

Carr, Barbara (REG)

From: Christopher Bowman <~~cbowman@slgclg.net~~>
Sent: Friday, July 31, 2015 1:45 AM
To: Carr, Barbara (REG)
Subject: Proposed Amendment of the Whole of the Draft Digest on Surplus City P
Attachments: CLB BSC Proposed Amendment of the Whole for Surplus Public Lands Digest.docx

Hi Barbara:

Attached please find my Amendment of the Whole to the Deputy City Attorney's Draft Digest on the Surplus City Property (Public Lands) Ordinance for the November 3, 2015 ballot, as well as my draft of the definitions of "Words You Need to Know" which are related to the Ordinance.

Please forward copies to Chairwoman Packard, and BSC members Unruh, Jorgensen, Fasick, and Fraps, and to our Deputy City Attorney. I will bring fifteen more copies with me to the hearing, for distribution on the literature table.

In preparing the Amendment of the Whole, I discovered that the citation to Section 16.110 of the City Charter which is referenced several times in the text of the proposed ordinance is incorrect. Apparently, the Section dealt with Transportation issues, but was repealed with the passage of Prop. A in November, 2007. I'm certain that the Committee's Deputy City Attorney will be able to find the correct section in the Charter (dealing with the AMI definitions), and will provide a technical amendment to the text.

Also, the BSC should make a determination if the digest should be entitled "Surplus City Property" (which is the title of the current Chapter 23A), or "Surplus Public Lands" (which is the title of the proposed ballot measure).

I also expressed to the Committee's Deputy City Attorney after yesterday's hearing, that I believe the City Attorney erred by not including in the text of the proposed Ordinance the entirety of Chapter 23A (Surplus City Property) including Section 9 of Chapter 23A, since there were six references in the current Chapter dealing with the Surplus Property Citizens Advisory Committee and five references in the proposed Chapter. The omission of Section 9 may raise questions in the mind of the voter as to whether or not the section was repealed (which it was not) by the Board's proposal, or whether it will remain in the Chapter, if the ballot measure either passes or fails.

Look forward to seeing you at 9:00 this morning.

Sincerely,

Christopher L. Bowman

1 attachment as.

A "YES" Vote Means: If you vote "yes", you want the City to build affordable housing for homeless people, and for people of extremely low, very low, low, moderate, and middle incomes on surplus public lands and expand the pool of surplus public lands that can be used to build affordable housing.

A "NO" Vote Means: If you vote "no", you do not want to make these changes.

Words You Need to Know:

Area Median Income (AMI) shall mean: shall have the meaning set forth in Charter Section 16.110. (NOTE: Such Charter Section was repealed by the passage of Prop. A, November, 2007, so the citation is incorrect.) What we do know, however, is that according to the Table DP03, SELECTED ECONOMIC CHARACTERISTICS: 2009-2013 American Community Survey 5-Year Estimates – the latest data published by the United States Bureau of the Census, the Median household income is \$75,604 and the Per Capita Income is \$48,486 for San Francisco.

Enterprise Departments means: 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.

Extremely Low Income Person means: a person receiving less than 20% of the City's AMI.

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 designated to provide temporary living accommodations ;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.

Low Income Person means: a person receiving between 55% and 80% of the City's AMI.

Middle Income Person means: a person receiving between 120% and 150% of the City's AMI.

Moderate Income Person means: a person receiving between 80% and 120% of the City's AMI.

Surplus Property Citizens' Advisory Committee shall mean: A 13 member body composed of 13 members, including eight appointed by the Board of Supervisors including a member currently or formerly homeless, a member currently or formerly homeless with their family, a member who is a homeless senior citizen, a member with expertise in the area of developing permanent housing for Homeless people, a member with expertise in providing supportive services to help individuals and families exit homelessness, a member who holds a Real Estate and/or Broker's license, a member who is a member of a union, and a member who has expertise with disability community issues, the Chair of the Board of Supervisors Finance and Audits Committee, a representative from the Mayor's Office of Housing and Community Development, the Mayor's Budget Director, a member who advocates on behalf of open space and/or neighborhood parks, and a member who broadly represents the interest of San Francisco's neighborhoods.

Very Low Income Person means: a person receiving between 20% and 55% of the City's AMI.

Proposed Amendment of the Whole of the Draft Digest for “Surplus City Property
Submitted by Christopher L. Bowman, 9:00 a.m., Friday, 31 July 2015

The Way It Is Now: Since 2002, it has been City policy to use real property that the City no longer needs (“surplus and underutilized property”) to provide housing, shelter, and other services for people who are homeless and for persons earning less than 20% of the Area Median Income (AMI). In exceptional cases, the Mayor’s Office of Housing and Community Development (MOHCD) is authorized to contract with a developer to build affordable housing for extremely low-income persons and for persons earning up to 60% of the City’s AMI.

Surplus and underutilized properties not used for development of housing for the homeless, expansion of open space, or transferred to other City departments and agencies can be sold and the net proceeds used to finance the development of affordable housing.

The City Administrator is required to annually compile a list of all properties owned by the City, including those under the jurisdiction of enterprise departments. Through consultation with City Departments, the Mayor, members of the Board of Supervisors and the Surplus Property Citizens Advisory Committee, the City Administrator will prepare an Annual Surplus Property Report and recommend the transfer of surplus properties to the MOHCD. Enterprise departments are encouraged, but are not required to transfer their surplus properties to the MOHCD.

If the MOHCD determines a property is suitable for development, the City will solicit applications from non-profit organizations to build affordable housing on the property.

State law requires the City to notify certain local agencies, including school and parks districts, before selling surplus property and to enter into negotiations with agencies that want to buy the surplus property. State law generally requires that not less than 15% of housing units built on property sold by the City or other public agencies be affordable.

The Proposal: Proposition ___ would:

- expand the definition of people who are homeless to include families with minor children living in single resident occupancy rooms (SROs) and other overcrowded housing conditions.
- establish as City policy that the first priority use of surplus City-owned property shall be for providing housing, shelter, and other services for people who are homeless.
- establish lower priority uses of surplus City-owned property to develop very low, and low income affordable housing; develop mixed income housing projects for extremely low, very low, low and moderate income persons; and in sites which can produce 200 or more units, develop mixed-income housing projects, which include middle income housing.
- prohibit City departments from entering into contracts related to the sale of property for 120 days unless the Board of Supervisors approves the contract. This will enable the MOHCD to negotiate the purchase of the property;
- maintain existing exemptions for City parks and other enterprise department surplus properties;
- make it City policy to ask all other local agencies with properties in San Francisco, including the San Francisco Unified School District, San Francisco Community College District, and Bay Area Rapid Transit District (BART), to notify the City before they sell their property, to give the City the opportunity to buy the property at a low cost to develop affordable housing, and
- Permit the Board of Supervisors to waive the provisions of Chapter 23A so that a surplus City-owned property may be used to create or expand health care, child care, education, open space, public safety, transit and infrastructure.