

From: [Kevin Carroll](#)
To: [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Colfax, Grant \(DPH\)](#); [Aragon, Tomas \(DPH\)](#); [Elsbernd, Sean \(MYR\)](#); [Administrator, City \(ADM\)](#); [Chu, Carmen \(ASR\)](#); [Torres, Joaquin \(ECN\)](#); [Rodney Fong](#)
Subject: Hotel Council Opposition to Emergency Ordinance-Cleaning and Disease Prevention Standards In Tourist Hotels and Large Commercial Office Buildings File #200638
Date: Wednesday, June 24, 2020 3:33:27 PM
Attachments: [Hotel Council Opposition to Healthy Buildings Ordinance File# 200638.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

On behalf of the Hotel Council of San Francisco and our Board of Directors I writing to express our strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry’s number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors. San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines. Dr. Aragon and the San Francisco Department of Health have all these guidelines to reference.

As we have done since the onset of this Pandemic, hotels have put the health and safety of our employees and traveling public first. San Francisco Hotels that are have remained open for essential workers, 1st responders, and vulnerable populations have been working closing with the Department of Health and the Human Services Agency throughout the Pandemic. They have demonstrated their commitment to the health and safety of employees and guests. When permitted, the balance of our hotels are prepared to open safely. It is in the best interest of public health that Hotels follow guidelines developed by the medical experts, not by guidelines legislated by the Board of Supervisors and targeted at only specific industries. Hotels have already been attending training on the guidelines developed by our industry.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Thank you

Kevin



Kevin Carroll
President & CEO

Hotel Council of San Francisco

323 Geary Street, Suite 405

San Francisco, CA 94102

P (415) 391-5197 | F (415) 391-6070

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June 24, 2020

Supervisor Peskin
Supervisor Preston
Supervisor Safai
Supervisor Walton
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Hotel Council Opposition to Emergency Ordinance - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638

Dear Supervisors,

On behalf of the Hotel Council of San Francisco and our Board of Directors I writing to express our strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry’s number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors. San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines. Dr. Aragon and the San Francisco Department of Health have all these guidelines to reference.

As we have done since the onset of this Pandemic, hotels have put the health and safety of our employees and traveling public first. San Francisco Hotels that are have remained open for essential workers, 1st responders, and vulnerable populations have been working closing with the Department of Health and the Human Services Agency throughout the Pandemic. They have demonstrated their commitment to the health and safety of employees and guests. When permitted, the balance of our hotels are prepared to open safely. It is in the best interest of public health that Hotels follow guidelines developed by the medical experts, not by guidelines legislated by the Board of Supervisors and targeted at only specific industries. Hotels have already been attending training on the guidelines developed by our industry.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

A handwritten signature in black ink, appearing to read "Kevin Carroll".

Kevin Carroll
President & CEO, Hotel Council of San Francisco

Cc: San Francisco Board of Supervisors, Mayor London Breed, Dr. Grant Colfax, Dr. Tomas Aragon, Sean Elsbernd, Naomi Kelly, Carmen Chu, Joaquin Torres

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: FW: Opposition to Emergency Ordinance - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings, File #200638
Date: Wednesday, June 24, 2020 5:01:00 PM

From: Marc Intermaggio <mli@boma.com>

Sent: Wednesday, June 24, 2020 3:26 PM

To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>

Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Colfax, Grant (DPH) <grant.colfax@sfdph.org>; Aragon, Tomas (DPH) <tomas.aragon@sfdph.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Administrator, City (ADM) <city.administrator@sfgov.org>; Chu, Carmen (ASR) <carmen.chu@sfgov.org>; Torres, Joaquin (ECN) <joaquin.torres@sfgov.org>; (kevin@hotelcouncilsf.org) <kevin@hotelcouncilsf.org>; Rodney Fong <rfong@sfchamber.com>

Subject: Opposition to Emergency Ordinance - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings, File #200638

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

June 24, 2020

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: [Opposition to Emergency Ordinance - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings, File #200638](#)

Dear Supervisors,

On behalf of the Building Owners and Managers Association (BOMA) of San Francisco and the San Francisco Chamber of Commerce, we are writing to express our opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings (File #200638). The health and safety of our office building employees, service providers, tenants and our visitors has long been a top priority for us. Now more than ever, it is our chief concern as we have begun the process of building re-

occupancy. The proposed ordinance however, is redundant when we have guidance from agencies such as Cal/OSHA and the California Department of Public Health covering the same matter. Having multiple authorities issuing guidance and standards is confusing and accomplishes little. The other agencies with medical expertise are the ones tasked by law with issuing this type of guidance and they have done so, and the Board of Supervisors should not interfere.

We note with particular interest that the proposed ordinance does not include “a building or set of buildings owned by the City or by any other unit of government, whether local, state, or federal”. The exemption for municipal buildings seems to be an acknowledgement that compliance with this ordinance will be burdensome and expensive so the City does not want to impose those burdens on itself.

The Emergency Order requires cleaning and disinfecting high-traffic areas every 30 minutes. What is the science behind this proposed requirement? This is impracticable and likely impossible to accomplish. Disinfection, when done properly, is laborious and slow, with most disinfectants requiring several minutes of contact time. There is a lengthy list of these high-traffic areas, including all surfaces in lobbies, hallways, stairways, etc. To actually do this would require an army of employees disinfecting continuously. It also does not demarcate what surfaces need to be on this cycle within a commercial office building. Just common areas that the property manager controls, or, will tenants be expected to clean and disinfect their lobby areas every 30 minutes?

Employee protection, including PPE and training, is under the authority of Cal/OSHA which is designated as the agency to control occupational safety in California under Federal OSHA. Under the state/federal framework laid out in the federal OSHA statute, states can be authorized to regulate occupational safety but their standards need to be approved by federal OSHA as being at least as effective as federal OSHA standards.

There is a reference to providing Medical Waste containers where needed without any context. Medical waste generally refers to waste that may be contaminated with blood, not from routine disinfection. This reference either needs to be explained or removed to avoid confusion.

The anti-retaliation provisions present several problems, or actually new iterations of issues raised above. First, there is already a Cal/OSHA program for whistleblowers and protection against retaliation for reporting unsafe work environments or refusing to work in an unsafe work environment. There is no need for a second program, which may encourage employees not to use the Cal/OSHA program, which could be seen as weakening the authorized program. In addition, the combination of the anti-retaliation provisions with the enforcement provisions creates a private cause of action straight to San Francisco Superior Court for claims

that an employee was retaliated against for complaints about workplace safety. This is in contrast with both state and federal whistleblower programs, which call for an administrative fact-finding process, with appeals to administrative judges and then to court as a last resort. Furthermore, the enforcement provision is not limited to retaliation; it creates a right for an employee to bring an action of any violation of the EO in court, to be awarded damages, including a penalty of \$1,000 per violation, exemplary damages, and attorney fees. This is clearly creating a whole separate enforcement regime from the authorized Cal/OSHA system of inspections and enforcement and penalties, undercutting that program, and is likely not acceptable to either Cal/OSHA or federal OSHA. California went through this years ago with Prop 65, when federal OSHA said that the occupational exposure arm of Prop 65 could not lawfully be implemented until Cal/OSHA adopted regulations addressing Prop 65 in the context of workplace exposures and federal OSHA approved those regulations with notice in the Federal Register. Violations of occupational safety standards belong in the Cal/OSHA system, not the courts.

We feel that it is in the best interest of public health that office buildings and hotels follow guidelines developed by the medical experts, not guidelines legislated by the Board of Supervisors and targeted at only specific industries.

We ask that you not approve this ordinance, and instead, allow the medical experts to provide the guidance.

Sincerely,

Marc Intermaggio, CAE
Executive Vice President, BOMA San Francisco
Executive Director & CEO, BOMA San Francisco Foundation
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San Francisco, CA 94104-2314
P: 415-362-8567, ext. 1117
E: mli@boma.com
<http://www.bomasf.org>
<http://www.createworkforce.org>

Rodney A. Fong
方達利
President & CEO
San Francisco Chamber of Commerce
235 Montgomery Street, Suite 760
San Francisco, CA [94104-2803](tel:41541042803)
[415.392.4520](tel:4153924520) office
[415-307-6106](tel:4153076106) cell

rfong@sfchamber.com email

Cc: Mayor London Breed, Dr. Grant Colfax, Dr. Tomas Aragon, Sean Elsbernd, Naomi Kelly, Carmen Chu, Joaquin Torres

From: [Board of Supervisors. \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Changes to the Minimum Compensation Ordinance (MCO) & Health Care Accountability Ordinance (HCAO)– Effective July 1, 2020
Date: Wednesday, June 24, 2020 10:20:28 PM
Attachments: [Memo to Departments - July 1 2020 MCO and HCAO Changes.pdf](#)

From: Leslie, Jessica (ADM) <jessica.leslie@sfgov.org>
Sent: Monday, June 22, 2020 8:27 AM
To: Leslie, Jessica (ADM) <jessica.leslie@sfgov.org>
Subject: Changes to the Minimum Compensation Ordinance (MCO) & Health Care Accountability Ordinance (HCAO)– Effective July 1, 2020

Good Morning,

On behalf of Sailaja Kurella, Acting Purchaser and Director of the Office of Contract Administration, please refer to the attached memorandum regarding *Changes to the Minimum Compensation Ordinance (MCO) & Health Care Accountability Ordinance (HCAO)– Effective July 1, 2020*.

Please forward to your department staff or anyone that may benefit from this notice. You can also view memorandums via our website at <https://sfgov.org/oca>.

For questions or assistance, please visit the Office of Labor Standards Enforcement (OLSE) website via <http://www.sfgov.org/olse/mco> or <https://sfgov.org/olse/contact-us>.

Thank you,

Jessica Leslie
Office of Contract Administration
City and County of San Francisco
(415) 554-7799 / **Working remotely!**
jessica.leslie@sfgov.org M-F 7am-4pm PST

MEMORANDUM

Date: June 21, 2020

To: City & County of San Francisco Contracting Officers

From: Sailaja Kurella, Acting Director and Purchaser, Office of Contract Administration *SK*

Subject: Changes to the Minimum Compensation Ordinance (MCO) and Health Care
Accountability Ordinance (HCAO) – Effective July 1, 2020

Please see updates below to San Francisco's Minimum Compensation Ordinance (MCO) and the Health Care Accountability Ordinance (HCAO) effective July 1, 2020.

The MCO generally requires City Contractors, and tenants at San Francisco International Airport to pay a minimum hourly wage rate to their covered employees.

Effective July 1, 2020, the following are the rates for the MCO:

For contracts entered into or amended on or after October 14, 2007

- MCO For-Profit Rate is \$18.24/hour
- MCO Non-Profit Rate is \$16.50/hour
- MCO Public Entities Rate is \$16.50/hour

For contracts entered into or prior to October 14, 2007

- For work performed with the City of San Francisco, vendors must pay no less than the San Francisco Minimum Wage (\$16.07/hour - effective 7/1/20)
- For work performed outside of San Francisco, vendors must pay \$10.77/hour

Please inform all current and prospective contractors and tenants who are subject to these changes. For further information about the MCO visit <http://www.sfgov.org/olse/mco>. Should you have any questions, please contact the Office of Labor Standards Enforcement (OLSE) at (415) 554-7903.

The HCAO generally requires City Contractors, and tenants at San Francisco International Airport to offer health insurance to their covered employees, or to pay a fee to the City for use by the Department of Public Health (DPH). The HCAO requires DPH to adjust this fee rate annually in response to the most currently available data on statewide HMO premium rate changes.

DPH has determined that the fee that must be paid by employers in lieu of providing health insurance that meets the minimum standards shall increase to \$5.60 per hour per employee (capped at \$224 per week) effective July 1, 2020.

A copy of the 2019-2020 minimum standards for compliant health plans can be found at <https://sfgov.org/olse/sites/default/files/HCAO%20Minimum%20Standards%202019-2020.pdf>

Please inform all current and prospective contractors and tenants who are subject to the HCAO. For further information about the HCAO, or to sign up for the MCO/HCAO email notification list, employers should visit <http://www.sfgov.org/olse/hcao>. Should you have any questions about the law, please contact the Office of Labor Standards Enforcement at (415) 554-7903.

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: FW: Subject: Highgate Hotels" Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention
Date: Thursday, June 25, 2020 8:18:00 AM

From: Michael Baier <mpbaier@parkcentralsf.com>
Sent: Thursday, June 25, 2020 6:46 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Subject: Highgate Hotels' Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention

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Dear Supervisors,

I writing to express Highgate Hotels' strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines.

Our #1 priority since the onset of the pandemic and subsequent hotel closure has been to return our associates to work just as quickly and safely as possible. The position of Local 2 should be identical. Imposing an ordinance that will add millions of dollars in expense (while doing nothing that hasn't already been done to ensure the safety of our associates) will only delay the opening of our hotels.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Michael Baier
Managing Director
Highgate Hotels of Nob Hill
Huntington Hotel & Stanford Court
mbaier@stanfordcourt.com
+1 (415) 432-0857

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From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: FW: Park Hotels Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention
Date: Thursday, June 25, 2020 8:19:00 AM

From: Baltimore, Thomas <tbaltimore@pkhotelsandresorts.com>
Sent: Thursday, June 25, 2020 6:05 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Morey, Thomas <tmorey@pkhotelsandresorts.com>
Subject: Park Hotels Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention

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Dear Supervisors

On behalf of Park Hotels & Resorts Inc., the owner through its subsidiaries of the Hilton San Francisco Union Square, Parc 55, Le Meridien – San Francisco, the JW Marriott Union Square, Hotel Adagio – San Francisco and the Hyatt Centric Fisherman’s Wharf, I am writing to express strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry’s number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

San Francisco hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines. As well, our industry’s leading management companies have also already adopted stringent COVID 19-era protocols for health and safety such as Hilton *CleanStay* and Marriott’s *Committed to Clean* programs.

We believe the proposed ordinance will place employees at our hotels at *increased risk of contracting COVID 19* as a result of its daily room cleaning mandate, which will inherently result in greater close-quarters interaction between employees and guests. We are aware of no scientific data supporting the proposition that daily room cleaning will reduce the transmission of COVID 19 – and common sense and logic together dictate that there would only be *greater COVID 19 transmission* as a result of the greater close-quarters interactions from daily cleaning. The ordinance’s “every 30 minutes” cleaning requirement ignores the reality that competent and professional hotel management companies with decades of experience have already developed stringent requirements to provide safe guest and employee experiences in light of the COVID 19 threat. And the ordinance’s daily linen and towel cleaning requirements are obviously contrary to City’s environmental and sustainability goals.

Lastly, please understand that if the ordinance is passed, we expect many hotels in San Francisco will simply keep their doors shut rather than face its burdensome requirements.

For all of these reasons, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Thomas J. Baltimore, Jr.
Chairman and CEO
Park Hotels & Resorts Inc.

Thomas J. Baltimore, Jr.
Chairman and CEO

+1 571 302 5777
tbaltimore@pkhotelsandresorts.com



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From: [Lewin, David \(SFOUS\)](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638
Date: Thursday, June 25, 2020 8:43:51 AM
Attachments: [image001.png](#)

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Dear San Francisco Supervisors,

I writing to express Grand Hyatt San Francisco's sincere opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines.

This pandemic has decimated group, business, and leisure travel. Without these vital segments driving our occupancies we will be unable to generate enough revenue to offset expenses and sustain our workforce. This legislation will increase our operating costs at a time when revenues do not sustain operating. Hotels will be forced to either eliminate services and positions or extend their "termination of operation" until market conditions change. That will not be a good outcome for our colleagues, the city of San Francisco, or major stake holders like restaurants and attractions. Our employees, our guests, and medical experts should be the voices of how we manage this unprecedented time in history. This legislation does not reflect those voices.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

David Lewin
General Manager

GRAND HYATT SAN FRANCISCO
345 Stockton Street, San Francisco, CA 94108, USA
T +1 415 848 6005
david.lewin@hyatt.com
grandhyattsanfrancisco.com

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2019 AAA Four Diamond Hotel (since 2012)

2019 Ranked #6 Bay Area's Best Place To Work: Large Companies

2019 TripAdvisor Certificate of Excellence

2019 TripAdvisor Green Leaders Program – Silver Level

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From: [Risoleo, Jim](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Host Hotels & Resorts' Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention
Date: Thursday, June 25, 2020 8:49:45 AM

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Dear Supervisors,

I am the President and Chief Executive Officer of Host Hotels & Resorts, Inc. Host owns four iconic hotels in San Francisco: Grand Hyatt San Francisco, San Francisco Marriott Fisherman's Wharf, San Francisco Marriott Marquis and the Axiom Hotel. I write in strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our hotel employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

Due to the unprecedented impacts of COVID-19, two of our hotels currently are closed while two are operating at a dramatically reduced capacity. One of the most important considerations involved in reviving the hotel industry is developing effective guidelines to keep hotels clean and safe for guests and employees. San Francisco hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines. This Ordinance, however, strays from those well-founded resources and seeks to impose ill-conceived and unsafe conditions that will make it difficult for our hotels to either re-open or stay open. The Ordinance not only compromises the physical safety of hotel employees, it also puts their continued employment in serious jeopardy.

Again, we ask that you not approve this Ordinance and allow the medical experts to provide the guidance.

Sincerely,

James F. Risoleo
President and CEO
Host Hotels & Resorts, Inc.

This communication contains information from Host Hotels & Resorts that may be confidential, proprietary or privileged. Confidential, proprietary or privileged information may not be used, disclosed, copied or distributed except: (1) for personal use by the intended recipient; or (2) as expressly authorized by the sender. If you received this communication in error, please destroy it and promptly notify the sender. Nothing in this communication is intended to operate as an electronic signature under applicable law.

From: [Ryan Wall](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Schulte Hospitality - DBA Villa Florence Hotel Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention
Date: Thursday, June 25, 2020 9:10:17 AM

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Dear Supervisors,

I writing to express *Schulte Hospitality's* strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines.

Given the already high costs to operate in this city, and the uncertainty of future large convention business coming back, adding additional unnecessary rules which will not add any additional safety and only increase the cost to operate will further delay our decision to reopen our hotel. San Francisco relies on tourism revenue and hospitality for employment. By passing this ordinance you will be hurting the very workers and citizens you are claiming to try to protect.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Ryan Wall

Regional Vice President of Operations

ryan.wall@schulthospitality.com

O: 502-489-3737 | M: 219-307-6278

Schulte Hospitality Group

2000 High Wickham Place #300

Louisville KY 40245

schulthotels.com

From: [Zunker, Steve](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [Steve Zunker](#)
Subject: Ashford Inc. Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention Standards
Date: Thursday, June 25, 2020 9:55:24 AM

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Dear Supervisors,

I am writing to express Ashford's strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors. San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines.

Ashford owns a number of hotels around the country, including San Francisco, all of which have been devastated by the COVID-19 pandemic and associated shutdowns. Our brands and managers have partnered with countless health organizations to develop cleanliness standards that ensure the highest cleanliness standards for our guests when we reopen our doors to the public. Many of the steps outlined in the proposed ordinance are already contemplated in the plans developed by the brands and managers. Some of the ordinance components grossly contradict the guidance of respected health organizations, including the daily housekeeping requirement. This component of the ordinance simply puts room attendants AND guests at greater risk by exposing both to viruses by cross contamination. By limiting housekeeping to check-outs only, the guests are not subjected to viruses left by the housekeeper. Similarly, the housekeepers exposure to virus contaminated materials is greatly reduced by having them touch the room at check-out only. I can tell you from experience, most hotel associates do NOT want to clean rooms daily. They're far more comfortable with check-out cleaning only

Similarly, the door attendant component only serves to put both the guests and the attendant at risk. Frequent cleaning of the door handles and strategically positioned sanitizer stations - both measures included in the brand/manager guidelines - are sufficient to ensure limited transmission of the virus. Requiring the deployment of a doorman only increases the possibility of transmission between humans.

Two final points:

1. If this ordinance is so important to public safety, why then are government buildings not included? I believe the safety of all that enter our government offices is no less important than the safety of private sector workers and travellers needing temporary accommodations.
2. While some may believe this ordinance will fill job vacancies, I can assure you that the opposite is true. Every hotel owner/manager has developed models that estimate operating costs at varying occupancy levels using pre-COVID staffing models and set opening dates based on that criteria. If this ordinance is passed,

operating a hotel will require significantly more labor, which is the highest cost line item in hotels. When we plug the new labor costs into our models, they tell us we'll need more revenue/occupancy to sustain those labor costs. Given the lack of any kind of material demand in San Francisco, that will push opening dates further out, possibly to the end of year, impacting the entire hotel staff, not just housekeepers. Extended closures will also affect your city's tax base by impaired values on hotels and reduce tax income. This ordinance will ultimately hurt workers and tax revenues.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Steve Zunker

ASHFORD

Steve Zunker
Senior Vice President of Asset Management
14185 Dallas Parkway, Suite 1100
Dallas, TX 75254
Cell: 571-527-6479
Fax: 972-499-0041
Direct Line: [972-778-9523](tel:972-778-9523)
Email Address: szunker@ashfordinc.com

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From: [Todd Metzger](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Harbor Court Hotel Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention
Date: Thursday, June 25, 2020 9:56:11 AM

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Dear Supervisors,

I writing to express The Harbor Court Hotel's strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines.

These proposed Cleaning and Disease Prevention Standards are ultimately incredibly “short sighted” to reopening our hotel and the city. Furthermore, the expense increases that need to be implemented to complete this are unsustainable, especially in an industry that has been badly hurt by the Covid-19 outbreak. To achieve the newly proposed, the hotel would have to wait significantly longer to see higher occupancies, which directly affects getting our employees back to work.

Lastly and probably most outrageous, is the glaring contradiction to CDC and industry guidelines of social distancing. The main objective is to create barriers and spacing between human-to-human contact. This ordinance proposes adding more employees back into departments and having them forcefully enter guest rooms/ spaces, directly contradict the CDC Health Guidelines and our overall goal to slow the possibility of transmission.

My hotel has been badly affected by this pandemic and this ordinance would make a long road to recovery even longer, or potentially impossible. As an operator, I'm always concerned for our city visitors, our hotel guest, my employees, and the business. These measures proposed affect all the aforementioned negatively.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Todd Metzger, General Manager

Harbor Court Hotel

165 Steuart Street | San Francisco CA 94105

Phone: 305-304-6978 | Direct Line: 415-537-7573

tmetzger@olshotels.com | www.harborcourthotel.com



GET INTO BED WITH US



www.harborcourthotel.com

165 Steuart Street San Francisco CA 94105



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From: [Kass, Mike](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [Gaber, Kerry](#); [Kimball, Jon](#)
Subject: Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention
Date: Thursday, June 25, 2020 11:10:07 AM

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Dear Supervisors,

I writing to express the San Francisco Marriott Marquis's strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines.

Where we desperately need the support of the Board of Supervisors is in implementing a high level of cleanliness on the streets of our City. We have continually heard from our guests and convention planners on their concern regarding the conditions of cleanliness on our City streets. This situation has only become more dire during this recent crisis. The public and private sector need to partner together to ensure San Francisco comes out of this situation stronger than ever. I am committed that our Hotel will offer the highest degree of cleanliness possible. Please support us by bringing a similar level of cleanliness to our City streets.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Mike Kass

Mike Kass

General Manager | **San Francisco Marriott Marquis**

780 Mission Street

San Francisco, CA 94103

Direct | 415-442-6001

Fax | 415-486-8156

Email | mike.kass@marriott.com

www.SFMarriottMarquis.com

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From: [Stefan Muhle](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Argonaut Hotel's Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention
Date: Thursday, June 25, 2020 11:34:48 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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Dear Supervisors,

I writing to express Argonaut Hotel's strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and Cal/OSHA guidelines. The Argonaut Hotel, for example, participated in the California Hotel & Lodging Association's *Clean + Safe* Certification program and received an approved COVID-19 Hotel Plan and Training Documentation, incorporating recommendations from the CDC, the California Department of Public Health, and Cal/OSHA for guest and employee cleanliness, workplace cleaning and disinfecting, and further improved safety and cleanliness for the guest experience.

Our property employs hundreds of people and supports countless other businesses. It is a pillar of strength in our local community – but your proposed legislation will keep our hotel from opening and keep employees from getting back to work.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Stefan Mühle
Area Managing Director

Hotel Zoe
FISHERMAN'S WHARF

ARGONAUT™
A NOBLE HOUSE HOTEL

495 Jefferson St, San Francisco, CA 94109

(O) 415-345-5505

(F) 415-345-5513

smuhle@noblehousehotels.com



From: [Stefan Muhle](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Hotel Zoe's Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention
Date: Thursday, June 25, 2020 11:36:06 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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Dear Supervisors,

I writing to express Hotel Zoe's strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

San Francisco hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and Cal/OSHA guidelines. Hotel Zoe, for example, participated in the California Hotel & Lodging Association's *Clean + Safe* Certification program and received an approved COVID-19 Hotel Plan and Training Documentation, incorporating recommendations from the CDC, the California Department of Public Health, and Cal/OSHA for guest and employee cleanliness, workplace cleaning and disinfecting, and further improved safety and cleanliness for the guest experience.

Our property employs hundreds of people and supports countless other businesses. It is a pillar of strength in our local community – but your proposed legislation will keep our hotel from opening and keep employees from getting back to work.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Stefan Mühle
Area Managing Director

Hotel Zoe
FISHERMAN'S WHARF

ARGONAUT™
A NOBLE HOUSE HOTEL

495 Jefferson St, San Francisco, CA 94109

(O) 415-345-5505

(F) 415-345-5513

smuhle@noblehousehotels.com



From: [O'Sullivan, John](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Ashford Inc. Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention Standards
Date: Thursday, June 25, 2020 11:36:37 AM

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Dear Supervisors,

I am writing to express Ashford's strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors. San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines.

Our company owns a number of hotels around the country, including San Francisco, all of which have been devastated by the COVID-19 pandemic and associated shutdowns. Our brands and managers have partnered with countless health organizations to develop cleanliness standards that ensure the highest cleanliness standards for our guests when we reopen our doors to the public. Many of the steps outlined in the proposed ordinance are already contemplated in the plans developed by the brands and managers. Some of the ordinance components grossly contradict the guidance of respected health organizations, including the daily housekeeping requirement. This component of the ordinance simply puts room attendants AND guests at greater risk by exposing both to viruses by cross contamination. By limiting housekeeping to check-outs only, the guests are not subjected to viruses potentially left by the housekeeper. Similarly, the housekeepers exposure to virus contaminated materials is greatly reduced by having them touch the room at check-out only. I can tell you from experience, most hotel associates do NOT want to clean rooms daily. They're far more comfortable with check-out cleaning only

Similarly, the door attendant component only serves to put both the guests and the attendant at risk. Frequent cleaning of the door handles and strategically positioned sanitizer stations - both measures included in the brand/manager guidelines - are sufficient to ensure limited transmission of the virus. Requiring the deployment of a doorman only increases the possibility of transmission between humans.

Two final points:

1. If this ordinance is so important to public safety, why then are government buildings not included? I believe the safety of all that enter our government offices is no less important than the safety of private sector workers and travellers needing temporary accommodations.
2. While some may believe this ordinance will fill job vacancies, I can assure you that the opposite is true. Every hotel owner/manager has developed models that estimate operating costs at varying occupancy levels using pre-COVID staffing models and set opening dates based on that criteria. If this ordinance is passed, operating a hotel will require significantly more labor, which is the highest cost line item in hotels. When we plug the new labor costs into our models, they tell us we'll need more revenue/occupancy to sustain those

labor costs. Given the lack of any kind of material demand in San Francisco, that will push opening dates further out, possibly to the end of year, impacting the entire hotel staff, not just housekeepers. Extended closures will also affect your city's tax base by impaired values on hotels and reduce tax income. This ordinance will ultimately hurt workers and tax revenues.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

John

Ashford Inc

John B O'Sullivan CHA
Vice President of Asset Management

5928 Anniston Road

Bethesda, MD 20817

Cell: 972-896-0232

Office: 443-584-3835

Fax Line: [972-778-9261](tel:972-778-9261)

Email Address: josullivan@ashfordinc.com

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From: [Nixon, Chris](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Braemar (NYSE: BHR) Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention Standards
Date: Thursday, June 25, 2020 11:54:16 AM
Attachments: [Draft of BOS legislation for cleaning.docx](#)

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Dear Supervisors,

I am writing to express Braemar's strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors. San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines.

Braemar owns a number of hotels around the country, including San Francisco, all of which have been devastated by the COVID-19 pandemic and associated shutdowns. Our brands and managers have partnered with countless health organizations to develop cleanliness standards that ensure the highest cleanliness standards for our guests when we reopen our doors to the public. Many of the steps outlined in the proposed ordinance are already contemplated in the plans developed by the brands and managers. Some of the ordinance components grossly contradict the guidance of respected health organizations, including the daily housekeeping requirement. This component of the ordinance simply puts room attendants AND guests at greater risk by exposing both to viruses by cross contamination. By limiting housekeeping to check-outs only, the guests are not subjected to viruses potentially left by the housekeeper. Similarly, the housekeepers exposure to virus contaminated materials is greatly reduced by having them touch the room at check-out only. I can tell you from experience, most hotel associates **do NOT** want to clean rooms daily. They're far more comfortable with check-out cleaning only

Similarly, the door attendant component only serves to put both the guests and the attendant at risk. Frequent cleaning of the door handles and strategically positioned sanitizer stations - both measures included in the brand/manager guidelines - are sufficient to ensure limited transmission of the virus. Requiring the deployment of a doorman only increases the possibility of transmission between humans.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Chris Nixon

ASHFORD

Chris Nixon, CRME/CHDM
Senior Vice President of Asset Management

Ashford

14185 Dallas Parkway, Suite 1100

Dallas, TX 75254

Direct Line: [972-778-9596](tel:972-778-9596)

Fax Line: [972-778-9243](tel:972-778-9243)

Email Address: cnixon@ashfordinc.com

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FILE NO.

ORDINANCE NO.

1 [Emergency Ordinance - Cleaning and Disease Prevention Standards in Tourist Hotels and
2 Large Office Buildings]

3 **Emergency ordinance to establish minimum cleaning and disease prevention**
4 **standards in tourist hotels and large commercial office buildings; to require training for**
5 **employees on paid time; to prohibit retaliation against employees for refusing to**
6 **perform work or reporting conditions they believe may be unsafe; and providing for**
7 **enforcement and penalties.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in ~~*single-underline italics Times New Roman font*~~.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

16 Section 1. Name of Ordinance.

17 This emergency ordinance shall be known as the "Healthy Buildings Ordinance".

18 Section 2. Declaration of Emergency under Charter Section 2.107.

19 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
20 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
21 of any City or County department or office required to comply with time limitations established
22 by law. The Board of Supervisors hereby finds and declares that an actual emergency exists
23 that requires the passage of this emergency ordinance.

24 (b) On February 25, 2020, Mayor London Breed proclaimed a state of emergency in
25 response to the COVID-19 pandemic. On March 3, 2020, the Board of Supervisors concurred
in the February 25 Proclamation.

1 (c) March 16, 2020, the County Health Officer issued Order No. C19-07, replaced by
2 Order No. C19-07b on March 31, 2020, extended and replaced by Order No. C19-07c on April
3 29, 2020, extended and replaced by Order No.C19-07d on May 17, 2020, and extended and
4 replaced by Order No. C19-07e on June 1, 2020, directing San Franciscans to stay in their
5 homes and follow social distancing requirements when outside the home. Order No. C19-07e
6 also allowed a limited number of businesses and activities to resume while the Health Officer
7 continues to assess the transmissibility and clinical severity of COVID-19.

8 (d) On May 28, 2020, Mayor London Breed announced a phased-in plan for reopening
9 San Francisco over the coming weeks and months, aligned with the State's guidelines and
10 based on San Francisco's risk-modelling to protect the public health and control the spread of
11 COVID-19 (Plan).

12 (e) Under Phase 2b of San Francisco's Plan, currently targeted for June 15, offices
13 where workers cannot telecommute may reopen. Under Phase 3, currently targeted for mid-
14 August, hotels, hospitality services and short term rentals may reopen.

15 (f) On May 12, 2020, the California Departments of Public Health (CDPH) and
16 Industrial Relations (Cal/OSHA) issued *COVID-19 Industry Guidance: Hotels and Lodging* to
17 provide guidance for the hotel and lodging industry to support a safe and clean environment
18 for employees and guests. Thorough cleaning and disinfecting of sleeping spaces,
19 bathrooms, linens, public areas, employee work and break areas are key to preventing the
20 spread of COVID-19, keeping employees and guests safe, and building confidence in both
21 employees and guests that their health is of utmost concern, and thus key to restoring public
22 confidence in the hospitality industry. Such public confidence in turn will help build the
23 hospitality industry's economic recovery.

24
25

1 (g) This emergency ordinance is necessary to reduce the spread of COVID-19, while
2 preparing for the reopening of large office buildings and the hospitality industry in order to
3 implement the economic recovery.
4

5 Section 3. Definitions.

6 As used in this Ordinance, the following terms shall have the following meanings:

7 “Contagious Public Health Threat” means any contagious, infectious, or communicable
8 disease that the Department may from time to time determine poses an imminent and
9 proximate threat to public health, and shall include SARS-CoV-2, the novel coronavirus that
10 causes COVID-19.

11 “Covered Establishment” means a Tourist Hotel or Large Commercial Office Building
12 within the geographic boundaries of the City and County of San Francisco.

13 “COVID-19” means the Coronavirus Disease 2019.

14 “Department” means the San Francisco Department of Public Health.

15 “Disinfectant” means an Environmental Protection Agency (EPA)-registered product
16 that has qualified for use against Contagious Public Health Threats.

17 “Employee Dining Room” means any space designated by the Operator for Employees
18 to take legally or contractually mandated breaks.

19 “Employees” means full-time and part-time employees, casual or on-call employees, or
20 independent contractors who perform work at the Covered Establishment, whether employed
21 directly by the operator of the establishment or by another entity.

22 “Operator” means any person or business entity that employs Employees directly or
23 indirectly at a Covered Establishment.

24 “Large Commercial Office Building” shall mean any building or set of buildings (which
25 shall mean buildings on the same lot, adjacent lots, or within the same block and owned by

1 the same entity) in the City containing more than 50,000 square feet of Office Space as that
2 term is defined in the San Francisco Planning Code Sections 102 and 320(f).

3 "Tourist Hotel" shall mean any building or set of buildings (which shall mean buildings
4 on the same lot, adjacent lots, or within the same block and owned by the same entity) in the
5 City containing guest rooms or suites of rooms intended or designated to be used for
6 commercial tourist use by providing accommodation to transient guests on a nightly basis or
7 longer, as defined in San Francisco Administrative Code Section 41.4, and Health Code
8 Section 594.1.

9
10 Section 4. Cleaning standards for Covered Establishments

11 (a). Each Operator shall establish, implement, and maintain written cleaning
12 standards designed to reduce the transmission of Contagious Public Health Threats. The
13 standards shall provide for disinfection of porous and non-porous surfaces using appropriate
14 EPA-registered and approved disinfectant products that have qualified for use against such
15 Contagious Public Health Threats. Disinfectants used must be labeled to be effective against
16 viral pathogens. Use of diluted bleach solutions should consist of 5 tablespoons per gallon of
17 water. Alcohol solutions must contain a minimum of 70% alcohol. If no EPA-registered
18 disinfectant exists that may be used on non-porous surfaces effectively or without causing
19 damage to the material, the operator shall use such other cleaning agent as is appropriate for
20 the material while using an EPA-registered disinfectant on all other surfaces. Each operator
21 shall follow the manufacturer's instructions for all cleaning and disinfection products for
22 concentration, application method and contact time for safe and effective use. Additionally,
23 employees shall be trained on the proper use of cleaning and disinfection products per the
24 product manufacturer's guidelines and Cal/OSHA safety requirements.

Commented [EVD(1)]: (f) "Office space" shall mean space within a structure intended or primarily suitable for occupancy by persons or entities which perform for their own benefit or provide to others services at that location, including but not limited to professional, banking, insurance, management, consulting, technical, sales and design, or the office functions of manufacturing and warehousing businesses, but shall exclude the following: Retail use; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; any facility, other than physicians' or other individuals' offices and uses accessory thereto, customarily used for furnishing medical services, and design showcases or any other space intended and primarily suitable for display of goods. This definition shall include all uses encompassed within Section 102 of this Code.

1 (b) Cleaning standards under this section shall at a minimum require the following
2 procedures:

3 (1) High-contact areas. Cleaning standards shall identify "high-contact"
4 areas, items, and fixtures with which employees or guests may be expected to have regular
5 physical contact. High-contact areas shall include, at a minimum, door and door handles at all
6 exterior entrances, door handles at interior entrances regularly accessed by multiple
7 employees and guests, elevator controls, handrails, stairways, stairwells, instruments used by
8 multiple individuals such as computer keyboards, touch screens, credit card readers, printers,
9 telephones, and light switches, surfaces such as countertops, furniture, and desks in high
10 usage areas, and ice and vending machines. Shared items and equipment shall be
11 disinfected before being transferred to a new employee or after each employee's shift.
12 Employees directly assisting customers shall be provided with personal hand sanitizers.
13 Employees shall clean and disinfect high-contact areas at least every 30 minutes, and more
14 frequently where appropriate. Employees shall be provided with adequate time during their
15 shift to perform the cleaning requirements described within this document.

16 (2) Public areas. All surfaces in lobbies, waiting areas, dining areas,
17 hallways, lunch rooms, loading docks, handwashing facilities, and other public areas must be
18 cleaned and disinfected regularly throughout the day, including without limitation, walls,
19 windows and glass surfaces, desks, table tops and furniture, door handles, and light switches.
20 Porous surfaces such as carpeted floor, rugs, and drapes, shall be disinfected using
21 disinfectant where available for the item, or where not, using appropriate cleaners indicated
22 for use on these surfaces.

23 (3) Exterior doors. Each Operator shall have dedicated personnel
24 responsible for regularly disinfecting exterior doors, and at any time that such doors cannot
25

1 open automatically or otherwise be propped open, the Operator shall assign an employee to
2 opening them.

3 (4) Elevators. All elevators, including elevator buttons, shall be cleaned and
4 disinfected regularly throughout the day.

5 (5) Restrooms. All surfaces in public and non-public restrooms shall be
6 cleaned and disinfected regularly throughout the day, including sinks, faucets, walls, mirrors,
7 toilets, toilet paper dispensers, soap dispensers, dryers, paper towel dispensers, and door
8 handles. The Covered Establishment shall ensure that hand sanitizer is available in all public
9 restrooms.

10 (6) Meeting rooms. All surfaces in meeting rooms and convention spaces
11 shall be cleaned and disinfected regularly, including during meeting breaks, including table
12 tops, chairs, dry erase boards, markers, staplers, tape dispensers, remote controls, table
13 projectors, charging ports.

14 (7) Tourist Hotel guest rooms. All surfaces in Tourist Hotel guest rooms that
15 have been occupied in the preceding 24 hours shall be cleaned and disinfected on a daily
16 basis, including, without limitation, walls, windows, mirrors, desks, table tops, furniture,
17 minibars, interior and exterior handles of doors, interior door locks, faucets, toilets, and other
18 items, headboards and footboards of beds, light switches, remote controls, telephones,
19 keyboards, touch screens. Porous surfaces such as carpeted floor, rugs, and drapes, shall be
20 disinfected using disinfectant where available for the item, or where not, appropriate cleaners
21 indicated for use on these surfaces. Bed linens and towels shall be changed no less than
22 daily, unless the guest requests otherwise. Bedscarves and bedspreads shall be changed
23 upon each guest departure. All dirty linens shall be removed and placed in sealed, single-use
24 bags within the room before being transported. All dirty linens and laundry must be cleaned at
25 high temperatures and according to the CDC Guidelines for Environmental Infection Control in

1 Health-Care Facilities. Hand sanitizer dispensers shall be installed in main entrances and
2 exits utilized by employees and guests and other high contact and public areas per section (1)
3 and (2) above, including fitness centers, pools, and salons. Notwithstanding paragraph (5)
4 above, restrooms in occupied Tourist Hotel guest rooms must be cleaned at minimum once
5 per day. Remove all local tourist attraction pamphlets, magazines, menus, notepads, etc from
6 rooms. Important information may be provided on a single-use basis or in electronic form. If
7 a presumptive case of a Contagious Public Health Threat occurs, the guest room must be
8 quarantined and removed from use until the case is cleared or confirmed as a non-threat. If a
9 positive case of a Contagious Public Health Threat occurs, the guest room must undergo a
10 more stringent sanitization protocol per CDC Cleaning and Disinfection for Community
11 Facilities recommendations, or other protocols as may be deemed appropriate by the
12 Department. For purposes of this subsection, no covered establishment shall offer any
13 incentive to any guest for declining guest room cleaning on a daily basis. Guests shall be
14 presumed to have elected daily guest room cleaning unless they affirmatively indicate their
15 preference not to receive it.

16 (8) Dining and bar facilities. All tables, bar tops, menus, check presentation
17 holders, writing utensils, and computer screens shall be disinfected between each use. Other
18 areas shall be cleaned and disinfected regularly throughout the day.

19 (9) Employee Dining Room. The Employee Dining Room shall be treated in
20 accordance with (2).

21 (10) Shipping and receiving areas. All shipping and receiving areas, including
22 waste management areas, shall be cleaned and disinfected regularly throughout the day.

23 (11) Personal Protective Equipment (PPE). Each Operator shall provide any
24 PPE necessary to comply with this Section at no cost to Employees, and shall ensure that
25 such PPE is replaced, cleaned, and used in conformance with manufacturer directions.

1 (c) Public Health Guidance. Any other relevant guidance regarding cleaning
2 standards issued by the Department, by the California Department of Public Health, by
3 Cal/OSHA and/or other regulatory agencies, or established pursuant to Executive Order shall
4 be implemented by the Covered Establishment. In the event of a conflict between cleaning
5 standards, the most stringent standards shall apply.

6 (d) Copies of the cleaning standards shall be posted at areas where employees
7 regularly receive daily instruction regarding work duties and on bulletin boards where the
8 operator regularly posts official communications with employees. Copies of the cleaning
9 standards shall be made available to guests, to employees, and to employee bargaining
10 representatives upon request, and shall be translated into any language spoken by 20% or
11 more of Employees at that Covered Establishment. Copies of the cleaning standards shall be
12 submitted electronically to the Department upon request.

13
14 Section 5. Training.

15 Each Operator shall provide comprehensive and ongoing training for all its Covered
16 Employees in the following subjects: Contagious Public Health Threat symptoms, how the
17 Contagious Public Health Threats are spread, prevention of the spread of Contagious Public
18 Health Threats, the requirements of this Ordinance, the cleaning standards required under
19 Section 4, and employee rights and responsibilities under this Ordinance. Such training shall
20 be performed on paid time and shall be conducted in a language in which the employee is
21 fluent.

22
23 Section 6. No Retaliation

24 No person shall discharge, reduce in compensation, increase workload, impose fees or
25 charges, change duties or otherwise take adverse action against any employee for opposing

1 any practice proscribed by this Ordinance, for participating in proceedings related to this
2 Ordinance, for seeking to enforce his or her rights under this Ordinance by any lawful means,
3 or for otherwise asserting rights under this Ordinance, including without limitation for refusing
4 to perform work that they believe poses a risk to themselves or others, or for reporting work
5 conditions they believe may be unsafe.

6

7 Section 7. Enforcement

8 (a) The Department shall have authority to enforce these standards under Health
9 Code Sections 594, 596 and 596.5, including an order of closure as provided by Health Code
10 Section 596(e)(6), or any successor provisions.

11 (c) An employee may bring a civil action in the San Francisco Superior Court for
12 violations of Section 6 and may be awarded:

13 (1) All actual damages (including, but not limited to, lost pay and benefits) suffered
14 by the employee and for statutory damages in the sum of \$1,000, whichever is greater; and

15 (2) Punitive damages, as may be authorized under California State Civil Code
16 section 3294.

17 (3) The court shall award reasonable attorneys' fees and costs to an employee who
18 prevails in any such enforcement action.

19 (d) Nothing in this Ordinance shall preclude any person from bringing a civil action
20 based on any requirements set forth in this Ordinance, where such civil action is otherwise
21 recognized under the law.

22

23 Section 8. Report to the Board

24 On or before a date six months following passage, the Department shall report to the
25 Board of Supervisors on the initial implementation and effectiveness of this Ordinance in

1 promoting public health and shall advise the Board on the need for further action. The
2 Department shall make a second report to the Board on or before a date 12 months following
3 passage, and annually thereafter, on the effectiveness of this law in promoting public health
4 and the necessity of its continued implementation.

5

6 Section 9. Undertaking for the General Welfare.

7 In enacting and implementing this emergency ordinance, the City is assuming an
8 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its
9 officers and employees, an obligation for breach of which it is liable in money damages to any
10 person who claims that such breach proximately caused injury. This emergency ordinance
11 does not create a legally enforceable right by any member of the public against the City.

12

13 Section 10. Severability.

14 If any section, subsection, sentence, clause, phrase, or word of this emergency
15 ordinance, or any application thereof to any person or circumstance, is held to be invalid or
16 unconstitutional by a decision of a court of competent jurisdiction, such decision shall not
17 affect the validity of the remaining portions or applications of the ordinance. The Board of
18 Supervisors hereby declares that it would have passed this ordinance and each and every
19 section, subsection, sentence, clause, phrase, and word not declared invalid or
20 unconstitutional without regard to whether any other portion of this ordinance or application
21 thereof would be subsequently declared invalid or unconstitutional.

22

23 Section 11. Effective Date; Expiration.

24 Consistent with Charter Section 2.107, this emergency ordinance shall become
25 effective immediately upon enactment. Enactment occurs when the Mayor signs the

1 ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within
2 ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the
3 ordinance. Once enacted, it shall remain in effect for 60 days, unless reenacted as provided
4 by Section 2.107. If not reenacted, it shall expire on the 61st day after enactment.

5
6 Section 12. Supermajority Vote Required.
7 In accordance with Charter Section 2.107, passage of this emergency ordinance by the
8 Board of Supervisors requires an affirmative vote of two-thirds of the Board of Supervisors.

9
10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 Virginia Dario Elizondo
15 Deputy City Attorney

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