

File No. 200647

Committee Item No. 2

Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules Committee

Date July 20, 2020

Board of Supervisors Meeting

Date July 28, 2020

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Completed by: Victor Young Date July 16, 2020

Completed by: _____ Date _____

1 [Initiative Ordinance - Authorizing the Development of Up to 10,000 Affordable Rental Units in
2 the City Under Article 34 of the California Constitution]

3 **Motion ordering an Ordinance to be submitted to the voters at an election to be held on**
4 **November 3, 2020, authorizing the City and County of San Francisco (City) to own,**
5 **develop, construct, acquire, or rehabilitate up to 10,000 affordable rental units in the**
6 **City under Article 34 of the California Constitution.**

7
8 MOVED, That the Board of Supervisors hereby submits the following ordinance to the
9 voters of the City and County of San Francisco, at an election to be held on November 3,
10 2020.

11
12 **Ordinance authorizing the City and County of San Francisco (“City”) to own, develop,**
13 **construct, acquire, or rehabilitate up to 10,000 affordable rental units in the City under**
14 **Article 34 of the California Constitution.**

15 NOTE: **Unchanged Code text and uncodified text** are in plain font.
16 **Additions to Codes** are in *single-underline italics Times New Roman font*.
17 **Deletions to Codes** are in ~~italics Times New Roman font~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or
19 parts of tables.

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

21 Section 1. Article 34 Authorization. Consistent with Article 34 of the California
22 Constitution, the voters authorize the City and County of San Francisco (the “City”) to own,
23 develop, construct, acquire, and/or rehabilitate up to 10,000 residential units of low-rent
24 housing projects within the City for the purpose of providing affordable rental housing.
25 Subject to applicable laws, the City is further authorized to take any actions necessary to
implement this ordinance, including, but not limited to, causing private sponsors to develop,

1 construct, and/or rehabilitate low rent affordable housing under contracts or agreements with
2 the City. This ordinance shall not take effect if Article 34 of the California Constitution is
3 repealed by a vote of the People of California before the effective date of this ordinance.

4 Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word
5 of this ordinance, or any application thereof to any person or circumstance, is held to be
6 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
7 shall not affect the validity of the remaining portions or applications of the ordinance.

8 Section 3. Effective Date. The effective date of this ordinance shall be ten days after
9 the date the official vote count is declared by the Board of Supervisors.

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: /s/
14 KEITH NAGAYAMA
15 Deputy City Attorney
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LEGISLATIVE DIGEST

[Initiative Ordinance - Authorizing the Development of Up to 10,000 Affordable Rental Units in the City Under Article 34 of the California Constitution]

Ordinance authorizing the City and County of San Francisco (“City”) to own, develop, construct, acquire, or rehabilitate up to 10,000 affordable rental units in the City under Article 34 of the California Constitution.

Existing Law

Article 34 of the State Constitution provides, in part, that no low rent housing project shall be developed, constructed, or acquired by any public body, including a city and county, until the voters in the jurisdiction where the project will be located have approved the project.

Amendments to Current Law

The proposal would authorize the City by ordinance to own, develop, construct, rehabilitate, or acquire up to 10,000 residential units of low rent housing projects within the City for the purpose of providing affordable rental housing. The proposal further authorizes the City to take any actions necessary to implement the ordinance subject to applicable laws.



OFFICE OF THE CONTROLLER
CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield
Controller
Todd Rydstrom
Deputy Controller

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

July 20, 2020

RE: File 200647 – Initiative ordinance authorizing the development of up to 10,000 affordable rental units in the City under Article 34 of the California constitution

Dear Ms. Calvillo,

Should the proposed ordinance be approved by the voters, in my opinion, its passage itself would have minimal impact on the cost of government. However, should City policymakers decide to proceed to create the government structure and staffing to fully utilize the authorization contained in ordinance, the cost would be significant.

Article 34 of the State Constitution provides that a low rent housing project(s) shall not be developed, constructed, or acquired by any public body without approval by voters in the jurisdiction the project will be located. In November 2012, San Francisco voters passed Proposition C, which created a Housing Trust Fund and authorized private sponsors with financial assistance from public bodies to develop, construct or acquire up to 30,000 dwelling units of low rent housing. The proposed ordinance seeks to provide Article 34 authorization for 10,000 units for the purpose of affordable housing, specifying that City government will have the authorization to own, develop, construct, acquire, or rehabilitate these units. The proposal further authorizes the City to take any actions necessary to implement the ordinance subject to applicable laws.

If approved by voters, city policymakers would next need to assess and decide which functions to be directly conducted by the City (e.g., housing development, property acquisition, construction, property and asset management). At the City's discretion, this would include identifying the expansion or modification of city agency structures, new processes, staffing, other costs, and providing the operational funding. Depending on the number of units pursued and required infrastructure this would comprise a large and significant addition to City operations and costs.

Sincerely,

Natasha Mihal

FOR Ben Rosenfield
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

BOARD of SUPERVISORS



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

June 23, 2020

File No. 200647

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

Dear Ms. Gibson:

On June 16, 2020, the following proposed Initiative Ordinance for the November 3, 2020, Election was received by the Board of Supervisors' Rules Committee:

File No. 200647

Motion ordering an Ordinance to be submitted to the voters at an election to be held on November 3, 2020, authorizing the City and County of San Francisco (City) to own, develop, construct, acquire, or rehabilitate up to 10,000 affordable rental units in the City under Article 34 of the California Constitution.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Victor Young".

By: Victor Young, Assistant Clerk
Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning
Laura Lynch, Environmental Planning

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

07/02/2020

A handwritten signature in black ink that reads "Joy Navarrete".

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Environmental Review Officer
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1650 Mission Street, Suite 400
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By: Victor Young, Assistant Clerk
Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning
Laura Lynch, Environmental Planning

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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

FROM: Victor Young, Assistant Clerk, Rules Committee
Board of Supervisors

A handwritten signature in cursive script that reads "Victor Young".

DATE: June 23, 2020

SUBJECT: INITIATIVE ORDINANCE INTRODUCED
November 3, 2020 Election

The Board of Supervisors' Rules Committee has received the following Initiative Ordinance for the November 3, 2020, Election. This matter is being referred to you in accordance with Rules of Order 2.22.3.

File No. 200647

Motion ordering an Ordinance to be submitted to the voters at an election to be held on November 3, 2020, authorizing the City and County of San Francisco (City) to own, develop, construct, acquire, or rehabilitate up to 10,000 affordable rental units in the City under Article 34 of the California Constitution.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller
Peg Stevenson, City Performance Director
Natasha Mihal, City Services Auditor


BOARD of SUPERVISORS



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Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Sophia Kittler, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Andrico Penick, Director, Real Estate Division
Abigail Stewart-Kahn, Interim Director, Department of Homelessness and Supportive Housing

FROM: Victor Young, Assistant Clerk, Rules Committee 
Board of Supervisors

DATE: June 23, 2020

SUBJECT: INITIATIVE ORDINANCE INTRODUCED
November 3, 2020 Election

The Board of Supervisors' Rules Committee has received the following Initiative Ordinance for the November 3, 2020, Election. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 200647

Motion ordering an Ordinance to be submitted to the voters at an election to be held on November 3, 2020, authorizing the City and County of San Francisco (City) to own, develop, construct, acquire, or rehabilitate up to 10,000 affordable rental units in the City under Article 34 of the California Constitution.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office
Rebecca Peacock, Mayor's Office
Kanishka Cheng, Mayor's Office

Patrick Ford, Ethics Commission

Dylan Schneider, Department of Homelessness and Supportive Housing

Emily Cohen, Department of Homelessness and Supportive Housing

From: [Helena Birecki](#)
To: [Young, Victor \(BOS\)](#)
Subject: Supporting File #200647 [Initiative Ordinance - Authorizing the Development of Up to 10,000 Affordable Rental Units in the City Under Article 34 of the California Constitution]
Date: Monday, July 20, 2020 8:01:54 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear members of the Rules Committee,

As a District 9 San Francisco resident, I am writing to support the proposed ordinance to authorize the city to develop affordable housing for 10,000 plus SF residents. Thank you Supervisor Ronen for co-sponsoring this!

The lack of affordable housing in San Francisco exacerbates a trio of crises we face--

- the climate and environmental crisis -- because residents are being displaced, and then have to commute long distances to work adding to greenhouse and particulate pollution.
- the public health crisis-- especially with COVID, the dangers of not having a safe space to distance from others, wash and sleep has been brought to the fore. We also know the dire health harms from [air pollution](#) directly, and in combination with [COVID](#).
- the mental health crisis-- in [this video](#) Supervisor Ronen posted to Twitter back in April, Richard, an unhoused San Franciscan, sums it up : *"Being inside, in a warm place, and a place that you can lay your head, it gives you peace of mind, that you can work out the problems that are upon yourself. ... and those problems get easier because now, you can think."*

If San Francisco is serious about a healthy future, affordable housing is key. This ordinance will lay the ground for a pilot municipal housing program that will begin to address our homelessness crisis and serve the needs of the city's working and middle classes.

More market-rate housing will never fix the problem for low-income tenants. We need deeply affordable housing to reverse gentrification, and reverse the de facto segregation that rules like CA article 34 actually worsened.

Please wholeheartedly recommend this ordinance to the full Board of Supervisors.

Thank you,
Helena Birecki,
SF Climate Emergency Coalition steering committee member

From: [Alison Burek](#)
To: [Young, Victor \(BOS\)](#)
Subject: District 9 Voter in Support of Social Housing!
Date: Sunday, July 19, 2020 10:47:06 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am writing in support of the ordinance proposing 10,000 units of affordable housing to be created in San Francisco.

The housing crisis in SF has existed for decades, and the pandemic and recession has exacerbated matters by threatening many with eviction. The foundation of public health is safe, clean housing. This ordinance will negate a racist barrier to municipally-owned social housing, passed in 1950 by segregationists, and allowed municipalities to exclude low-income tenants and people of color, particularly Black tenants.

By green-lighting affordable housing, SF will enable a pilot municipal housing program to go forward. This program will begin to reverse the racist history of housing in SF and the United States, while also addressing homelessness and serving the needs of the City's working and middle classes.

Thank you.

Sincerely,

Alison Burek
District 9

--

Dear clients - For urgent matters please text me at 415-425-7767.

From: [Jeff Weitzel](#)
To: [Young, Victor \(BOS\)](#)
Subject: Supporting File #200647 [Initiative Ordinance - Authorizing the Development of Up to 10,000 Affordable Rental Units in the City Under Article 34 of the California Constitution]
Date: Sunday, July 19, 2020 10:25:24 PM

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Supporting File #200647

Dear Supervisors Ronen, Stefani, and Mar,

I am writing in support of Supervisor Preston's motion to give San Franciscans the chance to vote for city owned affordable housing. As a resident of District 9, I would like to thank Supervisor Ronen for co-sponsoring this motion.

You are well aware of the critical shortage of housing in San Francisco. In our dire situation, it is unacceptable to rely on market forces alone to provide enough affordable housing for every San Franciscan that needs it, especially in a time frame that matches the need. The city itself is the obvious, natural developer and landlord for the affordable housing we need, as it is less subject to questionable incentives than private entities. Certainly, the fact that the city lacks the legal authority to create more affordable housing itself is an egregious missing tool in the toolbox.

I urge you to move the motion forward to the full Board, and that it be passed there and the issue turned over to the voters of San Francisco. Not doing so will only perpetuate and widen the disparity between the well off and the disadvantaged in San Francisco.

Jeffrey Weitzel

From: [Mchugh, Eileen \(BOS\)](#)
Cc: [Young, Victor \(BOS\)](#)
Subject: FW: SUPPORTING Rules Committee Agenda Item #2 Initiative Ordinance - Authorizing the Development of up to 10,000 Affordable Rental Units in the City under Article 34 of the California Constitution File #200647
Date: Tuesday, July 21, 2020 10:47:23 PM

This too.

Thank you!

From: aeboken <aeboken@gmail.com>
Sent: Sunday, July 19, 2020 4:03 PM
To: BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: SUPPORTING Rules Committee Agenda Item #2 Initiative Ordinance - Authorizing the Development of up to 10,000 Affordable Rental Units in the City under Article 34 of the California Constitution File #200647

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TO: Board of Supervisors members

I am supporting this initiative ordinance to expose the flaws in California Constitution Article 34.

Eileen Boken
Coalition for San Francisco Neighborhoods*

* For identification purposes only.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Nick Parker](#)
To: [Young, Victor \(BOS\)](#)
Subject: BoS meeting Re: HUB development
Date: Monday, July 20, 2020 2:52:19 PM

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To whom it may concern,

I am writing to this meeting as I'm in a noisy place that prohibits me commenting over the phone.

My concerns with this development are simple. We need affordable housing for the working people of this city. As a small business owner, I have had trouble finding people to work at my business at 201 Octavia St. because no one can at present afford to live in this city. I am also concerned that the high density of some aspects of this project will cause major transportation disruptions with the added Uber, Lyft, and delivery vehicles circling the area, servicing the high rise buildings.

It's important to consider all aspects of this project.

Thank you,
Nick Parker

--

Mercury Cafe
201 Octavia St.
San Francisco, CA 94102
415-252-7855