

BOARD of SUPERVISORS



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MEMORANDUM

TO: Kate Hartley, Acting Director, Mayor's Office of Housing and Community Development
Robert Collins, Executive Director, Rent Board
Sam Dodge, Director, Housing Opportunity, Partnerships and Engagement

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: August 1, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on July 25, 2017:

File No. 170860

Ordinance amending the Administrative Code to remove reference to a 10-year residency requirement for the Displaced Tenant Preference in City Affordable Housing Programs; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you have 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 or by email at: erica.major@sfgov.org.

c: Eugene Flannery, Mayor's Office of Housing and Community Development
Amy Chan, Mayor's Office of Housing and Community Development
Dee Schexnayder, Housing Opportunity, Partnerships and Engagement
Christine Keener, Housing Opportunity, Partnerships and Engagement

1 [Administrative Code - Displaced Tenant Preference in City Affordable Housing]

2
3 **Ordinance amending the Administrative Code to remove reference to a 10-year**
4 **residency requirement for the Displaced Tenant Preference in City Affordable Housing**
5 **Programs; affirming the Planning Department's determination under the California**
6 **Environmental Quality Act; and making findings of consistency with the General Plan,**
7 **and the eight priority policies of Planning Code, Section 101.1.**

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

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

16 Section 1. Findings.

17 (a) The Planning Department has determined that the actions contemplated in this
18 ordinance comply with the California Environmental Quality Act (California Public Resources
19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
20 Supervisors in File No. ___ and is incorporated herein by reference. The Board affirms this
21 determination.

22 (b) On _____, the Planning Department determined that the actions
23 contemplated in this ordinance are consistent, on balance, with the City's General Plan and
24 eight priority policies of Planning Code Section 101.1. The Board adopts this determination
25 as its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in
File No. _____, and is incorporated herein by reference.

1 Section 2. The Administrative Code is hereby amended by revising Section 47.2, to
2 read as follows:

3 **SEC. 47.2. DEFINITIONS.**

4 * * * *

5 "Displaced Tenant" shall mean any person who applies to MOHCD and who MOHCD
6 determines qualifies under any of the categories below. If a person disputes MOHCD's
7 determination that he or she does not qualify as a "Displaced Tenant" under this Section 47.2,
8 such person shall have the right to a hearing conducted by a Rent Board Administrative Law
9 Judge (as defined in Administrative Code Section 37.2(f)), with MOHCD as the responding
10 party:

11 * * * *

12 Category 2: A tenant residing in San Francisco who on or after January 1, 2010
13 receives a notice that his or her landlord plans to recover possession of the unit under Section
14 37.9(a)(8) of the Rent Ordinance. MOHCD shall establish a process for a tenant to verify his
15 or her status as a "Displaced Tenant" under Category 2 that, at a minimum, shall require a
16 tenant to show: (a) the landlord filed with the Rent Board the notice to vacate, as required
17 under Rent Ordinance Section 37.9(c); and (b) the tenant either: (1) is listed on the notice to
18 vacate; (2) is listed on the lease for the unit in question; or (3) has other evidence sufficient to
19 establish, in MOHCD's reasonable discretion, that he or she resided in the unit at the time the
20 notice to vacate was filed; *and (c) that the tenant has resided in the unit for 10 years as of the date of*
21 *receipt of the notice of withdrawal from the rental market.*

22 * * * *

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24 Section 3. Background and Purpose.
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1 (a) On August 11, 2016, the City enacted Ordinance No. 164-16, which, among other
2 things, deleted the 10-year residency requirement for "Category 2" displaced tenants as
3 defined in Administrative Code Section 47.2, who receive a preference in City Affordable
4 Housing Programs under Administrative Code Section 47.3. While deleting the residency
5 requirement, Ordinance No. 164-16 inadvertently left in place the requirement that a Category
6 2 displaced tenant verify that status by showing that he or she had resided for 10 years in the
7 unit from which the displacement occurred.

8 (b) The purpose of this ordinance is to correct the inadvertent discrepancy referenced
9 in subsection (a) that Ordinance No. 164-16 left in Administrative Code Section 47.2. This
10 discrepancy is corrected herein by deleting the requirement that a Category 2 displaced
11 tenant verify that status by showing that he or she had resided for 10 years in the unit from
12 which the displacement occurred. By deleting that requirement, this ordinance is not intended
13 to change the substance of Ordinance No. 164-16, but rather is intended only to clarify its
14 original intent.

15 (c) This ordinance shall be retroactive to September 10, 2016.
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17 Section 4. Effective Date. This ordinance shall become effective 30 days after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor's veto of the ordinance.
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1 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

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

10 By:



11 Keith Nagayama
12 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Displaced Tenant Preference in City Affordable Housing]

Ordinance amending the Administrative Code to remove reference to a 10-year residency requirement for the Displaced Tenant Preference in City Affordable Housing Programs; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Current law provides preference in all City Affordable Housing Programs to certain “Displaced Tenants,” which includes tenants under “Category 2” who have been evicted based on an “Owner Move-In” under Administrative Code Section 37.9(a)(8). Category 2 Displaced Tenants must show that he or she had resided for 10 years in the unit.

Amendments to Current Law

The purpose of this ordinance is to correct an inadvertent discrepancy by deleting the requirement that a Displaced Tenant under Category 2 show that he or she had resided for 10 years in the unit. By deleting such requirement, this ordinance is not intended to change the substance of Ordinance No. 164-16, but rather is intended only to clarify its original intent.

Background Information

On August 11, 2016, the City enacted Ordinance No. 164-16, which deleted the residency requirement for Displaced Tenants, including Displaced Tenants under Category 2, who receive a preference in City Affordable Housing Programs under Administrative Code Section 47.3. While deleting the residency requirement, Ordinance No. 164-16 inadvertently left in place the requirement that a Category 2 Displaced Tenant show that he or she had resided for 10 years in the unit. This ordinance corrects the inadvertent discrepancy that Ordinance No. 164-16 left in the definition of Displaced Tenant, Category 2, of Administrative Code Section 47.2.

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