

File No. 170860

Committee Item No. 2

Board Item No. 28

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date October 2, 2017

Board of Supervisors Meeting

Date October 17, 2017

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 checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" 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 type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input 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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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral CEQA 080117</u>      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI 080117</u>       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral PC 080117</u>        |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination 080417</u> |
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Completed by: Erica Major Date September 29, 2017

Completed by: Erica Major Date 10/4/2017

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

2  
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.**

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. 170860 and is incorporated herein by reference. The Board affirms  
21 this determination.

22 (b) This ordinance corrects an inadvertent discrepancy referenced in Ordinance No.  
23 164-16 and is intended only to clarify the original intent of Ordinance No. 164-16, but not  
24 change its substance. On October 22, 2015, the Planning Commission, in Resolution No.  
25 19498, adopted findings that the actions contemplated in Ordinance No. 164-16 were  
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.*

25 \* \* \* \*

1  
2 Section 3. Background and Purpose.

3 (a) On August 11, 2016, the City enacted Ordinance No. 164-16, which, among other  
4 things, deleted the 10-year residency requirement for "Category 2" displaced tenants as  
5 defined in Administrative Code Section 47.2, who receive a preference in City Affordable  
6 Housing Programs under Administrative Code Section 47.3. While deleting the residency  
7 requirement, Ordinance No. 164-16 inadvertently left in place the requirement that a Category  
8 2 displaced tenant verify that status by showing that he or she had resided for 10 years in the  
9 unit from which the displacement occurred.

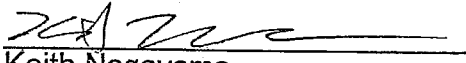
10 (b) The purpose of this ordinance is to correct the inadvertent discrepancy referenced  
11 in subsection (a) that Ordinance No. 164-16 left in Administrative Code Section 47.2. This  
12 discrepancy is corrected herein by deleting the requirement that a Category 2 displaced  
13 tenant verify that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

17 (c) This ordinance shall be retroactive to September 10, 2016.  
18

19 Section 4. Effective Date. This ordinance shall become effective 30 days after  
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
22 of Supervisors overrides the Mayor's veto of the ordinance.  
23  
24  
25

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

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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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BOARD of SUPERVISORS



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

August 1, 2017

File No. 170860

Lisa Gibson  
Acting Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On July 25, 2017, Mayor Lee introduced the following proposed legislation:

~~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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

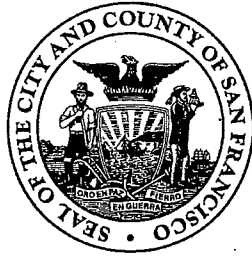
c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

**REVIEWED**

By Joy Navarrete at 7:56 pm, Aug 04, 2017

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

August 1, 2017

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On July 25, 2017, Mayor Lee introduced the following legislation:

**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.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

- c: John Rahaim, Director of Planning  
Aaron Starr, Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Acting Environmental Review Officer  
AnMarie Rodgers, Senior Policy Advisor  
Laura Lynch, Environmental Planning  
Joy Navarrete, Environmental Planning



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August 1, 2017

File No. 170860

Lisa Gibson  
Acting Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On July 25, 2017, Mayor Lee introduced the following proposed legislation:

**File No. 170860**

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**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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
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TDD/TTY No. 554-5227

## 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

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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.**

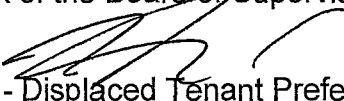
If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

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

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *Ed* Mayor Edwin M. Lee   
RE: Administrative Code - Displaced Tenant Preference in City Affordable Housing  
DATE: July 25, 2017

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Attached for introduction to the Board of Supervisors is an 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.

Should you have any questions, please contact Mawuli Tugbenyoh (415) 554-5168.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 JUL 25 PM 3:58  
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