Ordinance amending the San Francisco Administrative Code by amending Sections 23A.4, 23A.6, 23A.7, 23A.8, 23A.10, and 23A.11, and adding Section 23A.9, to specify procedures for identification of surplus City real property, assessment of the use of such property for housing for the homeless, and approvals for disposition and development of appropriate surplus real property and to establish a Citizens' Advisory Committee.

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

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 23A.4, to read as follows:

SEC. 23A.4. DEFINITIONS.

For purposes of this section:

(a) "Administrator" shall mean the City Administrator as set forth in Section 3.104 of the City's Charter.

(b) "Citizens' Advisory Committee" shall mean the group of citizens appointed pursuant to Section 23A.9.
(c) "Enterprise Departments" shall mean the following City departments: the Port, the Airport, the Public Utilities Commission, the Municipal Transportation Agency, the Recreation and Parks Commission and the Fine Arts Museums Board of Trustees.

(d) “Executive Director” shall mean the Executive Director of the Mayor’s Office of Housing.

(e) (b) “Homeless” shall mean:

1. An individual or family who lacks a fixed, regular and adequate nighttime residence; or

2. An individual or family who has a primary nighttime residence that is:

   A. A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

   B. An institution that provides a temporary residence for individuals who have been institutionalized; or

   C. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(f) (e) “Property” shall mean any real property owned by the City and County of San Francisco, excluding land and buildings reserved for open space or parks purposes, or any land dedicated for public right-of-way purposes, or any land used or reserved for transit lines, or public utility rights-of-way, or any publicly dedicated streets or rights-of-way. “Property” shall not include any real property owned by or on behalf of the San Francisco Unified School District.

(g) (d) “Surplus Property” shall mean any Property that is not required to fulfill the mission of the City department, commission or agency with jurisdiction or control of such Property or that would not is not required to fulfill the mission of another governmental agency pursuant to an inter-governmental transfer;

(h) (c) “Underutilized Property” shall mean an entire Property or portion thereof, with or without improvements, that is used by the City only at irregular periods of time or
intermittently, or that is used by the City for current purposes that can be satisfied with only a portion of such Property, or that is not currently occupied or used by the City and for which there are no plans by the City to occupy or use such Property within the next fiscal year.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 23A.6, to read as follows:

SEC. 23A.6. COMPILATION OF INFORMATION BY ADMINISTRATOR.

By June 1st of each year, the Administrator shall review the list of Property submitted by City departments pursuant to compile the information described in Section 23A.5 above and shall strike from this initial list any Property that is under the jurisdiction of the Recreation and Park Department, is part of the public right-of-way, or is subject to deed restrictions or other legal restrictions that would prevent the City from disposing of such Property pursuant to this Chapter. The Administrator shall further consult with other City Departments, Mayor, members of the Board of Supervisors and the Citizens' Advisory Committee to identify any Property listed on the initial list for which a City Department other than the Department with current jurisdiction has a specific operational need and shall remove such Properties from the Surplus Property Report. The Administrator shall thereafter initiate the transfer of jurisdiction over those identified Properties to the Departments that can utilize them. The Administrator shall state in writing the reasons for the removal of each Property from the initial list and shall provide such report to the Mayor's Office of Housing, the Board of Supervisors, and the Citizens Advisory Committee. By June 1st of each year, the Administrator shall compile a comprehensive report for the remaining Property listed that includes, at a minimum, the following information: including the street address, if any, and the block and lot number for each Property; the City Department with jurisdiction over each Property; a description of the zoning applicable to and surrounding such Properties; a plat map for each Property; the area in square footage for each Property; a description of the surrounding properties and neighborhood; any
limitations on the development of the Property; and pictures of the Property (the “Surplus Property Report”). The Surplus Property Report shall also include a list of any and all City-owned properties that are adjacent to each listed Property and appear to be vacant or underutilized, along with the identification of the City Department with jurisdiction over such adjacent property. No later than June 30th of each year, the Administrator shall transmit the completed Surplus Property Report to the Mayor’s Office of Housing and transmit the Surplus Property Report to the Board of Supervisors. The Administrator shall maintain and release written records of all information compiled under this Chapter in conformance with all state and local laws governing the retention and disclosure of public records.

Section 3. The San Francisco Administrative Code is hereby amended by amending Section 23A.7, to read as follows:

SEC. 23A.7. TRANSFER OF JURISDICTION OVER SURPLUS PROPERTIES TO THE MAYOR’S OFFICE OF HOUSING PUBLICATION OF SURPLUS PROPERTIES LIST.

By June 15th of each year, the Administrator shall publish the then current Surplus Property Report on the City’s web site. Additionally, the Administrator shall transmit notice of the availability of the Surplus Property Report and the applications described in Section 23A.8 below to those private and public agencies that serve the Homeless. The Administrator shall maintain a public information telephone number to provide the public with specific information about properties on the Surplus Property Report and the application process described below. By July 15th of each year, the Administrator, working with the Executive Director and City Attorney’s Office, shall submit to the Mayor and Board of Supervisors legislation transferring jurisdiction over the Properties, save and except for those Properties that are under the jurisdiction of Enterprise Departments, on the Surplus Property Report completed in accord with Section 23A.6 above to the Mayor’s Office of Housing

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MOh for the purpose of MOh’s assessment of each Surplus Property for development as affordable housing consistent with this Chapter.

For those Properties transferred to MOh that MOh does not deem suitable for such development, the Executive Director shall notify the Administrator, who shall prepare and submit to the Mayor and Board of Supervisors legislation either transferring jurisdiction over such Properties from MOh to either the City’s Real Estate Division or to another City Department for such department’s use or seeking to sell such properties, as determined by the Administrator. It shall be City policy to encourage the sale of such Surplus Property in accordance with the requirements of Administrative Code Section 23.3 and other applicable laws and to designate use of the net proceeds of such sales for the purpose of financing affordable housing in San Francisco.

For those Surplus Properties MOh deems suitable for such development, the Executive Director shall publicize the availability of the Surplus Properties and seek applications for development of the Properties as described further in Section 23.A8 below. The Executive Director also shall take all steps necessary to comply with the State Surplus Property Statute. With respect to Surplus Property under the jurisdiction of Enterprise Departments, the Board of Supervisors may, by separate legislation, urge the Commissions or Boards of such Enterprise Departments to consider approving a transfer of jurisdiction over the Properties to MOh for uses consistent with this Chapter.

In the event any Commissions or Boards of Enterprise Departments take such action, the Administrator shall then prepare and submit to the Mayor and Board of Supervisors the appropriate legislation to transfer jurisdiction over that Enterprise Department’s Surplus Property.

Section 4. The San Francisco Administrative Code is hereby amended by amending Section 23A.8, to read as follows:

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SEC. 23.A8. Application for DEVELOPMENT OF PROPERTY.

(a) The Executive Director shall solicit applications from non-profit agencies serving the Homeless to lease or acquire Property that is listed as Surplus or Underutilized in any Surplus Property Report for use to assist the Homeless in accordance with the priorities set forth below in Section 23A.10(i) and (ii). The application form shall be developed by the Administrator. The Executive Director shall require that all applications require the applicant to describe in detail (i) the type of conveyance the applicant seeks (i.e., a lease for a specific term or transfer of fee title) and the compensation/legal consideration, if any, the applicant proposes to pay for such conveyance, (ii) the intended use of the Property, including how it relates to the priorities of uses set forth in Section 23A.10 below; (iii) a specific plan and schedule for the development or improvement of the Property, including compliance with all applicable federal, state and local laws, including, without limitation, laws regarding disabled access, health, building and safety codes, and environmental compliance with the California Environmental Quality Act (“CEQA”), California Public Resources Code Sections 21000 et. seq., and San Francisco Administrative Code Chapter 31; and (iv) a plan to secure adequate financial resources to develop, improve, insure, manage and maintain the Property. The Administrator must provide in each application packet sent to interested persons shall make available to all interested non-profit agencies contact information: (a) identifying any independent organizations working on behalf of homeless people that can assist homeless service providers in resolving any problems that may arise in the application processes; and (b) City staff persons who are available to assist in the application process. An applicant must submit a written notice of intent to apply to the Administrator by July 15th of each year and a complete application to the Administrator by September 15th. The Executive Director shall require submission of applications by September 30th of each year, but The Administrator may...
in its sole discretion, grant extensions of the deadline for submitting a completed application, 
provided in no event shall such extensions exceed thirty (30) days.

(b) Upon receipt of all applications for development of housing or other on-site services for the 
Homeless, the Executive Director shall work with the City Attorney's Office to prepare legislation 
containing the Executive Director's recommendations as to the terms of disposition and development of 
each Surplus Property for submission for the Board of Supervisor's approval in accord with the 
policies and procedures set forth in this Chapter. The Clerk of the Board of Supervisors shall calendar 
a hearing before a committee of the Board of Supervisors no later than January 30 of each year to 
review the status of applications and the recommendations of the Surplus Property Citizens' Advisory 
Committee made pursuant to Section 23A.9(c) below.

(c) In the event the Executive Director does not receive any acceptable applications for certain 
of the Surplus Properties for development of housing or other on-site services for the Homeless, then 
the Executive Director may solicit applications from developers for the development of affordable 
housing other than solely housing for the Homeless, provided that the Executive Director first obtains 
the agreement of the Surplus Property Citizens' Advisory Committee that such solicitation of 
applications is warranted. The Executive Director shall require that any proposed affordable housing 
development under this subsection (c) shall serve persons earning no more than 60% of the Area 
Median Income for the San Francisco PMSA and, in preparing recommendations as to the applications 
received, shall give priority to projects that include the highest percentage of extremely low-income 
persons.

(d) Upon receipt of all applications for development of affordable housing, the Executive 
Director shall work with the City Attorney's Office to prepare legislation containing the Executive 
Director's recommendations as to the terms of disposition and development of each Surplus Property 
for submission for the Board of Supervisor's approval in accord with the policies and procedures set 
forth in this Chapter.
(e) If, after solicitation of applications pursuant to both subsections (a) and (c), the Executive Director determines that further efforts to solicit applications would likely be futile, the Executive Director shall notify the Administrator, who shall prepare and submit to the Mayor and Board of Supervisors legislation to either transferring jurisdiction over such Properties from MOH to either the City’s Real Estate Division or to another City Department for such department’s use or seeking to sell such properties, as determined by the Administrator. It shall be City policy to encourage the sale of such Surplus Property in accordance with the requirements of Administrative Code Section 23.3 and other applicable laws and to designate use of the net proceeds of such sales for the purpose of financing affordable housing in San Francisco.

Section 5. The San Francisco Administrative Code is hereby amended by adding Section 23A.9, to read as follows:

Sec. 23A.9. SURPLUS PROPERTY CITIZENS’ ADVISORY COMMITTEE.

(a) There shall be a Surplus Property Citizens’ Advisory Committee composed of nine members appointed by the Board of Supervisors as follows:

(1) One member with expertise in the area of developing permanent housing for Homeless people and those at-risk of homelessness, appointed by the Board of Supervisors.

(2) One member with experience in providing supportive services to help individuals and families exit homelessness, appointed by the Board of Supervisors.

(3) One member who holds a Real Estate and/or Broker’s license, appointed by the Board of Supervisors.

(4) One member who is currently or formerly homeless, appointed by the Board of Supervisors.

(5) One member who is currently or formerly homeless with their family or is an advocate or service provider for homeless families, appointed by the Board of Supervisors.
(6) One member who is a member of a union, appointed by the Board of Supervisors.

(7) One member who has expertise with disability community issues, appointed by the Board of Supervisors.

(8) One member who is a homeless senior citizen or is an advocate or service provider for homeless senior citizens, appointed by the Board of Supervisors.

(9) One representative from the Mayor's Office of Housing.

(10) One member who advocates on behalf of open space and/or neighborhood parks, appointed directly by the Mayor, without confirmation by the Board of Supervisors.

(11) One member who broadly represents the interests of San Francisco's neighborhoods, appointed directly by the Mayor, without confirmation by the Board of Supervisors.

(12) The Mayor's Budget Director or his or her designee.

(13) The Chair of the Board of Supervisors Finance and Audits Committee or his or her designee.

(b) The Board and Mayor shall attempt through its their appointments to ensure the broadest possible representation from the different geographic areas of the City and County of San Francisco.

(c) The Surplus Property Citizens' Advisory Committee shall comply with all applicable public records and meetings laws and shall be subject to the Conflict of Interest provisions of the City's Charter and Administrative Code. The Surplus Property Citizens' Advisory Committee shall review each Surplus Property Report and any applications for such Surplus or Underutilized Property submitted to the Executive Director under Section 23A.8 above. Based on such review and testimony from such public hearings as the Surplus Property Citizens' Advisory Committee may hold, by December 15th of each year, the Surplus Property Citizens' Advisory Committee shall make written recommendations to the Board of Supervisors as to (i) Property that was not listed by the City as Surplus or Underutilized Property, but which should be so listed in the next year's Surplus Property
Report, (ii) which Property included in that year’s Surplus Property Report as Surplus or Underutilized
Property is suitable for disposition for the purpose of directly assisting people who are homeless, (iii) which applications for use of such Surplus or Underutilized Property should be granted, and (vi) which Property should be disposed of for other uses, but the proceeds of which should be used in accord with the policy set forth in Section 23A.10 below.

Section 6. The San Francisco Administrative Code is hereby amended by amending Section 23A.10, to read as follows:

SEC. 23A.10. BOARD OF SUPERVISORS REVIEW AND CRITERIA.

The Board of Supervisors shall be guided by the following policy regarding the disposition of Surplus and Underutilized Property, which policy shall be the official policy of the City, until the Board of Supervisors adopts a new policy by ordinance or July 1, 2004, whichever is sooner.

Subject to any disposition priority required by State law and other limitations expressly set forth herein, Surplus and Underutilized Property shall be used in the following order of priority:

(i) First, for the development of affordable housing for people who are Homeless and persons earning less than 20% of the Area Median Income for the San Francisco PMSA as established by the United States Department of Housing and Urban Development and reported by the Mayor’s Office of Housing. Provided that:

1. The housing shall remain affordable for the useful life of the Property;

2. The Housing costs in such housing shall not exceed 33% of the tenantresident’s income;

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3. Projects in which people who are Homeless rehabilitate and renovate property in exchange for their tenancy or “sweat equity” in the property shall be encouraged.

(ii) Second, for other on-site services for people who are Homeless or for non-profit agencies serving people who are Homeless, including not limited to job training, senior services, healthcare and childcare for people who are homeless.

(iii) Third, for the development of affordable housing for persons earning no more than 60% of the Area Median Income for the San Francisco PMSA as established by the United States Department of Housing and Urban Development and reported by the Mayor’s Office of Housing, provided that the housing shall remain affordable for the useful life of the Property.

When the Executive Director determines Surplus Property is unsuitable for the uses described in subsections (i), (ii) and (iii) above because it is unsafe, inconveniently located or located in an area inappropriate for housing, or otherwise cannot not meet the purposes of this Chapter, or when the Executive Director receives no acceptable applications pursuant to Section 23A.8, it shall be City policy to encourage the sale of such Surplus Property in accordance with the requirements of Administrative Code Section 23.3 and other applicable laws and to designate use of the net proceeds of such sales and/or leases for the purpose of financing affordable housing in San Francisco that meets the criteria set forth in subsection (i) above.

Section 7. The San Francisco Administrative Code is hereby amended by amending Section 23A.11, to read as follows:

SEC. 23A.11. DISPOSITION AND UTILIZATION OF SURPLUS, UNDERUTILIZED AND UNUTILIZED PROPERTY.

(a) Subject to (i) the terms and conditions of any gift, trust, deed restriction, bond covenant or other covenants or restrictions, mortgage, deed of trust, lease, license, use
agreement or other agreement applicable to such Property, (ii) state or federal laws related to
the disposition of surplus City Property, including, without limitation, California Government
Code Section 54220 et. seq., and (iii) the jurisdictional authority over City Property granted to
certain Commissions under the City's Charter, including, without limitation, as set forth in
Charter Sections 4.112, 4.113, 4.114, 4.115, 5.101, 8A.102, the Board of Supervisors may by
resolution approve the dispositions recommended by the Executive Director in accordance with this
Chapter or direct the Administrator Executive Director (in cooperation with the City Attorney) to
prepare documents regarding the conveyance of specific Surplus or Underutilized Property in
a manner other than as recommended by the Executive Director, prepare other documents
related to potential discretionary acts of City-related to a change in use or development of
such Property, and present such documents to the Board of Supervisors and other City
departments or Commissions with jurisdiction over such Property for their approval. Approve
dispositions different from those recommended by the Executive Director. Upon the approval
of such a resolution, it shall be the duty of the Executive Director to take all steps necessary to
implement the resolution.

(b) Any final declaration that Property is Surplus or Underutilized and any final
conveyance of Property under this Chapter shall be in accordance with and subject to all
applicable laws, including (i) the terms and conditions of any gift, trust, deed restriction, bond
covenant or other covenants or restrictions, mortgage, deed of trust, lease, license, use
agreement or other agreement applicable to such Property, (ii) state or federal laws related to
the disposition of surplus City Property, including, without limitation, Government Code
Section 54220 et. seq., (iii) the jurisdictional authority over City Property granted to certain
Commissions under the City's Charter, including, without limitation, as set forth in Charter
Sections 4.112, 4.113, 4.114, 4.115, 5.101, 8A.102, and (iv) the requirements set forth in
Administrative Code Sec. 23.3 of further Board of Supervisors approval by resolution or

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ordinance of final transaction documents after the completion of all required environmental
review under CEQA. Any such duly approved conveyance may be at no cost or less than fair
market value.

(c) Any conveyance of Property at less than fair market value or for homeless uses
under this section shall include covenants that require that the Property be used in
conformance with this Chapter and prohibits any purchaser developer of Property from
reselling, transferring or subleasing Property at a profit, or such other “anti-speculation”
requirements as the Executive Director of the Mayor’s Office of Housing may approve. In the
case of home ownership development, the limited equity is subject to the Property remaining available
to the Homeless population in the calculation of any resale price.

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

By: AMY BROWN
Deputy City Attorney
City and County of San Francisco

Tails

Ordinance

File Number: 040537  Date Passed:

Ordinance amending the San Francisco Administrative Code by amending Sections 23A.4, 23A.6, 23A.7, 23A.8, 23A.10, and 23A.11, and adding Section 23A.9, to specify procedures for identification of surplus City real property, assessment of the use of such property for housing for the homeless, and approvals for disposition and development of appropriate surplus real property and to establish a Citizens' Advisory Committee.

May 11, 2004 Board of Supervisors — AMENDED
Ayes: 8 - Alioto-Pier, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Absent: 1 - Ma
Excused: 1 - Ammiano

May 11, 2004 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 9 - Alioto-Pier, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - Ammiano

May 18, 2004 Board of Supervisors — FINALLY PASSED
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Hall, Ma
I hereby certify that the foregoing Ordinance was FINALLY PASSED on May 18, 2004 by the Board of Supervisors of the City and County of San Francisco.

MAY 27 2004

Date Approved

Gloria L. Young
Clerk of the Board

Mayor Gavin Newsom