Ordinance to amend the Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize financing by special tax districts of work deemed necessary to bring buildings or real property, including privately owned buildings or real property, into compliance with seismic safety standards or regulations, and related technical amendments; and to establish certain procedures by which the City can make changes to a special tax district.

NOTE: **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. FINDINGS.

The Board of Supervisors of the City and County of San Francisco hereby finds, determines and declares:

A. In its Ordinance No. 66-13, the Board of Supervisors made certain findings, which findings are incorporated in their entirety herein, and amended the San Francisco Building Code to add Section 34B to establish seismic retrofit requirements intended to significantly reduce the collapse risk of residential buildings with critically vulnerable lower stories and to increase the likelihood that these buildings will be structurally safe to occupy shortly after an earthquake.
B. The Board of Supervisors intends to provide to owners of buildings in the City that are subject to a seismic retrofit requirement options for financing the work, including the ability to participate in a voluntary special tax financing program.

C. In order to provide the option of voluntary special tax financing for seismic retrofit work, the Board of Supervisors must make certain amendments to Article X of Chapter 43 of the Administrative Code.

D. The Board of Supervisors previously established its "City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing)" (the "Special Tax District") for the purpose of financing and refinancing the acquisition, installation and improvement of energy efficiency, water conservation and renewable energy improvements to or on real property and in buildings, whether such real property or buildings are privately or publicly owned.

E. The Board of Supervisors wishes to amend the proceedings for the Special Tax District to allow the financing of seismic retrofit work required under Section 34B, and must make certain amendments to Article X of Chapter 43 of the Administrative Code to accomplish the proposed amendments to the Special Tax District proceedings.

Section 2. Article X of Chapter 43 of the San Francisco Administrative Code is hereby amended as follows:

A. Section 43.10.15 is hereby amended as follows:

SEC. 43.10.15. AUTHORIZED FACILITIES.

In addition to the facilities that may be financed under the Act, special taxes may be levied and bonds may be issued to finance or refinance the acquisition, installation and improvement of energy efficiency, water conservation, water pollution control, and renewable equipment with an estimated useful life of five years or longer and/or energy efficiency, water
conservation, water pollution control, and renewable energy improvements that are attached
to or on real property and in buildings, whether such real property or buildings are privately or
publicly owned. Energy efficiency, water conservation, water pollution control and renewable
energy improvements may only be installed on a privately owned building and on privately
owned real property with the prior written consent of the owner or owners of the building or
real property.

In addition to the Facilities that may be financed under the Act, special taxes may be levied and
bonds may be issued to finance work deemed necessary to bring buildings or real property, including
privately owned buildings or real property, into compliance with seismic safety standards or
regulations. Only work certified as necessary to comply with seismic safety standards or regulations by
local building officials may be financed. No project involving the dismantling of an existing building
and its replacement by a new building, nor the construction of a new or substantially new building may
be financed pursuant to this subparagraph. Work on qualified historical buildings or structures shall be
done in accordance with the State Historical Building Code (Part 2.7 (commencing with Section
18950) of Division 13 of the Health and Safety Code). Work on privately owned property may only be
financed with the prior written consent of the owner or owners of the privately owned property.

B. A new Title 5 is added to read as follows:

TITLE 5 - CHANGE PROCEEDINGS

SEC. 43.10.26. ALTERNATE PROCEDURE FOR CHANGE PROCEEDINGS

AFFECTING PROPERTY OWNERS.

With respect to a special tax district formed under Section 43.10.17, as an alternate and
independent procedure for making the changes described in Section 53330.7 of the Act, the changes
may be made with the unanimous approval of the owner or owners of the parcel or parcels that will be
affected by the change and the written consent of the local agency. No additional hearings or
procedures are required, and the unanimous approval shall be deemed to constitute a unanimous vote
in favor of the proposed changes. If the proceeds of a special tax are being utilized to retire any debt incurred pursuant to this chapter and the unanimous approval relates to the reduction of the special tax rate, the unanimous approval shall recite that the reduction or termination of the special tax would not interfere with the timely retirement of that debt.

SEC. 43.10.27. ALTERNATE PROCEDURE FOR CHANGE PROCEEDINGS NOT ADVERSELY AFFECTING TAXABLE PROPERTY IN THE SPECIAL TAX DISTRICT.

With respect to a special tax district formed under Section 43.10.17, as an alternate and independent procedure to those set forth in Sections 53331-53338 of the Act for making changes to the special tax district when the Board of Supervisors finds that no taxable property in the special tax district will be adversely affected by the changes, including but not limited to a change in the types of authorized public facilities or services which should be financed by an established special tax district, a change in the authorized amount of bonded indebtedness for the special tax district, a change in the rate or method of apportionment of a special tax, or the addition of a new special tax, the Board of Supervisors shall comply with the following requirements shall apply:

(a) The Department or Supervisor proposing the changes to the special tax district shall introduce at the Board of Supervisors a resolution stating those changes. At the time the sponsoring Department or Supervisor submits the resolution to the Clerk of the Board of Supervisors for introduction, the sponsoring Department or Supervisor shall provide written notice to the Clerk informing the Clerk that the alternate procedure and notice requirements in this Section apply to the resolution.

(b) Before adopting the resolution, but no sooner than 14 days after the introduction of the resolution, the Board of Supervisors or a committee of the Board of Supervisors shall hold a public hearing on the resolution. At the hearing, any person interested, including persons owning property within the area, may appear and present any matters material to the questions set forth in the resolution.
(i) The Board of Supervisors shall adopt a resolution (A) declaring the intent to make changes to a special tax district, (B) finding that the proposed changes serve the public interest and will not adversely affect any taxable property in the special tax district, and (C) calling for a public hearing on the matter, which public hearing shall be held no sooner than 14 days after the adoption of the resolution described in this subsection (i).

(ii) The Clerk of the Board of Supervisors shall publish a notice of the public hearing one time in a newspaper of general circulation published in the area of the special tax district at least 7 days prior to the public hearing. The notice shall contain all of the following information:

(A) The text or a summary of the proposed resolution adopted pursuant to the preceding subsection (i); the notice may refer to documents on file in the office of the Clerk of the Board of Supervisors for detail.

(B) The time and place of the hearing.

(C) A statement that at the hearing the testimony of all interested persons, including all persons owning property in the area, for or against the changes, will be heard.

(iii) The Board of Supervisors must hold a public hearing on the subject of the proposed changes. At the hearing any person interested, including persons owning property within the area, may appear and present any matters material to the questions set forth in the resolution described in the preceding subsection (i).

(iv) After holding the public hearing, the Board of Supervisors City may adopt a resolution making the proposed changes to the special tax district as long as it concludes that the public interest, convenience and necessity would be served by the proposed changes, that the changes would not adversely affect any taxable property in the special tax district and that the changes would not adversely affect the owners of any outstanding bonds that are payable from special taxes levied in the special tax district.
(ve) After adopting the resolution described in this section, the preceding subsection (iv), the Board of Supervisors shall adopt an ordinance amending any prior ordinance levying special taxes in the Special Tax District to reflect the changes to the special tax district.

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:
MARK D. BLAKE
Deputy City Attorney
File Number: 130781  Date Passed: October 01, 2013

Ordinance to amend the Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize financing by special tax districts of work deemed necessary to bring buildings or real property, including privately owned buildings or real property, into compliance with seismic safety standards or regulations, and related technical amendments; and to establish certain procedures by which the City can make changes to a special tax district.

September 16, 2013 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 16, 2013 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

September 24, 2013 Board of Supervisors - PASSED ON FIRST READING
Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang and Wiener
Absent: 1 - Yee

October 01, 2013 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130781

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/1/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved

10/1/13