



## NEW PLANNING CODE SUMMARY

### Tenant Protections Related to Residential Demolitions and Renovations

<i>Amended Sections:</i>	176, 311, 317, 333, 415.4, 415.5, 415.6, 415.7; Administrative Code Sections 37.2, 37.3, 37.8B, 37.9, 37.9A and 37.9E
<i>Added Sections:</i>	317.2
<i>Case Number:</i>	2025-008704PCA
<i>Board File/Enactment #:</i>	250926/003-26
<i>Initiated by:</i>	Supervisor Chyanne Chen
<i>Effective Date:</i>	February 9, 2026

The Tenant Protections Related to Residential Demolitions and Renovations Ordinance (referred to as “TPO” thereafter) amended the Planning Code and the Administrative Code in the following manner:

### Planning Code

The TPO amended the Planning Code to 1) require property owners seeking to demolish residential units to replace all units that are being demolished; 2) prohibit demolition permits for five years if a tenant vacated a unit in the building to be demolished due to harassment or under an improper buyout agreement, subject to certain conditions; 3) require relocation assistance to affected occupants of units being demolished and to former occupants of those units who vacated due to certain buyout agreements, owner move-ins, pursuant to the Ellis Act, or due to serious and imminent hazards, with additional assistance and protections for lower-income tenants; 4) modify the Planning Code definition of Demolition; and 5) modify the Conditional Use Authorization criteria that apply to projects to demolish residential units.

	<b>The Way It Was:</b>	<b>The Way It Is Now</b>
1	The Planning Department implemented the Housing Crisis Act (commonly known as Senate Bill 330, referred to as “SB 330” thereafter) requirements for housing replacement and tenant protections for projects that include residential demolition according to interpretation set	The Ordinance added Code Section 317.2, which codifies and expands upon SB 330 requirements for housing replacement and tenant protections. Amendments ensure internal consistency in other sections of the code.

	The Way It Was:	The Way It Is Now
	forward in Director's Bulletin No. 7, amended from time to time to reflect new state laws.	
2	<p>The Residential Demolition definition in Section 317 for what was considered "tantamount to demolition" included two different calculations to assess a project as such:</p> <ul style="list-style-type: none"> <li>• "A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or</li> <li>• A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area."</li> </ul>	<p>The "tantamount to demolition" definition has been simplified to the following single definition: "A major alteration of a Residential Building that proposes the Removal of 50% or more of the sum of the combined Front Façade and Rear Façade and 50% or more of the Horizontal Elements of the existing building, as measured in square feet of actual surface area."</p> <p>The Removal definition in Section 317 now considers the infill of an existing exterior opening a demolition, and the elevation of an entire building, regardless of height, the Removal of Horizontal Elements. However, the amended definition of Removal does not consider moving an entire building to another location (without alterations that trigger "tantamount to demolition") to be Removal .</p>
3	The Residential Demolition definition in Section 317 was used for ministerial program eligibility, including the definition of "tantamount to demolition".	A project meeting the new Residential Demolition definition, in particular the new definition for "tantamount to demolition", is required to meet Section 317.2 requirements. Additionally, the Planning Department shall use the amended Residential Demolition definition when implementing state laws.
4	Outside of Priority Equity Geographies, a project would be exempted from a Conditional Use Authorization (referred to as "CUA" thereafter) if, among other requirements, no units would be removed or demolished that were rent controlled, deed restricted affordable housing or last occupied by a lower income household within the past five years.	The lookback period for this exemption was increased to 10 years.
5	Demolition permits were contingent upon a concurrent building permit for replacing the structure, CUA approval from the Planning Commission, demolition controls that may differ in other sections, and those tied to Articles 10 and 11.	<p>Three new conditions were added for demolition permits:</p> <ul style="list-style-type: none"> <li>• Applicants must comply with noticing and relocation plan requirements.</li> <li>• Permits will be conditioned on the expiration of five years from the date of a finding of wrongful endeavor to recover possession of a rental unit through tenant harassment.</li> </ul>

	The Way It Was:	The Way It Is Now
		<ul style="list-style-type: none"> <li>Permits will be conditioned on the expiration of five years from the date when a tenant vacated a unit where a non-compliant buyout took place.</li> </ul>
6	Conditional Use Authorization Criteria for reviewing applications for Residential Demolitions was found in Section 317(g)(6). There were 18 non-objective criteria.	<p>Criteria in Section 317(g)(6) have been simplified to eight objective criteria to be used for developments requiring demolition of 2 or more units or the development of 2 or more units. Projects must meet 70% of the criteria (six out of the eight criteria) to avoid denial and subsequently attend a Planning Commission hearing for approval. Any criteria that are non-applicable are considered met.</p> <p>For projects that demolish one unit and develop one unit, the Planning Commission shall make findings based on the criteria in Section 303(c).</p>
7	All protected units were replaced with equivalent sized units, meaning same number of bedrooms.	All protected units must be replaced with Comparable Units; meaning units with the same number of bedrooms, same number of full bathrooms, and at least 90% of the square footage of the protected units being replaced. Replacement units would also have to be accessible where applicable.
8	Tenants occupying units at the time of a development application submittal that required a demolition permit were considered Existing Occupants for the purposes of SB 330 tenant protection requirements.	<p>The definition of Existing Occupant now includes:</p> <ul style="list-style-type: none"> <li>Tenants occupying units at the time of a development application or a Preliminary Housing Development Pursuant to SB 330 Application submittal (whichever occurs first).</li> <li>Tenants who vacated the unit within the last five years due to a non-compliant Buyout Agreement but where there has been a finding of substantial compliance from the Rent Board.</li> <li>Tenants who vacated the unit within the last three years due to an Owner Move In eviction.</li> <li>Tenants who vacated the unit within the last five years due to an Ellis Act eviction.</li> <li>Tenants who vacated the unit within the last five years due to a serious and</li> </ul>

	The Way It Was:	The Way It Is Now
		<p>eminent hazard.</p> <ul style="list-style-type: none"> <li>Tenants who temporarily vacated the unit due to a capital improvement that has now become a Residential Demolition.</li> </ul>
9	State Law requires no net loss of residential units. Any Housing Development project requiring the demolition of one or more residential units had to include at least as many residential units to be demolished or that existed at the site within the last five years.	No Net Loss of Residential Units was codified, and it includes authorized and unauthorized units, where applicable.
10	Deed-restricted affordable replacement units not classified as inclusionary were subject to a 55-year affordability restriction.	Deed-restricted affordable replacement units are required to be affordable for the life of the project, except when funding sources limit the term of affordability.
11	100% affordable housing developments are required to provide one-to-one replacement of protected units with equivalent-sized units.	100% affordable housing developments need to include at least the same total number of units and the same total number of bedrooms of the protected units to be demolished.
12	Replacement protected units were required in addition to inclusionary unit requirements.	Replacement protected units count towards inclusionary requirements or any other affordable housing requirements, in compliance with SB 330.
13	<p>Protected units were required to be replaced as follows:</p> <ul style="list-style-type: none"> <li>Deed-restricted affordable housing as deed-restricted affordable housing</li> <li>Rent-controlled housing occupied by above-lower income tenants as rent controlled housing (for rent) or as below-market-rate housing at 80% AMI (for ownership)</li> <li>Housing occupied by lower-income tenants as deed-restricted affordable housing</li> <li>Occupied units where incomes were unknown as deed-restricted affordable housing in proportion to the share of lower income households in San Francisco as shown in the US Department of Housing's Comprehensive Housing Affordability Strategy data.</li> </ul>	Replacement requirements for protected units are now codified.
14	Lower income households had the right to remain up to 6 months prior to demolition; right to relocation payments according to the Rent Ordinance; right to relocation benefits equivalent	<p>Rights are now codified and expanded protections for lower income households include:</p> <ul style="list-style-type: none"> <li>Right to remain for up to 3 months prior</li> </ul>

	<b>The Way It Was:</b>	<b>The Way It Is Now</b>
	to the benefits required by the California Relocation Act; right of first refusal for an equivalent-sized unit affordable to them; and right to return to the unit if the demolition did not proceed and the property was returned to the rental market.	<p>to demolition.</p> <ul style="list-style-type: none"> <li>• Right to relocation benefits comparable to those for Ellis Act Evictions.</li> <li>• Right to additional relocation benefits.</li> <li>• Right of first refusal for a Comparable Unit at prior rental rate or affordable rent, whichever is lower (when the unit is a rental), or affordable housing cost (when the unit is an ownership unit).</li> </ul> <p>Project sponsors can comply with the right to additional relocation benefits for lower-income households through the following options: substitute housing, standard additional relocation payments, or an individualized relocation plan according to state law.</p>
15	Above-lower income households had the right to remain up to 6 months prior to demolition; right to relocation payments according to the Rent Ordinance; and the right to return to the unit if the demolition did not proceed and the property was returned to the rental market.	<p>Rights are now codified and expanded protections for above-lower income households include:</p> <ul style="list-style-type: none"> <li>• Right to relocation benefits comparable to those for Ellis Act Evictions.</li> <li>• Right of first refusal for a unit in the new Housing Development Project if it is a rental.</li> </ul>
16	Notice of Right to Remain was the only required notice, in addition to other notices required by the Planning Code.	<p>Accessible and frequent tenant noticing is required from project application to project conclusion. Noticing must comply with language access requirements, and it includes:</p> <ul style="list-style-type: none"> <li>• Posted notice at site from Complete Application Letter issuance to Planning Approval Letter issuance.</li> <li>• Notice of Right to Remain.</li> <li>• Notice of Right to Relocation Benefits.</li> <li>• Notice of Right of First Refusal.</li> <li>• Notice at Major Milestones for Existing Occupants who Intend to Exercise a Right of First Refusal (when construction starts, every six months during construction, before and when a certificate of occupancy is issued).</li> <li>• Notice of Replacement Unit Availability for Tenants Exercising a Right of First</li> </ul>

	<b>The Way It Was:</b>	<b>The Way It Is Now</b>
		Refusal. <ul style="list-style-type: none"> <li>• Notice of Right to Return if Demolition Does Not Proceed.</li> </ul>
17	There was no private right of action for tenants when a project sponsor did not comply with SB 330 requirements.	Tenants and non-profits representing them have a private right of action if a project sponsor violates any of the requirements of Section 317.2.
18	For every project application that included existing or proposed residential uses, Planning staff reviewed project applications, Rent Board documents, and other publicly available data sources and conducted a site visit to determine if there are any current or immediate past tenants at the property and past evictions. Project sponsors also signed an affidavit testifying to the veracity of the information they provided.	The Department will continue to review tenant and eviction history, conduct site visits, and require affidavits from project sponsors. The following requirements were added to ensure enforcement of tenant protections: <ul style="list-style-type: none"> <li>• A compliant relocation plan as part of a development application when there are Existing Occupants.</li> <li>• A compliant relocation plan and compliance with noticing for the issuance of a demolition permit.</li> <li>• Substantial proof of extension of right of first refusal for the issuance of a temporary or final certificate of occupation.</li> </ul>
19	The Planning Code requires the Department to note the existence of a recorded regulatory agreement on the Property Information Map (or other similar, publicly accessible website) whenever the Code requires a property owner to enter into a regulatory agreement with the City subjecting any dwelling units to the San Francisco Residential Rent Stabilization and Arbitration Ordinance.	This requirement now applies to replacement protected units and to any permanently affordable units developed pursuant Section 415.

## Administrative Code

The TPO amended the Administrative Code to 1) require landlords to provide additional relocation assistance to lower-income tenants who are being required to vacate temporarily due to capital improvements or rehabilitation work; 2) update the standards and procedures for hearings related to tenant harassment; 3) require additional disclosures in buyout agreements; 4) require an additional disclosure in notice of intent to withdraw units under the Ellis Act; 5) making various non-substantive changes and clarifications.

These changes were made to Chapter 37 of the Administrative Code, known as the Residential Rent Stabilization and Arbitration Ordinance.

	<b>The Way It Was:</b>	<b>The Way It Is Now</b>
1	Section 37.9(a)(10) provided a just cause for eviction for demolition (Section 37.9(a)(10)) that historically was used for the removal of individual units, not demolition of residential buildings.	<p>Section 37.9(a)(10) just cause for eviction is now specifically for the removal of “individual rental unit(s) within a building rather than all units”.</p> <p>Section 37.9(a)(17) provides a new just cause for eviction for landlords seeking to complete a development project that requires a Residential Demolition. This just cause aligns with Planning Code section 317.2 requirements.</p>
2	Tenants temporarily evicted due to capital improvements (Section 37.9(a)(11)) received a single one-time payment of relocation expenses. No additional payment was provided if the eviction was extended past three months.	Lower-income households are now eligible for additional monthly relocation payments if a temporary eviction due to capital improvements is extended past three months, and for the duration of the extension up to a total of 39 months.
3	The Rent Board could conduct informal investigative hearings on tenant harassment claims and refer their findings to the District Attorney and/or City Attorney for further consideration.	The Rent Board can hold hearings on tenant harassment claims in certain situations and, if sufficient evidence is presented and a finding is made, the finding could preserve the tenant rights that might otherwise be lost if the tenant moves out due to harassment and the property is later redeveloped.
4	Tenants who moved out after receiving an Owner Move-In (OMI) eviction notice under Section 37.9(a)(8) that was later withdrawn or rescinded by the landlord were not considered to have been displaced by an OMI eviction.	A rebuttable presumption was established that tenants who vacate a unit within one year of receiving an OMI eviction notice did so because of the OMI eviction, even if the notice was later withdrawn or rescinded before the tenant moved out.
5	Buyout agreements under Section 37.9E did not require landlords to disclose information about tenant rights under SB 330 during buyout negotiations or in the agreement itself.	Landlords must provide a disclosure during a buyout negotiation on how the buyout agreement could affect a tenant’s eligibility for relocation assistance and other benefits if the property is redeveloped. Buyout agreements must also include a statement informing tenants that signing the agreement may make them ineligible for relocation assistance and other benefits in the event of redevelopment.
6	Landlords providing notices for Ellis Act evictions did not disclose whether they intended to demolish the units.	Landlords must disclose whether they intend to demolish the units within the next five years after the date of the notice, and include a statement that the tenant may be entitled to additional

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		protections pursuant Planning Code Section 317.2.
7	A non-compliant buyout agreement had no effect on demolition and development permits.	A landlord can petition the Rent Board for a determination as to whether a tenant buyout substantially complied with the applicable buyout disclosures to avoid a restriction on a demolition permit, if the buyout agreement was deemed non-compliant.

**Link to Signed Legislation:**

<https://sfgov.legistar.com/View.ashx?M=F&ID=15067814&GUID=7D1E290A-C730-4A85-981B-D776775A010A>