

File No. 200326

Committee Item No. _____

Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting

Date: _____
Date: March 31, 2020

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Prepared by: Lisa Lew
Prepared by: _____

Date: March 27, 2020
Date: _____

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response]

2

3 **Motion concurring in actions taken by the Mayor on March 17, 2020, March 18, 2020,**
4 **and March 23, 2020, to meet the ongoing local emergency related to the novel**
5 **coronavirus COVID-19 pandemic declared on February 25, 2020.**

6

7 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local
8 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

9 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the
10 Existence of a Local Emergency to the Board of Supervisors (the "Proclamation"), and on
11 March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions
12 taken by the Mayor to meet the emergency; the Proclamation and the Board's concurring
13 motion are on file with the Clerk of the Board of Supervisors in File No. 200228; and

14 WHEREAS, On March 11, 2020, and March 13, 2020, the Mayor took additional steps
15 to meet the local emergency by issuing the First and Second Supplements to the
16 Proclamation, for concurrence by the Board of Supervisors; the First Supplement orders
17 seven actions to the meet the emergency, and the Second Supplement orders five actions to
18 meet the emergency; the First and Second Supplements to the Proclamation are on file with
19 the Board of Supervisors in File No. 200294; and

20 WHEREAS, On March 17, 2020, the Mayor issued a Third Supplement to the
21 Proclamation, ordering five actions to meet the emergency; the Third Supplement is on file
22 with the Clerk of the Board of Supervisors in File No. 200326; and

23 WHEREAS, On March 18, 2020, the Mayor issued a Fourth Supplement to the
24 Proclamation, ordering one action to meet the emergency; the Fourth Supplement is on file
25 with the Clerk of the Board of Supervisors in File No. 200326; and

1 WHEREAS, On March 23, 2020, the Mayor issued a Fifth Supplement to the
2 Proclamation, ordering eight actions to meet the emergency; the Fifth Supplement to the
3 Proclamation is on file with the Clerk of the Board of Supervisors in File No. 200326; and

4 WHEREAS, Government Code, Sections 8550 et seq. and Charter, Section 3.100
5 provide for the concurrence by members of the Board of Supervisors in such emergency
6 declaration and in action taken by the Mayor to meet the emergency; now, therefore, be it

7 MOVED, That the Board of Supervisors concurs with the following actions taken by the
8 Mayor to meet the local emergency included in the Mayor’s Third Supplement to the
9 Proclamation, dated March 17, 2020, as those actions are described in full in the Third
10 Supplement and summarized as follows:

11 Action #1: Authorizing the Director of the Office of Economic Workforce
12 Development to implement a time-limited program to provide financial assistance to
13 employers that agree to supplement existing paid sick leave policies;

14 Action #2: Authorizing the Human Resources Director and the Director of
15 Transportation of the Municipal Transportation Agency (“MTA”), or their designees, to
16 temporarily waive provisions of the Civil Service Commission Rules and provisions of the
17 Charter regarding hiring, if necessary, and authorizing the Human Resource Director, or the
18 Director’s designee, to waive limitations on the hours worked for employees appointed under
19 Charter, Section 10.104(16);

20 Action #3: Authorizing the Human Resources Director and the Director of
21 Transportation of the MTA, with the concurrence of the Controller, to create a paid leave
22 program for service critical MTA employees and other City employees who are not working
23 through April 17, 2020, to mitigate the financial impacts of the emergency;

24 Action #4: Suspending any local law requiring a restaurant use to have dine-in
25 operations;

1 Action #5: Prohibiting City policy and advisory bodies, other than the Board of
2 Supervisors and its committees, from holding public meetings during the period from March
3 18, 2020, through April 7, 2020, unless the Board of Supervisors, acting by written motion, or
4 the Mayor or the Mayor’s designee directs otherwise, based on a determination that a policy
5 body has an urgent need to take action to ensure public health, safety, or essential
6 government operations; and, be it

7 FURTHER MOVED, That the Board of Supervisors concurs with the following action
8 taken by the Mayor to meet the local emergency included in the Mayor’s Fourth Supplement
9 to the Proclamation, dated March 18, 2020, as the action is described in full in the Fourth
10 Supplement and summarized as follows:

11 Action #1: Establishing a temporary moratorium on eviction for non-payment of
12 rent by commercial tenants directly impacted by the COVID-19 crisis, and delegating to the
13 Office of Economic and Workforce Development the authority to adopt regulations and to
14 develop and publish guidelines consistent with the Order; and, be it

15 FURTHER MOVED, That the Board of Supervisors concurs with the following actions
16 taken by the Mayor to meet the local emergency included in the Mayor’s Fifth Supplement to
17 the Proclamation, dated March 23, 2020, as those actions are described in full in the Fifth
18 Supplement and summarized as follows:

19 Action #1: Withdrawing Section 1 of the Mayor’s Second Supplement
20 (establishing a temporary moratorium on eviction for non-payment of rent) and replacing it
21 with a revised temporary moratorium on eviction for non-payment of rent by residential
22 tenants directly impacted by the COVID-19 crisis;

23 Action #2: Establishing a moratorium on “no fault” evictions, with certain
24 exceptions;

1 Action #3: Allowing temporary medical or public health facilities related to the
2 City's COVID-19 response, as recommended by the Director of Health or the Director's
3 designee and authorized by the Mayor or the Mayor's designee, and waiving any provision in
4 City law that limits or restricts deployment of any emergency public health response and any
5 applicable local requirements for public notice, the filing or approval of a permit application, or
6 payment of fees;

7 Action #4: Allowing hotels to be used for residential purposes related to the
8 City's COVID-19 response without losing their designation as a hotel, waiving any provision in
9 City law that limits or restricts such conversions to residential use, and suspending Chapter 37
10 of the Administrative Code as applied to any rooms used for the City's COVID-19 response in
11 a hotel or other tourist or transient use property;

12 Action #5: Waiving the requirement that employers report in 2020 on prior year
13 health care expenditures under the Health Care Security Ordinance and Fair Chance
14 Ordinance compliance;

15 Action #6: Suspending various provisions of City law governing policy body
16 meetings until the termination of the emergency, unless the Mayor provides notice to the
17 Board of Supervisors that the suspension is no longer necessary and rescinds the Order;

18 Action #7: Suspending select provisions of City law governing public records for
19 pending and future records requests, until the termination of the emergency, unless the Mayor
20 provides notice to the Board of Supervisors that the suspension is no longer necessary and
21 rescinds the Order;

22 Action #8: Suspending any provision of City law that relates to meetings of
23 policy bodies or public records to the extent that it either (i) conflicts with an executive order of
24 the Governor issued in the exercise of his emergency powers, or (ii) would render it unlawful
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1 to comply with such a gubernatorial order without meeting additional requirements imposed by
2 City law.

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**THIRD SUPPLEMENT TO MAYORAL PROCLAMATION^{AK} ~~DECLARING THE~~
EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

WHEREAS, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

WHEREAS, On March 11, 2020 and on March 13, 2020, the Mayor issued supplements to the Proclamation, ordering additional measures to respond to the emergency; and



WHEREAS, On March 16, 2020, the Local Health Officer issued an order requiring most people to remain at home subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses, through April 7, 2020; and

WHEREAS, There are currently 43 confirmed cases of COVID-19 within the City, more than 600 confirmed cases in California, and there have been 11 COVID-19-related deaths in California; and

WHEREAS, It is in the public interest that the City take steps to encourage employees in the City to stay home when they are sick or caring for a sick family member, and providing financial assistance to City employers who are willing to increase paid sick leave benefits and pass the City's contribution on to employees will reduce the financial and health impacts associated with the COVID-19 pandemic; and

WHEREAS, Many City employees have been reassigned from their normal duties or deployed as Disaster Service Workers to assist in the emergency response effort; other City employees must prioritize and for many employees devote all their work time to the emergency response; City departments have been directed to support telecommuting to the extent possible; the City must hire workers, such as nurses, to perform critical duties necessary to respond to the pandemic; in light of the need for quick action to deploy the City workforce effectively in these emergent circumstances and to protect the City workforce from health impacts caused by COVID-19, it is in the public interest to temporarily waive certain provisions of the City's civil service rules and rules regarding hiring to the extent such modifications are necessary to respond to the emergency; and

WHEREAS, Many City workers affected by the shelter in place order cannot perform their duties remotely and must stay home, and it is in the public interest to support such employees through the duration of the order with paid leave; and

WHEREAS, The March 16, 2020 order of the Local Health Officer prohibited restaurants from operating in-person dining but allowed restaurants to continue operating delivery and takeout; removing barriers in local law that would otherwise prohibit a restaurant from operating a delivery or take-out only business is necessary to support these restaurants and to conform with the intent of the Local Health Officer's order; and



WHEREAS, Given the March 16, 2020 shelter in place order of the Local Health Officer restricting movement within the City, the ongoing threat of community spread of COVID-19, and the need to reduce social interaction to control that spread, only essential meetings of the City's boards and commissions should be held during the Local Health Officer's shelter in place order; and

WHEREAS, The Mayor does hereby proclaim that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation, in the March 11, 2020 Supplement to the Proclamation, and in the March 13, 2020 Second Supplement to the Proclamation, it is further ordered that:

(1) The Director of the Office of Economic and Workforce Development is authorized to implement a program under which the City will provide financial assistance to employers that agree to supplement their existing paid sick leave policies by providing additional paid sick leave to employees who work in the City or on City-owned property. Funds the City provides employers under this program shall be designated to fund additional paid sick leave the employer provides. The Director is delegated authority to develop and promulgate criteria for employer and employee eligibility and other rules related to the program, including but not limited to the amount the City will fund per eligible employee. The program shall last for an initial period of 90 days, for sick leave taken on or after March 16, 2020. The Mayor may extend the program if conditions warrant. The Mayor shall provide notice of the extension through an Executive Order posted on the Mayor's website and delivered to the Clerk of the Board of Supervisors; and

(2) The Human Resources Director or designee, and the Director of Transportation or designee for San Francisco Municipal Transportation Agency service critical employees, is delegated authority during the local emergency to temporarily waive provisions of Civil Service Commission Rules and provisions of the Charter regarding hiring, if the Human Resources Director or Director of Transportation deems such waiver necessary to



comply with public health orders issued by local, state, or federal health officials or to ensure continuity of City operations in response to the emergency. In addition, the Human Resources Director or designee is delegated authority during the local emergency to temporarily waive the limitation on the hours worked for employees appointed under Charter section 10.104(16). This Order ratifies any prior such waivers; and

(3) The Director of Transportation for San Francisco Municipal Transportation Agency service critical employees is authorized, with concurrence of the Controller, to create a paid leave program for those employees who are not working, including working from home, through April 17, 2020 to mitigate the financial impacts of the emergency, and for all other City employees the Human Resources Director is authorized, with concurrence of the Controller, to create a paid leave program for employees who are not working, including working from home, through April 17, 2020, to mitigate the financial impacts of the emergency; and

(4) Any local law requiring a restaurant use to have dine-in operations is suspended. Consistent with the shelter in place order of the Local Health Officer, restaurants may prepare and provide ready-to-eat cooked foods to customers for take-out or delivery purposes without providing an option for consumption on the premises, for the duration of that order as it may be modified or extended; and

(5) From March 18, 2020 through April 7, 2020, City policy and advisory bodies shall not hold public meetings, unless the Board of Supervisors, acting by written motion, or the Mayor or the Mayor's designee directs otherwise, based on a determination that a policy body has an urgent need to take action to ensure public health, safety, or essential government operations. This order applies to all City commissions, boards, and advisory bodies other than the Board of Supervisors and its committees.

DATED: March 17, 2020

A handwritten signature in blue ink that reads "London Breed".

London N. Breed
Mayor of San Francisco



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BOARD OF SUPERVISORS
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**FOURTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING
THE EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

WHEREAS, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

WHEREAS, On March 11, 2020, March 13, 2020, and March 17, 2020, the Mayor issued supplements to the Proclamation, ordering additional measures to respond to the emergency; and



WHEREAS, On March 16, 2020, the Local Health Officer issued an order requiring most people to remain at home subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses, through April 7, 2020; and

WHEREAS, On March 16, 2020, the Governor issued Executive Order N-28-20, finding that it is necessary to promote stability among commercial tenancies to further public health and mitigate the economic pressures of the emergency, and waiving certain provisions of state law so that local jurisdictions may achieve these purposes; and

WHEREAS, There are currently 51 confirmed cases of COVID-19 within the City, more than 850 confirmed cases in California, and there have been 15 COVID-19-related deaths in California; and

WHEREAS, COVID-19 is causing and is expected to continue to cause abrupt serious negative impacts on the local economy and abrupt serious negative financial impacts to local businesses, including, but not limited to, reductions in income due to lower customer demand or forced closures; and

WHEREAS, These abrupt serious negative impacts will irreparably harm local businesses and the residents they employ, and will jeopardize public health; and

WHEREAS, It is in the public interest to take immediate steps to ensure that local businesses can continue to operate, either as essential businesses now under the shelter in place order or after the restrictions in the shelter in place order are lifted; and

WHEREAS, The Mayor proclaims that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation, in the March 11, 2020 Supplement to the Proclamation, the March 13, 2020 Second Supplement to the



Proclamation, and the March 17, 2020 Third Supplement to the Proclamation, it is further ordered that:

A temporary moratorium on eviction for non-payment of rent by commercial tenants directly impacted by the COVID-19 crisis is imposed as follows:

(a) This Order applies only to commercial tenants registered to do business in San Francisco under Article 12 of the Business and Tax Regulations Code with 2019 combined worldwide gross receipts for tax year 2019 for purposes of Article 12-A-1 of the Business and Taxation Code equal to or below \$25 million. This figure shall be prorated in the case of businesses that were not operating for the entire 2019 tax year.

(b) If a covered commercial tenant fails to make a rent payment that was due on or after March 17, 2020, then the landlord may not recover possession of the unit due to the missed or delayed payment, without first providing the tenant written notice of the violation and an opportunity to cure the violation, as set forth in subsection (c).

(c) The written notice from the landlord required under subsection (b) shall specify a cure period of at least one month from the date the tenant receives the notice, but landlords are encouraged to offer a longer period. Upon receipt of the notice, the tenant shall have the full cure period to either (1) pay the rent, or (2) provide documentation to the landlord showing that the tenant is unable to pay the rent due to a financial impact related to COVID-19. For purposes of this Order, the term "financial impact" means a substantial decrease in business income due to illness or other disruption, reduced open hours or reduced consumer demand, or temporary closure of the business, including temporary closure required to comply with restrictions or in response to restrictions under the shelter in place or other orders of the Health Officer. A financial impact is "related to COVID-19" if caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

(d) If the tenant provides the landlord documentation of the tenant's inability to pay rent due to a financial impact related to COVID-19, then the cure period shall be extended by one month, so that the landlord and tenant can discuss the matter in good faith and attempt to develop a payment plan for the tenant to pay the missed rent. If the landlord and tenant cannot agree to a payment plan, then the tenant shall, on or before the new date that the cure period will expire, at the one-month mark, either (1) pay the rent, or (2) provide additional documentation of its continuing inability to pay due to a



financial impact related to COVID-19, in which case the cure period shall extend by one more month. Thereafter, the tenant may obtain additional monthly extensions of the cure period by providing updated documentation each month, but under no circumstances shall the landlord be prohibited from evicting for non-payment for more than six months after the date the rent was originally due. If the tenant has not paid all outstanding rent at the end of the applicable cure period, then the landlord may proceed with the eviction for non-payment.

(e) Nothing in this Order relieves a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover the rent due through means other than an eviction for non-payment.

(f) This Order will last for a period of 30 days, until the Proclamation of Local Emergency is terminated, or upon further Order from the Mayor, whichever occurs sooner. The cure period requirements of subsections (c) and (d) shall survive the expiration or termination of this Order for any missed rent payment that occurred prior to the expiration or termination of the Order. The Mayor may extend this Order by an additional period of 30 days if emergency conditions at that time warrant extension. The Mayor shall provide notice of the extension through an Executive Order posted on the Mayor's website and delivered to the Clerk of the Board of Supervisors.

(g) The Office of Economic and Workforce Development ("OEWD") is delegated authority to adopt regulations and to develop and publish guidelines consistent with this Order, including forms and recommendations of the types of documentation that may show financial impacts related to COVID-19. OEWD shall also have the authority to grant waivers from this Order to landlords who can demonstrate that being unable to evict would cause them a significant financial hardship (for example, default on debt or similar enforceable obligation).

DATED: March 18, 2020

A handwritten signature in blue ink that reads "London Breed".

London N. Breed
Mayor of San Francisco



**FIFTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

WHEREAS, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

WHEREAS, On March 11, 2020, March 13, 2020, March 17, 2020, and March 18, 2020, the Mayor issued supplements to the Proclamation, ordering additional measures to respond to the emergency; and



WHEREAS, On March 16, 2020, the Local Health Officer issued an order requiring most people to remain at home subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses, through April 7, 2020; and

WHEREAS, On March 16, 2020, the Governor issued Executive Order N-28-20, finding that it is necessary to promote stability among residential and commercial tenancies to further public health and to mitigate the economic pressures of the emergency, and waiving certain provisions of state law so that local jurisdictions may achieve these purposes; and

WHEREAS, On March 17, 2020, the Governor issued Executive Order N-29-20, suspending provisions of state and local law to allow policy bodies to hold public meetings remotely without providing a physical meeting place so long as the policy body provides a means for the public to observe and address the policy body; and

WHEREAS, On March 19, 2020, the Governor issued Executive Order N-33-20 and the California Public Health Officer issued a corresponding order requiring people to stay home except as needed to maintain the continuity of operations of federal critical infrastructure sectors; and

WHEREAS, On March 21, 2020, the Governor issued Executive Order N-35-20, suspending provisions of state law to allow policy bodies to simultaneously receive briefings from local, state, or federal officials concerning information relevant to the COVID-19 emergency outside of a meeting of the policy body and to ask questions of such officials, so long as the members of the policy body do not discuss the briefing amongst themselves or take any action; and

WHEREAS, There are currently over 131 confirmed cases of COVID-19 within the City, more than 2,100 confirmed cases in California, and there have been 39 COVID-19-related deaths in California; and

WHEREAS, On March 18, 2020, the San Francisco Superior Court stayed all actions of unlawful detainer cases for 90 days, except those resulting from violence, threats of violence, or health and safety issues, and ordered that the period from March 18, 2020, through April 15, 2020 is deemed a holiday for purposes of computing time under Code



of Civil Procedure Section 1167, with the exception of unlawful detainer cases resulting from violence, threats of violence, or health and safety issues; and

WHEREAS, In the Mayor's Second Supplement to the Proclamation dated March 13, 2020, the Mayor temporarily suspended certain provisions of the City's Rent Ordinance that allow landlords to evict tenants due to non-payment of rent; the extreme circumstances presented by the COVID-19 crisis warrant expanding the protections in the Second Supplement so that there is a temporary moratorium on additional evictions, consistent with the Governor's Executive Order N-28-20 and the Superior Court's March 18, 2020 order; and

WHEREAS, Construction of temporary medical and public health facilities for testing and treatment may be necessary to address the crisis posed by COVID-19, and it is in the public interest to remove barriers in local law that would prohibit or slow the creation of such facilities; and

WHEREAS, The City is taking immediate action to procure rooms in hotels and similar facilities so that the City can provide temporary shelter to vulnerable persons who are unable to self-quarantine, and to persons who are assisting in the emergency response, and it will be essential that the City be able to transition these persons in and out of the rooms, in order to quickly and safely address the spread of the virus, and it is in the public interest to suspend local laws that may slow the process or disincentivize owners of hotels and similar facilities from making their properties available for these purposes; and

WHEREAS, Administrative Code Section 14.3(f)(2) requires employers to report annually on health care expenditures pursuant to the San Francisco Health Care Security Ordinance and Police Code Section 4910(b) requires employers to report annually on compliance with the San Francisco Fair Chance Ordinance; and the work required to compile and report this data would require some employers to engage in non-essential travel to their places of business and would place further economic strain on employers; and

WHEREAS, The COVID-19 emergency and related health restrictions has impacted the ability of City policy bodies to safely meet in person; as noted above, the Governor has relaxed state laws governing public meetings; it is in the public interest to suspend select



provisions of local law to allow policy bodies to meet efficiently and safely during the emergency consistent with state law and while ensuring public participation; and

WHEREAS, Many City employees have been reassigned from their normal duties or deployed as Disaster Service Workers to assist in the emergency response effort; other City employees must prioritize and devote their work time to work related to the emergency response; City departments have been directed to support telecommuting to the extent possible, and telecommuting employees may not have access to City records; and many City employees are unable to work full-time because they are caring for children and family members at home who have been impacted by the pandemic; these changes to the typical functioning of the City workforce and workplace have burdened the City's ability to respond to requests for public records; temporarily suspending select provisions of the Sunshine Ordinance will allow the City to devote limited staff resources to emergency services and providing services to the public while still providing transparency; the California Public Records Act will continue to apply; and

WHEREAS, The Mayor proclaims that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation dated March 11, March 13, March 17, and March 18, 2020, it is further ordered that:

(1) It is necessary to amend the temporary moratorium on eviction for non-payment of rent by residential tenants directly impacted by the COVID-19 crisis, as stated in Section 1 of the Second Supplement dated March 13, 2020, to clarify that it also applies to housing providers who are exempt from the Rent Ordinance because their rent is controlled or regulated by the City; to allow tenants to obtain extensions due to expenses that are non-medical in nature; and to modify the notification and timing procedures that apply when a tenant requires an extension. Accordingly, Section 1 of the Second Supplement is hereby withdrawn, and the temporary moratorium shall be as follows:



(a) Notwithstanding Section 37.9(a)(1) of the Administrative Code, if a residential tenant has not timely made a rent payment that was due on or after March 13, 2020, the landlord may not recover possession of the unit under Section 37.9(a)(1) if the tenant has provided notice to the landlord within 30 days after the date that rent was due that the tenant is unable to pay rent due to financial impacts related to COVID-19. This eviction moratorium also applies to housing providers who are exempt from Chapter 37 on the basis that the rent is controlled or regulated by the City (including without limitation privately-operated units regulated by the Mayor's Office of Housing and Community Development or the Department of Homelessness and Supportive Housing).

(b) For purposes of this Order, "financial impacts" means a substantial loss of household income due to business closure, loss of compensable hours of work or wages, layoffs, or extraordinary out-of-pocket expenses. A financial impact is "related to COVID-19" if it was caused by the COVID-19 pandemic, the Mayor's Proclamation, the Local Health Officer's Declaration of Local Health Emergency, or orders or recommended guidance related to COVID-19 from local, state, or federal authorities.

(c) Within one week of providing notice under subsection (1)(a), the tenant shall provide the landlord documentation or other objectively verifiable information that due to financial impacts related to COVID-19, the tenant is unable to pay rent. The landlord may attempt to proceed under Section 37.9(a)(1) if the tenant does not comply with this requirement to provide documentation of financial impact within one week. If the tenant has provided documentation, then the tenant shall automatically receive an additional month after the date the tenant provided the documentation to pay the rent. If the tenant does not pay the rent at that time, the landlord must inform the tenant of the breach in writing, and the landlord and tenant shall then attempt to discuss the matter in good faith in order to develop a payment plan for the tenant to pay the missed rent.

(d) This Order shall last for a period of 30 days, until the Proclamation of Local Emergency is terminated, or upon further Order from the Mayor, whichever occurs sooner. The Mayor may extend this Order by an additional period of 30 days if conditions at that time warrant extension. The Mayor shall provide notice of the extension through an Executive Order posted on the Mayor's website and delivered to the Clerk of the Board of Supervisors.

(e) Upon expiration or termination of this Order, a tenant who provided the notice required under subsection (1)(a) shall have up to six months to pay the rent owed to the



landlord, before the landlord may recover possession due to those missed rent payments under Section 37.9(a)(1). The foregoing sentence does not prevent a landlord from providing a tenant additional time under a payment plan. During the six-month period, a landlord may request documentation of the tenant's ongoing inability to pay, and the tenant shall pay if able to do so, but under no circumstances shall a tenant's failure to timely respond to a follow-up request for documentation invalidate the six-month extension period. At the end of the six-month extension period, if the tenant still has not paid all outstanding rent, Section 37.9(a)(1) shall apply.

(f) Nothing in this Order relieves a tenant of the obligation to pay rent, nor restricts a landlord's ability to recover the rent due through means other than an eviction for non-payment.

(g) The Director of the Mayor's Office of Housing and Community Development or the Director's designee, in consultation with the Executive Director of the Rent Board as appropriate, is delegated authority to adopt regulations and to develop and publish guidelines consistent with this Order, including through the development of forms and recommendations of the types of documentation that may show financial impacts related to COVID-19.

(2) There shall be a moratorium on attempts to recover possession of rental units from residential tenants, if the effective date of the notice of termination of tenancy would fall within 60 days after the date this Order expires or is terminated, except where the landlord is endeavoring to recover possession due to violence, threats of violence, or health and safety issues. This Order shall apply to evictions under Section 37.9(a)(13) only if and when the Governor or State Legislature authorize such limitations on Ellis Act evictions during this state of emergency. The Executive Director of the Rent Board is directed to develop a form that landlords shall be required to include with any eviction notices, to inform tenants of the requirements of Sections (1) and (2) of this Order, and of the Superior Court Order.

(3) Temporary medical or public health facilities related to the City's COVID-19 response, as recommended by the Director of Public Health or the Director's designee and authorized by the Mayor or the Mayor's designee, shall be allowed in the City, including on any City streets; any provision in City law that limits or restricts deployment of any emergency public health response is hereby waived, and any applicable local



requirements for public notice, the filing or approval of a permit application, or payment of fees are hereby waived.

(4) Any hotel, or other tourist or transient use, may be used for residential purposes related to the City's COVID-19 response without losing its designation as a hotel, tourist, or transient use under the Planning Code or Administrative Code Chapter 41. Any provision in City law that limits or restricts such conversions to residential use is hereby waived during the local emergency, and all otherwise applicable local requirements for public notice, the filing or approval of a permit application, or payment of fees are hereby waived. Chapter 37 of the Administrative Code shall not apply to any rooms used for the City's COVID-19 response in a hotel or other tourist or transient use property. For avoidance of doubt, the rooms shall not be "rental units" for the purpose of the Rent Ordinance under Administrative Code Section 37.2(r), and individuals staying in such rooms shall not be "tenants" under Administrative Code Section 37.2(t).

(5) The requirements for employers to report in 2020 on prior year health care expenditures and Fair Chance Ordinance compliance pursuant to Administrative Code Section 14.3(f)(2) and Police Code Section 4910(b) are waived.

(6) The following provisions of City law governing policy body meetings are hereby suspended, until the termination of the emergency, unless the Mayor provides notice to the Board of Supervisors that the suspension is no longer necessary and rescinds this Order:

(a) The requirements in Administrative Code Section 67.6(f) that policy bodies provide 72 hours' notice of special meetings and 15 days' notice of special meetings held at a location other than the building where the policy body holds regular meetings.

(b) All requirements in the Municipal Code, including in Administrative Code Chapters 8 and 67, that agendas or other information be posted at the Main Library, provided that the policy body makes reasonable efforts to post the agenda outside Room 244 in City Hall, the office for the Board of Supervisors, but only so long as the Main Library is not open to the general public.

(c) Any requirement in the Administrative Code or Campaign and Governmental Conduct Code to televise policy body meetings if the chairperson of the



policy body determines, in consultation with the Mayor's office or the staff of SFGOVTV, that televising a particular meeting is not reasonably feasible.

(d) Any requirement in Administrative Code Chapter 67 requiring policy bodies to provide a physical location for members of the public to attend or make public comment at a meeting in which all members of the policy body are teleconferencing from remote locations. The chairperson of each policy body may determine, in consultation with the Mayor's office and the clerk or secretary of the policy body, whether to provide a physical location for a particular meeting.

(e) All requirements in Chapter 67 of the Administrative Code concerning passive meetings and passive meeting bodies.

(f) The provision of Section 67.15(c) of the Administrative Code requiring that each member of the public be provided an equal amount of time for public comment, provided that any departure from the equal time rule not be intended to favor or discriminate against a particular viewpoint.

(g) Administrative Code Section 67.3(b) is suspended to the extent it would prohibit policy bodies from receiving updates relevant to the declared emergency as permitted by the Governor's Executive Order N-35-20, or any other order of the Governor in the exercise of his emergency powers.

(7) The following provisions of City law governing public records are hereby suspended for pending and future records requests, until the termination of the emergency, unless the Mayor provides notice to the Board of Supervisors that the suspension is no longer necessary and rescinds this Order:

(a) The requirements in Administrative Code Section 67.21(a) and (b) that City agencies comply with requests for inspection or copying of a public record within 10 days following receipt of the request, or provide a written justification for withholding a record within 10 days. The foregoing sentence only addresses those deadlines under the Sunshine Ordinance, and does not affect a City agency's obligation to provide an initial response to a requester within the timeframes set forth in California Government Code Section 6253(c).



(b) The requirement in Administrative Code Section 67.21(c) that City agencies comply with requests for descriptions of records.

(c) The requirement in Administrative Code Section 67.24(e)(3) that City agencies prepare and provide documents and information during the course of contract negotiations.

(d) The restriction in Administrative Code Sections 67.24(g) and 67.24(i) prohibiting City departments from relying upon Government Code Section 6255 or any similar provision as the basis for withholding any documents or information. This paragraph does not suspend Administrative Code Section 67.24(h) regarding a "deliberative process" exemption.

(e) All deadlines in Administrative Code Section 67.21 for the Sunshine Ordinance Task Force or the Supervisor of Records to make determinations, and all deadlines in the Administrative Code or in regulations for parties to submit information to the Sunshine Ordinance Task Force. All such deadlines shall be tolled until 15 days after the termination of this Order.

(f) The requirement in Administrative Code Section 67.21(e) that an authorized representative of the custodian of records attend any hearing concerning a records request and explain its decision to withhold the records requested.

(8) Any provision of City law, including but not limited to Administrative Code Chapter 67, that relates to meetings of policy bodies or public records is hereby suspended to the extent that it either (i) conflicts with an executive order of the Governor issued in the exercise of his emergency powers, or (ii) would render it unlawful to comply with such a gubernatorial order without meeting additional requirements imposed by City law. The purpose of this paragraph is to align City law with state law to the extent any provision of state law regarding meetings of policy bodies or public records is modified or suspended by the Governor in the exercise of his emergency powers.

DATED: March 23, 2020

A handwritten signature in blue ink that reads "London Breed".

London N. Breed
Mayor of San Francisco

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 MAR 24 PM 4:08
Time stamp

BY  or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

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

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

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only