

File No. 120815

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules

Date October 18, 2012

Board of Supervisors Meeting

Date _____

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- Environmental Review Determination, dtd 10/11/12
- _____
- _____
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Completed by: Alisa Miller Date October 12, 2012

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document can be found in the file.

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

2
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.

1
2 (12) All involved parties have interest in certifying that bedbug infestations are effectively
3 abated.

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

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

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

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

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

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

14 **SEC. 621. BEDBUG INFESTATION PREVENTION, TREATMENT, DISCLOSURE, AND**
15 **REPORTING**

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

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

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Supervisor Kim
BOARD OF SUPERVISORS

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

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

(e) The DPH Director, or her/his designee, shall certify abatement of a bedbug infestation after site inspection confirms the treatment has been administered. Certification of abatement shall occur within 30 days of the last treatment.

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

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

SEC. 622. ENFORCEMENT

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

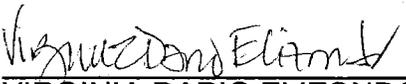
1 **SEC. 623. PENALTIES**

2 Any property owner and/or property manager, or their agents, who violate the provisions of this
3 Article or any rules adopted by the DPH Director for prevention and control of bed bug infestations,
4 shall be subject to penalties and shall be liable for administrative costs as set forth in S. F. Health Code
5 Article 11.

6
7 Section 3. Effective Date. This ordinance shall become effective 30 days from the
8 date of passage.

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

15
16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: 
20 VIRGINIA DARIO ELIZONDO
21 Deputy City Attorney

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23
24
25
Supervisor Kim
BOARD OF SUPERVISORS

LEGISLATIVE DIGEST

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

Ordinance amending the San Francisco Health Code by adding Article 11A requiring: 1) the Department of Public Health (DPH) to provide written information outlining the rights and responsibilities of tenants, property owners and Pest Control Operators (PCO) regarding the prevention and treatment of bed bug infestations; 2) DPH to develop a training curriculum on bed bug abatement; 3) owners to respond to bedbug infestation complaints; 4) property owners to disclose bed bug infestation history for the previous two years; 5) DPH to collect and publish bedbug data on a quarterly basis; establishing enforcement procedures; and making environmental findings.

Existing Law

San Francisco Health Code Section 581(b)(8) identifies bedbugs as a public nuisance. The San Francisco Department of Public Health ("DPH") issued regulations for the prevention and control of bedbugs in May 2012.

Amendments to Current Law

The proposed ordinance would add Article 11A to the Health Code, requiring DPH to create, distribute, and maintain written information that clearly describes the rights and responsibilities of tenants, property owners, property managers, and licensed Pest Control Operators ("PCO") regarding bedbug abatement. DPH would certify that a reported bedbug infestation has been abated after treatment is administered, and would produce quarterly reports aggregating data and showing historical trends of bed bug infestations.

The proposed ordinance would also require owners to disclose bed bug infestation history for the previous two years to prospective tenants. Property owners and managers would be required to investigate bedbug infestation complaints, and record and abate confirmed bedbug infestations in conformity with rules adopted by DPH for the prevention and control of bed bug infestation. Violations of this ordinance could be enforced by DPH through an issuance of a Notice of Violation (NOV) and the procedures established by S.F. Health Code Section 596 or 596.5.

Background Information

Bedbug infestations are a nuisance, and have received increased media attention, potentially negatively affecting tourism. Effective bedbug abatement is more likely to occur when tenants, property owners and managers, and licensed pest control operators are properly trained with a baseline curriculum, and when property owners are required to disclose bed bug infestation history to prospective tenants.

BOARD of SUPERVISORS



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October 4, 2012

File No. 120815

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On July 31, 2012, Supervisor Kim introduced the following proposed legislation:

File No. 120815

Ordinance amending the San Francisco Health Code, by adding Article 11A, requiring: 1) the Department of Public Health (DPH) to provide written information outlining the rights and responsibilities of tenants, property owners, and Pest Control Operators regarding the prevention and treatment of bed bug infestations; 2) DPH to develop a training curriculum on bed bug abatement; 3) owners to respond to bed bug infestation complaints; 4) property owners to disclose bed bug infestation history for the previous two years; 5) DPH to collect and publish bed bug data on a quarterly basis; 6) establishing enforcement procedures; and 7) making environmental findings.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

By: Linda Wong, Committee Clerk
Rules Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

*Non-physical Exemption
CEQA Section 15060 (c)(2)
Joy Navarrete 10/11/12
JOY NAVARRETE*

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

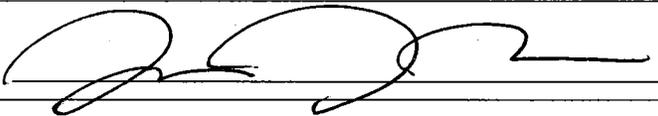
- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

120815