

1 [Authorizing the Mayor’s Office of Housing and Community Development to Apply for The
2 Prohousing Designation Program]

3 **Resolution authorizing the City and County of San Francisco, acting by and through**
4 **the Mayor’s Office of Housing and Community Development (MOHCD), to submit an**
5 **application to and participate in the Prohousing Designation Program administered by**
6 **the California Department of Housing and Community Development.**

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8 WHEREAS, California Government Code, Section 65589.9 established the Prohousing
9 Designation Program (“PDP” or “Program”), which creates incentives for jurisdictions that are
10 compliant with state housing element requirements and that have enacted local policies that
11 are defined as “Prohousing” under said Section 65589.9; and

12 WHEREAS, The California Department of Housing and Community Development
13 (“Department”) has adopted regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) to
14 implement the Program (“Program Regulations”), as authorized by Government Code,
15 Section 65589.9, subdivision (d) and approved as of January 2, 2024; and

16 WHEREAS, Local jurisdictions that are eligible under California Government Code,
17 Section 65589.9 and the Program Regulations will be designated by the Department as
18 Prohousing (“Prohousing Designation”), and, as such, will receive additional points or other
19 preference during the scoring of their competitive applications for specified housing and
20 infrastructure funding; and

21 WHEREAS, Under Section 6604(d) of the Program Regulations, the Department shall
22 reject a Prohousing Designation application if the Department discovers that the applicant is
23 engaging in certain activities, including “enacting laws, developing policies, or taking other
24 actions that are reasonably likely to inhibit or constrain housing production, or that can be
25 objectively shown to have inhibited or constrained housing production, including, but not

1 limited to, moratoriums on development; local voter approval requirements related to housing
2 production” or violating any applicable state housing laws; and

3 WHEREAS, The City has adopted a Housing Element that complies with California
4 Government Code, Section 65585(h); and

5 WHEREAS, The City is in compliance with applicable state housing laws; and

6 WHEREAS, The City and County of San Francisco, acting by and through the Mayor’s
7 Office of Housing and Community Development (“City”), desires to submit to the Department
8 an application for a Prohousing Designation on file with the Clerk of the Board of Supervisors
9 in File No. 240269 (“Application”); now, therefore, be it

10 RESOLVED, That City is hereby authorized and directed to submit an Application to
11 the Department, and the Director of the Mayor’s Office of Housing and Community
12 Development (or designee) is authorized to execute and deliver the Application and, if the
13 Application is approved, the Program Documents (defined below) on behalf of the City for
14 participation in the Program; and, be it

15 FURTHER RESOLVED, That City is currently in compliance with applicable state
16 housing laws; and, be it

17 FURTHER RESOLVED, That City shall continue to comply with applicable state
18 housing laws and refrain from enacting laws, developing policies, or taking other local
19 governmental actions that would not comply with state housing laws; and, be it

20 FURTHER RESOLVED, That City acknowledges that, under Section 6604(d)(1) of the
21 Program Regulations, enacting laws, developing policies, or taking other local governmental
22 actions that are reasonably likely to inhibit or constrain housing production may disqualify the
23 City from the Program and a Prohousing Designation, and that examples of such local laws,
24 policies, and actions include moratoriums on development; local voter approval requirements
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1 related to housing production; downzoning; and unduly restrictive or onerous zoning
2 regulations, development standards, or permit procedures; and, be it

3 FURTHER RESOLVED, That the Prohousing Policies in the Application comply with
4 City’s duty to affirmatively furthering fair housing pursuant to California Government Code,
5 Section 8899.50 and 65583; and, be it

6 FURTHER RESOLVED, That City confirms that its General Plan is in alignment with an
7 adopted sustainable communities strategy pursuant to Public Resources, Code
8 Section 21155- 21155.4; and, be it

9 FURTHER RESOLVED, That City confirms that its policies for the treatment of
10 homeless encampments on public property comply with and will continue to comply with the
11 Constitution and that it has enacted best practices in its jurisdiction that are consistent with the
12 United States Interagency Council on Homelessness’ “7 Principles for Addressing
13 Encampments” (June 17, 2022, update); and, be it

14 FURTHER RESOLVED, That if the Application is approved by Department, the
15 Director of MOHCD is hereby authorized on behalf of the City to enter into, execute, and
16 deliver all documents required or deemed necessary or appropriate to participate in the
17 Program, and all amendments thereto (the “Program Documents”); and, be it

18 FURTHER RESOLVED, That City acknowledges and agrees that it shall be subject to
19 the Application, the terms and conditions specified in the Program Documents, the Program
20 Regulations, and any and all other applicable law; and, be it

21 FURTHER RESOLVED, That within thirty (30) days of the agreement being fully
22 executed by MOHCD and the Department, MOHCD shall provide the final agreement to the
23 Clerk of the Board for inclusion into the official file.

