File No.	191000		Committee Item I	No4
		•	Board Item No	10

## COMMITTEE/BOARD OF SUPERVISORS.

AGENDA PACKET CONTENTS LIST						
Committee:	Rules Committee	Date	November 18, 2019			
Board of Supervisors Meeting			DECENDER 17, 2019			
Cmte Boar	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Rep Youth Commission Report Introduction Form Department/Agency Cover Letter an Memorandum of Understanding (MC Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 - Ethics Commission Award Letter Application Form 700 Vacancy Notice Information Sheet Public Correspondence	d/or Re	port			
OTHER (Use back side if additional space is needed)						
	Initiative Ordinance					
Completed by: Victor Young Date Nov. 14, 2019 Completed by: Victor Young Date ///エワーター						

NOTE:

[Administrative Code - Right to Affordable Housing Unit in a Revitalized Housing Development]

Ordinance amending the Administrative Code to clarify the right of current households to occupy replacement housing units, provide a priority to former households of an existing public housing development to return to a revitalized housing development, and provide a priority to current and former households of an existing public housing development to occupy a new affordable housing unit.

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. Chapter 39 of the Administrative Code is hereby amended by revising Sections 39.2, 39.3, and 39.4, to read as follows:

#### SEC. 39.2. INTENT AND PURPOSE.

(a) It is the intent and purpose of the City to expressly give public housing households a right to revitalized housing after temporary relocation or displacement as a result of a Public Housing Development Project so long as the household is not in eviction processes, having been duly and properly served with a summons and complaint by the SFHA <u>or its agents</u>, or has not been evicted from a unit that is managed by the SFHA <u>or its agents</u>. <u>In order tT</u> of further such purpose, it is the intent of the City that, upon notification of eligibility for a revitalized housing unit, the household shall not be subject to any additional screening by the landlord or

someone acting under the landlord's authority.

- (b) Additionally, it is the intent and purpose of the City to protect the relocation rights of such households. *In order t* To further such purpose, it is the intent of the City to require that any relocation plans produced by the project sponsor of a Public Housing Development Project must be reviewed by the City department providing the Financial Assistance, as well as to establish the San Francisco Residential Rent Stabilization and Arbitration Board as an independent third party to review relocation claims and make advisory recommendations thereon to the SFHA for its final determination. This Chapter 39 shall be construed consistent with the intent and purpose as stated *abovein this Section 39.2*, and in accordance with applicable state and federal law.
- (c) HOPE SF, the City's signature anti-poverty and equity initiative, is committed to breaking intergenerational patterns related to the insidious impacts of trauma and poverty, and to creating economic and social opportunities for current and former public housing residents through deep investments in education, economic mobility, health, and safety. The HOPE SF master plans consist of a mixed-use, mixed-income development with several different components: (1) construction of public infrastructure; (2) demolition and one-for-one replacement of all public housing units; (3) development of new private affordable housing on affordable parcels; (4) development of private residential projects on market rate parcels; and (5) development of community improvements (e.g., open space areas, community facilities). In addition to protecting the relocation rights of current HOPE SF residents, it is critical to minimize permanent displacement of former HOPE SF residents and provide an opportunity for both current and former HOPE SF residents to live in and benefit from their revitalized community. Therefore, it is a necessary and important public purpose for the City to provide current and former HOPE SF residents of a Former Public Housing Development a right to, and the highest priority for, an affordable housing unit or other financially subsidized unit in a revitalized housing development under HOPE SF.

#### SEC. 39.3. DEFINITIONS.

As used in this *Article Chapter 39*, the following terms shall have the following meanings:

- (a)—"Agreement" means any contract with the City for the provision of Financial Assistance for a Public Housing Development Project.
  - (b)—"City" means the City and County of San Francisco.
- (c)—"Community Redevelopment Law or CRL" means Cal. Health & Safety Code § 33000 et seq.
- (d)—"Current Household(s)" means a lawful household, including each member of the household, that occupies a Public Housing Unit in an Existing Public Housing

  Development on the Initiation Date or a Temporary Relocation Unit. For purposes of this Chapter 39, each lawful tenant within a household of a Public Housing Unit household or Temporary Relocation Unit shall be treated as a single household and shall not have rights to separate Replacement Units. Current Households do not include any Former HOPE SF Households.
- (e)—"Existing Public Housing Development" means an existing development of Public Housing Units that will be demolished, disposed of, removed, and/or converted, in whole or in part, in connection with a Public Housing Development Project.
- ## "Financial Assistance" means the provision of any federal, state, or local public funds that are administered, allocated, or committed by the City to SFHA, another public entity, private developer, and/or any agents, managers or partners of such entities in connection with a Public Housing Development Project.
- <u>"Former HOPE SF Household" means any household of a Former Public Housing</u>

  <u>Development that has permanently moved off-site from such Former Public Housing Development and is qualified by MOHCD under the eligibility requirements set forth in Section 39.4(b)(2). Former</u>

HOPE SF Households do not include any Current Household.

"Former Public Housing Development" means Public Housing Units that have been demolished, disposed of, removed, and/or converted, in whole or in part, in connection with a Revitalized Housing Development.

"Initiation Date" is the date of the first notice of eligibility for relocation benefits in connection with a Public Housing Development Project.

"Member of a Current Household" means any member or former member of a Current

Household who is not the head of the household or individually entitled to a Replacement Unit as of the

Initiation Date.

"MOHCD" means the Mayor's Office of Housing and Community Development.

(h)—"New Development" means a residential and/or mixed use development that is developed under federal regulations to replace an Existing Public Housing Development in connection with a Public Housing Development Project or Revitalized Housing Development.

"Off-Site Replacement Unit" means a Replacement Unit subject to a housing assistance
payment contract with SFHA and constructed off-site from a Revitalized Housing Development.

- (i)—"Public Housing Development Project" means a development or redevelopment project that:
- (1) involves the demolition, disposition, removal, revitalization, rehabilitation, and/or conversion, in whole or in part, of an Existing Public Housing Development;
  - (2) involves the relocation of Current Household(s) in connection therewith; and
- (3) as a result of such activities, is required to comply with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act., 24-U.S.C. 42 U.S.C. § 4601 et seq. and the implementing regulations issued by the Department of Transportation at 49 CFR part 24.

III

(j)——"Public Housing Unit" means a public housing dwelling unit as defined in the United States Housing Act of 1937, as amended (42 U.S.C. § 1437) and any regulations adopted in connection therewith, and that is owned and operated by SFHA in the City.

(k)—"Relocation Assistance Laws" means any and all federal, state, and local relocation assistance laws that may be applicable to a Public Housing Development Project, including but not limited to, the California Relocation Assistance Law, Cal. Govt. Code § 7260 et seq.; Uniform Relocation Assistance and Real Property Acquisitions Policies Act, 24 U.S.C. 42 U.S.C. § 4601 et seq.; the Housing and Community Development Act, 42 U.S.C. § 5301 et seq.; the United States Housing Act, 42 U.S.C. § 1437 and all regulations, guidelines, and/or HUD Handbooks adopted in connection with each; and this Chapter 39.

(1)—"Rent Board" means the San Francisco Residential Rent Stabilization and Arbitration Board.

(m)—"Replacement Housing Laws" means any and all federal, state, and local replacement housing laws that may be applicable to a Public Housing Development Project, including but not limited to, the Community Redevelopment Law, Cal. Health & Safety Code § 33000 et seq.; the Housing and Community Development Act, 42 U.S.C. § 5301 et seq.; and all regulations, guidelines, and/or HUD Handbooks or Notices adopted in connection with each; and this Chapter.

(n)—"Replacement Unit(s)" means a comparable Public Housing Unit or other comparable residential unit that is developed under federal regulations stated in 24 CFR Part 941, 24 CFR 970, or 24 CFR 972 to replace a Public Housing Unit that is demolished, disposed of, removed, revitalized, rehabilitated, or converted as a result of a Public Housing Development Project.

"Revitalized Housing Development" means a development that transforms the site of an Existing Public Housing Development Project within the Hunters View, Alice Griffith, Sunnydale, or

Potrero HOPE SF communities into a new mixed-income community which at completion includes replacement of units at such Existing Public Housing Development Project, additional Tax Credit Units, and, where applicable, market-rate units.

(o)—"SFHA" means the San Francisco Housing Authority, a public body, corporate and politic, organized and existing under the California Housing Authorities Law (Cal. Health & Saf. Code § 34200 et seq.).

"Tax Credit Unit" means an affordable rental housing unit financed with federal low income housing tax credits, in whole or in part, as part of a Revitalized Housing Development.

"Temporary Relocation Unit" means a rental unit for the purpose of temporarily housing a

Current Household as necessary during any phase of a Revitalized Housing Development, including,

but not limited to, (1) a Public Housing Unit in like new condition that is less than five years old, (2) a

Public Housing Unit refurbished to like new condition, or (3) other rental unit under a housing

assistance payment contract with SFHA authorized under Section 8 of the United States Housing Act of

1937, as amended.

# SEC. 39.4. REQUIREMENTS FOR AGREEMENTS FOR FINANCIAL ASSISTANCE; RIGHT TO RETURN TO A REVITALIZED HOUSING DEVELOPMENT.

Every officer and employee of the City shall include in any Agreement a provision requiring the recipient of the Financial Assistance, as a condition of receiving the Financial Assistance, to provide (i) Current Households with a Replacement Unit as provided in subsection (a)(1) and (b) and to obtain a review of relocation plans as provided in subsection (a)(2)(c), (ii) Former HOPE SF Households with a priority to apply for and occupy a Replacement Unit at a Revitalized Housing Development as provided in subsection (b), or (iii) Current Households, Member of a Current Household, or Former HOPE SF Households with a priority to apply for and occupy a Tax Credit Unit at a Revitalized Housing Development as provided in subsection (c). In

addition, the recipient of the Financial Assistance shall be required as a condition of receiving the Financial Assistance, to include these requirements in any contract with SFHA regarding the Public Housing Development Project. Every officer and employee of the City who enters into such Agreement shall confer with the City Attorney's Office in drafting and negotiating the provisions thereof in order to implement these requirements, including the provision of appropriate remedies for violation of the Agreement.

(a) Right to Replacement Unit. Subject to Section 39.4(b)(a)(1), all Current Households whose tenancy at the Existing Public Housing Development Project was not lawfully terminated prior to or after the Initiation Date, unless such lawful termination was done pursuant to the relocation plan in connection with the Public Housing Development Project, shall have a right to, and the highest priority for, a Replacement Unit at the New Development or, if applicable, for an eOff-sSite Replacement Unit. As part of a Revitalized Housing Development, any Current Household that moves to a Temporary Relocation Unit shall retain the right to an on-site Replacement Unit at such Revitalized Housing Development as a Current Household and is not considered a Former HOPE SF Household under Section 39.4(b).

(b)(1) Eligibility and Screening Criteria. Current Households shall be deemed eligible for a Replacement Unit, and shall not be subjected to any eligibility or screening criteria for a Replacement Unit other than income eligibility restrictions that may apply to a suitable Replacement Unit due to a subsidy affecting the unit.

(e)(2) Review of Relocation Plan. The recipient of Financial Assistance shall obtain a review by the City department providing the Financial Assistance of any relocation plan drafted for a Public Housing Development Project. The recipient of Financial Assistance shall present the proposed relocation plan to the applicable City department at least \*thirty30\* days prior to adoption and request that the City department submit comments regarding the plan or policy in the form of a memorandum to the entity responsible for adopting the final

plan. If the City department decides not to take a position or does not seek to provide comment, it shall issue a memorandum to the appropriate entity stating as such.

#### (b) Former HOPE SF Household Right to Return to a Replacement Unit.

(1) Priority for Replacement Units. After all Current Households have had the opportunity to occupy available Replacement Units completed during any phase of a Revitalized Housing Development, eligible Former HOPE SF Households shall have the right to return to a Revitalized Housing Development from where they moved from and priority for occupancy of an available Replacement Unit located at such Revitalized Housing Development over any and all lists maintained by MOHCD, SFHA, or any other public agency. A Former HOPE SF Household may exercise its right to return to the Revitalized Housing Development where it moved from by submitting an application to rent any available Replacement Unit that is not needed to permanently house a Current Household.

(2) Eligibility. MOHCD shall establish and administer a process for a household to verify the household's status as a "Former HOPE SF Household" that, at a minimum, shall require a household to provide written, verifiable documentation of the following: (A) each Former HOPE SF Household shall satisfy the affordable housing and/or financial requirements applicable to the Replacement Unit, as approved by MOHCD and/or SFHA, as applicable; and (B) proof of residency at a Former Public Housing Development, in MOHCD's reasonable discretion, including, without limitation, at least one of the following: (i) landline phone bills, (ii) cable or internet bills, (iii) paystubs, (iv) benefits records, including health insurance, (v) school records, (vi) letter from SFHA verifying residency, (vii) lease with the household as tenant, (viii) City identification card; or (ix) other evidence sufficient to establish, in MOHCD's reasonable discretion, that the household resided at a Former Public Housing Development. Upon accepting and occupying a Replacement Unit using the priority under this Section 39.4(b), a Former HOPE SF Household shall no longer be eligible for a priority under this Section 39.4(b).

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#### (c) Priority for Tax Credit Units.

- (1) Tax Credit Units. Any Current Household, Member of a Current Household, or Former HOPE SF Household shall have priority to remain in or return to, as applicable, a Revitalized Housing Development and the highest priority for occupancy of any available Tax Credit Unit over any priorities related to Tax Credit Units, all affordable housing preferences under Administrative Code Chapter 47, and/or all lists maintained by MOHCD, SFHA, or any other public agency.
- (2) Eligibility. MOHCD shall establish and administer a process for a household to verify the household's status as a resident of a Former Public Housing Development as a Current Household, Member of a Current Household, or a Former HOPE SF Household that, at a minimum, shall require a household to provide written, verifiable documentation of the following: (A) Each household shall satisfy the affordable housing and/or financial requirements applicable to a Tax Credit Unit, as approved by MOHCD; and (B) each household shall provide sufficient evidence of residency, in MOHCD's reasonable discretion, at a Former Public Housing Development, including, without limitation, at least one of the following: (i) landline phone bills, (ii) cable or internet bills, (iii) pay stubs, (iv) benefits records, including health insurance, (v) school records, (vi) letter from SFHA verifying residency, (vii) Member of a Current Household listed under a lease with SFHA, (viii) City identification card; or (ix) other evidence sufficient to establish, in MOHCD's reasonable discretion, that the household resided at a Former Public Housing Development. Upon a household accepting and occupying a Tax Credit Unit using the priority under this Section 39.4(c), such household shall no longer be eligible for a priority under this Section 39.4(c).
- (d) Implementation. MOHCD shall implement the priorities of this Section 39.4 by developing procedures and amending its applicable regulations or policies. The requirements of this subsection (d) are directory rather than mandatory. For purposes of this Chapter 39, a household has the burden of proof to demonstrate that it is eligible as a Former HOPE SF Household or Member of a Current Household. If a household disputes MOHCD's determination that it does not qualify as a

Former HOPE Household or Member of a Current Household, such household shall have the right to a hearing conducted by a Rent Board Administrative Law Judge (as defined in Administrative Code Section 37.2(f)), with MOHCD as the responding party.

Section 2. Chapter 47 of the Administrative Code is hereby amended by revising Section 47.3, to read as follows:

#### SEC. 47.3. APPLICATION OF PREFERENCE.

Except to the extent prohibited by an applicable State or Federal funding source, MOHCD shall give, or require project sponsors or their successors in interest funded through MOHCD to give, preference in occupying units or receiving assistance under all City

Affordable Housing Programs after any priority given under Administrative Code Section 39.4.

Each preference enumerated below shall be applied as of the effective date of the legislation establishing each preference. The City established preference for holders of Certificates of Preference in Ordinance 232-08, Displaced Tenants, Category 1 in Ordinance 277-13, and Displaced Tenants, Category 2 and Neighborhood Residents in legislation adding this Chapter 47. The preference requirements are intended to have prospective effect only, and shall not be interpreted to impair the obligations of any pre-existing contract entered into by the City. Notwithstanding the prior sentence, the preference requirements shall apply to contracts entered into by the City on or after the effective date of the legislation establishing each preference, including contracts materially amended on or after the effective date.

Preference shall be given:

\* \* \* \*

Section 3. 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.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By:

KEITH NAGAYAMA Deputy City Attorney

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#### LEGISLATIVE DIGEST

[Administrative Code - Right to Affordable Housing Unit in a Revitalized Housing Development]

Ordinance amending the Administrative Code to clarify the right of current households to occupy replacement housing units, provide a priority to former households of an existing public housing development to return to a revitalized housing development, and provide a priority to current and former households of an existing public housing development to occupy a new affordable housing unit.

#### **Existing Law**

Existing law provides current public housing households the right to a replacement unit at a public housing development after temporary relocation or displacement as a result of revitalization of an existing public housing development.

#### Amendments to Current Law

This ordinance would clarify that public housing households that currently live at a HOPE SF site (Potrero, Sunnydale, Alice Griffith, or Hunters View) will have the right to an affordable housing unit as a result of the revitalization of public housing at the HOPE SF sites into mixed-use housing developments. After current households have had the opportunity to occupy affordable housing units, former public housing households of a HOPE SF site that can demonstrate former residency and meet the affordable housing and/or financial requirements applicable to a revitalized HOPE SF development will also have the right and highest priority to return to such HOPE SF site. In addition, current households, members of a current household, or former HOPE SF households who meet the affordable housing and/or applicable financial requirements would have a priority for certain affordable housing units. Such priority would be given over preferences and lists maintained by various City and County of San Francisco agencies applied to affordable housing units developed at the HOPE SF sites. Current public housing households that are temporarily relocated would not be former public housing households and would maintain their rights under federal law.

#### Background Information

HOPE SF is an anti-poverty and equity initiative by the City and County of San Francisco, which includes the revitalization of public housing located at Sunnydale, Potrero, Alice Griffith, and Hunters View (known as HOPE SF sites) as follows: (1) construction of public infrastructure; (2) demolition and one-for-one replacement of all public housing units; (3) development of new private affordable housing on affordable parcels; (4) development of private residential projects on market rate parcels; and (5) development of community improvements (e.g., open space areas, community facilities). Revitalization of the Alice

FILE NO. 191000

Griffith and Hunters View sites have commenced under the Office of Community Investment and Infrastructure. On January 2017, the Board of Supervisors approved the Development Agreements and Master Development Agreements for the revitalization and master development of the Sunnydale and Potrero sites. Households that currently reside at a HOPE SF site will also have rights under federal law for relocation assistance and replacement housing.

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# OFFICE OF THE MAYOR SAN FRANCISCO



LONDON N. BREED MAYOR

SV

TO:

Angela Calvillo, Clerk of the Board of Supervisors

FROM:

Sophia Kittler

RE:

Administrative Code - Right to Affordable Housing Unit in a Revitalized

Housing Development

DATE:

Tuesday, October 1, 2019

Ordinance amending the Administrative Code to clarify the right of current households to occupy replacement housing units, provide a priority to former households of an existing public housing development to return to a revitalized housing development, and provide a priority to current and former households of an existing public housing development to occupy a new affordable housing unit.

Please note that Supervisor Walton is a co-sponsor of this legislation.

Should you have any questions, please contact Sophia Kittler at 415-554-6153.

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Print Form

### **Introduction Form**

By a Member of the Board of Supervisors or Mayor

Time stamp or meeting date

I hereby submit the following item for introduction (select only one):	or meeting date				
MIR					
1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment	nt).				
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	inquiries"				
5. City Attorney Request.					
6. Call File No. from Committee.	•				
7. Budget Analyst request (attached written motion).					
8. Substitute Legislation File No.					
9. Reactivate File No.	·				
10. Topic submitted for Mayoral Appearance before the BOS on					
Please check the appropriate boxes. The proposed legislation should be forwarded to the following	lowing:				
Small Business Commission Youth Commission Ethics C	ommission				
Planning Commission Building Inspection Commiss	sion				
Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.					
Sponsor(s):					
Mayor Breed; Supervisors Walton, Mar, Safai, RONEN, HANEY, STEFANI, YEE, BI	OWN, FEWER,				
Subject: Peskin,					
[Administrative Code - Right to Affordable Housing Unit in a Revitalized Housing Developm	ent]				
The text is listed:					
Ordinance amending the Administrative Code to clarify the right of current households to occ housing units, provide a priority to former households of an existing public housing development revitalized housing development, and provide a priority to current and former households of a housing development to occupy a new affordable housing unit.	ent to return to a				
Signature of Sponsoring Supervisor:					
For Clerk's Use Only					

#### **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

#### MEMORANDUM

TO:

Jeff Kositsky, Director, Dept. Of Homelessness and Supportive Housing

Robert Collins, Executive Director, Rent Board

Dan Adams, Acting Director, Mayors Office of Housing and Community

Development (MOHCD)

Tom Hui, Director, Building Inspection Department

Theo Miller, Director, HOPE SF

Barbara Smith, Acting Executive Director, Housing Authority

FROM:

Victor Young, Assistant Clerk

Rules Committee

DATE:

October 10, 2019

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following legislation on October 1, 2019:

File No. 191000

Ordinance amending the Administrative Code to clarify the right of current households to occupy replacement housing units, provide a priority to former households of an existing public housing development to return to a revitalized housing development, and provide a priority to current and former households of an existing public housing development to occupy a new affordable housing unit.

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: victor.young@sfgov.org.

c: Dylan Schneider, Dept. Of Homelessness and Supportive Housing Abigail Stewart-Kahn, Dept. Of Homelessness and Supportive Housing Eugene Flannery, MOHCD Amy Chan, MOHCD

Dan Adams, MOHCD

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Carolyn Jayin, Building Inspection Department Barbara Amaro, HOPE SF Cindy Gamez, Housing Authority Dariush Kayhan, Housing Authority Linda Martin-Mason, Housing Authority