

1 [Administrative Code - Public Housing Right to Return to Revitalized Housing]

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3 **Ordinance amending the San Francisco Administrative Code, by adding Chapter 39,**
4 **Sections 39.1 through 39.9, to establish the San Francisco Right to Revitalized Housing**
5 **Ordinance and set City policy regarding the Right to Return to Revitalized Public**
6 **Housing Units.**

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8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*strike-through italics Times New Roman*~~.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough normal~~.

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

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Section 1. The San Francisco Administrative Code is hereby amended by adding

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Chapter 39, Section 39.1 through 39.9, to read as follows:

14

CHAPTER 39

15

SEC. 39.1. APPLICATION.

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*This Chapter shall apply as a condition of receipt of any Financial Assistance to be provided by
17 the City to a Public Housing Development Project located within the City.*

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SEC. 39.2. INTENT AND PURPOSE.

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*It is the intent and purpose of the City to expressly give public housing tenants a right to
21 revitalized housing after temporary relocation or displacement as a result of a Public Housing Mixed
22 Finance Development Project so long as the tenant is not in eviction processes, having been duly and
23 properly served with a summons and complaint by the SFHA, or has not been evicted from a unit that is
24 managed by the SFHA. In order to further such purpose, it is the intent of the City that, upon*

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1 notification of his/her eligibility for a revitalized housing unit, the tenant shall not be subject to any
2 additional screening by the landlord or someone acting under the landlord's authority.

3 Additionally, it is the intent and purpose of the City to protect the relocation rights of such
4 tenants. In order to further such purpose, it is the intent of the City to require that any relocation plans
5 produced by the project sponsor of a Public Housing Development Project must be reviewed by the San
6 Francisco Relocation Appeals Board, as well as to establish the Relocation Appeals Board as an
7 independent third party to review relocation claims and make advisory recommendations thereon to the
8 SFHA for its final determination. This Chapter shall be construed consistent with the intent and
9 purpose as stated above, and in accordance with applicable state and federal law.

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11 **SEC. 39.3. DEFINITIONS.**

12 As used in this Article, the following terms shall have the following meanings:

13 (a) "Agreement" means any contract with the City for the provision of Financial Assistance for
14 a Public Housing Development Project.

15 (b) "City" means the City and County of San Francisco.

16 (c) "Community Redevelopment Law or CRL" means Cal. Health & Safety Code §33000 et
17 seq.

18 (d) "Current Tenant(s)" means a lawful tenant of a Public Housing Unit, including each
19 member of the tenant household, that occupies a Public Housing Unit in an Existing Public Housing
20 Development on the Initiation Date. For purposes of this Chapter, each lawful tenant within a Public
21 Housing Unit shall be treated as a single Tenant and shall not have rights to separate Replacement
22 Units.

23 (e) "Existing Public Housing Development" means an existing development of Public Housing
24 Units that will be demolished, disposed of, removed, and/or converted, in whole or in part, in
25 connection with a Public Housing Development Project.

1 (f) “Financial Assistance” means the provision of any federal, state, or local public funds that
2 are administered, allocated, or committed by the City to SFHA, another public entity, private
3 developer, and/or any agents, managers or partners of such entities in connection with a Public
4 Housing Development Project.

5 (g) “Initiation Date” is the date of the first notice of eligibility for relocation benefits in
6 connection with a Public Housing Development Project

7 (h) “New Development” means a residential and/or mixed use development that is developed
8 under federal regulations stated in 24 CFR Part 941 to replace an Existing Public Housing
9 Development in connection with a Public Housing Development Project.

10 (i) “Prior Tenants” means any Current Tenant that moves from a Public Housing Unit located
11 in an Existing Public Housing Development, with or without relocation assistance, on or after the
12 Initiation Date of a Public Housing Development Project, unless the Current Tenant was notified, in
13 writing, before such move of their eligibility for relocation assistance and rehousing in a Replacement
14 Unit; provided, any tenant that is evicted for just cause in accordance with applicable law shall not be
15 a Prior Tenant.

16 (j) “Public Housing Development Project” means a development or redevelopment project that
17 involves the demolition, disposition, removal, revitalization, rehabilitation, and/or conversion, in whole
18 or in part, of an Existing Public Housing Development and/or the relocation of Current Tenant(s) in
19 connection therewith.

20 (k) “Public Housing Unit” means a public housing dwelling unit as defined in the United
21 States Housing Act of 1937, as amended (42 U.S.C. §1437) and any regulations adopted in connection
22 therewith, and that is owned and operated by SFHA in the City.

23 (l) “Relocation Assistance Laws” means any and all federal, state, and local relocation
24 assistance laws that may be applicable to a Public Housing Development Project, including but not
25 limited to, the California Relocation Assistance Law, Cal. Govt. Code § 7260 et seq.; Uniform

1 Relocation Assistance and Real Property Acquisitions Policies Act, 24 U.S.C. 42 U.S.C. §4601 et seq.;
2 the Housing and Community Development Act, 42 U.S.C. §5301 et seq.; the United States Housing Act,
3 42 U.S.C. § 1437 and all regulations, guidelines, and/or HUD Handbooks adopted in connection with
4 each; and this Chapter.

5 (m) “Replacement Housing Laws” means any and all federal, state, and local replacement
6 housing laws that may be applicable to a Public Housing Development Project, including but not
7 limited to, the Community Redevelopment Law, Cal. Health & Safety Code §33000 et seq.; the Housing
8 and Community Development Act, 42 U.S.C. §5301 et seq.; and all regulations, guidelines, and/or
9 HUD Handbooks or Notices adopted in connection with each; and this Chapter.

10 (n) “Replacement Unit(s)” means a Public Housing Unit or other residential unit that is
11 developed under federal regulations stated in 24 CFR Part 941 to replace a Public Housing Unit that is
12 demolished, disposed of, removed, revitalized, rehabilitated or converted as a result of a Public
13 Housing Development Project.

14 (o) “SFHA” means the San Francisco Housing Authority, a public body, corporate and politic,
15 organized and existing under the California Housing Authorities Law (Cal. Health & Saf. Code §
16 34200 et seq.).

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18 **SEC. 39.4. REQUIREMENTS FOR AGREEMENTS FOR FINANCIAL ASSISTANCE.**

19 Every officer and employee of the City shall include in any Agreement a provision requiring the
20 recipient of the Financial Assistance, as a condition of receiving the Financial Assistance, to provide
21 Current Tenants and Prior Tenants with a Replacement Unit as provided in subsection (1) and (2) and
22 to obtain review of relocation plans as provided in subsection (3). In addition, the recipient of the
23 Financial Assistance shall be required, as a condition of receiving the Financial Assistance, to include
24 these requirements in any contract with SFHA regarding the Public Housing Development Project.

25 Every officer and employee of the City who enters into such Agreement shall confer with the City

1 Attorney's Office in drafting and negotiating the provisions thereof in order to implement these
2 requirements, including the provision of appropriate remedies for violation of the Agreement.

3 (1) **Right to Replacement Unit.** Subject to Section 39.4(b), all Current Tenants and Prior
4 Tenants whose tenancy at the Existing Public Housing Development Project was not lawfully
5 terminated prior to or after the Initiation Date, unless such lawful termination was done pursuant to the
6 relocation plan in connection with the Public Housing Development Project, shall have a right to, and
7 the highest priority for, a Replacement Unit at the New Development or, if applicable, for an off-site
8 Replacement Unit.

9 (2) **Eligibility and Screening Criteria.** Current Tenants and Prior Tenants shall be deemed
10 eligible for a Replacement Unit, and shall not be subjected to any eligibility or screening criteria for a
11 Replacement Unit other than income eligibility restrictions that may apply to a suitable Replacement
12 Unit due to a subsidy affecting the unit.

13 (3) **Review Of Relocation Plan.** The recipient of Financial Assistance shall obtain a review by
14 the San Francisco Relocation Appeals Board, as established pursuant to San Francisco Administrative
15 Code Chapter 24B, of any relocation plan drafted for a Public Housing Development Project. The
16 recipient of Financial Assistance shall present the proposed relocation plan to the Relocation Appeals
17 Board at least thirty days prior to adoption and request that the Relocation Appeals Board submit
18 comments regarding the plan or policy in the form of a memorandum to the entity responsible for
19 adopting the final plan. If the Relocation Appeals Board decides not to take a position or does not seek
20 to provide comment, it shall issue a memorandum to the appropriate entity stating as such.

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22 **SEC. 39.5. APPEALS.**

23 For all Public Housing Development Projects, the Relocation Appeals Board shall be the
24 independent third party to review relocation claims and make advisory recommendations thereon to the
25 SFHA for its final determination. In reviewing the claim and making recommendations to the SFHA,

1 the Relocation Appeals Board shall be guided by the provisions of the Appeals/Grievance Procedure
2 established as part of the adopted relocation plan for the Public Housing Development Project.

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4 **SEC. 39.6. APPLICATION OF OTHER LAWS.**

5 Nothing in this Chapter is intended to limit the rights of Public Housing tenants that may exist
6 pursuant to other state, federal, or local laws.

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8 **SEC. 39.7. ENFORCEABILITY.**

9 This Chapter shall be enforceable by the City and any beneficially interested person. Any
10 enforcement action shall be limited to injunctive relief, including specific performance. As set forth in
11 Section 39.8, there shall be no monetary damages for any violation of this Chapter.

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13 **SEC. 39.8. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE**

14 In undertaking the adoption and enforcement of this Chapter, this City is assuming an
15 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers
16 and employees or on any other person or entity, including but not limited to the SFHA, an obligation
17 for breach of which it is liable in money damages to any person who claims that such breach
18 proximately caused injury.

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20 **SEC. 39.9. NO CONFLICT WITH STATE OR FEDERAL LAW; SEVERABILITY.**

21 This Chapter shall be construed so as not to conflict with applicable federal or State laws, rules
22 or regulations, including but not limited to the Relocation Assistance Laws and Replacement Housing
23 Laws. Nothing in this Chapter shall authorize any City agency to impose any duties or obligations in
24 conflict with limitations on municipal authority established by federal law at the time such agency
25 action is taken.

1 If any section, paragraph, sentence, clause or phrase of this Chapter is for any reason held to
2 be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not
3 affect the validity or effectiveness of the remaining portions of this Chapter. The Board of Supervisors
4 declares that it would have passed each section, paragraph, sentence, clause or phrase of this Chapter
5 irrespective of the fact that any portion of this Chapter could be declared unconstitutional, invalid or
6 ineffective.

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8 Section 2. Effective Date. This ordinance shall become effective 30 days from the
9 date of passage. This ordinance is intended to have prospective effect only.

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11 Section 3. This section is uncodified. In enacting this Ordinance, the Board intends to
12 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
13 punctuation, charts, diagrams, or any other constituent part of the Administrative Code that
14 are explicitly shown in this legislation as additions, deletions, Board amendment additions,
15 and Board amendment deletions in accordance with the "Note" that appears under the official
16 title of the legislation.

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

20 By: _____
21 EVAN GROSS
22 Deputy City Attorney