

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Robert Collins, Executive Director, Rent Board
Dr. Grant Colfax, Director, Department of Public Health

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: December 15, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on December 15, 2020:

File No. 201388

Ordinance amending the Administrative Code to establish protections for occupants of residential hotels ("SRO Residents") during the COVID-19 pandemic by, among other things: making it City policy to place in solitary hotel rooms SRO residents who meet the criteria for isolation or quarantine established by the County Health Officer, and requiring the Department of Public Health to post a notice in the common area and notify the operator of a residential hotel when an SRO Resident has tested positive for COVID-19, to facilitate contact tracing, testing for COVID-19, and cleaning; establish a telephone hotline for SRO Residents, to respond to questions about accessing COVID-19 health screenings, testing, and solitary hotel rooms; provide face coverings to SRO Residents and workers in residential hotels; and provide daily aggregate data concerning the incidence of COVID-19 among SRO Residents, access to quarantine rooms by such residents, and the number of such residents who have died due to complications from COVID-19.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

cc: Greg Wagner, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Arielle Fleisher, Department of Public Health

1 [Administrative Code - Protections for Occupants of Residential Hotels During COVID-19
 2 Pandemic]

3 **Ordinance amending the Administrative Code to establish protections for occupants of**
 4 **residential hotels (“SRO Residents”) during the COVID-19 pandemic by, among other**
 5 **things: making it City policy to place in solitary hotel rooms SRO residents who meet**
 6 **the criteria for isolation or quarantine established by the County Health Officer, and**
 7 **requiring the Department of Public Health to post a notice in the common area and**
 8 **notify the operator of a residential hotel when an SRO Resident has tested positive for**
 9 **COVID-19, to facilitate contact tracing, testing for COVID-19, and cleaning; establish a**
 10 **telephone hotline for SRO Residents, to respond to questions about accessing COVID-**
 11 **19 health screenings, testing, and solitary hotel rooms; provide face coverings to SRO**
 12 **Residents and workers in residential hotels; and provide daily aggregate data**
 13 **concerning the incidence of COVID-19 among SRO Residents, access to quarantine**
 14 **rooms by such residents, and the number of such residents who have died due to**
 15 **complications from COVID-19.**

16 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 17 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 18 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 19 **Board amendment additions** are in double-underlined Arial font.
 20 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 21 **Asterisks (* * * *)** indicate the omission of unchanged Code
 22 subsections or parts of tables.

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

24 Section 1. The Administrative Code is hereby amended by adding Chapter 41G,
 25 consisting of Sections 41G.1 through 41G.7, to read as follows:

CHAPTER 41G:

1 **RESIDENTIAL HOTEL COVID-19 PROTECTIONS**

2
3 **SEC. 41G.1. FINDINGS.**

4 (a) On February 25, 2020, Mayor London Breed proclaimed a state of emergency in response
5 to the COVID-19 pandemic. On March 3, 2020, the Board of Supervisors concurred in the February
6 25 Proclamation.

7 (b) On March 10, 2020, the County Health Officer issued Order No. C19-04, directing
8 Residential Hotel owners and operators to comply with mandatory cleaning standards in all common
9 areas, in recognition of the fact that a high percentage of Residential Hotel residents are 60 years of
10 age or older and/or experience serious health complications, and that conditions in such hotels often
11 present environmental problems such as mold growth, poor sanitation, broken plumbing, and poor
12 ventilation. Although Order No. C19-04 requires Residential Hotel operators to fully and immediately
13 comply with environmental cleaning standards, including making hand soap and hand sanitizer
14 available in communal areas, compliance has been limited by operators' inability to access a reliable
15 source of hand sanitizer and to install dispensers into bathrooms.

16 (c) On March 16, 2020, the County Health Officer issued Order No. C19-07, replaced by
17 Order No. C19-07b on March 31, 2020, extended and replaced by Order No. C19-07c on April 29,
18 2020, directing San Franciscans to stay in their homes and follow social distancing requirements when
19 outside the home. Social distancing requires that individuals maintain at least six feet between
20 themselves and individuals who are not part of the same household or living unit ("Stay Safer At Home
21 Order"). The County Health Officer issued subsequent iterations of the Stay Safer at Home Order. On
22 December 9, 2020, the County Health Officer issued C19-07q, which superseded the previous Stay
23 Safer At Home Orders.

24 (d) On May 1, 2020, the County Health Officer issued Directive No. 2020-02, and updated in
25 Directive No. 2020-02(c) issued August 5, 2020, directing all individuals exposed to a person

1 diagnosed with or likely to have COVID-19 to self-quarantine, and Directive No. 2020-03, and updated
2 in Directive No. 2020-02(c) issued August 5, 2020, directing all individuals diagnosed with or likely to
3 have COVID-19 to self-isolate. Individuals who are directed to self-quarantine or self-isolate under
4 the County Health Officer’s orders must remain in their homes and separate from others.

5 (e) Individuals who live in Residential Hotels often share restrooms, cooking facilities, and
6 other common areas with people who are not members of their household, putting them in frequent and
7 close contact with other individuals many of whom are members of vulnerable populations in light of
8 their age, health conditions, and other vulnerabilities.

9 (f) Along with most of the rest of the country and State, San Francisco is in the midst of a third
10 surge of the virus. In October, November, and December of 2020, San Francisco’s case rates and
11 hospitalizations continued to increase, and COVID-19 cases quadrupled during November 2020. As of
12 December 9, 2020, San Francisco had approximately 900 COVID-19 cases diagnosed per week and
13 hospitalizations had tripled over the past month. These alarming trends mean that occupants of
14 Residential Hotels continue to be especially vulnerable to contracting COVID-19, and the City must
15 continue to provide protections for these individuals so that they will be able to comply with the County
16 Health Officer’s social distancing requirements, self-quarantine directive, and self-isolation directive.

17
18 **SEC. 41G.2. DEFINITIONS.**

19 For purposes of this Chapter 41G, the following terms shall have the following meanings:

20 “City” means the City and County of San Francisco.

21 “Close Contact” has the meaning set forth in County Health Officer Directives Nos. 2020-02
22 and 2020-03, as may be amended from time to time.

23 “DPH” means the Department of Public Health.

24 “I/Q Hotel Room” means a solitary isolation or quarantine hotel room provided to an SRO
25 resident as determined by DPH public health protocol.

1 “Operator” has the meaning set forth in Administrative Code Section 41.4, as may be amended
2 from time to time.

3 “Owner” has the meaning set forth in Administrative Code Section 41.4, as may be amended
4 from time to time.

5 “Residential Hotel” has the meaning set forth in Administrative Code Section 41.4, as may be
6 amended from time to time.

7 “Residential Hotel Unit” has the meaning set forth in Administrative Code Section 41.4, as may
8 be amended from time to time.

9 “SRO Resident” means an individual who occupies a unit within a Residential Hotel.

10 “Stay Safer At Home Order” means the series of County Health Officer Orders, beginning with
11 No. C19-07, issued On March 16, 2020, directing San Franciscans to stay in their homes and follow
12 social distancing requirements when outside their residence, which have been revised and updated
13 during the intervening months to address changing conditions. Order No. 19-07q, issued December 9,
14 2020, continues to exempt individuals experiencing homelessness from these requirements, and urges
15 such individuals to obtain shelter. As of December 15, 2020, Order No. 19-07q was the most recent
16 Stay Safer at Home Order, but this definition includes any subsequent Stay Safer at Home Order issued
17 by the County Health Officer.

18
19 **SEC. 41G.3. POLICIES AND PROTOCOLS TO PROTECT OCCUPANTS OF**
20 **RESIDENTIAL HOTELS.**

21 (a) Each Residential Hotel shall post in a common area where fire safety information is
22 required to be posted:

23 (1) The telephone number of the Eviction Defense Collaborative;

24 (2) The telephone numbers of the Single Room Occupancy Collaboratives;

25

1 (3) The telephone number of the Residential Hotel's Operator or on-site
2 representative, so that City representatives, essential service workers, home-care providers, and other
3 persons can obtain prompt access to the building in order to serve the SRO Residents; and

4 (4) A copy of this Chapter 41G.

5 (b) It shall be the policy of the City to place SRO Residents in I/Q Hotel Rooms for a period
6 of up to 14 days, or as directed by the County Health Officer, if they meet the standards for isolation or
7 quarantine established by County Health Officer Directives Nos. 2020-02(c) and 2020-03(c), as may be
8 amended from time to time, and to provide transportation for such residents from the Residential Hotel
9 where they reside to the I/Q Hotel Room. Nothing in this Chapter 41G shall in any way affect an SRO
10 Resident's right to return to the Resident's unit following a temporary absence due to being placed in
11 isolation or quarantine. Further, a temporary absence due to being placed in isolation or quarantine
12 shall not constitute a failure to continuously reside in the unit for purposes of Chapter 37 of the
13 Administrative Code.

14 (c) SRO Residents who are placed by DPH in I/Q Hotel Rooms shall be provided at no cost
15 to the resident the following essential services and amenities during their placement:

16 (1) Three meals per day;

17 (2) Adequate heat; and

18 (3) Clean restroom facilities.

19 (d) If an SRO Resident refuses to be placed in an I/Q Hotel Room, DPH shall make every
20 reasonable effort to identify and address the resident's barriers to acceptance of the unit, by, among
21 other things, making arrangements to care for the SRO Resident's pet, making and maintaining
22 connections with the SRO Resident's family, and identifying ways to care for the SRO Resident's
23 dependents.

24 (e) In carrying out the requirements of this Chapter 41G, the City shall comply with the
25 requirements of the Language Access Ordinance, Administrative Code Chapter 91, as amended from

1 time to time, including, but not limited to, the requirement to translate materials that provide vital
2 information to the public about a department's services or programs into the language(s) spoken by a
3 substantial number of limited English-speaking SRO Residents.

4 (f) Upon confirming that an SRO Resident has tested positive for COVID-19, DPH shall, to
5 the extent consistent with state and federal laws governing the confidentiality of medical information:

6 (1) As soon as feasible, but not more than 12 hours after receiving such
7 confirmation, prominently post in areas of the Residential Hotel where fire safety information is
8 required to be posted, a notice to advise SRO Residents that a COVID-19 case has been identified in
9 the building, and of their rights under this Chapter 41G to access I/Q Hotel Rooms, COVID-19 testing,
10 and face coverings. Such notice shall include, but not be limited to, the number of the language-
11 accessible COVID-19 telephone hotline for SRO Residents that residents may call to access these
12 resources.

13 (2) Within 48 hours of such confirmation, contact all occupants of the Residential
14 Hotel in which the SRO Resident resides and all Close Contacts of the SRO Resident, to offer and
15 initiate COVID-19 testing for such individuals on the site of the Residential Hotel and/or a suitable off-
16 site facility located not more than one block from the Residential Hotel. Where necessary to facilitate
17 contact tracing and testing, the Residential Hotel's Owner or Operator shall provide DPH with access
18 to a list of all SRO Residents, including name and contact information, who have occupied, and
19 individuals who have worked at, the Residential Hotel during the previous two-week period since such
20 confirmation.

21 (3) Order the Owner or Operator of the SRO to clean all common areas in the
22 Residential Hotel, consistent with the Minimum Environmental Cleaning Standards established and
23 updated by the County Health Officer in Order No. C19-04, as amended from time to time, or provide
24 access to the Residential Hotel by a City contracted cleaning service to perform this cleaning function.

1 (4) Provide the SRO Resident with written information about the SRO Resident's
2 ability to be transferred to an I/Q Hotel Room, and to receive meals and other services during
3 placement in an I/Q Hotel Room, and the SRO Resident's subsequent right to return to the SRO's
4 Resident's Residential Unit, which information the SRO Resident may provide to the Residential Hotel
5 Owner or Operator.

6 (g) During any period in which an SRO Resident has been placed by DPH in an I/Q Hotel
7 Room, the Owner or Operator of the SRO from which the SRO Resident was transferred shall not enter
8 the SRO Resident's unit except to address conditions that possibly pose an immediate threat to the
9 health or safety of other SRO Residents.

10 (h) Within three days of the effective date of this Chapter 41G, DPH shall establish a
11 COVID-19 telephone hotline for SRO Residents to ask questions about accessing COVID-19 health
12 screenings, testing, and I/Q Hotel Rooms, including for those SRO Residents without access to a health
13 care provider. The SRO Hotline shall provide interpreters to permit communication with persons who
14 have limited English proficiency. Persons who call the SRO Hotline may be screened for symptoms
15 and referred to a neighborhood-based and culturally competent medical provider for testing.

16 (i) To protect the health and safety of SRO Residents and the public, all persons, including
17 but not limited to, Residential Hotel Operators, staff, SRO Residents, essential workers, repair people,
18 in-home care workers, and delivery workers, shall comply with social distancing requirements and
19 wear face coverings in the common areas of Residential Hotels. The City shall provide face coverings
20 to all SRO Residents and Residential Hotel employees who lack face coverings.

21 (j) Failure to comply with County Health Officer Orders regarding social distancing and
22 face coverings is punishable by fine, imprisonment, or both, as set forth in the County Health Officer
23 Orders.

1 (k) To the extent consistent with state and federal laws governing the confidentiality of
2 medical information, DPH shall produce the following data on a daily basis for inclusion in the City’s
3 COVID-19 Data Tracker:

4 (1) The total number of Residential Hotels citywide with confirmed COVID-19
5 cases;

6 (2) The total number of confirmed positive COVID-19 cases in San Francisco, and
7 the rate of cases by population size in San Francisco organized by zip code;

8 (3) The total number of SRO Residents who have completed an isolation or
9 quarantine stay in one of the City’s I/Q Hotel Rooms; and

10 (4) The total number of SRO Residents who have died due to complications from the
11 COVID-19 virus.

12
13 **SEC. 41G.4. UNDERTAKING FOR THE GENERAL WELFARE.**

14 In enacting and implementing this Chapter 41G, the City is assuming an undertaking only to
15 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
16 obligation for breach of which it is liable in money damages to any person who claims that such breach
17 proximately caused injury. This Chapter does not create a legally enforceable right by any member of
18 the public against the City.

19
20 **SEC. 41G.5. SEVERABILITY.**

21 If any section, subsection, sentence, clause, phrase, or word of this Chapter 41G, or any
22 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
23 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
24 portions or applications of the Chapter. The Board of Supervisors hereby declares that it would have
25 passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not

1 declared invalid or unconstitutional without regard to whether any other portion of this Chapter or
2 application thereof would be subsequently declared invalid or unconstitutional.

3
4 **SEC. 41G.6. SUNSET OF EMERGENCY ORDINANCE.**

5 If the emergency ordinance on file with the Clerk of the Board of Supervisors in File No.
6 201285 is reenacted and remains in effect as of the effective date of this Chapter 41G, that emergency
7 ordinance shall sunset on the effective date of this Chapter.

8
9 **SEC. 41G.7. SUNSET DATE.**

10 This Chapter 41G shall expire by operation of law 60 days after termination or expiration of the
11 Stay Safer At Home Order. Upon expiration of this Chapter, the City Attorney shall cause the Chapter
12 to be removed from the Administrative Code.

13
14 Section 2. Effective Date. This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor's veto of the ordinance.

18
19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: /s/ Virginia Dario Elizondo
23 VIRGINIA DARIO ELIZONDO
24 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Protections for Occupants of Residential Hotels During COVID-19 Pandemic]

Ordinance amending the Administrative Code to establish protections for occupants of residential hotels (“SRO Residents”) during the COVID-19 pandemic by, among other things: making it City policy to place in solitary hotel rooms SRO residents who meet the criteria for isolation or quarantine established by the County Health Officer, and requiring the Department of Public Health to post a notice in the common area and notify the operator of a residential hotel when an SRO Resident has tested positive for COVID-19, to facilitate contact tracing, testing for COVID-19, and cleaning; establish a telephone hotline for SRO Residents, to respond to questions about accessing COVID-19 health screenings, testing, and solitary hotel rooms; provide face coverings to SRO Residents and workers in residential hotels; and provide daily aggregate data concerning the incidence of COVID-19 among SRO Residents, access to quarantine rooms by such residents, and the number of such residents who have died due to complications from COVID-19.

Existing Law

This law is new.

Amendments to Current Law

This ordinance adds Administrative Code Chapter 41G to require certain protections for Single Room Occupancy (SRO) hotel residents during the COVID-19 public health emergency. This ordinance requires the City to place SRO residents in solitary isolation/ quarantine hotel rooms where they meet the standards for isolation or quarantine established by the Health Officer, and to provide such residents with essential services and amenities, including three meals per day, during their placement in such a room.

This ordinance requires the Department of Public Health to:

- Consistent with state and federal laws governing the confidentiality of medical information, upon confirming that an SRO Resident has tested positive for COVID-19, post a notice to advise SRO Residents that a COVID-19 case has been identified in the building, of their rights to access I/Q Hotel Rooms, COVID-19 testing, and face coverings, and the number of the language-accessible COVID-19 telephone hotline so residents can access these resources.
- Notify residential hotel operators when a resident has tested positive for COVID-19 to facilitate contact tracing, testing, and cleaning.

- Provide personal protective equipment to SRO residents and workers who occupy areas of the residential hotel that have been accessed by people who tested positive for COVID-19.
- Establish a telephone hotline for SRO residents to facilitate screening, testing, referral to healthcare providers, and placement in solitary hotel rooms;
- Report daily data relating to the aggregate number of SRO hotels with residents who have tested positive for COVID-19, and other indicators;
- Take other specified steps to protect SRO residents against exposure to COVID-19 and to inform them of their rights.

This ordinance requires SRO operators to post information in public areas of residential hotels.

Background Information

Emergency ordinance (Ordinance No. 84-20 amended and reenacted by Ord. No. 161-20) temporarily established protections for occupants of residential hotels during the COVID-19 pandemic. Ord. No. 161-20 terminated automatically on November 11, 2020. An amendment and reenactment of Ord. No. 161-20 is pending and on file with the Clerk of the Board of Supervisors in File No. 201285.

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