Resolution finding that unauthorized live/work spaces and entertainment venues are valuable and irreplaceable components of the City’s housing stock and artistic communities; and urging various City departments to address safety issues in these unauthorized spaces, develop a legalization process that minimizes displacement, and identify resources to help property owners fund safety improvements and legalization.

WHEREAS, On December 2, 2016 a fire in an Oakland warehouse that was being used as an unauthorized live/work space known as “Ghost Ship” claimed the lives of thirty-six young people who ranged in age from ages 17 to 36; and

WHEREAS, In addition to the unfathomably tragic loss of life, the Ghost Ship fire has led to evictions and citations for unauthorized housing units, art spaces, and entertainment venues (“unauthorized spaces”) across the country; and

WHEREAS, San Francisco has a long history of cultivating and celebrating underground art spaces that have provided safe spaces for the LGBTQ community, artists, immigrants, low-income residents, and other vulnerable communities; and

WHEREAS, Media reports published on December 8 and 9, 2016 inaccurately stated that the City and County of San Francisco was conducting a crackdown on unauthorized spaces and have generated needless alarm among both tenants and owners of buildings containing unauthorized units; and

WHEREAS, In recent years, the Board of Supervisors has passed multiple pieces of legislation recognizing the need to preserve unauthorized housing units whenever possible because they represent a valuable and irreplaceable source of naturally occurring affordable housing; and

Supervisors Avalos
WHEREAS, Objective 2 of the San Francisco Housing Element is to “retain existing housing units, and promote safety and maintenance standards, without jeopardizing affordability;” and

WHEREAS, In March 2016, the Board of Supervisors unanimously passed ordinance 33-16 to require the legalization of all unauthorized residential units, unless the Planning Commission approves the removal of the unit, it is determined that the unit cannot be legalized, or if it determined that a serious and imminent hazard exists; and

WHEREAS, Planning Commission Resolution No. 19532 supported this ordinance and found that “as for unauthorized units, the proposed legislation would fill the void of necessary controls for retaining this important portion of our housing stock. Many of these units are tenant occupied at lower rates of rent due to the illegal status of the unit. Removing these units only exacerbates the already critical state of evictions and displacement in San Francisco;” and

WHEREAS, Planning Commission Resolution No. 19660 recommended that the Board of Supervisors expand protections for unauthorized units by allowing for more than one unauthorized unit to be legalized per lot; and

WHEREAS, In recent years, City departments have successfully saved many unauthorized housing units while simultaneously ensuring safe conditions for both the tenants and the surrounding neighborhoods—ranging in scale and complexity from individual “in-law units” to large multi-unit commercial buildings; and

WHEREAS, San Francisco’s Department of Building Inspection (DBI) has become a national model for their ability to ensure safe conditions while also minimizing displacement of tenants; and

WHEREAS, DBI’s groundbreaking Code Enforcement Outreach Program partners with non-profit organizations representing the interests of tenants and property owners to identify
occupancy hazards, assist in code compliance issues, prevent displacement, and serve as
iliaisons between tenants, property owners, and the department; and

WHEREAS, The San Francisco Entertainment Commission has similarly worked with
unauthorized entertainment venues to help them obtain permits and ensure their facilities
comply with local and state codes; and

WHEREAS, The San Francisco Arts Commission provides funding for fire and life
safety tenant improvements for nonprofit art spaces through its annual Creative Space grant
program and is committed to the safety and stability of all San Francisco’s arts and culture
spaces; and

WHEREAS, The Arts Commission supports San Francisco’s individual artists through
annual unrestricted commissions awarded through the Cultural Equity Endowment Fund that
can be used for a variety of purposes including rent and/or safety improvements of live and/or
work spaces; and

WHEREAS, In the wake of the Ghost Ship fire, a number of arts organizations in San
Francisco and the Bay Area have organized to offer free safety consultations and
improvements for unauthorized spaces; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco
finds that communities formed in unauthorized live/work spaces and entertainment venues
that operate safely and responsibly are valuable, and the loss of these spaces would
adversely impact the City’s housing stock; and, be it

FURTHER RESOLVED, That the Board of Supervisors is committed to protecting
these unauthorized live/work spaces and entertainment venues whenever they can be
legalized, helping property owners make them safe and secure, and protecting tenants from
displacement; and, be it
FURTHER RESOLVED, That the Board of Supervisors urges DBI to include in its Code Enforcement Outreach Program non-profit organizations that have experience with supporting unauthorized spaces; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges DBI, the Planning Department, the San Francisco Fire Department, the City Attorney, the City Administrator, the Mayor's Office of Housing and Community Development, the Entertainment Commission, the Arts Commission, and any other relevant City agencies to work together to:

- quickly address any imminent safety hazards in unauthorized spaces,
- develop a process based on DBI's successful Code Enforcement Outreach Program for the legalization of unauthorized spaces that is consistent with neighborhood context whenever possible that minimizes the displacement of tenants and assists property owners, and
- identify resources to help property owners fund needed safety improvements and legalization, such as low-interest loans, the Code Enforcement Fund, and the Housing Stabilization and Preservation Fund.
Resolution finding that unauthorized live/work spaces and entertainment venues are valuable and irreplaceable components of the City's housing stock and artistic communities; and urging various City departments to address safety issues in these unauthorized spaces, develop a legalization process that minimizes displacement, and identify resources to help property owners fund safety improvements and legalization.

December 13, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Yee
Vacant: 1 - District 8

December 13, 2016 Board of Supervisors - ADOPTED AS AMENDED
Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Yee
Vacant: 1 - District 8

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 12/13/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

12/23/2016
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 his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

[Signature]
for Angela Calvillo
Clerk of the Board

12/23/2014
Date