

1 [Opposing California Assembly Bill No. 68 (Ting) - Accessory Dwelling Units - Unless
2 Amended]

3 **Resolution opposing California State Assembly Bill No. 68, authored by Assembly**
4 **Member Phil Ting, unless amended, to provide jurisdictional deference to the City and**
5 **County of San Francisco and other early adopters of permissive Accessory Dwelling**
6 **Unit regulations.**

7
8 WHEREAS, The City and County of San Francisco and the State of California are
9 experiencing a housing affordability crisis, characterized in part by the removal or demolition
10 of over 4,200 units of rent controlled or deed-restricted affordable housing in the past ten
11 years; and

12 WHEREAS, The City and County of San Francisco was among the first cities in the
13 State of California to adopt a Citywide Accessory Dwelling Unit Program in 2016 through
14 consensus legislation co-authored and co-sponsored by then Supervisors Mark Farrell, Scott
15 Wiener and Eric Mar, and current Supervisor Aaron Peskin (Board File No. 160657); and

16 WHEREAS, Since the adoption of San Francisco’s Citywide Accessory Dwelling Unit
17 Program, state lawmakers have also recognized the value in Accessory Dwelling Units as an
18 important tool for incentivizing the creation of new units of housing at neighborhood, infill scale
19 in zoning districts that have previously not allowed additional dwelling units on a given lot; and

20 WHEREAS, Shortly after the adoption of San Francisco’s Citywide Accessory Dwelling
21 Unit Program, state lawmakers passed State Senate Bill 1069 (Wieckowski) and Assembly
22 Bill 2299 (Bloom) to require local agencies across the State of California to adopt ordinances
23 allowing for the construction of Accessory Dwelling Units or to otherwise approve or
24 disapprove of applications ministerially; and

25

1 WHEREAS, With the apparent intent of building upon San Francisco’s model for the
2 approval and construction of Accessory Dwelling Units and expanding that model statewide,
3 State lawmakers effectively preempted and restricted the ability of jurisdictions like San
4 Francisco to flexibly respond to new areas of concern in the context of approving and
5 permitting the construction of Accessory Dwelling Units, including the construction of
6 Accessory Dwelling Units that would cause the eviction of tenants or severance of tenancies
7 in habitable or auxiliary spaces; and

8 WHEREAS, The ministerial consideration of applications to construct Accessory
9 Dwelling Units should not impair the ability of San Francisco policymakers and City officials to
10 anticipate the potential unintended consequences of San Francisco’s Citywide Accessory
11 Dwelling Unit Program and to address those unintended consequences legislatively; now,
12 therefore be it

13 RESOLVED, That the City and County of San Francisco opposes California Assembly
14 Bill No. 68 unless amended to recapture the original intent of San Francisco’s Ordinance and
15 to allow for the proliferation of Accessory Dwelling Units unencumbered by concerns about
16 the impact on existing and future tenants; and

17 FURTHER RESOLVED, That the Clerk of the Board of Supervisors notify San
18 Francisco’s State Legislative Delegation accordingly.

19
20
21
22
23
24
25