

1 [General Obligation Bond Election - Affordable Housing]

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3 **Ordinance calling and providing for a special election to be held in the City and County**
4 **of San Francisco (City) on Tuesday, November 3, 2015, for the purpose of submitting to**
5 **San Francisco voters a proposition to incur the following bonded indebtedness**
6 **(Bonds) of the City: \$250,000,000 to finance the construction, acquisition,**
7 **improvement, rehabilitation, preservation and repair of affordable housing**
8 **improvements, and related costs necessary or convenient for the foregoing purposes;**
9 **authorizing landlords to pass-through 50% of the resulting property tax increase to**
10 **residential tenants under Administrative Code Chapter 37; providing for the levy and**
11 **collection of taxes to pay both principal and interest on such Bonds; incorporating the**
12 **provisions of Administrative Code, Sections 5.30 – 5.36; setting certain procedures and**
13 **requirements for the election; adopting findings under the California Environmental**
14 **Quality Act (CEQA); and finding that the proposed Bonds are in conformity with the**
15 **priority policies of Planning Code, Section 101.1(b), and with the General Plan.**

16 Note: Additions are *single-underline italics Times New Roman*;
17 deletions are ~~*strike through italics Times New Roman*~~.
18 Board amendment additions are double underlined.
Board amendment deletions are ~~strike through normal~~.

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

20 Section 1. Findings.

21 A. The City has the highest median rent in the country with a one-bedroom asking
22 rent of \$3,460, according to rental listing site Zumper.

23 B. The City continues to be one of the highest-priced ownership markets in the
24 country with a median home sales price of \$1.1 million, a 19.4% increase from the previous
25 year, according to the real estate website Trulia.

1 C. The Mayor's Office of Housing and Community Development continues to see a
2 widening affordability gap for low to moderate income households on both rental and
3 homeownership.

4 D. Limited state and federal resources and the high cost of housing development
5 puts a greater burden on local government to contribute their own limited resources, and thus
6 means that the City's supply of affordable housing has not kept pace with demand.

7 E. Limited local funding for affordable housing can leverage federal, state and
8 private investment at a 3:1 rate.

9 F. The affordability gap has the greatest impact on low-income households such as
10 seniors, disabled persons, low-income working families, and veterans.

11 G. The housing need in the City is also particularly acute for moderate-income
12 households, for whom there are no federal or state financing programs that the City can
13 leverage with its own subsidies.

14 H. After federal sequestration took effect on March 1, 2013, the U.S. Congress
15 slashed the US Department of Housing and Urban Development's contribution to the San
16 Francisco Housing Authority (Housing Authority) from 92% to 82% of what it costs to operate
17 public housing, and its Section 8 housing voucher program from 94% to 72% of operating
18 costs.

19 I. The average annual household income for Housing Authority residents and
20 voucher-holders is \$15,858.

21 J. The housing affordability gap that has arisen and expanded in the local housing
22 market inhibits the City from ensuring that economic diversity can be maintained.

23 K. These high housing costs can inhibit healthy, balanced economic growth
24 regionally.

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1 L. Individuals and families who are increasingly locked out of the local housing
2 market will be forced to leave the City and take on increasingly long employment commutes.

3 M. The Bonds will provide a portion of the funding necessary to construct, acquire,
4 improve, rehabilitate, preserve and repair affordable housing in the City (as further defined in
5 Section 3 below).

6 Section 2. A special election is called and ordered to be held in the City on Tuesday,
7 the 3rd day of November, 2015, for the purpose of submitting to the electors of the City a
8 proposition to incur bonded indebtedness of the City for the project described in the amount
9 and for the purposes stated:

10 "SAN FRANCISCO AFFORDABLE HOUSING BONDS. \$250,000,000 to construct,
11 develop, acquire, and preserve housing affordable to low- and middle-income households
12 through programs that will prioritize vulnerable populations such as San Francisco's working
13 families, veterans, seniors, and disabled persons; to assist in the acquisition, rehabilitation,
14 and preservation of affordable rental apartment buildings to prevent the eviction of long-term
15 residents; to repair and reconstruct dilapidated public housing, to finance the development of
16 a middle-income rental program; and to provide for homeownership down payment assistance
17 opportunities for educators and middle-income households; all subject to independent citizen
18 oversight and regular audits; and authorizing landlords to pass-through to residential tenants
19 in units subject to Chapter 37 of the San Francisco Administrative Code (the "Residential
20 Stabilization and Arbitration Ordinance") 50% of the increase in the real property taxes
21 attributable to the cost of the repayment of such Bonds."

22 The special election called and ordered to be held hereby shall be referred to in this
23 ordinance as the "Bond Special Election."

24 Section 3. PROPOSED PROGRAM. All contracts that are funded with the proceeds of
25 Bonds authorized hereby shall be subject to the provisions of Chapter 83 of the City's

1 Administrative Code (the "First Source Hiring Program"), which fosters construction and
2 permanent employment opportunities for qualified economically disadvantaged individuals. In
3 addition, all contracts that are funded with the proceeds of Bonds authorized hereby also shall
4 be subject to the provisions of Chapter 14B of the City's Administrative Code (the "Local
5 Business Enterprise and Non-Discrimination in Contracting Ordinance"), which assists small
6 and micro local businesses to increase their ability to compete effectively for the award of City
7 contracts, to the extent the Local Business Enterprise and Non-Discrimination Contracting
8 Ordinance does not conflict with applicable state or federal law.

9 A. CITIZENS' OVERSIGHT COMMITTEE. A portion of the Bonds shall be used to
10 perform audits of the Bonds, as further described in Section 15.

11 Projects to be funded from the proceeds of the proposed Bonds may include but are
12 not limited to the following:

13 B. CONSTRUCT, DEVELOP AND REHABILITATE AFFORDABLE RENTAL
14 HOUSING. A portion of the Bonds may be allocated to finance the development, construction,
15 preservation and rehabilitation of affordable rental housing near established transit corridors
16 or within priority development areas.

17 C. ACQUIRE EXISTING RENTAL HOUSING AS AFFORDABLE HOUSING. A
18 portion of the Bonds may be allocated to acquire, rehabilitate, and preserve existing rental
19 housing in order to prevent the loss of rental housing stock and the displacement of long-time
20 residents of the City.

21 D. REPAIR AND RECONSTRUCT DILAPIDATED PUBLIC HOUSING. A portion of
22 the Bonds may be allocated to repair and reconstruct dilapidated public housing
23 developments or provide infrastructure improvements that allow for the repair or improvement
24 of public housing sites.

1 E. CREATE A MIDDLE INCOME RENTAL HOUSING PROGRAM. A portion of the
2 Bonds may be allocated to finance the development of middle income rental housing units.

3 F. CREATE A MIDDLE INCOME HOME OWNERSHIP PROGRAM. A portion of
4 the Bonds may be allocated to assist City residents acquiring their first home in the City.

5 G. RENEW THE TEACHER NEXT DOOR PROGRAM. A portion of the Bonds may
6 be allocated to assist educators in purchasing their first home in the City.

7 Section 4. BOND ACCOUNTABILITY MEASURES

8 The Bonds shall include the following administrative rules and principles:

9 A. OVERSIGHT. The proposed Bond funds shall be subjected to approval
10 processes and rules described in the San Francisco Charter and Administrative Code.
11 Pursuant to S.F. Administrative Code 5.31, the Citizen's General Obligation Bond Oversight
12 Committee shall conduct an annual review of Bond spending, and shall provide an annual
13 report of the Bond program to the Mayor of the City (Mayor) and the Board.

14 B. TRANSPARENCY. The City shall create and maintain a Web page outlining and
15 describing the bond program, progress, and activity updates. The City shall also hold an
16 annual public hearing and reviews on the bond program and its implementation before the
17 Capital Planning Committee and the Citizen's General Obligation Bond Oversight Committee.

18 Section 5. The estimated cost of the bond financed portion of the project described in
19 Section 2 above was fixed by the Board by the following resolution and in the amount
20 specified below:

21 Resolution No. _____, \$250,000,000.

22 Such resolution was passed by two-thirds or more of the Board and approved by the
23 Mayor. In such resolution it was recited and found by the Board that the sum of money
24 specified is too great to be paid out of the ordinary annual income and revenue of the City in
25 addition to the other annual expenses or other funds derived from taxes levied for those

1 purposes and will require expenditures greater than the amount allowed by the annual tax
2 levy.

3 The method and manner of payment of the estimated costs described in this ordinance
4 are by the issuance of Bonds of the City not exceeding the principal amount specified.

5 Such estimate of costs as set forth in such resolution is adopted and determined to be
6 the estimated cost of such bond financed improvements and financing, respectively.

7 Section 6. The Bond Special Election shall be held and conducted and the votes
8 received and canvassed, and the returns made and the results ascertained, determined and
9 declared as provided in this ordinance and in all particulars not recited in this ordinance such
10 election shall be held according to the laws of the State of California (State) and the Charter of
11 the City (Charter) and any regulations adopted under State law or the Charter, providing for
12 and governing elections in the City, and the polls for such election shall be and remain open
13 during the time required by such laws and regulations.

14 Section 7. The Bond Special Election is consolidated with the General Election
15 scheduled to be held in the City on Tuesday, November 3, 2015 (General Election). The
16 voting precincts, polling places and officers of election for the General Election are hereby
17 adopted, established, designated and named, respectively, as the voting precincts, polling
18 places and officers of election for the Bond Special Election called, and reference is made to
19 the notice of election setting forth the voting precincts, polling places and officers of election
20 for the General Election by the Director of Elections to be published in the official newspaper
21 of the City on the date required under the laws of the State.

22 Section 8. The ballots to be used at the Bond Special Election shall be the ballots to
23 be used at the General Election. The word limit for ballot propositions imposed by San
24 Francisco Municipal Elections Code Section 510 is waived. On the ballots to be used at the
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1 Bond Special Election, in addition to any other matter required by law to be printed thereon,
2 shall appear the following as a separate proposition:

3 "SAN FRANCISCO AFFORDABLE HOUSING BONDS. To finance the construction,
4 development, acquisition, and preservation of housing affordable to low- and middle-income
5 households through programs that will prioritize vulnerable populations such as San
6 Francisco's working families, veterans, seniors, disabled persons; to assist in the acquisition,
7 rehabilitation, and preservation of affordable rental apartment buildings to prevent the eviction
8 of long-term residents; to repair and reconstruct dilapidated public housing; to finance the
9 development of a middle-income rental program; and to provide for homeownership down
10 payment assistance opportunities for educators and middle-income households; shall the City
11 and County of San Francisco issue \$250 million in general obligation bonds, subject to
12 independent citizen oversight and regular audits?"

13 Each voter to vote in favor of the foregoing bond proposition shall mark the ballot in the
14 location corresponding to a "YES" vote for the proposition, and to vote against the proposition
15 shall mark the ballot in the location corresponding to a "NO" vote for the proposition.

16 Section 9. If at the Bond Special Election it shall appear that two-thirds of all the voters
17 voting on the proposition voted in favor of and authorized the incurring of bonded
18 indebtedness for the purposes set forth in such proposition, then such proposition shall have
19 been accepted by the electors, and the Bonds authorized shall be issued upon the order of
20 the Board. Such Bonds shall bear interest at a rate not exceeding that permitted by law.

21 The votes cast for and against the proposition shall be counted separately and when
22 two-thirds of the qualified electors, voting on the proposition, vote in favor, the proposition
23 shall be deemed adopted.

24 Section 10. For the purpose of paying the principal and interest on the Bonds, the
25 Board shall, at the time of fixing the general tax levy and in the manner for such general tax

1 levy provided, levy and collect annually each year until such Bonds are paid, or until there is a
2 sum in the Treasury of the City, or other account held on behalf of the Treasurer of the City,
3 set apart for that purpose to meet all sums coming due for the principal and interest on the
4 Bonds, a tax sufficient to pay the annual interest on such Bonds as the same becomes due
5 and also such part of the principal thereof as shall become due before the proceeds of a tax
6 levied at the time for making the next general tax levy can be made available for the payment
7 of such principal.

8 Section 11. This ordinance shall be published in accordance with any State law
9 requirements, and such publication shall constitute notice of the Bond Special Election and no
10 other notice of the Bond Special Election hereby called need be given.

11 Section 12. The Board, having reviewed the proposed legislation, makes the following
12 findings in compliance with the California Environmental Quality Act ("CEQA"), California
13 Public Resources Code Sections 21000 et seq., the CEQA Guidelines, 15 Cal. Administrative
14 Code Sections 15000 et seq., ("CEQA Guidelines"), and San Francisco Administrative Code
15 Chapter 31 ("Chapter 31"): The Environmental Review Officer determined that this legislation
16 is not defined as a project subject to CEQA because it is a funding mechanism involving no
17 commitment to any specific projects at any specific locations, as set forth in CEQA Guidelines
18 Section 15378.

19 Section 13. The Board finds and declares that the proposed Bonds (i) were referred to
20 the Planning Department in accordance with Section 4.105 of the San Francisco Charter and
21 Section 2A.53(f) of the San Francisco Administrative Code, (ii) are in conformity with the
22 priority policies of Section 101.1(b) of the San Francisco Planning Code, and (iii) are
23 consistent with the City's General Plan, and adopts the findings of the Planning Department,
24 as set forth in the General Plan Referral Report dated _____, a copy of which is on
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1 file with the Clerk of the Board in File No. _____ and incorporates such findings
2 by this reference.

3 Section 14. Under Section 53410 of the California Government Code, the Bonds shall
4 be for the specific purpose authorized in this ordinance and the proceeds of such Bonds will
5 be applied only for such specific purpose. The City will comply with the requirements of
6 Sections 53410(c) and 53410(d) of the California Government Code.

7 Section 15. The Bonds are subject to, and incorporate by reference, the applicable
8 provisions of San Francisco Administrative Code Sections 5.30 – 5.36 (the "Citizens' General
9 Obligation Bond Oversight Committee"). Under Section 5.31 of the Citizens' General
10 Obligation Bond Oversight Committee, to the extent permitted by law, one-tenth of one
11 percent (0.1%) of the gross proceeds of the Bonds shall be deposited in a fund established by
12 the Controller's Office and appropriated by the Board of Supervisors at the direction of the
13 Citizens' General Obligation Bond Oversight Committee to cover the costs of such committee.

14 Section 16. The time requirements specified in Section 2.34 of the San Francisco
15 Administrative Code are waived.

16 Section 17. The City hereby declares its official intent to reimburse prior expenditures
17 of the City incurred or expected to be incurred prior to the issuance and sale of any series of
18 the Bonds in connection with the Project. The Board hereby declares the City's intent to
19 reimburse the City with the proceeds of the Bonds for expenditures with respect to the Project
20 (the "Expenditures" and each, an "Expenditure") made on and after that date that is no more
21 than 60 days prior to the passage of this Ordinance. The City reasonably expects on the date
22 hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

23 Each Expenditure was and will be either (a) of a type properly chargeable to a
24 capital account under general federal income tax principles (determined in each case as of
25 the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a

1 nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a
2 party that is not related to or an agent of the City so long as such grant does not impose any
3 obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the
4 City. The maximum aggregate principal amount of the Bonds expected to be issued for the
5 Project is \$250,000,000. The City shall make a reimbursement allocation, which is a written
6 allocation by the City that evidences the City's use of proceeds of the applicable series of
7 Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on
8 which the Expenditure is paid or the related portion of the Project is placed in service or
9 abandoned, but in no event more than three years after the date on which the Expenditure is
10 paid. The City recognizes that exceptions are available for certain "preliminary expenditures,"
11 costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the
12 year of issuance and not the year of expenditure) and Expenditures for construction projects
13 of at least 5 years.

14 Section 18. The appropriate officers, employees, representatives and agents of the
15 City are hereby authorized and directed to do everything necessary or desirable to accomplish
16 the calling and holding of the Bond Special Election, and to otherwise carry out the provisions
17 of this ordinance.

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

21 By: _____
22 Kenneth David Roux
23 Deputy City Attorney
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