



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Control: Affordable Housing Exemption for Qualified Student Housing

Case Number: Board File No. 10-1095
Ordinance Number: 321-10
Initiated by: Supervisors Dufty and Campos
Effective Date: January 21, 2011

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The Way It Was:

Housing projects were required to pay into the Residential Inclusionary Affordable Housing Program, with limited exceptions for Federal, State, Port and Redevelopment Agency projects.

The Way It Is Now:

The adopted Ordinance adds four definitions to Section 401 related to student housing:

1. Qualified Educational Institution: shall mean an accredited post secondary Educational Institution which has Qualified Students.
2. Qualified Student: shall mean a student who receives or is eligible to receive need-based financial aid from Pell Grants, Perkins Loans, Stafford Subsidized Loans or other grants or loans made or guaranteed by the United States Government or a state or local government, or by an entity sponsored and regulated by such unit of government and is currently enrolled at a Qualified Educational Institute.
3. Qualified Student Housing Project: shall mean any housing project that contains housing for Qualified Students and which may also contain housing for persons who are enrolled students but not Qualified Students, created either through new construction or conversion of an existing building or space.
4. Qualified Student Housing: shall mean housing or group housing (measured either by units or beds) or accessory living space within a non-residential space, either owned by a Qualified Educational Institution or controlled by a Qualified Educational Institution through a long-term master lease for a period of at least 20 years in which at least thirty percent (30%) of such units or beds are occupied by Qualified Students. The Qualified Student Housing may be on the site of the Institution or at another location in the City and County of San Francisco.

Qualified Student Housing Projects that meets the following criteria are exempt from the Residential Inclusionary Affordable Housing Program:

1. The building or conversion of a space does not result in the loss of existing housing;
2. An Institutional Master Plan (§304.5) is on file with the Planning Department which describes the:
 - a. Type and location of housing used by students;
 - b. Plans for the provision of qualified student housing;
 - c. The Institutions' need for student housing to support its program; and
 - d. Percentage of its students that receive some form on need-based assistance.
3. The Institution must submit an annual report to the Mayor's Office of Housing and the Planning Department that contains:
 - a. Evidence of all ownership of or leasehold of properties that are used as student housing;
 - b. Number of qualified students who are occupying the units;
 - c. Records of the Notice of Special Restrictions on each property exempting the Institution from the Inclusionary Housing Program.

The Mayor's Office of Housing is responsible for monitoring these exemptions and may collect an annual fee for said monitoring.

If the Institution plans to convert Qualified Student Housing to non-student housing, it must notify the Planning Department 60 days before it terminates the student housing use. At the time it submits a termination notice, the institution must pay into the Residential Inclusionary Affordable Housing Program, plus interest. Failure to do so will result in a Notice of Violation issued by the Planning Department.

The link to signed legislation:

Board File. No 101095	Ord. No 0321-10	Planning Code - Affordable Housing Program Exemption for Qualified Student Housing Link: http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances10/o0321-10.pdf
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