Lowering the standard for percentage of how much of a facade or floor can be removed from 50% or more to 32% or more.
    ii. Calculating the extent of demolition of interior walls as a separate standard from the evaluation of vertical and horizontal building elements.
    iii. Considering the raising of a building a demolition whether the building is being elevated by a full floor or just a partial floor.

The Planning Commission held a hearing on Tenant Protections and Displacement In February of this year, thanks to the initiative taken by Planning Commissioners Wiliams and Imperial. Since then, we have worked collaboratively and intensively with the District 11 office and the Planning Department to draft the legislation that is before you today. As we have stated above, it is still not perfect, however, we remain optimistic that the necessary changes are possible. We will continue to work together to ensure the TPO does everything that San Francisco tenants need it to do.

Thank you and we look forward to your discussion on these matters.

San Francisco Anti-Displacement Coalition
Race & Equity in all Planning Coalition, San Francisco

cc: San Francisco Board of Supervisors

project sponsors to demolish existing, sound, occupied housing, there is a new urgency for the definition of demolition to be updated, and for the update to take into consideration impact to tenants. While Planning is making some important recommendations, we feel strongly that they will not completely resolve these issues which place tenants at risk of displacement via "renovictions" or building renovations that result in permanent displacement of tenants.

**Attachment A: Additional Analysis of the Tenant Protection Ordinance from the SFADC/REP Joint Working Group**

I. THE PROPOSED CHANGES TO THE CONDITIONAL USE AUTHORIZATION (CUA) PROCESS CREATE OPTIONS FOR DEVELOPERS WHILE SHORT-CHANGING TENANTS AND COMMUNITIES

We respectfully disagree with the staff report's analysis of this legislation's total rewriting of San Francisco's rules for approving the demolition of housing.

On a larger scale, the history of this City has demonstrated that the ease with which demolitions of housing are approved can have major adverse impacts on entire neighborhoods and communities. On an individual scale, easing controls on the demolition of occupied buildings directly results in the involuntary displacement of existing tenants because a permit to demolish is effectively a permit to evict.

Given these hazards we have three major concerns regarding the proposed rewrite of the CUA process and the Department's associated analysis.

First, the proposal **erases consideration of long-standing, core priorities and goals of our Planning Code**, denying the Planning Commission the opportunity to consider such principles in approving or denying the demolition of existing housing even if the building is sound, affordable to existing residents, and may include valued spaces for neighborhood serving businesses. For example, the proposal eliminates consideration of the following:

> (~~*E) whether the project converts rental housing to other forms of tenure or occupancy;*~~
> ~~*(F) whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing;*~~
> ~~*(G) whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;*~~
> ~~*(H) whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;*~~
> ~~*(I) whether the project protects the relative affordability of existing housing...*~~
>
> (Ordinance File No. 250926 Version 2, p. 14)

It is true, as the Department reports, that parts of the stricken language do not offer sufficiently "objective" standards to meet the requirements of SB330. But rather than simply eliminate the existing standards the Department should and could have proposed additional objectively stated alternatives consistent with the Planning Code's priorities including those set forth in Section 101.1.

We are hopeful that through the amendment process additional criteria will be advanced to replace those that have been stricken in order to assure that the preservation of existing rent

controlled housing continues to be a priority of this City alongside a path for the development of new housing.[3]

Second, we are concerned that as written the TPO **allows developers to game the rules and disregard standards of their choosing.** The revised Section 317(g)(6) requires developers to meet only 80% of twelve standards, allowing them to opt out of satisfying up to two standards. We have repeatedly questioned the logic of this proposal particularly because the twelve standards mix what appear to be mandatory standards and optional goals. The staff report provides no convincing explanation for either the scoring or the mismatched standards. The result offers developers an invitation for abuse. For example, under the 80% standard, bad actors can harass and wrongfully evict tenants and still receive their demolition permit.[4]

For these reasons, we strongly recommend amendments that establish a category of mandatory standards which are enforced by the Commission.

While it may be argued that mandatory requirements should be implemented ministerially, there is no state law that requires a process that is not subject to a public hearing and findings by the Commission. Further, our Charter expressly empowers this Commission to "hear and decide" Conditional Use Authorizations. Public hearings on CUAs regularly bring to light facts that are not provided by applicants or revealed through staff investigations. **Given the grave and irreversible impacts of demolitions, it is essential that there is a public process to consider and approve applications to demolitions of people's housing.**

Finally, it appears the Department's conclusion that there is a low risk of a surge in demolitions is based upon a superficial and ahistoric review of a fragment of data that fails to recognize the underlying policies that have regulated those demolitions.

The Planning Department's report describes our present system of policies as follows:

> San Francisco's existing regulatory framework already includes some of the strongest demolition and tenant protection controls in the country. Demolition of any rent-controlled building, the vast majority multi-family housing, or any housing located within Priority Equity Geographies requires a Conditional Use Authorization from the Planning Commission. These controls make demolitions extremely rare…

The report then states that on average only 18 demolitions have been approved each year.[5]

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[3] We note that with the facilitation provided by Supervisor Chen and her staff and the engagement of Planning staff, our coalitions' members have been able to provide recommendations for some of the new standards that have been incorporated in the present version of the legislation. We are grateful for that collaboration. However, as we discuss further below, that work remains unfinished and a number of very significant gaps remain.

[4] The 80% standard is further distorted by the rule that provisions that do not apply to a given project are considered met (rather than requiring projects to meet 80% of the applicable standards).

[5] The staff report does not state over what period that data is derived but based upon previous Department presentations it was within the past 10 years.

This analysis is based upon a flawed methodology. The "existing regulatory framework" that has resulted in today's low rates of demolition was put into place by the voters via a ballot measure in 1986. That measure required that all permit applications (including the demolitions of housing) be found to be consistent with priorities that have remained in place until now. But those are the very priorities that are being erased by this proposal.

A more meaningful assessment of the future risk of demolitions would be at least partly informed by rates of demolition prior to 1986. That historical data is available to the department. As reported by Chester Hartman in *City for Sale*, "Planning Department data show that in the 1975-85 decade alone, **more than 17,000** affordable rental units were demolished, converted to condominiums, or converted to commercial use."

Thus the proposed changes to the 'existing regulatory framework' should require a more cautious and impartial risk assessment than that provided by the Department's analysis. The harms caused by getting the risk assessment wrong are potentially severe and will be imposed on the most vulnerable communities in the City.

## II. SIGNIFICANT GAPS IN TENANT PROTECTIONS STILL NEED TO BE CLOSED

The Department's report rightfully promotes several new proposals to provide additional tenant protections against displacement resulting from planned or envisioned new development. We believe that each of these protections may ultimately be beneficial and we are grateful to the role that Supervisor Chen and Department staff have played in recognizing the need for such additional protections, however, time constraints and other challenges have left a number of critical gaps in the proposed language. We address those gaps below with hope that further discussions will result in the real world solutions we all seek.

### A. A HIDDEN DANGER: A NEW WAVE OF ELLIS EVICTIONS

Our coalitions and other members of the public have expressed repeated concerns that without stronger policies to address the threat of Ellis evictions, the combination of increased developer incentives and a recovering real estate market will fuel a new wave of Ellis threats and evictions.[6] **As presently written, this legislation will additionally incentivize Ellis evictions**.

While the TPO does substantially increase relocation assistance and other protections for tenants displaced by demolitions, those protections are only triggered by an application to develop and demolish. If tenants are displaced by Ellis evictions prior to the project application then the enhanced assistance does not apply. Furthermore, our present rules in the Rent Ordinance do not require owners initiating Ellis evictions to disclose whether they intend to demolish the units after the tenants are displaced. As a result, enterprising owners or

[6] The threat of an Ellis eviction is much more common than an actual filed Ellis eviction notice and may be just as effective in displacing many tenants. Because there are few defenses to an Ellis, the mere threat often results in tenants moving out without any record or trace of the threat or their displacement.

developers are provided a lower cost option to displace tenants through the existing Ellis eviction process.

Thus our coalitions have recommended that San Francisco adopt Los Angeles' approach to Ellis evictions. The LA model requires that all Ellis Act evictors must declare under penalty of perjury whether or not they intend to demolish after they evict the tenants. If owners acknowledge they plan to demolish they are then required to provide enhanced relocation assistance. If an owner does not report an intention to demolish they are required to pay only the standard assistance. But if that Ellis evictor subsequently does apply for a demolition permit then LA requires the tenant be provided enhanced assistance and the evictor pay a fine.

We understand that an amendment to the TPO may be introduced to require owners who first Ellis evict tenants and then subsequently apply to demolish to provide the additional assistance but this amendment is predicated upon the unit being vacant. Such a requirement has been abused in other similar processes because owners can merely claim the unit is occupied by a guest or relative. Without additional amendments such an approach would create another option for developers and would only provide additional assistance after the tenant was initially displaced.

For these reasons our coalitions believe the LA model for Ellis evictions is the superior approach and we urge San Francisco to step up and follow their example.

B. INCOMPLETE REFORMS TO PREVENT ABUSE THROUGH BUYOUTS AND TO STOP TENANT HARASSMENT.

The proposed legislation offers helpful amendments to existing policies regulating landlord practices that displace tenants outside of the formal eviction process. Based upon our experience working with tenants threatened with the loss of their homes, additional amendments are needed.

**Tenant buyouts** are one of the leading landlord strategies to displace tenants today. According to Rent Board records, in the past ten years (2014-2024) there were 6,681 *reported* attempted tenant buyouts. Our tenant counselors report that there are many more unreported attempted buyouts. Both reported and unreported buyout attempts are almost always associated with threatened eviction.

The legislation would strengthen existing disclosure requirements for buyout agreements. However, the enforcement standards (set forth in Section 317(g)(6)(G)) for such disclosure requirements are incomplete, leaving out other important disclosure requirements that already exist within the City's buyout ordinance. We see no reason why the ordinance would require only partial compliance with City law to the disadvantage of tenants who need full disclosure of their rights.

**Landlord harassment** is also too common a method to displace tenants. Our housing counselors regularly receive tenant complaints of harassment such as interruptions in utilities, late night visits demanding tenants move out, unnecessarily disruptive construction activities, and even acts or threats of violence. Such conduct violates existing law, but currently there is no effective process offered by the City to address such harassment. On paper, the Rent Board has the authority to provide tenants with a hearing to determine whether unlawful harassment is occurring and to refer such cases for prosecution by the City Attorney. Despite many requests for hearings by tenants and housing advocates, hearings are seldom offered. Since 2014 there have been over **three thousand** reports of wrongful eviction, many with allegations of tenant harassment. The Rent Board has declined to conduct a single hearing on such complaints.

The legislation proposes to reduce the barriers to holding hearings on reports of tenant harassment but the proposed standards for holding such hearings are still too high. The result will be in more tenants being forced from their homes because of landlord harassment. And without hearings there will be no findings of harassment that would prevent an abusive landlord from getting a green light to demolish more homes. Simple amendments would correct these deficiencies.

Ultimately it is essential that such practices are controlled or prevented in the context of new development because, in addition to the threat of Ellis evictions, owners and developers have an economic incentive to displace tenants prior to their project application.  The TPO offers some constructive changes but additional amendments are needed to close remaining gaps.