

1 [Administrative Code - Special Tax Financing Law]

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3 **Ordinance to amend the Administrative Code Special Tax Financing Law, constituting**
4 **Article 43.10, to authorize financing by special tax districts of work deemed necessary**
5 **to bring buildings or real property, including privately owned buildings or real property,**
6 **into compliance with seismic safety standards or regulations, and related technical**
7 **amendments and to establish certain procedures by which the City can make changes**
8 **to a special tax district.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

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

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16 Section 1. FINDINGS.

17 The Board of Supervisors of the City and County of San Francisco hereby finds,
18 determines and declares:

19 A. In its Ordinance No. 66-13, the Board of Supervisors made certain findings,
20 which findings are incorporated in their entirety herein, and amended the San Francisco
21 Building Code to add Section 34B to establish seismic retrofit requirements intended to
22 significantly reduce the collapse risk of residential buildings with critically vulnerable lower
23 stories and to increase the likelihood that these buildings will be structurally safe to occupy
24 shortly after an earthquake.

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1 B. The Board of Supervisors intends to provide to owners of buildings in the City
2 that are subject to a seismic retrofit requirement options for financing the work, including the
3 ability to participate in a voluntary special tax financing program.

4 C. In order to provide the option of voluntary special tax financing for seismic
5 retrofit work, the Board of Supervisors must make certain amendments to Article X of Chapter
6 43 of the Administrative Code.

7 D. The Board of Supervisors previously established its "City and County of San
8 Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing)" (the
9 "Special Tax District") for the purpose of financing and refinancing the acquisition, installation
10 and improvement of energy efficiency, water conservation and renewable energy
11 improvements to or on real property and in buildings, whether such real property or buildings
12 are privately or publicly owned.

13 E. The Board of Supervisors wishes to amend the proceedings for the Special Tax
14 District to allow the financing of seismic retrofit work required under Section 34B, and must
15 make certain amendments to Article X of Chapter 43 of the Administrative Code to accomplish
16 the proposed amendments to the Special Tax District proceedings.

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18 Section 2. Article X of Chapter 43 of the San Francisco Administrative Code is
19 hereby amended as follows:

20 A. Section 43.10.15 is hereby amended as follows:

21 SEC. 43.10.15. AUTHORIZED FACILITIES.

22 In addition to the facilities that may be financed under the Act, special taxes may be
23 levied and bonds may be issued to finance or refinance the acquisition, installation and
24 improvement of energy efficiency, water conservation, water pollution control, and renewable
25 equipment with an estimated useful life of five years or longer and/or energy efficiency, water

1 conservation, water pollution control, and renewable energy improvements that are attached
2 to or on real property and in buildings, whether such real property or buildings are privately or
3 publicly owned. Energy efficiency, water conservation, water pollution control and renewable
4 energy improvements may only be installed on a privately owned building and on privately
5 owned real property with the prior written consent of the owner or owners of the building or
6 real property.

7 In addition to the Facilities that may be financed under the Act, special taxes may be levied and
8 bonds may be issued to finance work deemed necessary to bring buildings or real property, including
9 privately owned buildings or real property, into compliance with seismic safety standards or
10 regulations. Only work certified as necessary to comply with seismic safety standards or regulations by
11 local building officials may be financed. No project involving the dismantling of an existing building
12 and its replacement by a new building, nor the construction of a new or substantially new building may
13 be financed pursuant to this subparagraph. Work on qualified historical buildings or structures shall be
14 done in accordance with the State Historical Building Code (Part 2.7 (commencing with Section
15 18950) of Division 13 of the Health and Safety Code). Work on privately owned property may only be
16 financed with the prior written consent of the owner or owners of the privately owned property.

17 B. A new Title 5 is added to read as follows:

18 TITLE 5 - CHANGE PROCEEDINGS

19 SEC. 43.10.26. ALTERNATE PROCEDURE FOR CHANGE PROCEEDINGS

20 AFFECTING PROPERTY OWNERS.

21 With respect to a special tax district formed under Section 43.10.17, as an alternate and
22 independent procedure for making the changes described in Section 53330.7 of the Act, the changes
23 may be made with the unanimous approval of the owner or owners of the parcel or parcels that will be
24 affected by the change and the written consent of the local agency. No additional hearings or
25 procedures are required, and the unanimous approval shall be deemed to constitute a unanimous vote

1 in favor of the proposed changes. If the proceeds of a special tax are being utilized to retire any debt
2 incurred pursuant to this chapter and the unanimous approval relates to the reduction of the special tax
3 rate, the unanimous approval shall recite that the reduction or termination of the special tax would not
4 interfere with the timely retirement of that debt.

5 SEC. 43.10.27. ALTERNATE PROCEDURE FOR CHANGE PROCEEDINGS NOT
6 ADVERSELY AFFECTING TAXABLE PROPERTY IN THE SPECIAL TAX DISTRICT.

7 With respect to a special tax district formed under Section 43.10.17, as an alternate and
8 independent procedure to those set forth in Sections 53331-53338 of the Act for making changes to the
9 special tax district when the Board of Supervisors finds that no taxable property in the special tax
10 district will be adversely affected by the changes, including but not limited to a change in the types of
11 authorized public facilities or services which should be financed by an established special tax district, a
12 change in the authorized amount of bonded indebtedness for the special tax district, a change in the
13 rate or method of apportionment of a special tax, or the addition of a new special tax, the Board of
14 Supervisors shall comply with the following requirements:

15 (i) The Board of Supervisors shall adopt a resolution (A) declaring the intent to make
16 changes to a special tax district, (B) finding that the proposed changes serve the public interest and
17 will not adversely affect any taxable property in the special tax district, and (C) calling for a public
18 hearing on the matter, which public hearing shall be held no sooner than 14 days after the adoption of
19 the resolution described in this subsection (i).

20 (ii) The Clerk of the Board of Supervisors shall publish a notice of the public hearing one
21 time in a newspaper of general circulation published in the area of the special tax district at least 7
22 days prior to the public hearing. The notice shall contain all of the following information:

23 (A) The text or a summary of the resolution adopted pursuant to the preceding subsection (i);
24 the notice may refer to documents on file in the office of the Clerk of the Board of Supervisors for
25 detail.

1 (B) The time and place of the hearing.

2 (C) A statement that at the hearing the testimony of all interested persons, including all persons
3 owning property in the area, for or against the changes, will be heard.

4 (iii) The Board of Supervisors must hold a public hearing on the subject of the proposed
5 changes. At the hearing any person interested, including persons owning property within the area, may
6 appear and present any matters material to the questions set forth in the resolution described in the
7 preceding subsection (i).

8 (iv) After holding the public hearing, the City may adopt a resolution making the proposed
9 changes to the special tax district as long as it concludes that the public interest, convenience and
10 necessity would be served by the proposed changes, that the changes would not adversely affect any
11 taxable property in the special tax district and that the changes would not adversely affect the owners
12 of any outstanding bonds that are payable from special taxes levied in the special tax district.

13 (v) After adopting the resolution described in the preceding subsection (iv), the Board of
14 Supervisors shall adopt an ordinance amending any prior ordinance levying special taxes in the
15 Special Tax District to reflect the changes to the special tax district.

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

19 By: _____
20 MARK D. BLAKE
21 Deputy City Attorney

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