Resolution opposing California State Assembly Bill 68 (Ting) unless amended to allow the City and County of San Francisco and other early adopters of permissive Accessory Dwelling Unit regulations to ensure the enforceability of San Francisco’s just cause eviction protections and to continue subjecting Accessory Dwelling Units to rent control.

WHEREAS, The City and County of San Francisco and the State of California are experiencing a housing affordability crisis, characterized in part by the removal or demolition of over 4,200 units of rent controlled or deed-restricted affordable housing in the past 10 years; and

WHEREAS, The City and County of San Francisco was among the first cities in the State of California to adopt a Citywide Accessory Dwelling Unit Program in 2016 through consensus legislation co-authored and co-sponsored by then Supervisors Mark Farrell, Scott Wiener and Eric Mar, and current Supervisor Aaron Peskin (Board File No. 160657); and

WHEREAS, Since the adoption of San Francisco’s Citywide Accessory Dwelling Unit Program, state lawmakers have also recognized the value in Accessory Dwelling Units as an important tool for incentivizing the creation of new units of housing at neighborhood, infill scale in zoning districts that have previously not allowed additional dwelling units on a given lot; and

WHEREAS, Shortly after the adoption of San Francisco’s Citywide Accessory Dwelling Unit Program, state lawmakers passed State Senate Bill 1069 (Wieckowski) and Assembly Bill 2299 (Bloom) to require local agencies across the State of California to adopt ordinances allowing for the construction of Accessory Dwelling Units or to otherwise approve or disapprove of applications ministerially; and
WHEREAS, A core innovative component of San Francisco's Citywide Accessory Dwelling Unit Program is the ability to impose certain standards on Accessory Dwelling Units that are subject to administrative waiver in consideration of subjecting the proposed Accessory Dwelling Unit(s) to rent control via so-called "Costa-Hawkins Regulatory Agreements"; and

WHEREAS, With the apparent intent of building upon San Francisco's model for the approval and construction of Accessory Dwelling Units and expanding that model statewide, State lawmakers effectively preempted and restricted the ability of jurisdictions like San Francisco to flexibly respond to new areas of concern in the context of approving and permitting the construction of Accessory Dwelling Units, including the construction of Accessory Dwelling Units that would cause the eviction of tenants or severance of tenancies in habitable or auxiliary spaces; and

WHEREAS, Specifically, AB 68 would undermine the "just cause" eviction provisions of San Francisco's Rent Code, Administrative Code Chapter 37, by providing that an Accessory Dwelling Unit must be approved within 60 days even if it causes the partial or full eviction of existing tenants from the project site; and

WHEREAS, AB 68 would impose rigid standards on local jurisdictions and impair the ability of Charter cities like San Francisco – which have demonstrated leadership and ongoing innovation in the provision of this important infill housing – to impose waivable standards for the purpose of subjecting Accessory Dwelling Units to rent control; and

WHEREAS, The ministerial consideration of applications to construct Accessory Dwelling Units need not impair the ability of San Francisco policymakers and City officials to anticipate the potential unintended consequences of San Francisco's Citywide Accessory Dwelling Unit Program and address those unintended consequences legislatively; and
WHEREAS, San Francisco continues to take steps to liberalize the construction of Accessory Dwelling Units, expedite their approval, and facilitate their financing, while ensuring that existing tenants are protected and that Accessory Dwelling Units are subject to rent control; now, therefore be it

RESOLVED, That the City and County of San Francisco opposes Assembly Bill 68 unless amended to recapture the original intent of San Francisco's ordinance and to allow for the proliferation of Accessory Dwelling Units unencumbered by concerns about the impact on existing and future tenants; and, be it

FURTHER RESOLVED, That, specifically, AB 68 should be amended to allow San Francisco to apply waivable standards to Accessory Dwelling Units in order to subject them to rent control, and to ensure that San Francisco's rigorous just cause eviction protections remain enforceable; and, be it

FURTHER RESOLVED, That the Clerk of the Board of Supervisors notify San Francisco's State Legislative Delegation and the Office of the Governor of the State of California accordingly.
Resolution opposing California State Assembly Bill No. 68, authored by Assembly Member Phil Ting, unless amended, to allow the City and County of San Francisco and other early adopters of permissive Accessory Dwelling Unit regulations to ensure the enforceability of San Francisco’s just cause eviction protections and to continue subjecting Accessory Dwelling Units to rent control.

June 25, 2019 Board of Supervisors - CONTINUED
Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Safai, Stefani, Walton and Yee
Excused: 1 - Ronen

July 09, 2019 Board of Supervisors - CONTINUED
Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Walton and Yee
Excused: 1 - Stefani

July 16, 2019 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE
Ayes: 10 - Brown, Fewer, Haney, Mandelman, Peskin, Ronen, Safai, Stefani, Walton and Yee
Excused: 1 - Mar

July 16, 2019 Board of Supervisors - ADOPTED AS AMENDED
Ayes: 10 - Brown, Fewer, Haney, Mandelman, Peskin, Ronen, Safai, Stefani, Walton and Yee
Excused: 1 - Mar
I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 7/16/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned
London N. Breed
Mayor

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board