

1 [Charter Amendment - Affordable Housing and Community Development Hearings and Reports]

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 3 **Describing and setting forth a proposal to the voters, at an election to be held on November**
 4 **8, 2016, to amend the Charter of the City and County of San Francisco, to require the**
 5 **Office of Economic and Workforce Development (OEWD) and the Mayor's Office of**
 6 **Housing and Community Development (MOHCD) to propose five-year strategic plans for**
 7 **consideration and approval by the Board of Supervisors; to require OEWD and MOHCD**
 8 **to report to the Board of Supervisors regarding their annual work plans at least two times**
 9 **each fiscal year; and to provide that ordinances adopted under the processes set forth in**
 10 **the Charter regarding inclusionary housing requirements and regarding competitive**
 11 **selection for the expenditure of affordable housing funds and for the development of**
 12 **affordable housing on City-owned property under the jurisdiction of MOHCD shall**
 13 **supersede ordinances and rules adopted by the Board of Supervisors or the voters prior to**
 14 **March 1, 2017.**

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 16 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
 17 and County, at an election to be held on November 8, 2016, a proposal to amend the Charter of
 18 the City and County by adding Section 16.128, to read as follows:

19 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
 20 **Additions** are *single-underline italics Times New Roman font*.
 21 **Deletions** are *strike-through italics Times New Roman font*.
 22 **Asterisks (* * * *)** indicate the omission of unchanged Charter
 subsections.

23 **SEC. 16.128. AFFORDABLE HOUSING AND ECONOMIC DEVELOPMENT**

24 **HEARINGS.**

25 **(a) By no later than December 31, 2017 and at least once every five years thereafter, the**

1 directors of the Office of Economic and Workforce Development (“OEWD”) and the Mayor’s
2 Office of Housing and Community Development (“MOHCD”), or any successor offices, shall
3 each submit to the Board of Supervisors a strategic plan for the office’s plans regarding housing
4 and community development in the City. The Board of Supervisors may approve each plan by
5 resolution or may recommend that the office modify the plan and resubmit it for further
6 consideration by the Board of Supervisors. The Board of Supervisors may not amend the plan.
7 Each plan shall specify the office’s near-term and long-term goals for affordable housing and
8 community development projects. Each office shall prioritize projects and activities consistent
9 with the plan approved by resolution.

10 (b) By no later than March 1, 2017, the director of MOHCD shall submit to the Board of
11 Supervisors a proposed ordinance to create competitive selection processes for (1) the
12 development of affordable housing on City-owned real property under the jurisdiction of
13 MOHCD, and (2) MOHCD’s expenditure of funds for affordable housing. After approving
14 amendments in its discretion, the Board of Supervisors may adopt the ordinance. The ordinance
15 may include exceptions and limitations as deemed appropriate by MOHCD to maximize and
16 expedite the creation of affordable housing and leverage the City’s affordable housing funds,
17 maintain existing affordable housing, increase funding to previously selected projects, provide
18 funding availability on a rolling basis, and provide emergency funding. The ordinance may also
19 recognize affordable housing projects with federal or state funding sources, and exempt projects
20 from the competitive bid process. Any such ordinance adopted by the Board shall supersede any
21 ordinance, rule, process or regulation enacted by the City or adopted by the voters before March
22 1, 2017, relating to a competitive bid process for the City’s development of affordable housing.

23 (c) By no later than February 1, 2017, and at least once every six months thereafter, a
24 committee of the Board of Supervisors designated by the President of the Board shall hold a
25 hearing to receive a report from the director of MOHCD. At that hearing, the director shall

1 report to the Board regarding an annual work plan summarizing the affordable housing projects
2 and community development funds that MOHCD anticipates funding and awarding during the
3 next fiscal year, including any land acquisitions or conveyances for affordable housing, and any
4 additional matters of significance to the office, and (2) a list of surplus real property owned by
5 the City for which the director of MOHCD recommends that the Board of Supervisors approve
6 fee simple absolute conveyance. For the purpose of this Section 16.128(c), “surplus real
7 property” shall mean any real property that is not required to fulfill the mission of the City
8 department, commission, or agency with jurisdiction or control of such property, and that is not
9 required to fulfill the mission of another City department, commission or agency or other
10 governmental entity, as determined by the Board of Supervisors by resolution, and shall not
11 include any real property that is sold or exchanged for purposes other than housing
12 development.

13 (d) By no later than February 1, 2017, and at least once every six months thereafter, a
14 committee of the Board of Supervisors designated by the President of the Board shall hold a
15 hearing to receive a report from the director of OEWD. At that hearing, the director shall report
16 to the Board the following information: (1) a status report of OEWD’s current activities and
17 work program; (2) a list and description of all development agreements under California
18 Government Code Section 65864 et seq. or any successor State legislation that OEWD
19 anticipates participating in negotiating in the current or subsequent fiscal year; and (3) a
20 description of OEWD’s proposed objectives in negotiating those development agreements.

21 (e) On or before March 1, 2017, the director of MOHCD shall make a
22 recommendation to the Board of Supervisors regarding any proposed changes to the
23 Inclusionary Affordable Housing Program under Planning Code section 415, including but not
24 limited to possibly increasing or decreasing on-site or off-site inclusionary affordable housing
25 percentages, area median income levels, or in-lieu fees, that the director believes would help to

1 increase the availability of affordable housing in the City. Any ordinance subsequently adopted
2 by the Board of Supervisors changing the the Inclusionary Affordable Housing Program under
3 Planning Code section 415, regardless of whether the ordinance approves the recommendations
4 of the director of MOHCD, shall supersede conflicting provisions in any ordinance enacted by
5 the City or adopted by the voters before March 1, 2017.

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7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: _____
10 JON GIVNER
11 Deputy City Attorney

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