

1 [Administrative Code - Public Housing Right to Return to Revitalized Housing]

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3 **Ordinance amending the San Francisco Administrative Code by: 1) adding Chapter 39,**  
4 **Sections 39.1 through 39.9, to establish the San Francisco Right to Revitalized Housing**  
5 **Ordinance and set City policy regarding the Right to Return to Revitalized Public**  
6 **Housing Units; and 2) adding Section 37.6(n) to establish new powers for the San**  
7 **Francisco Residential Rent Stabilization and Arbitration Board in connection with the**  
8 **new San Francisco Right to Revitalized Housing Ordinance.**

9  
10 NOTE: Additions are *single-underline italics Times New Roman*;  
11 deletions are *strike-through italics Times New Roman*.  
12 Board amendment additions are double-underlined;  
13 Board amendment deletions are ~~strikethrough-normal~~.

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

14 Section 1. The San Francisco Administrative Code is hereby amended by adding  
15 Section 37.6(n) as follows:

16 (n) As provided by Administrative Code Chapter 39, utilize Administrative Law  
17 Judges to review relocation claims from Current Households related to a Public Housing  
18 Development Project, and make advisory recommendations thereon to the San Francisco  
19 Housing Authority for its final determination.

20 Section 2. The San Francisco Administrative Code is hereby amended by adding  
21 Chapter 39, Section 39.1 through 39.9, to read as follows:

22 **CHAPTER 39**

23 **SEC. 39.1. APPLICATION.**

24 This Chapter shall apply as a condition of receipt of any Financial Assistance to be provided by  
25 the City to a Public Housing Development Project located within the City.

1  
2 **SEC. 39.2. INTENT AND PURPOSE.**

3 It is the intent and purpose of the City to expressly give public housing households tenants a  
4 right to revitalized housing after temporary relocation or displacement as a result of a Public Housing  
5 Mixed Finance Development Project so long as the household tenant is not in eviction processes,  
6 having been duly and properly served with a summons and complaint by the SFHA, or has not been  
7 evicted from a unit that is managed by the SFHA. In order to further such purpose, it is the intent of  
8 the City that, upon notification of his/her eligibility for a revitalized housing unit, the household  
9 tenant shall not be subject to any additional screening by the landlord or someone acting under the  
10 landlord's authority.

11 Additionally, it is the intent and purpose of the City to protect the relocation rights of such  
12 household tenants. In order to further such purpose, it is the intent of the City to require that any  
13 relocation plans produced by the project sponsor of a Public Housing Development Project must be  
14 reviewed by the City department providing the Financial Assistance San Francisco Relocation  
15 Appeals Board, as well as to establish the Relocation Appeals Board San Francisco Residential  
16 Rent Stabilization and Arbitration Board as an independent third party to review relocation claims  
17 and make advisory recommendations thereon to the SFHA for its final determination. This Chapter  
18 shall be construed consistent with the intent and purpose as stated above, and in accordance with  
19 applicable state and federal law.

20  
21 **SEC. 39.3. DEFINITIONS.**

22 As used in this Article, the following terms shall have the following meanings:

23 (a) "Agreement" means any contract with the City for the provision of Financial Assistance for  
24 a Public Housing Development Project.

25 (b) "City" means the City and County of San Francisco.

1           (c) “Community Redevelopment Law or CRL” means Cal. Health & Safety Code §33000 et  
2 seq.

3           (d) “Current Tenant Household(s)” means a lawful household tenant of a Public Housing  
4 Unit, including each member of the tenant household, that occupies a Public Housing Unit in an  
5 Existing Public Housing Development on the Initiation Date. For purposes of this Chapter, each  
6 lawful tenant within a Public Housing Unit household shall be treated as a single household Tenant  
7 and shall not have rights to separate Replacement Units.

8           (e) “Existing Public Housing Development” means an existing development of Public Housing  
9 Units that will be demolished, disposed of, removed, and/or converted, in whole or in part, in  
10 connection with a Public Housing Development Project.

11           (f) “Financial Assistance” means the provision of any federal, state, or local public funds that  
12 are administered, allocated, or committed by the City to SFHA, another public entity, private  
13 developer, and/or any agents, managers or partners of such entities in connection with a Public  
14 Housing Development Project.

15           (g) “Initiation Date” is the date of the first notice of eligibility for relocation benefits in  
16 connection with a Public Housing Development Project

17           (h) “New Development” means a residential and/or mixed use development that is developed  
18 under federal regulations stated in 24 CFR Part 941 to replace an Existing Public Housing  
19 Development in connection with a Public Housing Development Project.

20           (i) “Prior Tenants” means any Current Tenant that moves from a Public Housing Unit  
21 located in an Existing Public Housing Development, with or without relocation assistance, on  
22 or after the Initiation Date of a Public Housing Development Project, unless the Current  
23 Tenant was notified, in writing, before such move of their eligibility for relocation assistance  
24 and rehousing in a Replacement Unit; provided, any tenant that is evicted for just cause in  
25 accordance with applicable law shall not be a Prior Tenant.

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

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

11           (kk) "Relocation Assistance Laws" means any and all federal, state, and local relocation  
12 assistance laws that may be applicable to a Public Housing Development Project, including but not  
13 limited to, the California Relocation Assistance Law, Cal. Govt. Code § 7260 et seq.; Uniform  
14 Relocation Assistance and Real Property Acquisitions Policies Act, 24 U.S.C. 42 U.S.C. §4601 et seq.;  
15 the Housing and Community Development Act, 42 U.S.C. §5301 et seq.; the United States Housing Act,  
16 42 U.S.C. § 1437 and all regulations, guidelines, and/or HUD Handbooks adopted in connection with  
17 each; and this Chapter.

18           (l) "Rent Board" means the San Francisco Residential Rent Stabilization and  
19 Arbitration Board.

20           (m) "Replacement Housing Laws" means any and all federal, state, and local replacement  
21 housing laws that may be applicable to a Public Housing Development Project, including but not  
22 limited to, the Community Redevelopment Law, Cal. Health & Safety Code §33000 et seq.; the Housing  
23 and Community Development Act, 42 U.S.C. §5301 et seq.; and all regulations, guidelines, and/or  
24 HUD Handbooks or Notices adopted in connection with each; and this Chapter.  
25

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

5            (o) "SFHA" means the San Francisco Housing Authority, a public body, corporate and politic,  
6 organized and existing under the California Housing Authorities Law (Cal. Health & Saf. Code §  
7 34200 et seq.).

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9            **SEC. 39.4. REQUIREMENTS FOR AGREEMENTS FOR FINANCIAL ASSISTANCE.**

10            Every officer and employee of the City shall include in any Agreement a provision requiring the  
11 recipient of the Financial Assistance, as a condition of receiving the Financial Assistance, to provide  
12 Current Households Tenants and Prior Tenants with a Replacement Unit as provided in subsection  
13 (1) and (2) and to obtain review of relocation plans as provided in subsection (3). In addition, the  
14 recipient of the Financial Assistance shall be required, as a condition of receiving the Financial  
15 Assistance, to include these requirements in any contract with SFHA regarding the Public Housing  
16 Development Project. Every officer and employee of the City who enters into such Agreement shall  
17 confer with the City Attorney's Office in drafting and negotiating the provisions thereof in order to  
18 implement these requirements, including the provision of appropriate remedies for violation of the  
19 Agreement.

20            (1) Right to Replacement Unit. Subject to Section 39.4(2b), all Current Households  
21 Tenants and Prior Tenants whose tenancy at the Existing Public Housing Development Project was  
22 not lawfully terminated prior to or after the Initiation Date, unless such lawful termination was done  
23 pursuant to the relocation plan in connection with the Public Housing Development Project, shall have  
24 a right to, and the highest priority for, a Replacement Unit at the New Development or, if applicable,  
25 for an off-site Replacement Unit.

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

5           (3) Review Of Relocation Plan. The recipient of Financial Assistance shall obtain a review by  
6 the San Francisco Relocation Appeals Board, as established pursuant to San Francisco  
7 Administrative Code Chapter 24B, City department providing the Financial Assistance of any  
8 relocation plan drafted for a Public Housing Development Project. The recipient of Financial  
9 Assistance shall present the proposed relocation plan to the applicable City department Relocation  
10 Appeals Board at least thirty days prior to adoption and request that the City department Relocation  
11 Appeals Board submit comments regarding the plan or policy in the form of a memorandum to the  
12 entity responsible for adopting the final plan. If the City department Relocation Appeals Board  
13 decides not to take a position or does not seek to provide comment, it shall issue a memorandum to the  
14 appropriate entity stating as such.

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16 **SEC. 39.5. APPEALS.**

17           For all Public Housing Development Projects, the Rent Board Relocation Appeals Board  
18 shall be the independent third party to review relocation claims and make advisory recommendations  
19 thereon to the SFHA for its final determination. In reviewing the claim and making recommendations  
20 to the SFHA, the Rent Board Relocation Appeals Board shall be guided by the provisions of the  
21 Appeals/Grievance Procedure established as part of the adopted relocation plan for the Public  
22 Housing Development Project. The review and advisory recommendation process for all claims  
23 submitted under this Section 39.5 shall consist of a hearing conducted by a Rent Board  
24 Administrative Law Judge (as defined in Administrative Code Section 37.2(f)) and a written  
25 advisory recommendation from the Administrative Law Judge to the SFHA.

1           The project sponsor for a Public Housing Development Project will be billed time and  
2 materials for any administrative costs that the Rent Board or any other City entity incurs in  
3 reviewing relocation claims under this Chapter.

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5 **SEC. 39.6. APPLICATION OF OTHER LAWS.**

6           Nothing in this Chapter is intended to limit the rights of Public Housing householdsttenants  
7 that may exist pursuant to other state, federal, or local laws.

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9 **SEC. 39.7. ENFORCEABILITY.**

10           This Chapter shall be enforceable by the City and any beneficially interested person. Any  
11 enforcement action shall be limited to injunctive relief, including specific performance. As set forth in  
12 Section 39.8, there shall be no monetary damages for any violation of this Chapter.

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14 **SEC. 39.8. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE**

15           In undertaking the adoption and enforcement of this Chapter, this City is assuming an  
16 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers  
17 and employees or on any other person or entity, including but not limited to the SFHA, an obligation  
18 for breach of which it is liable in money damages to any person who claims that such breach  
19 proximately caused injury.

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21 **SEC. 39.9. NO CONFLICT WITH STATE OR FEDERAL LAW; SEVERABILITY.**

22           This Chapter shall be construed so as not to conflict with applicable federal or State laws, rules  
23 or regulations, including but not limited to the Relocation Assistance Laws and Replacement Housing  
24 Laws. Nothing in this Chapter shall authorize any City agency to impose any duties or obligations in  
25

1 conflict with limitations on municipal authority established by federal law at the time such agency  
2 action is taken.

3 If any section, paragraph, sentence, clause or phrase of this Chapter is for any reason held to  
4 be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not  
5 affect the validity or effectiveness of the remaining portions of this Chapter. The Board of Supervisors  
6 declares that it would have passed each section, paragraph, sentence, clause or phrase of this Chapter  
7 irrespective of the fact that any portion of this Chapter could be declared unconstitutional, invalid or  
8 ineffective.

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10 Section 32. Effective Date. This ordinance shall become effective 30 days from the  
11 date of passage. This ordinance is intended to have prospective effect only.

12  
13 Section 43. This section is uncodified. In enacting this Ordinance, the Board intends  
14 to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
15 punctuation, charts, diagrams, or any other constituent part of the Administrative Code that  
16 are explicitly shown in this legislation as additions, deletions, Board amendment additions,  
17 and Board amendment deletions in accordance with the "Note" that appears under the official  
18 title of the legislation.

19  
20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By:

  
23 EVAN GROSS  
24 Deputy City Attorney

25  
Supervisor Olague  
BOARD OF SUPERVISORS





## City and County of San Francisco

### Tails Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 120812

**Date Passed:** October 30, 2012

Ordinance amending the San Francisco Administrative Code by: 1) adding Chapter 39, Sections 39.1 through 39.9, to establish the San Francisco Right to Revitalized Housing Ordinance and set City policy regarding the Right to Return to Revitalized Public Housing Units; and 2) adding Section 37.6(n) to establish new powers for the San Francisco Residential Rent Stabilization and Arbitration Board in connection with the new San Francisco Right to Revitalized Housing Ordinance.

October 01, 2012 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

October 01, 2012 Land Use and Economic Development Committee - CONTINUED AS AMENDED

October 15, 2012 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

October 15, 2012 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

October 23, 2012 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

Excused: 1 - Chu

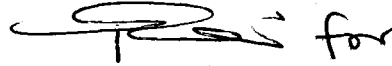
October 30, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

Excused: 1 - Chu

File No. 120812

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
10/30/2012 by the Board of Supervisors of  
the City and County of San Francisco.

Handwritten signature of Angela Calvillo, consisting of a stylized 'A' followed by 'Calvillo' and the word 'for'.

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Angela Calvillo  
Clerk of the Board

Handwritten signature of the Mayor, appearing to be 'D. L. Nee'.

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Mayor

Handwritten date '11/7/12'.

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Date Approved