

File No. 120815

Committee Item No. 1

Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date October 18, 2012

Board of Supervisors Meeting

Date 11/6/12

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Environmental Review Determination, dtd 10/11/12</u> |
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Completed by: Alisa Miller Date October 12, 2012

Completed by: L.W. Date October 25, 2012

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

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

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

12
13 NOTE: Additions are *single-underline italics Times New Roman*;
14 deletions are *strike-through italics Times New Roman*.
15 Board amendment additions are double-underlined;
16 Board amendment deletions are ~~strikethrough-normal~~.

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

18 Section 1. The Planning Department has determined that the actions contemplated in
19 this ordinance comply with the California Environmental Quality Act (California Public
20 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the
21 Board of Supervisors in File No. 120815 and is incorporated herein by reference.

22 Section 2. The San Francisco Health Code is hereby amended by adding Sections
23 620-623 to read as follows:
24
25

1
2 ARTICLE 11A: BEDBUG INFESTATION PREVENTION, TREATMENT, DISCLOSURE,
3 AND REPORTING

4 SEC. 620. FINDINGS.

5 The Board of Supervisors finds and declares the following:

6 (1) Tenants, property owners and Pest Control Operators ("PCO") have distinct rights and
7 responsibilities regarding bed bug infestations.

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

10 (3) Female bed bugs can produce over 500 eggs in a lifetime and infestations can double in
11 number every 16 days.

12 (4) Bed bug egg mortality is very low, with approximately 97% of the bed bug eggs hatching
13 successfully.

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

16 (6) Bed bugs can live up to 18 months and effective abatement can require multiple
17 treatments.

18 (7) The City and County of San Francisco ("City") identifies bed bug infestations as a
19 public nuisance.

20 (8) A prevalence of bed bug infestations exist in San Francisco residential hotels, posing a
21 significant health hazard and public nuisance.

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

24 (10) Bed bug infestations spread more quickly in densely populated areas.
25

1 (11) Tenants have an interest in the bed bug history of potential rental units, and may make
2 decisions on whether to rent based on that information.

3 (12) All involved parties have interest in certifying that bed bug infestations are effectively
4 abated.

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

7 (14) Bed bug infestations negatively impact the mental and emotional health of affected
8 persons.

9 (15) Bed bug infestations require considerable time, effort and money to abate.

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

12 (17) Increased media attention on bed bug infestations potentially negatively effects tourism.

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

15 **SEC. 621. BED BUG INFESTATION PREVENTION, TREATMENT, DISCLOSURE,**
16 **AND REPORTING**

17 (a) The Department of Public Health ("DPH") shall create, ~~and distribute,~~ and maintain
18 written information that clearly describes the rights and responsibilities of tenants, property owners,
19 property managers, and licensed Pest Control Operators ("PCOs") regarding bed bug abatement.
20 DPH shall review and, if needed, update this information at least once every three years.

21 (b) The DPH Environmental Health Section ("DPH-EHS") shall, in collaboration with the
22 Department of Building Inspection Housing Inspection Division, after consultation with interested
23 stakeholders and experts in the field, produce a training curriculum on proper bed bug abatement
24 procedures for all property types. DPH-EHS shall complete the first curriculum within six months
25

1 from the effective date of this ordinance, and shall review and update the curriculum at least
2 once every three years as needed to ensure that the content correctly reflects current best practices in
3 bed bug abatement procedures.

4
5 (c) Property owners and managers shall investigate bed bug infestation complaints, and
6 record and abate confirmed bed bug infestations in conformity with any rules adopted by DPH for the
7 prevention and control of bed bug infestation under S.F. Health Code Section 581, or any successor
8 provisions. Tenants shall comply with all rules adopted by DPH for the prevention and control
9 of bed bug infestation under S.F. Health Code Section 581, or any successor provisions.

10 (d) With the exception of tourist hotels, at the request of a prospective tenant, a
11 property owner and/or property manager shall furnish to the tenant written disclosure of the
12 property's unit's bed bug infestation and abatement history for the previous two years. If there is no
13 history of bed bug infestation, the property owner or manager shall disclose that fact in writing. Such
14 written disclosure must be signed by the property owner and/or manager and tenant prior to the date
15 the property owner and/or manager initially delivers possession of the premises to the tenant.

16 (e) Whenever the DPH Director, or her/his designee, issues a notice of violation to
17 correct a bed bug infestation, DPH shall re-inspect the property after pest control certify
18 abatement of a bedbug infestation after site inspection confirms the treatment to verify has
19 been administered. Certification of abatement of the bed bug infestation. Re-inspection shall
20 occur within 4530 days of the last treatment.

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

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

4 **SEC. 622. ENFORCEMENT**

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

9 **SEC. 623. PENALTIES**

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

14 **SEC. 624. REVIEW AND AMENDMENT OF THE RULES AND REGULATIONS FOR**
15 **THE PREVENTION AND TREATMENT OF BED BUG INFESTATIONS.**

16 (a) The Health Department shall conduct a biannual public hearing to review
17 the Rules and Regulations for the Prevention and Treatment of Bed Bug Infestations, and
18 adopt amendments as determined to be appropriate under the goals and requirements of this
19 Article. The Health Department may also consider and adopt amendments to the Rules and
20 Regulations for the Prevention and Treatment of Bed Bug Infestations at other publicly noticed
21 meetings, as needed to effectuate the goals and requirements of this Article.

22 (b) Interested parties, including, but not limited to, tenants, property owners
23 and Pest Control Operators, may request that the Health Department amend the Rules and
24 Regulations for the Prevention and Treatment of Bed Bug Infestations. Placement of such
25

1 requests on a Health Department agenda or notice of hearing shall be at the discretion of the
2 the Director of Public Health.

3
4 (c) A public hearing or meeting noticed under this Section 624 shall be
5 noticed for a minimum of ten (10) days. Notice shall be provided to interested parties,
6 including, but not limited to, tenants, property owners and Pest Control Operators, according
7 to Health Department rules and regulations promulgated for this purpose.

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

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

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

19 By: 
20 VIRGINIA DARIO ELIZONDO
21 Deputy City Attorney

22
23
24
25
Supervisor Kim
BOARD OF SUPERVISORS

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10/23/2012

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revised on: 7/30/2012 - n:\health\as2012\1200193\00784400.doc

FILE NO. 120815

LEGISLATIVE DIGEST

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

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

Existing Law

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

Amendments to Current Law

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

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

The Health Department would be required to conduct a bi annual public hearing to review DPH's Rules and Regulations for the Prevention and Treatment of Bed Bug Infestations, and adopt amendments as determined to be appropriate under the goals and requirements of this Article.

FILE NO. 120815

Background Information

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

BOARD of SUPERVISORS



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

October 4, 2012

File No. 120815

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

Dear Mr. Wycko:

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

File No. 120815

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

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

Angela Calvillo, Clerk of the Board

By: Linda Wong, Committee Clerk
Rules Committee

Attachment

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

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

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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

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

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

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

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

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

