

1 [Subdivision Code - Condominium Conversion Impact Fee]

2

3 **Ordinance amending the Subdivision Code, by adding Section 1396.4, to adopt a**
 4 **condominium conversion impact fee applicable to certain buildings ~~qualifying for~~**
 5 **~~participating but not being selected or participating in the 2013 or 2012 condominium~~**
 6 **~~conversion lottery only~~ that would be permitted to convert during a six year period, and**
 7 **subject to specified requirements, including lifetime leases for non-purchasing**
 8 **tenants; adding Section 1396.5, to suspend the annual condominium conversion lottery**
 9 **until 2024 and resume said lottery under specified circumstances tied to permanently**
 10 **affordable rental housing production; amending Section 1396, to restrict future**
 11 **condominium lotteries to buildings of no more than four units with a specified number**
 12 **of owner occupied units for three years prior to the lottery; and adopting environmental**
 13 **findings.**

14 NOTE: Additions are *single-underline italics Times New Roman*;
 15 deletions are ~~*strike-through italics Times New Roman*~~.
 16 Board amendment additions are double-underlined;
 Board amendment deletions are ~~strike-through normal~~.

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

18 Section 1. Findings. (a) The Planning Department has determined that the actions
 19 contemplated in this Ordinance are in compliance with the California Environmental Quality
 20 Act (California Public Resources Code sections 21000 et seq.). Said determination is on file
 21 with the Clerk of the Board of Supervisors in File No. 120669 and is incorporated herein by
 22 reference.

23 (b) A copy of the report on the fees identified herein is in Clerk of the Board of
 24 Supervisors File No. 120669 and is incorporated herein by reference. The City Controller's
 25 Office has independently confirmed that the fee amounts identified in said report remain valid.

1 This determination is on file with the Clerk of the Board of Supervisors File No. 120669 and is
2 incorporated herein by reference.

3 (c) The proposed expedited approval process for condominium conversions is
4 intended as a one time adjustment to the backlog in applications for conversions given the
5 specific needs of owners of tenancy-in-common units. In addition, this legislation attempts to
6 integrate this process with the adoption of additional controls on future conversions.

7 (d) As set forth in the Housing Element of the General Plan, in particular Objective 3, it
8 is the City's policy to preserve the existing supply of rent controlled housing and to increase
9 the production of new affordable rental units. The conversion of rental housing into
10 condominiums, without replacement, results in the loss of existing rent controlled housing
11 contrary to public policy.

12 (e) In 2012, the voters of the City of San Francisco approved Proposition C that
13 proposed in part to fund and produce 9000 affordable rental housing units over thirty years,
14 establishing an annual baseline production of approximately 300 affordable housing units.

15 (f) It is the further intent of this legislation to suspend future conversions of rental
16 housing pending the replacement of units converted through the expedited conversion
17 program and to provide additional protections to tenants in buildings to be converted.

18 Section 2. The San Francisco Subdivision Code is hereby amended by adding
19 Sections 1396.4 and 1396.5, to read as follows:

20 SEC. 1396.4. CONDOMINIUM CONVERSION IMPACT FEE AND EXPEDITED
21 CONVERSION PROGRAM.

22 (a) Findings. The findings of Planning Code Section 415.1 concerning the City's inclusionary
23 affordable housing program are incorporated herein by reference and support the basis for charging
24 the fee set forth herein as it relates to the conversion of dwelling units into condominiums.

1 ~~(b) Any building that: (1) participated in the 2013 or 2012 condominium conversion~~
2 ~~lottery, but was not selected for conversion or (2) could have participated in the 2013~~
3 ~~condominium conversion lottery, but elected not to do so, may bypass be exempted from the~~
4 ~~annual lottery provisions of Section 1396 (the annual lottery conversion limitation) if the building~~
5 ~~owners for said building comply with Section 1396.3(g)(1) and pay the condominium conversion~~
6 ~~impact fee subject to the all the requirements of this Section 1396.4. In addition Notwithstanding~~
7 ~~the foregoing, no property subject to the prohibition set forth in Section 1396.2(c) is eligible for~~
8 ~~said bypass expedited conversion process under this Section 1396.4. Eligible buildings as set~~
9 ~~forth in this Section (b) may exercise their option to participate in this fee program according~~
10 ~~to the following requirements:~~

11 ~~(c) Eligible buildings as set forth in Subsection (b) may exercise their option to~~
12 ~~participate in this fee program according to the following requirements:~~

13 ~~——— (1) The applicant(s) for the subject building shall pay the fee specified in~~
14 ~~Subsection (c) no later than January 24, 2014 for the entire building.~~

15 ~~——— (2) No later than the last business day before July 25, 2014:~~

16 ~~——— (i) DPW shall determined that the applicant's condominium conversion~~
17 ~~subdivision application is complete, or~~

18 ~~——— (ii) The application is deemed complete by operation of law.~~

19 ~~——— (3) The applicant shall obtain final and effective tentative approval of the~~
20 ~~condominium subdivision or parcel map no later than December 31, 2014.~~

21 ~~——— (4) Any map application subject to a required public hearing on the subdivision~~
22 ~~or a subdivision appeal shall have the time limit set forth in Subsection (c)(3) suspended until~~
23 ~~March 13, 2015.~~

24 ~~——— (5) The Director of the Department of Public Works is authorized to waive the~~
25 ~~time limit set forth in Subsection (c)(3) as it applies to a particular building due to extenuating~~

1 ~~or unique circumstances. Such waiver may be granted only after a public hearing and in no~~
2 ~~case shall the time limit extend beyond July 24, 2015.~~

3 (1) Any building that participated in but was not selected for the 2012 or 2013
4 condominium conversion lottery consisting of (a) four units or less in which one unit has been
5 continuously occupied by one of the applicant owners of record for no less than five years
6 prior to April 15, 2013, or (b) buildings consisting of five or six units in which 50 percent or
7 more of the units have been continuously occupied by the applicant owners of record for no
8 less than five years as of April 15, 2013, is eligible for conversion under this Subsection. The
9 applicant(s) for the subject building seeking to convert under this Subsection shall pay the fee
10 specified in Subsection (e) no later than January 24, 2014 for the entire building along with
11 additional information as the Department may require including certification of continued
12 eligibility; however, the deadline for an applicant to pay the fee may be extended pursuant to
13 (j)(3) of this Section.

14 (2) Any building that participated in but was not selected for the 2012 or 2013
15 condominium conversion lottery consisting of (a) four units or less in which one unit has been
16 continuously occupied by one of the applicant owners of record for no less than three years
17 prior to April 15, 2014, or (b) buildings consisting of five six units in which 50 percent or more
18 of the units have been continuously occupied by the applicant owners of record for no less
19 than three years as of April 15, 2014, is eligible for conversion under this Subsection. The
20 applicant(s) for the subject building may apply for conversion under this Subsection on or after
21 April 15, 2014 and shall pay the fee specified in Subsection (e) no later than January 23, 2015
22 along with additional information as the Department may require including certification of
23 continued eligibility; however, the deadline for an applicant to pay the fee may be extended
24 pursuant to (j)(3) of this Section.

1 (3) For Additionally Qualified Buildings consisting of (a) four units or less in
2 which one unit has been continuously occupied by one of the applicant owners of record for
3 no less than six years as of April 15, 2015 or (b) buildings consisting of five or six units in
4 which 50 percent or more of the units have been continuously occupied by the applicant
5 owners of record for no less than six years as of April 15, 2015, the applicant(s) for the subject
6 building may apply for conversion under this Subsection on or after April 15, 2015 and shall
7 pay the fee specified in Subsection (e) no later than January 22, 2016 along with additional
8 information as the Department may require including certification of continued eligibility.

9 (4) For Additionally Qualified Buildings consisting of (a) four units or less in
10 which one unit has been continuously occupied by one of the applicant owners of record for
11 no less than six years as of April 15, 2016, or (b) buildings consisting of five or six units in
12 which 50 percent or more of the units have been continuously occupied by the applicant
13 owners of record for no less than six years as of April 15, 2016, the applicant(s) for the subject
14 building may apply for conversion under this Subsection on or after April 15, 2016 and shall
15 pay the fee specified in Subsection (e) no later than January 20, 2017 along with additional
16 information as the Department may require including certification of continued eligibility.

17 (5) For Additionally Qualified Buildings consisting of (a) four units or less in which one
18 unit has been continuously occupied by one of the applicant owners of record for no less than
19 six years as of April 15, 2017, or (b) buildings consisting of five or six units in which 50 percent
20 or more of the units have been continuously occupied by the applicant owners of record for no
21 less than six years as of April 15, 2017, the applicant(s) for the subject building may apply for
22 conversion under this Subsection on or after April 15, 2017 and shall pay the fee specified in
23 Subsection (e) no later than January 19, 2018 along with additional information as the
24 Department may require including certification of continued eligibility.

1 (6) For Additionally Qualified Buildings consisting of (a) four units or less in which one
2 unit has been continuously occupied by one of the applicant owners of record for no less than
3 six years prior to April 15, 2018, or (b) buildings consisting of five or six units in which 50
4 percent or more of the units have been continuously occupied by the applicant owners of
5 record for no less than six years as of April 15, 2018, the applicant(s) for the subject building
6 may apply for conversion under this Subsection on or after April 15, 2018 and shall pay the
7 fee specified in Subsection (e) no later than January 25, 2019 along with additional
8 information as the Department may require including certification of continued eligibility.

9 (7) An “Additionally Qualified Building” within the meaning of this Section is defined as
10 a building in which the owners of record have a fully executed written agreement as of April
11 15, 2013 in which the owners each have an exclusive right of occupancy to individual units in
12 the building to the exclusion of the owners of the other units.

13 (6) (7) (8) The In addition to all other provisions of this Section, the applicant(s) must
14 meet the following requirements applicable to Subdivision Code Article 9, Conversions:
15 Sections 1381, 1382, 1383, 1386, 1387, 1388, 1389, 1390, 1391(a) and (b), 1392, 1393, 1394,
16 and 1395. In addition, the applicant(s) must certify that to the extent any tenant vacates his or
17 her unit after March 31, 2013 and before recordation of the final parcel or subdivision map,
18 such tenant did so voluntarily or if an eviction or eviction notice occurred it was not pursuant to
19 Administrative Code Sections 37.9(a)(8)-(14). If an eviction has taken placed under
20 37.9(a)(11) or 37.9(a)(14) then the applicant(s) shall certify that the original tenant reoccupied
21 the unit after the temporary eviction.

22 (c) Decisions and Hearing on the Application.

23 (1) The applicant shall obtain a final and effective tentative map or tentative
24 parcel map approval for the condominium subdivision or parcel map within one (1) year of
25 paying the fee specified in Subsection (e).

1 (2) No less than twenty (20) days prior to the Department's proposed decision
2 on a tentative map or tentative parcel map, the Department shall publish the addresses of
3 building being considered for approval and post such information on its website. During this
4 time, any interested party may file a written objection to an application and submit information
5 to DPW contesting the eligibility of a building. In addition, the Department may elect to hold a
6 public hearing on said tentative map or tentative parcel map to consider the information
7 presented by the public, other City department, or an applicant. If the Department elects to
8 hold such a hearing it shall post notice of such hearing and provide written notice to the
9 applicant, all tenants of such building, any member of the public who submitted information to
10 the Department, and any interested party who has requested such notice. In the event that an
11 objection to the conversion application is filed in accordance with this Subsection, and based
12 upon all the facts available to the Department, the Department shall approve, conditionally
13 approve, or disapprove an application and state the reasons in support of that decision.

14 (3) Any map application subject to a Departmental public hearing on the
15 subdivision or a subdivision appeal shall have the time limit set forth in this Subsection (c)(1)
16 extended for another six (6) months.

17 (4) The Director of the Department of Public Works is authorized to waive the
18 time limits set forth in this Subsection (c)(1) as it applies to a particular building due to
19 extenuating or unique circumstances. Such waiver may be granted only after a public hearing
20 and in no case shall the time limit extend beyond two (2) years after submission of the
21 application.

22 (d) Should the subdivision application be denied or be rejected as untimely in accordance with
23 the dates specified above, or the tentative subdivision map or tentative parcel map disapproved, DPW
24 the City shall refund the entirety of the applicant's fee specified in Subsection (e).

1 (e) The fee amount is \$20,000.00 per unit for all buildings that participated in the lottery for
2 the first time in 2013 or seek to convert under Subsection (b)(1)-(6). Said fee shall be
3 adjusted annual in accordance with the terms of Section 1315(f). Said fee is reduced for each
4 year the building has participated in the condominium conversion lottery up to and including the 2013
5 lottery in accordance with the following formula:

- 6 (1) 2 years of participation, 20% fee reduction per unit;
- 7 (2) 3 years of participation, 40% fee reduction per unit;
- 8 (3) 4 years of participation, 60% fee reduction per unit; and
- 9 (4) 5 or more years of participation, 80% fee reduction per unit.

10 (f) For purposes of Section (e), a building's owner(s) shall get credit only for those years that
11 it he or she participated in the lottery even though such building could have qualified for and
12 participated in other condominium conversion lotteries.

13 (g) Life Time Lease for Non-purchasing Tenants.

14 (1) No subdivider or subsequent condominium unit owner shall refuse to renew a lease
15 or extend a rental agreement to any Any application for conversion under this Section shall
16 include a certification under penalty of perjury by the applicants that all non-purchasing
17 tenant(s) in the building have been offered a life time lease in the form and with the provisions
18 published and prescribed by DPW in consultation with the Rent Board. Such life time lease
19 shall be executed by the owners of the building(s) and recorded prior to at the time of Final Map
20 or Parcel Map approval. Any extended Any life time leases or rental agreements made pursuant
21 hereto shall expire only upon the death or demise of the last such life-tenant residing in the unit or
22 the last surviving member of the life-tenant's household, provided such surviving member is related to
23 the life-tenant by blood, marriage, or domestic partnership, and is either disabled, catastrophically
24 ill, or aged 62 or older at the time of death or demise of any such life-tenant, or at such time as the life-
25 tenant(s) in the unit voluntarily vacates the unit after giving due notice of such intent to vacate. Each

1 lease shall contain a provision allowing the tenant to terminate the lease and vacate the unit upon 30
2 days' notice. Rent and a provision that rent charged during the term of any extended the lease or
3 rental agreement pursuant to the provisions of this Section shall not exceed the rent charged at
4 the time of filing of the application for conversion, plus any increases proportionate to the increases in
5 the residential rent component of the "Bay Area Cost of Living Index, U.S. Dept. of Labor," provided
6 that the rental increase provisions of this Section shall be operative only in the absence of other
7 applicable rent increase or arbitration laws. This Section The lease also shall state that it shall not
8 alter or abridge the rights or obligations of the parties in performance of their covenants, including but
9 not limited to the provision of services, payment of rent or the obligations imposed by Sections 1941,
10 1941.1 and 1941.2 of the California Civil Code. There and that there shall be no decrease in
11 dwelling unit maintenance or other services historically provided to such units and such life-tenants. A
12 binding and recorded agreement The provision of a lifetime lease pursuant to this Subsection
13 shall be a condition imposed on each tentative parcel or tentative subdivision map subject to
14 this Subsection 1396.4(g). Binding and recorded agreements between the tenant(s) and the
15 property owner(s) and between the City and the property owner(s) concerning this
16 requirement shall be a tentative map condition imposed on each parcel or subdivision map
17 subject to this Subsection 1396.4(g). For purposes of this Subsection, the Board of
18 Supervisors delegates authority to the DPW Director, in consultation with the Mayor's Office of
19 Housing, to enter in said agreement on behalf of the City and County of San Francisco.

20 (2) If the owner(s) of a building subject to the lifetime lease provisions of this Section
21 1396.4(g) enters into any contract or option to sell or transfer any unit that would be subject to
22 the lifetime lease requirements or any interest in any unit in the building that would be subject
23 to the lifetime lease requirements at any time between the initial application and recording of
24 the final subdivision map or parcel map, said contract or option shall be subject to the
25 following conditions: (a) the contract or option shall include written notice that the unit shall be

1 subject to the lifetime lease requirements of Subdivision Code Section 1396.4(g), (b) prior to
2 final execution of any such contract or option, the owner(s) shall record a notice of restrictions
3 against the property that specifically identifies the unit potentially subject to the lifetime lease
4 requirements and specifies the requirements of the lifetime lease as set forth in Section
5 1396.4(g)(1), and (c) the recorded notice of restrictions shall be included as a note on the final
6 subdivision map or parcel map. Prior to approval of a final subdivision map or parcel map, the
7 applicant(s) shall certify under penalty of perjury to the Department that he, she, or they have
8 complied with the terms of this Subsection as it applies to a building. Failure to provide this
9 certification from every current owner of a building shall result in disapproval of the map. The
10 content of the notices and certifications required by this Subsection shall comply with the
11 instructions and procedures developed by the Department.

12 (h) In recognition of the rental requirements of Section (g), the fee for each unit in which a
13 non-purchasing tenant resides at the time specified in Section (g) who is offered a life time lease
14 and is unrelated by blood, marriage, or domestic partnership to any owner of the building shall
15 be refunded to the subdivider under the following formula:

- 16 (1) One unit, 10% fee reduction for such unit;
- 17 (2) Two units, 20% fee reduction for each unit;
- 18 (3) Three units, 30% fee reduction for each unit.

19 (i) Upon confirmation of compliance with the rental requirement, DPW or the City
20 department in possession of the fee revenue shall refund the amount specified in Section (h) to the
21 subdivider and have all remaining fee revenues transferred to the ~~Citywide Affordable Housing Fund~~
22 ~~Mayor's Office Home Ownership Assistance Loan Fund~~ City's Housing Stabilization Fund for
23 the purpose of creating or preserving housing affordable to low or moderate income
24 households in San Francisco.

1 (j) Waiver or reduction of fee based on absence of reasonable relationship or deferred
2 payment based upon limited means.

3 (1) A project applicant of any project subject to the requirements in this Section may
4 appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirements based
5 upon the absence of any reasonable relationship or nexus between the impact of development and the
6 amount of the fee charged or for the reasons set forth in Subsection (2) below, a project applicant may
7 request a waiver from the Board of Supervisors.

8 (2) Any appeal of ~~waiver~~ requests under this clause shall be made in writing and filed
9 with the Clerk of the Board no later than 15 days after the date the sponsor is required to pay and has
10 paid to the Treasurer the fee as required in this Section. The appeal shall set forth in detail the factual
11 and legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall
12 consider the appeal at the hearing within 60 days after the filing of the appeal. The appellant shall
13 bear the burden of presenting substantial evidence to support the appeal, including comparable
14 technical information to support appellant's position. If a reduction, adjustment, or waiver is granted,
15 any change of use or scope of the project shall invalidate the waiver, adjustment or reduction of the fee.
16 If the Board grants a reduction, adjustment or waiver, the Clerk of the Board shall promptly transmit
17 the nature and extent of the reduction, adjustment or waiver to the Treasurer and Department of Public
18 Works.

19 (3) A project applicant may apply to the Department of Public Works for a
20 deferral of payment of the fee described in Subsection (e) for the period that the Department
21 completes its review and until the application for expedited conversion is approved, provided
22 that the applicant satisfies each of the following requirements: (i) the applicant resided in his
23 or her unit in the subject property as his or her principle place of residence for not less than
24 three years and (ii) that for the twelve months prior to the application, the applicant's
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1 household income was less than 120% of median income of the City and County of San
2 Francisco as determined by the Mayor's office of Housing.

3 ~~(k) Any building that participates in the fee program set forth herein shall automatically~~
4 ~~be ineligible to participate in the 2014 condominium conversion lottery. DPW The City shall~~
5 ~~refund to the applicant any fees paid to participate in the 2014 lottery and shall remove any~~
6 ~~lottery tickets associated with the subject building from the lottery drawing.~~

7 ~~(l) Buildings that convert pursuant to this Section shall have no effect on the terms and~~
8 ~~conditions of Section 1341A, 1385A, or 1396 of this Code.~~

9 **SEC. 1396.5. SUSPENSION OF THE LOTTERY PENDING PRODUCTION OF**
10 **REPLACEMENT UNITS FOR EXPEDITED CONVERSION UNITS.**

11 (a) Within twelve months after issuing tentative or tentative parcel map approval for the
12 last conversion under Section 1396.4, the Department shall publish a report stating the total
13 number of units converted under the Expedited Conversion program.

14 (b) No later than April 15 of each year until the termination of the suspension period,
15 the Mayor's Office of Housing shall publish a report stating the total number of permanently
16 affordable rental housing produced in San Francisco and the "Conversion Replacement Units"
17 produced in the previous calendar year. For purposes of this Subsection, the Mayor's Office
18 of Housing shall have the authority to determine what type and form of housing constitutes
19 permanently affordable rental housing that has been produced.

20 (c) The Department shall not accept an application for the conversion of residential
21 units under Section 1396 nor conduct a lottery under this Article until the total number of
22 Conversion Replacement Units produced in the City of San Francisco exceeds the total
23 number of units converted under Section 1396.4(b)(1)-(6) and in no event shall it conduct a
24 lottery prior to January 1, 2024; provided however, that the total period of suspension of the
25 lottery shall not exceed the "Maximum Suspension Period" as defined below.

1 (d) "Conversion Replacement Units" in any year shall be determined by subtracting
2 300 from the total number of permanently affordable rental units that the City produced in that
3 year starting on January 1, 2014.

4 (e) The "Maximum Suspension Period" shall be the number of years calculated by
5 dividing the total number of units approved for conversion under Section 1396.4(b)(1)-(6) (the
6 Expedited Conversion program) divided by 200 and rounded to the nearest whole number
7 with the year 2014 as the starting point. For example, if 2400 units have been converted
8 under Section 1396.4(b)(1)-(6), then the maximum suspension period would be 12 years and
9 run until 2026.

10 Section 3. The San Francisco Subdivision Code is hereby amended by amending
11 Section 1396, to read as follows:

12 **SEC. 1396. ANNUAL CONVERSION LIMITATION.**

13 (a) This Section governing annual limitation shall apply only to conversation of
14 residential units. This Section also is subject to the limitations established by Section
15 1396.5's suspension of the lottery.

16 (b) Applications for conversion of residential units, whether vacant or occupied, shall
17 not be accepted by the Department of Public Works, except that a maximum of 200 units as
18 selected yearly by lottery by the Department of Public Works from all eligible applicants, may
19 be approved for conversion per year for the following categories of buildings:

20 (a) (1) Buildings consisting of four units or less in which one at least three of the units
21 has have been occupied continuously by one of the applicant owners of record as their
22 principle place of residence for three years prior to the date of registration for the lottery as
23 selected by the Director;

1 (2) Buildings consisting of three units in which at least two of the units have been
2 occupied continuously by the applicant owners of record as their principle place of residence
3 for three years prior to the date of registration for the lottery as selected by the Director;

4 (3) Buildings consisting of two units in which at least one unit has been occupied
5 continuously by the applicant owner of record as his or her principle place of residence for
6 three years prior to the date of registration for the lottery as selected by the Director; or

7 ~~(b) Buildings consisting of six units or less in which 50 percent or more of the units~~
8 ~~have been occupied continuously by the applicant owners of record for three years prior to the~~
9 ~~date of registration for the lottery as selected by the Director; or~~

10 ~~(e) (4) Community apartments as defined in Section 1308 of this Code, which, on or~~
11 ~~before December 31, 1982, met the criteria for community apartments in Section 1308 of this~~
12 ~~Code and which were approved as a subdivision by the Department of Public Works on or~~
13 ~~before December 31, 1982, and where 75 percent of the units have been occupied~~
14 ~~continuously by the applicant owners of record for three years prior to the date of registration~~
15 ~~for the lottery as selected by the Director.~~

16 (c) The conversion of a stock cooperative as defined in Section 1308 of this Code to
17 condominiums shall be exempt from the annual limitation imposed on the number of
18 conversions in this Section and from the requirement to be selected by lottery where 75
19 percent of the units have been occupied for the lottery as selected by the Director.

20 (d) No application for conversion of a residential building submitted by a registrant
21 shall be approved by the Department of Public Works to fill the unused portion of the 200-unit
22 annual limitation for the previous year.

23 (f) Any applicant for a condominium conversion submitted after being selected in the
24 lottery must meet the following requirements applicable to Subdivision Code Article 9,
25 Conversions: Sections 1381, 1382, 1383, 1386, 1387, 1388, 1389, 1390, 1391(a) and

1 (b), 1392, 1393, 1394, and 1395. In addition, the applicant(s) must certify that to the extent
2 any tenant vacated his or her unit after March 31, 2013 within the seven years prior to the date
3 of selection in the lottery and before recordation of the final parcel or subdivision map, such
4 tenant did so voluntarily or if an eviction or eviction notice occurred it was not pursuant to
5 Administrative Code Sections 37.9(a)(8)-(14). If an eviction has taken place under
6 37.9(a)(11) or 37.9(a)(14) then the applicant(s) shall certify that the original tenant reoccupied
7 the unit after the temporary eviction. If the Department finds that a violation of this Subsection
8 occurred prior to recordation of the final map or final parcel map, the Department shall
9 disapprove the application or subject map. If the Department finds that a violation of this
10 Subsection occurred after recordation of the final map or parcel map, the Department shall
11 take such actions as are available and within its authority to address the violation.

12 Section 4. Effective Date. This ordinance shall become effective 30 days from the
13 date of passage.

14 Section 4 5. This section is uncodified. In enacting this Ordinance, the Board intends
15 to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
16 punctuation, charts, diagrams, or any other constituent part of the Subdivision Code that are
17 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
18 Board amendment deletions in accordance with the "Note" that appears under the official title
19 of the legislation.

20 Section 6. Suspension of this Ordinance. In the event that there is a lawsuit filed in
21 any court challenging any part of this legislation or the validity of any lifetime lease entered
22 into pursuant to this legislation, then the Expedited Conversion program described in Section
23 1396.4 will be suspended unless and until there is a final judgment in the lawsuit in all courts
24 and the validity of this legislation in its entirety is upheld. During any such suspension, any
25

1 applicant may seek a refund of the condominium conversion impact fee and the provisions of
2 Section 1396 in effect on April 15, 2015 shall be operative.

3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

5 By: _____
6 John D. Malamut
7 Deputy City Attorney

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