

MAYOR'S OFFICE of HOUSING AND COMMUNITY DEVELOPMENT RECORDS AND DOCUMENT RETENTION AND DISPOSAL SCHEDULE

The Mayor's Office of Housing and Community Development (MOHCD) Record Retention and Destruction Policy is adopted pursuant to Section 8.1 of the San Francisco Administrative Code, which requires each Department Head to maintain records and create a records retention and destruction schedule. This policy also reflects the requirements of the Grants Management Common Rule for U.S. Department of Housing and Urban Development (HUD) funded programs as articulated at 24 CFR § 85.42, Retention and Access Requirements for Records, which are part of the Uniform Administrative Rules for Federal Grants and Cooperative Agreements and Subawards to State, Local and Indian Tribal Governments.

This policy covers the records and documents, regardless of physical form or characteristics, which have been made or received by MOHCD in connection with the transaction of public business.

A. RETENTION POLICY

MOHCD shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference, to comply with contractual or legal requirements, or for records which would be essential to the continuity of government and the protection of rights and interests of individuals in an event of a major disaster, or for other purposes as set forth below. For record retention and destruction purposes, the term "record" is defined as set forth in Section 8.1 of the San Francisco Administrative Code. Documents and other materials that do not constitute "records" under that section, including those described below in Category 4, may be destroyed when no longer needed, unless otherwise specified below.

The records of MOHCD shall be classified for purposes of retention and destruction as follows:

Category 1: Permanent Retention. Records that are permanent or essential shall be retained and preserved indefinitely.

- Permanent Records: Permanent records are records required by law to be permanently retained and which are ineligible for destruction unless they are microfilmed or placed on an optical imaging system and special measures are followed (*San Francisco Administrative Code Section 8.4*). As of the date of this revision, the City does not have the special measures in place, and as such, all paper permanent records must be retained. If these special measures are followed in the future, the original paper records must be destroyed. Duplicate copies of permanent records may be destroyed whenever they are no longer necessary for the efficient operation of MOHCD.
- Essential Records: Essential records are records which would be necessary for the continuity of government and the protection of the rights and interests of individuals in the event of a major disaster. These records must be preserved against possible destruction by fire, earthquake, flood, enemy attack or other cause (*Administrative Code Section 8.9*).

Category 2: Current Records. Current records are records that for convenience, ready reference or other reasons are retained in the office space and equipment of MOHCD. Current records shall be retained as follows:

- Where law specifies retention period. MOHCD shall retain current records in accordance with time periods specified in federal, state or local law.
- Where no retention period specified by law. Where no specific retention period is specified by law, the retention period for records that the department is required to retain shall be specified in the attached Record Retention and Destruction Schedule. Records shall be retained for a minimum of two years, although such records may be treated as "storage records" and placed in storage at any time during the applicable retention period.

Category 3: Storage Records. Storage records are records that are retained offsite. Storage records are subject to the same retention requirements as current records.

Category 4: No Retention Required. Documents and other materials that are not defined as "records" pursuant to the Administrative Code Section 8.1 or California Government Code §6252(e) need not be retained unless retention is otherwise specified by local law or required by this policy. Documents and other materials (including originals and duplicates) that are not required for retention, are not necessary to the functioning or continuity of MOHCD and which have no legal significance may be destroyed when no longer needed. Examples include documents and materials generated for the use and convenience of the person generating them, draft documents which have been superseded by subsequent versions and duplicate copies of records that are no longer needed. Specific examples include telephone message slips, notes from ongoing projects, preliminary drafts that have been superseded by subsequent versions, routine e-mails that do not contain information required to be retained under this policy, miscellaneous correspondence not requiring follow-up or departmental action, notepads and chronological files.

With limited exceptions, no specific retention requirements are assigned to documents in this category. Instead, it is up to the originator or recipient to determine when a document's business utility has ended.

B. RECORDS NOT ADDRESSED IN THE RETENTION POLICY

Records and other documents or materials that are not expressly addressed by the attached schedule may be destroyed at any time provided that they have been retained for periods prescribed for substantially similar records.

C. STORAGE OF RECORDS

Records may be stored in MOHCD space or equipment if the records are in active use or are maintained in the office for convenience or ready reference. Examples of active files

appropriately maintained in MOHCD space or equipment include active administrative files, personnel files, and contracts and grants. Inactive records, for which use or reference has diminished sufficiently to permit removal from MOHCD space or equipment, may be sent to the City's off-site storage facility or maintained in MOHCD's storage facility. Documents sent to the City's storage facility must have a destruction date. The destruction date should stem from the end of the fiscal year in which the document was created unless specified differently. Records sent to the City's storage within the same box shall have the same destruction date.

D. HISTORICAL RECORDS

Historical records are records which are no longer of use to MOHCD but which because of their age or research value may be of historical interest or significance. Historical records may not be destroyed except in accordance with the procedures set forth in Administrative Code Section 8.7.

E. DESTRUCTION OF RECORDS

It shall be the policy of MOHCD that once the requisite retention period for a record has passed; the record shall be destroyed unless there are particular circumstances that dictate that the record be retained.

F. RECORDS RELATING TO PENDING CLAIMS AND LITIGATION

The retention periods set forth in the attached record retention schedule shall not apply to materials that are otherwise eligible for destruction, but which may be relevant to a pending claim or litigation against the City. Once MOHCD becomes aware of the existence of a claim against the City, MOHCD should retain all documents and other materials related to the claim until such time as the claim or subsequent litigation has been resolved. Where MOHCD has reason to believe that one or more other departments also have records relating to the claim or litigation, those departments should also be notified of the need to retain such records.

G. RECORDS RELATING TO FINANCIAL MATTERS

Records pertaining to financial matters shall be destroyed only after approval by the Controller as set forth in Administrative Code Section 8.3. MOHCD may destroy financial documents consistent with the Controller approved Record Retention and Destruction Schedule. MOHCD shall obtain specific authorization from the Controller before destroying financial documents that do not fall within the Record Retention and Destruction Schedule.

H. RECORDS RELATING TO PAYROLL

The Retirement Board must approve the destruction of all records pertaining to payroll checks, time cards and related documents as set forth in Administrative Code Section 8.3. MOHCD may destroy these payroll records consistent with the Retirement Board approved Record Retention and Destruction Schedule. MOHCD shall obtain specific authorization from the Retirement Board before destroying payroll records that do not fall within the Record

Retention and Destruction Schedule.

I. RECORDS THAT CONTAIN LEGAL SIGNIFICANCE

The City Attorney's Office ("CAO") must approve the destruction of all records that contain legal significance as set forth in Administrative Code Section 8.3. MOHCD may destroy these records of legal significance consistent with the CAO approved Record Retention and Destruction Schedule. MOHCD shall obtain specific authorization from the CAO before destroying records of legal significance that do not fall within the Record Retention and Destruction Schedule.

J. RECORDS RELATING TO EMERGENCIES/DISASTERS AND COST RECOVERY

Records relating to Emergencies/Disasters and Cost Recovery for the Federal Emergency Management Agency and California Emergency Management Agency programs and activities are governed by 44 CFR §13.42. 44 CFR §13.42 requires the City to retain any and all records relating to cost recovery documentation incurred during an emergency or disaster for three (3) years after the State has closed the claim by the City. California Code of Regulations requires the City to retain all financial and program records related to cost or expenditures eligible for state financial assistance for 3 years. (19 CCR § 2980(e)). MOHCD shall retain all records relating to emergency/disaster recovery costs for 3 years from the date the Project Worksheet file is officially closed, as notified by the Controller. However, if State or Federal government requires a longer retention period, the Controller will issue specific rules for file retention on any given disaster.

K. EMAIL POLICY

The City provides an email system to its employees as a convenient and efficient medium of communication. Email is intended and designed to be a tool of communication but the email system is not a medium for storage of information or for any of MOHCD 's records.

MOHCD staff must determine with regard to each email whether MOHCD 's Record and Retention and Destruction Schedule requires the retention of a particular record. If required, staff must retain the email in some form. If retention is not required, staff should delete the email as soon as it is no longer necessary for the discharge of official duties.

As a general rule, departments need not search their back-up electronic files in response to a public records request. Back-up tapes serve the limited purpose of providing a means of recovery in cases of disaster, departmental system failure, or unauthorized deletion. They are not available for departmental use except in these limited situations. Electronic records such as e-mails that an employee has properly deleted under the department's records retention and destruction policy but that remain on back-up tapes are analogous to paper records that the department has lawfully discarded but may be found in a City owned dumpster. Neither the Public Records Act nor the Sunshine Ordinance requires the City to search the trash for such records, whether paper or electronic.

APPROVALS

This Record Retention and Destruction Policy and attached Schedule are hereby approved:

Olson Lee
Director

Date

Approved as to Records of Legal Significance:

Dennis J. Herrera
City Attorney

Date

Approved as to Records Relating to Financial Matters:

Ben Rosenfield
Controller

Date

Approved as to Records Relating to Payroll Matters:

Jay Huish
Executive Director
Retirement System

Date

MOHCD Records Retention Matrix
Revised May 2015

Division	Record Category	Retention Category	Retention Period Total	Retention Period On Site	Retention Period Off site	Controlling Authority	Staff Responsible	Document Location at MOHCD
Administrative	Accident-Injury Reports	2 - Current	5 years after year of incident	2 Years after year of incident	3 Years after year of audit	29 CFR 1904.33	Administrative Manager	
Administrative	Consolidated Plan, Action Plan and CAPERS	2 - Current	5 years after end of program year	2 Years after end of program year	3 Years after end of program year	24 CFR 91.105(h)	Director of Compliance	
Administrative	Discrimination and Harassment Complaints	2 - Current	Lesser of 50 years or life of employee	During employee tenure and five fiscal years post tenure	N/A		Administrative Manager	
Administrative	Family Medical Leave Act Records	2 - Current	Lesser of 50 years or life of employee	3 Fiscal Years	N/A	3 year minimum required by Fair Labor Standards Act	Administrative Manager	
Administrative	Human Resources Policies and Procedures	2 - Current	Greater of two years or until superseded	Greater of two years or until superseded	N/A		Administrative Manager	
Administrative	Payroll Reports and supporting data	2 - Current	5 years after year of payroll report	2 Years after year of expenditure	3 years after year of payroll report	To support Federal Time and activity requirements	Administrative Manager	
Administrative	Personnel Files	2 - Current	Lesser of 50 years or life of employee	During employee tenure and five fiscal years post tenure	N/A		Administrative Manager	
Administrative	Sunshine Requests	2 - Current	2 Years after request completed	2 Years after request completed	N/A	San Francisco Admin. Code § 8.3		
BMR	BMR Owner Applications	2 - Current	Through Project Close out	Through Project Closeout	Five years after end of BMR owner tenure		BMR Program Manager	Single Family Team
BMR	BMR Owner Documents	2 - Current	Five years after end of BMR owner tenure	Until end of tenure	Five years after end of BMR owner tenure		BMR Program Manager	Single Family Team
BMR	BMR Project Files	1 - Permanent and Essential	NA do not destroy	Permanent	N/A		BMR Program Manager	Single Family Team
BMR	BMR Release File	1 - Permanent and Essential	NA do not destroy	Permanent	N/A		BMR Program Manager	Single Family Team
BMR	BMR Renter Applications	2 - Current	Through Project Close out	Through Project Closeout	five years after end of BMR tenant tenure		BMR Program Manager	Single Family Team
BMR	BMR Tenant Documents	2 - Current	Through end of tenancy	Through end of tenancy	5 years after end of tenancy		BMR Program Manager	Single Family Team
Certificate of Preference Program	Application Packet, Certificate of Preference, Leases	2 - Current	Until expiration of COP	Until expiration of COP	N/A	California Redevelopment Law	COP Program Coordinator	Single Family Team

MOHCD Records Retention Matrix
Revised May 2015

Division	Record Category	Retention Category	Retention Period Total	Retention Period On Site	Retention Period Off site	Controlling Authority	Staff Responsible	Document Location at MOHCD
Committees and Advisory Boards	Advisory Committees and Boards Minutes, Agendas, Appeals	2 - Current	5 years after close of applicable year	2 years after close of applicable year	3 years after close of applicable year	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Community Development	Audit Reports	2 - Current	5 years after year of audit	2 Years after year of audit	3 Years after year of audit	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Community Development	Contracts, Grants and Loans	2 - Current	5 years after year of close of associated project activity	2 years after year of close of associated project activity	3 years after year of close of associated project activity	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Community Development	Correspondence (Miscellaneous)	2 - Current	2 years	2 years	N/A			
Community Development	Correspondence (Drafts and correspondence not requiring follow-up)	4 - No Retention Required	None	Current Year	N/A			
Community Development	Deeds of Trust and other Recorded Real Estate Instruments	1 - Permanent and Essential	Permanent	Permanent	N/A	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Community Development	Environmental Reviews	2 - Current	5 years after year of completion of construction	2 years after year of completion of construction	3 years after year of completion of construction	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Community Development	Leases	2 - Current	5 years after year of project completion	2 years after year of project completion	3 years after year of project completion	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Community Development	Loans and associated documents	2 - Current	5 years after year loan closes	2 years after year loan closes	3 years after year loan closes	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Community Development	Project Files	2 - Current	5 years after expiration of underlying project	2 years after expiration of underlying project	3 years after expiration of underlying project	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		

**MOHCD Records Retention Matrix
Revised May 2015**

Division	Record Category	Retention Category	Retention Period Total	Retention Period On Site	Retention Period Off site	Controlling Authority	Staff Responsible	Document Location at MOHCD
Community Development	RFPs and RFQs	2 - Current	For successful RFP and RFQ respondents: Life of agreement plus 2 years, but not less than 5 years For unsuccessful RFP and RFQ respondents: 2 years RFPs and RFQs with no contract awarded - 1 year	2 years after year of award	3 years after year of award	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
DALP - City Second Loan Program	Loan Applications - Working files including disbursement records	2 - Current	40 years from close of escrow	1 year from close of escrow	39 years from close of escrow	Term of Loan	DALP Program Manger	Single Family Team
DALP - First Responder	Loan Applications - Working files including disbursement records	2 - Current	30 years from original close of escrow	1 year from close of escrow	29 years from close of escrow	Term of Loan	DALP Program Manger	Single Family Team
DALP - General (Down Payment Assistance Loan Program)	Loan Applications - Working files including disbursement records	2 - Current	40 years from close of escrow	1 year from close of escrow	39 years from close of escrow	Term of Loan	DALP Program Manger	Single Family Team
DALP - Police in the Community	Loan Applications - Working files including disbursement records	2 - Current	5 years from close of escrow	1 year from close of escrow	4 years from close of escrow	Term of Loan	DALP Program Manger	Single Family Team
DALP - Teacher Next Door Program	Loan Applications - Working files including disbursement records	2 - Current	10 years from close of escrow	1 year from close of escrow	9 years from close of escrow	Term of Loan	DALP Program Manger	Single Family Team
Ellis Act Housing Preference Program (EAHP)	EAHP Applications and EAHP Certificates Issues	2 - Current	Until expiration of EAHP certificate	Until expiration of EAHP certificate	N/A	SF Administrative Code	EAHP Program Coordinator	Single Family Team
Fiscal	Audit Reports	2 - Current	5 years after year of audit	2 Years after year of audit	3 Years after year of audit	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Fiscal	Budget Files	2 - Current	5 years after year of budget	2 Years after year of budget	3 Years after year of budget	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Fiscal	Check Payments	2 - Current	5 years after year of expenditure/payment	2 Years after year of expenditure/payment	3 Years after year of expenditure/payment	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		

**MOHCD Records Retention Matrix
Revised May 2015**

Division	Record Category	Retention Category	Retention Period Total	Retention Period On Site	Retention Period Off site	Controlling Authority	Staff Responsible	Document Location at MOHCD
Fiscal	Contracts and Grants and Loan documents, including drafts	2 - Current	5 years after year contract, grant or loan terminates	2 Years after year contract or grant terminates	3 Years after year contract or grant terminates	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Fiscal	Employee Reimbursement	2 - Current	5 years after year of expenditure	2 years after year of expenditure	3 years after year of expenditure	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Fiscal	Office Expenditure Documents	2 - Current	5 years after year of expenditure	2 Years after year of expenditure	3 Years after year of expenditure	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Fiscal	Payables (invoices/Vendors)	2 - Current	5 years after year of expenditure/payment	2 Years after year of expenditure/payment	3 Years after year of expenditure/payment	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Fiscal	Policy and Procedure Manuals	2 - Current	5 years after year of expenditure or 5 years after policy is superseded, whichever is longer	2 Years after year of expenditure	3 Years after year of expenditure	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Fiscal	Purchase Orders	2 - Current	5 years after year of expenditure	2 Years after year of expenditure	3 Years after year of expenditure	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Fiscal	Receipts and Deposits	2 - Current	5 years after year of expenditure	2 Years after year of expenditure	3 Years after year of expenditure	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Fiscal	Revolving Fund Records	2 - Current	5 years after year of expenditure	2 Years after year of expenditure	3 Years after year of expenditure	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Fiscal	Work Orders and Payments	2 - Current	5 years after year of expenditure/payment	2 Years after year of expenditure/payment	3 Years after year of expenditure/payment	24 CFR 570.506; 24 CFR 92.508; 24 CFR 574.530; 24 CFR 576.65		
Inclusionary Housing Program	Inclusionary Housing Program Project Files: Projects Choosing Fee & Land Dedication Options	1 - Permanent and Essential	NA do not destroy	Permanent	N/A		Inclusionary Housing Program Manager	Policy Team
Mortgage Credit Certificate	Loan Applications - including working file	2 - Current	30 years from close of escrow	1 year from close of escrow	29 years from close of escrow	Term of Loan	DALP Program Manger	Single Family Team
Mortgage Credit Certificate-reissue	Loan Applications - including working file	2 - Current	30 years from original MCC issue date	1 year from close of escrow	29 years from close of escrow	Term of first Loan	DALP Program Manger	Single Family Team

MOHCD Records Retention Matrix
Revised May 2015

Division	Record Category	Retention Category	Retention Period Total	Retention Period On Site	Retention Period Off site	Controlling Authority	Staff Responsible	Document Location at MOHCD
Multi Family Housing Development	Construction working files	2 - Current	10 years from project completion	project close-out	10 years		Construction Supervisor	Construction supervisor
Multi Family Housing Development	Environmental Reviews	2 - Current	5 years after latter of final disbursement or completion of construction	5 years after latter of final disbursement or completion of construction	N/A	24 CFR Part 58	Environmental Compliance Manager	Environmental Compliance
Multi Family Housing Development	Labor standards monitoring files	2 - Current	10 years after project close out	project close-out	10 years		Compliance Officer	Compliance officer
Multi Family Housing Development	Lease Agreements	2 - Current	7 years after agreement terminates	3 years after lease agreement terminates	4 years after agreement terminates		Asset Manager	Asset management
Multi Family Housing Development	Loan/Grant Disbursement paperwork	2 - Current	10 years from project completion	2 years after agreement terminates	3 years after agreement terminates		Hsg. Devel. Director	Asset Manager
Multi Family Housing Development	Notices of Funding Availability	2 - Current	5 years after year of issuance	3 years after year of RFP or RFQ	2 years after RFP or RFQ		Hsg. Devel. Director	Hsg. Devel. Director
Multi Family Housing Development	Original loan documents/Loan Contracts and Agreements and all amendments	2 - Current	5 years after agreement terminates	2 years after agreement terminates	3 years after agreement terminates		Asset Manager	Asset management
Multi Family Housing Development	Project Working Files	2 - Current	10 years from project completion	project close-out	10 years		Project Manager	Project manager
Rehab - Lead Hazard Reduction	Original Grant Documents	2 - Current	5 years after grant or loan term expiration	1 year after grant term expiration	4 years after grant term expiration		Lead and Rehab Programs Manager	Single Family Team
Rehab - Lead Hazard Reduction	Project Working Files	2 - Current	10 years after clearance testing or Notice of Completion	1 year after clearance testing or Notice of Completion	9 years after clearance testing or Notice of Completion		Lead and Rehab Programs Manager	Single Family Team
Rehab - Lead Hazard Reduction	Subgrantee Contracts	2 - Current	5 years after contract expiration	1 year after contract expiration	4 years after contract expiration		Lead and Rehab Programs Manager	Single Family Team