

1 [Health Code - Bed Bug Infestation Prevention, Treatment, Disclosure and Reporting]

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3 **Ordinance amending the San Francisco Health Code, by adding Article 11A, requiring:**

4 **1) the Department of Public Health (DPH) to provide written information outlining the**

5 **rights and responsibilities of tenants, property owners, and Pest Control Operators**

6 **regarding the prevention and treatment of bed bug infestations; 2) DPH to develop a**

7 **training curriculum on bed bug abatement; 3) owners to respond to bedbug infestation**

8 **complaints; 4) property owners to disclose bedbug infestation history for the previous**

9 **two years; 5) DPH to collect and publish bedbug data on a quarterly basis; establishing**

10 **enforcement procedures; and making environmental findings.**

11 NOTE: Additions are *single-underline italics Times New Roman*;

12 deletions are ~~*strike-through italics Times New Roman*~~.

13 Board amendment additions are double-underlined;

14 Board amendment deletions are ~~strike through normal~~.

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

16 Section 1. The Planning Department has determined that the actions contemplated in

17 this ordinance comply with the California Environmental Quality Act (California Public

18 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the

19 Board of Supervisors in File No. 120815 and is incorporated herein by reference.

20 Section 2. The San Francisco Health Code is hereby amended by adding Sections

21 620-623 to read as follows:

22 **ARTICLE 11A: BEDBUG INFESTATION PREVENTION, TREATMENT, DISCLOSURE,**

23 **AND REPORTING**

1 **SEC. 620. FINDINGS.**

2 The Board of Supervisors finds and declares the following:

3 (1) Tenants, property owners and Pest Control Operators ("PCO") have distinct rights and
4 responsibilities regarding bedbug infestations.

5 (2) Effective abatement is more likely to occur when tenants, property owners and PCOs
6 are properly trained with a baseline curriculum.

7 (3) Female bedbugs can produce over 500 eggs in a lifetime and infestations can double in
8 number every 16 days.

9 (4) Bedbug egg mortality is very low, with approximately 97% of the bedbug eggs hatching
10 successfully.

11 (5) Bedbug infestations may go unnoticed for 6 months or more due to their particular life
12 cycle, and the fact that they are dormant for long periods of time after feeding.

13 (6) Bedbugs can live up to 18 months and effective abatement can require multiple
14 treatments.

15 (7) The City and County of San Francisco ("City") identifies bedbug infestations as a public
16 nuisance.

17 (8) A prevalence of bedbug infestations exist in San Francisco residential hotels, posing a
18 significant health hazard and public nuisance.

19 (9) Bedbugs cannot be solely abated by members of the public, and travel through
20 ventilation and electrical systems in multi-unit establishments causing exponential infestations.

21 (10) Bedbug infestations spread more quickly in densely populated areas.

22 (11) Tenants have an interest in the bedbug history of potential rental units, and may make
23 decisions on whether to rent based on that information.

24 (12) All involved parties have interest in certifying that bedbug infestations are effectively
25 abated.

1 (13) The true number of bedbug infestations in the City is unknown to the Department of
2 Public Health and the public, but can be more closely approximated by reports from PCOs.

3 (14) Bedbug infestations negatively impact the mental and emotional health of affected
4 persons.

5 (15) Bedbug infestations require considerable time, effort and money to abate.

6 (16) San Francisco has a high percentage of low-income residents who are financially
7 unable to combat the bedbug problem independently.

8 (17) Increased media attention on bedbug infestations potentially negatively effects tourism.

9 (18) Abatement costs can be expensive, and strict enforcement is required to ensure that all
10 parties fulfill their respective responsibilities.

11 **SEC. 621. BEDBUG INFESTATION PREVENTION, TREATMENT, DISCLOSURE, AND**
12 **REPORTING**

13 (a) The Department of Public Health ("DPH") shall create, distribute, and maintain written
14 information that clearly describes the rights and responsibilities of tenants, property owners, property
15 managers, and licensed Pest Control Operators ("PCOs") regarding bedbug abatement.

16 (b) The DPH Environmental Health Section ("DPH-EHS") shall, in collaboration with the
17 Department of Building Inspection Housing Inspection Division, after consultation with interested
18 stakeholders and experts in the field, produce a training curriculum on proper bedbug abatement
19 procedures for all property types. DPH-EHS shall complete the first curriculum within six months
20 from the effective date of this ordinance, and shall review and update the curriculum as needed to
21 ensure that the content correctly reflects current best practices in bedbug abatement procedures.

22 (c) Property owners and managers shall investigate bedbug infestation complaints, and
23 record and abate confirmed bedbug infestations in conformity with any rules adopted by DPH for the
24 prevention and control of bed bug infestation under S.F. Health Code Section 581, or any successor
25 provisions.

1 (d) At the request of a prospective tenant, a property owner and/or property manager shall
2 furnish to the tenant written disclosure of the property's bedbug infestation and abatement history for
3 the previous two years. If there is no history of bedbug infestation, the property owner or manager
4 shall disclose that fact in writing. Such written disclosure must be signed by the property owner and/or
5 manager and tenant prior to the date the property owner and/or manager initially delivers possession
6 of the premises to the tenant.

7 (e) The DPH Director, or her/his designee, shall certify abatement of a bedbug infestation
8 has after treatment is administered. Certification of abatement shall occur within 30 days of the last
9 treatment.

10 (f) DPH-EHS shall, on the first day of each month, collect monthly reports from PCOs that
11 include the number of units, by zip code, PCOs treated for bedbug infestations the previous month.

12 (g) DPH-EHS shall produce reports aggregating data and showing historical trends about
13 all reported, active, and abated bedbug infested units. Such reports shall be available to the public on
14 the DPH-EHS website.

15 **SEC. 622. ENFORCEMENT**

16 The Department shall issue a Notice of Violation (NOV) and follow the procedures established
17 by S.F. Health Code Section 596 or 596.5 to a property owner and property manager for violations of
18 this Article or any rules adopted by the DPH Director for prevention and control of bed bug
19 infestations.

20 **SEC. 623. PENALTIES**

21 Any property owner or property manager, or their agents, who violates provisions of this
22 Article or any rules adopted by the DPH Director for prevention and control of bed bug infestations,
23 shall be subject to penalties and costs as set forth in S. F. Health Code Article 11.

1 Section 3. Effective Date. This ordinance shall become effective 30 days from the
2 date of passage.

3 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
4 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
5 punctuation, charts, diagrams, or any other constituent part of the Health Code that are
6 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
7 Board amendment deletions in accordance with the "Note" that appears under the official title
8 of the legislation.

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11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: VIRGINIA DARIO ELIZONDO
14 Deputy City Attorney