

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

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3 **Ordinance amending the Administrative Code to remove reference to a ten 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.**

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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.

12

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

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15 Section 1. Findings.

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16 (a) The Planning Department has determined that the actions contemplated in this  
17 ordinance comply with the California Environmental Quality Act (California Public Resources  
18 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
19 Supervisors in File No. 170860 and is incorporated herein by reference. The Board affirms  
20 this determination.

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(b) This ordinance corrects an inadvertent discrepancy referenced in Ordinance No.  
22 164-16 and is intended only to clarify the original intent of Ordinance No. 164-16, but not  
23 change its substance. On October 22, 2015, the Planning Commission, in Resolution No.  
24 19498, adopted findings that the actions contemplated in Ordinance No. 164-16 were  
25 consistent, on balance, with the City's General Plan and eight priority policies of Planning

1 Code Section 101.1. The Board adopts these findings as its own for the actions contemplated  
2 by this ordinance. A copy of said Resolution is on file with the Clerk of the Board of  
3 Supervisors in File No. 170860, and is incorporated herein by reference.

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

6 **SEC. 47.2. DEFINITIONS.**

7 \* \* \* \*

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

14 \* \* \* \*

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

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Section 3. Background and Purpose.

(a) On August 11, 2016, the City enacted Ordinance No. 164-16, which, among other things, deleted the 10-year residency requirement for “Category 2” displaced tenants as defined in Administrative Code Section 47.2, 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 verify that status by showing that he or she had resided for 10 years in the unit from which the displacement occurred.

(b) The purpose of this ordinance is to correct the inadvertent discrepancy referenced in subsection (a) that Ordinance No. 164-16 left in Administrative Code Section 47.2. This discrepancy is corrected herein by deleting the requirement that a Category 2 displaced tenant verify that status by showing that he or she had resided for 10 years in the unit from which the displacement occurred. By deleting that 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.

(c) This ordinance shall be retroactive to September 10, 2016.

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

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  
11 By: \_\_\_\_\_  
12 Keith Nagayama  
13 Deputy City Attorney  
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