



# SAN FRANCISCO PLANNING DEPARTMENT

## New Planning Code Summary: Intermediate Length Occupancies

**Amended Sections:** 102, 202.10 (*new*), 209.1-209.4, 210.1-210.5 and 710-764  
**Case Number:** 2019-020940PCA  
**Board File/Enactment #:** 191075/78-20  
**Initiated by:** Supervisor Peskin  
**Effective Date:** June 21, 2020

1650 Mission St.  
 Suite 400  
 San Francisco,  
 CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
 Information:  
**415.558.6377**

The Ordinance amended the Planning Code by creating the Intermediate Length Occupancy (ILO) Use Characteristic. ILO applies to Dwelling Units offered for occupancy by a natural person for a stay of greater than 30 consecutive days but less than one year. ILO permissibility depends upon zoning district, the number of Dwelling Units in a building and the number of Dwelling Units in that building already used as ILO. Further, no more than 1,000 Dwelling Units in San Francisco may be used for ILO at any one time.

The Ordinance also amended the Administrative Code to prohibit the use of rental units by a corporate entity or other non-natural person, with exceptions for organizations with missions to provide housing or education by providing housing to teachers.

THE WAY IT WAS	THE WAY IT IS NOW
<p>The two Residential Use Characteristics in the Planning Code are Single Room Occupancy and Student Housing. Neither of these explicitly regulate the length of occupancy.</p>	<p>Intermediate Length Occupancy (ILO) would be the third Residential Use Characteristic in the Planning Code and exclusive to Dwelling Units offered for occupancy by a natural person. Occupancies would be restricted to a duration of greater than 30 consecutive days but less than a year.</p> <p>Applications to establish ILO require the applicant to identify the Dwelling Unit intended for ILO and demonstrate that the proposed ILO unit is located within a building free of outstanding Notices of Violation.</p> <p>No more than 1,000 ILO units are allowed in the City at any one time.</p>

	<p>ILO is allowed in the following zoning districts: RH, RM, RC, RTO, C-2, C-3, M, and certain NC (§§ 710-726, §§ 728-734, §§ 750-764).</p> <p>ILO is also regulated according to the number of Dwelling Units in the building in which it is proposed as follows:</p> <ul style="list-style-type: none"> <li>• ILO units are prohibited in buildings with three or fewer Dwelling Units;</li> <li>• ILO is principally permitted in buildings with four to nine Dwelling Units provided that no more than 25% of the Dwelling Units in the building may be permitted as ILO;</li> <li>• ILO requires Conditional Use authorization (CUA) in buildings with 10 or more Dwelling Units. As part of the CUA the Planning Commission must find that (a) no more than 20% of the Dwelling Units in the building are permitted for ILO, (b) not less than 2/3 of the total allowable ILO units are located in the “downtown core”, and (c) not more than 1/3 of the total allowable ILO are permitted in Census Tracts in sensitive communities, as defined by the UC Berkeley Urban Displacement Project Sensitive Communities map.</li> </ul> <p>Units ineligible for ILO include:</p> <ul style="list-style-type: none"> <li>• Dwelling Units subject to the Inclusionary Affordable Housing Program (PC § 415)</li> <li>• Dwelling Units that are subject to the rent increase limitations in Administrative Code §37.3</li> <li>• Dwelling Units in a project that has not had its building or site permit issued as of the effective date of this ordinance (June 21, 2020)</li> </ul> <p>Within six months of the effective date the Department shall develop and publish</p>
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	<p>procedures for evaluating requests to establish ILO units.</p> <p>The owner/operator of each ILO unit must submit a complete application within 24 months of the Effective Date of this ordinance.</p> <p>By March 1 of each year, every owner/operator of an ILO must submit to the Planning Department an Annual Usage Report for the prior calendar year.</p>
<p>The Residential Rent Stabilization and Arbitration Ordinance (Rent Ordinance) provisions regulating the recovery of possession of a rental unit by a landlord do not explicitly state that (a) a provision in a lease or rental agreement requiring a tenant to vacate a rental unit at the expiration of a stated term or that (b) purports to characterize a tenant's failure to vacate at the end of the stated term as a just cause for eviction is void. Those provisions also do not prohibit a landlord from attempting to recover possession of the unit without just cause</p>	<p>The Rent Ordinance would be amended to state that any provision in a lease or rental agreement (a) requiring a tenant to vacate a rental unit at the expiration of a stated term or that (b) purports to characterize a tenant's failure to vacate at the end of the stated term as a just cause for eviction would be void. The Rent Ordinance would also be amended to prohibit a landlord from attempting to recover possession of the unit without just cause</p>
<p>The Rent Ordinance does not regulate whether a rental unit is being rented to a corporate entity, or if the unit is being used as housing for one's employees, licenses, or independent contractors.</p>	<p>The Rent Ordinance would be amended to classify the occupancy of a rental unit by a person who is not a tenant, as defined in the Rent Ordinance, as a Non-Tenant Use. A Non-Tenant Use would include a rental unit being rented to a corporate entity, or being used as housing for one's employees, licensees, or independent contractors. Non-Tenant Uses would be prohibited as of April 1, 2020, except:</p> <ul style="list-style-type: none"> <li>●Where the rental unit is subject to an agreement authorizing a Non-Tenant Use that was entered into before April 1, 2020, for the existing duration of that agreement;</li> <li>●Where the use of the rental unit is as a</li> </ul>

	<p>lawful short-term rental under Administrative Code Chapter 41A;</p> <ul style="list-style-type: none"> <li>●Where the landlord is providing the rental unit to a residential manager; or</li> <li>●Where an organization with tax-exempt status under 26 US Code § 501(c)(3) is providing access to the unit in furtherance of its primary mission to provide housing or in furtherance of its primary mission of education by providing housing to teachers.</li> </ul>
<p>The Rent Ordinance does not explicitly require that every online listing for a rental unit contain a specific disclosure regarding the unit’s status under the Rent Ordinance</p>	<p>The Rent Ordinance would be amended to require that every online listing for a rental unit, excluding listings by landlords or master tenants who will reside in the same rental unit as their tenants or subtenants, contain a disclosure stating that the rental unit is subject to the Rent Ordinance.</p>

**Link to Signed Legislation:**

<https://sfgov.legistar.com/View.ashx?M=F&ID=8561347&GUID=B4CEC743-DBCA-4DF6-A478-4F0DEB412A37>