

File No. 141122

Committee Item No. 5

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date January 7, 2015

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

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Completed by: Linda Wong Date January 2, 2015  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

[Administrative Code - Annual Reports on Evictions from Subsidized Housing]

Ordinance amending the Administrative Code to require recipients of City-funded contracts for the administration or development of housing to submit annual reports to departments awarding the contracts on the number of tenants who receive notices of eviction or are evicted; and to require the awarding departments to submit annual reports on the same to the Mayor and Board of Supervisors.

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

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

Section 1. The Administrative Code is hereby amended by adding Article XIV, Sections 20.500 through 20.508, to Chapter 20, to read as follows:

**ARTICLE XIV: TENANT EVICTION ANNUAL REPORTS**

**SEC. 20.500. TITLE.**

*This Article XIV shall be known as the "Tenant Eviction Annual Reports Ordinance."*

**SEC. 20.501. DEFINITIONS.**

*For purposes of this Article XIV, the following definitions shall apply.*

*"Contractor" shall mean any person or persons, firm, partnership, corporation, or combination thereof, or other entity that enters into a Housing-Related Contract with the City.*

1 "Fiscal Year" shall mean the twelve-month period commencing on July 1 and ending June 30.

2 "Housing" shall mean any housing, including, but not limited to, single occupancy residential  
3 hotels and Supportive Housing, except that "Housing" shall not include Transitional Housing or  
4 housing for Residential Treatment Services.

5 "Housing-Related Contract" shall mean any contract, lease, memorandum of understanding, or  
6 other agreement or amendment thereto entered into with the City on or after the effective date of this  
7 Article XIV for the administration or development of Housing, paid for in whole or in part by the City  
8 out of moneys deposited in the treasury or out of trust moneys under the control of, or collected by, the  
9 City, except that "Housing-Related Contract" shall not include agreements between the San Francisco  
10 Housing Authority and the City, funded by grants or loans provided through the Mayor's Office of  
11 Housing and Community Development ("MOHCD") or agreements between the City and any person  
12 or entity funded by grants provided under MOHCD's Lead Hazard Control Program. MOHCD's Lead  
13 Hazard Control Program is the MOHCD program that provides grants to homeowners to remediate  
14 lead hazards on their property and is funded by grants from the United States Department of Housing  
15 and Urban Development.

16 "Notice of Eviction" shall mean a notice to a tenant of Housing instructing the tenant to vacate  
17 or quit premises leased by the tenant.

18 "Supportive Housing" shall mean housing for tenants that includes on-site supportive services,  
19 including, without limitation, intake and assessment of tenant needs, outreach to the tenants to assist  
20 them with health or social needs, management of the health or social needs of tenants, mediation of  
21 disputes with the property management, and referrals for services to the tenants.

22 "Residential Treatment Services" shall mean rehabilitative services, provided in a residential  
23 setting, for persons at risk of hospitalization or other institutional placement, including, without  
24 limitation, services that support the recipients of services in their efforts to restore, maintain, and apply  
25 interpersonal and independent living skills and to access community support systems.

1           "Transitional Housing" shall mean temporary housing for persons for participation in  
2 available services focused on achieving educational and/or vocational goals designed to provide a  
3 permanent exit from homelessness, including, without limitation, individual education plans,  
4 independent living skills, preparation for employment, and teaching budgeting and money  
5 management.

6  
7           **SEC. 20.502. ANNUAL REPORTS BY CONTRACTORS.**

8           By August 1 of each year, each Contractor shall submit to each department that has awarded it  
9 a Housing-Related Contract a written report (the "Contractor Report"), substantially in the form  
10 specified by the department, that provides the following information for the prior Fiscal Year for each  
11 Housing facility administered or developed by the Contractor under the Housing-Related Contract:

12           (a) the number of tenants and households who lived in the Housing facility during the Fiscal  
13 Year;

14           (b) the number of tenants and households to whom the Contractor issued Notices of Evictions  
15 during the Fiscal Year and the reason for each notice;

16           (c) the number of unlawful detainer actions that were filed in a court of law by the Contractor  
17 during the Fiscal Year, and the reason for each filing; and

18           (d) the number of tenants and households evicted from the Housing facility by the Contractor  
19 during the Fiscal Year and the reason for each eviction.

20  
21           **SEC. 20.503. ENCOURAGED REPORTING.**

22           The Board of Supervisors encourages each person or other entity that has entered into a  
23 contract with the City prior to the effective date of this Article XIV, which but for the date of the  
24 contract would meet the definition of Housing-Related Contract, to submit to the department that  
25

1 awarded the contract, in the time and manner specified in Section 20.502, a written report (the  
2 “Contractor Encouraged Report”) containing the information specified in that Section.

3  
4 **SEC. 20.504. ANNUAL REPORTS BY DEPARTMENTS.**

5 By September 1 of each year, based on the Contractor Reports and Contractor Encouraged  
6 Reports submitted to it, each department shall submit a written report (the “Department Report”) to  
7 the Board of Supervisors and the Mayor containing the information required and encouraged in  
8 Sections 20.502 and 20.503 for the prior Fiscal Year for each Housing facility for which the  
9 department receives a report.

10  
11 **SEC. 20.505. INCORPORATION BY REFERENCE.**

12 In each Housing-Related Contract, the Contractor shall agree to comply with the requirements  
13 of this Article XIV and each Housing-Related Contract shall incorporate this Article by reference as  
14 though fully set forth therein.

15  
16 **SEC. 20.506. NONDISCLOSURE.**

17 No Contractor Report, Contractor Encouraged Report, or Department Report shall disclose the  
18 name of any tenant or household or any other information that identifies a tenant or household who  
19 received a Notice of Eviction or was evicted from a Housing facility. This Article does not require the  
20 disclosure of any information the disclosure of which is prevented by law.

21  
22 **SEC. 20.507. ENFORCEMENT.**

23 Any failure of a Contractor to comply with the requirements of this Article XIV shall be a  
24 material breach of the Housing-Related Contract.

1                    **SEC. 20.508. NO CONFLICT WITH FEDERAL LAW, STATE LAW, GRANTS, OR**  
2                    **SUBVENTIONS.**

3                    Nothing in this Article XIV shall be interpreted or applied so as to create any requirement,  
4                    power, or duty in conflict with any federal or state law. This Article shall not apply to Housing-Related  
5                    Contracts where the requirements of this Article would violate or be inconsistent with the terms or  
6                    conditions of a grant or subvention used in payment of the Housing-Related Contract.

7  
8                    Section 2. Effective Date. This ordinance shall become effective 30 days after  
9                    enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
10                    ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
11                    of Supervisors overrides the Mayor's veto of the ordinance.

12  
13  
14                    APPROVED AS TO FORM:  
15                    DENNIS J. HERRERA, City Attorney

16                    By:   
17                    Robert A. Bryan  
18                    Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Administrative Code - Annual Reports on Evictions from Subsidized Housing]

**Ordinance amending the Administrative Code to require recipients of City-funded contracts for the administration or development of housing to submit annual reports to departments awarding the contracts on the number of tenants who receive notices of eviction or are evicted; and to require the awarding departments to submit annual reports on the same to the Mayor and Board of Supervisors.**

Existing Law

Under Chapter 20 of the Administrative Code, the City is authorized to provide social services to eligible persons, including, without limitation, assistance with housing.

Amendments to Current Law

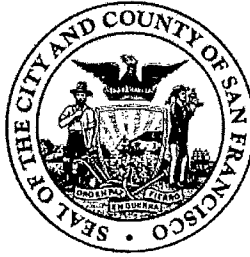
This Ordinance adds Article XIV to Chapter 20. Article XIV applies to any person or entity (the "Contractor") that enters into a Housing-Related Contract with the City. A Housing-Related Contract is any contract, or amendment thereto, for the administration or development of housing that is paid for in whole or in part by the City and entered into on or after the effective date of the Ordinance.

Article XIV requires each Contractor to annually submit a written report to the department that awarded it a Housing-Related Contract on the number of tenants and households in the housing facility covered by the contract to whom the contractor has issued a notice of eviction or has evicted. Contractors must also report on the number of unlawful detainer actions filed against tenants. Each Contractor must submit its report to the awarding department by August 1 of each year for activities in the prior fiscal year. The Ordinance also encourages contractors who have entered into contracts for the administration or development of housing before the effective date of the Ordinance to submit a written report on the same matters to the awarding department by August 1 of each year. By September 1 of each year, each awarding department must submit to the Mayor and Board of Supervisors a written report on the eviction activity of its contractors based on the reports submitted to it by the contractors.

Background Information

Article XIV will enable the City to collect information on efforts to evict tenants from housing subsidized by the City so that the City may evaluate the impacts of such efforts.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Olson Lee, Acting Director, Mayor's Office of Housing  
Ben Rosenfield, City Controller, Office of the Controller

FROM: Linda Wong, Assistant Clerk, Budget and Finance Committee, Board of  
Supervisors

DATE: November 21, 2014

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, introduced by Supervisor Farrell on October 28, 2014:

**File No. 141122**

**Ordinance amending the Administrative Code to require recipients of City-funded contracts for the administration or development of housing to submit annual reports to departments awarding the contracts on the number of tenants who receive notices of eviction or are evicted; and to require the awarding departments to submit annual reports on the same to the Mayor and Board of Supervisors.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Eugene Flannery, Mayor's Office of Housing  
Sophie Hayward, Mayor's Office of Housing



Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

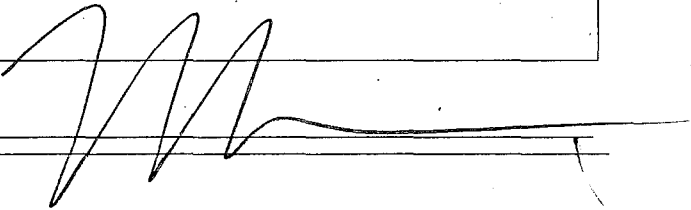
Supervisor Mark Farrell; Supervisor London Breed

**Subject:**

Administrative Code - Annual Reports on Evictions from Subsidized Housing

**The text is listed below or attached:**

Attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

141122

