

File No. 201388

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Date: February 4, 2021

Board of Supervisors Meeting:

Date: _____

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Prepared by: John Carroll

Date: January 29, 2021

Prepared by: John Carroll

Date: _____

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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BOARD of SUPERVISORS



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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

CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET AND LEGISLATIVE ANALYST

1390 Market Street, Suite 1150, San Francisco, CA 94102 (415) 552-9292
FAX (415) 252-0461

January 29, 2021


TO: Government Audit and Oversight Committee
FROM: Budget and Legislative Analyst 
SUBJECT: February 4, 2021 Government Audit and Oversight Committee Meeting

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1	20-1388 Administrative Code – Protections of Occupants of Residential Hotels During COVIC-19 Pandemic	1

<p>Item 1 File1 20-1388</p>	<p>Department: Department of Public Health</p>
<p>EXECUTIVE SUMMARY</p>	
<p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> • The proposed ordinance amends the Administrative Code, Chapter 41G, Sections 41G.1 through 41G.7, to require the Department of Public Health (DPH) to, among other things, test all residents of Single Room Occupancy buildings (SROs) for COVID-19 and offer residents isolation and quarantine hotel rooms when one or more SRO resident tests positive for COVID-19. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> • The proposed ordinance adds the provisions under the previously enacted Emergency Ordinances regarding SRO COVID-19 protections to the Administrative Code. • The proposed ordinance includes a sunset provision, stating that tis Chapter 41G will expire 60 days after termination or expiration of the Stay Safer At Home Order. Once the chapter expires it will be removed from the Administrative Code. • DPH testing procedures for SROs differ from the proposed ordinance, which requires testing all residents in an SRO when one SRO resident tests positive. Instead, DPH’s policy is to conduct mass testing at SRO buildings when more than two households test positive for COVID-19. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> • We estimate that, if the proposed ordinance had been in effect and implemented as written between June 2020 and November 2020, the City would have incurred increased costs for testing and quarantine/isolation hotel rooms, ranging from \$3.0 million to \$3.9 million. This estimate assumes that FEMA would have reimbursed 50 percent of costs. Actual costs going forward may vary depending on the number of COVID positive cases in SROs. Also, FEMA reimbursement rates to local jurisdictions may increase up to 100 percent, based on a January 21, 2021 Presidential Memorandum. • These estimates do not account for costs that may have been avoided if an individual would otherwise have become ill or required hospitalization due to COVID in the absence to testing. <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> • Approval of the proposed ordinance is a policy matter for the Board of Supervisors. 	

MANDATE STATEMENT

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

BACKGROUND

Due to the communal living setting of many residential hotels where bathroom, kitchen and common room facilities are often shared, and that a high percentage of those living in residential hotels are age 60 years or older, there are concerns about increased risk to occupants of residential hotels (“SRO residents”) of contracting COVID-19. In response to this increased risk, the Board of Supervisors passed Emergency Ordinance No. 84-20 effective May 29, 2020, putting in place protections for SRO residents against COVID-19 spread by allowing SRO residents access to isolation/quarantine hotel rooms if they meet the City Health Officer’s criteria for isolation or quarantine. The ordinance also required the Department of Public Health (DPH) to develop a protocol that, in the event a resident of an SRO tests positive for COVID-19, provides for access to testing for other residents, contact tracing, cleaning, and isolation/quarantine hotel rooms as needed for positive and exposed residents and staff.

As the pandemic continued, the Board amended and reenacted the Emergency Ordinance (No. 161-20) effective September 11, 2020. Ordinance No.161-20 maintains the provisions as the original ordinance and includes an updated provision requiring residential hotels to post information in common areas after a positive COVID-19 test, advising SRO residents of their rights under this Emergency Ordinance to access isolation/quarantine hotel rooms, COVID-19 testing, and face coverings as well as information informing residents about the language-accessible COVID-19 telephone line. On December 15, 2020, the Board of Supervisors reenacted the Emergency Ordinance (No. 271-20) in response to another surge of COVID-19, which was retroactive to November 11 and expired on January 11, 2021.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance amends the Administrative Code to include the protocols established in previously enacted Emergency Ordinances for SRO residents during the COVID-19 pandemic. If enacted, this ordinance will add Chapter 41G, Sections 41G.1 through 41G.7, to the Administrative Code, which requires:

- Posting in building common spaces a copy of this Chapter of the Administrative Code along with the telephone numbers for the Eviction Defense Collaborative, Single Room Occupancy Collaborative, and Residential Hotel’s Operator or on-site representative.
- Placing SRO residents in isolation/quarantine hotel rooms for up to 14 days if they meet the standards for isolation or quarantine as established by the County Health Officer Directives Nos. 2020-02 and 2020-03. SRO residents in isolation/quarantine hotels will be

provided essential services at no cost, including three meals, adequate heat, and clean restrooms.

- Making every effort to identify and address any barriers an SRO resident may have for refusing isolation/quarantine placement.
- Complying with the City Language Access Ordinance and translation of all materials and vital information.
- Posting a notice that advises SRO residents when a COVID-19 case has been identified in the building, their rights to access isolation and quarantine hotel rooms, COVID-19 testing, and face coverings.
- DPH initiate contact and establish testing for all occupants of the residential hotel where the positive COVID-19 resident resides. Testing will be provided either onsite at the residential hotel or offsite in the neighborhood of the residents needing testing. When necessary, DPH will also receive information from the residential hotel operator to conduct contact tracing.
- DPH to order SRO owners to clean all common areas following a COVID-19 positive test of a resident.
- DPH to distribute face coverings to all SRO residents and all residential hotel employees who need them.
- DPH to establish a telephone hotline for SRO residents to ask questions about accessing COVID-19 screenings, testing, etc.
- DPH to provide data for the City's Data Tracker on total number of 1) Residential Hotels citywide with a confirmed COVID-19 case; 2) Confirmed positive COVID-19 cases in San Francisco and rates of cases by population size by zip code; 3) SRO Residents who have completed isolation or quarantine in a city hotel room; and 4) SRO Residents who have died due to COVID-19 related complications.

The proposed ordinance includes a sunset provision, stating that this Chapter 41G will expire 60 days after termination or expiration of the Stay Safer At Home Order. Once the chapter expires it will be removed from the Administrative Code.

If the related emergency ordinance outlining these provisions is reenacted before the enactment of this ordinance, the emergency ordinance will sunset upon enactment of this ordinance.

COVID Cases in SROs

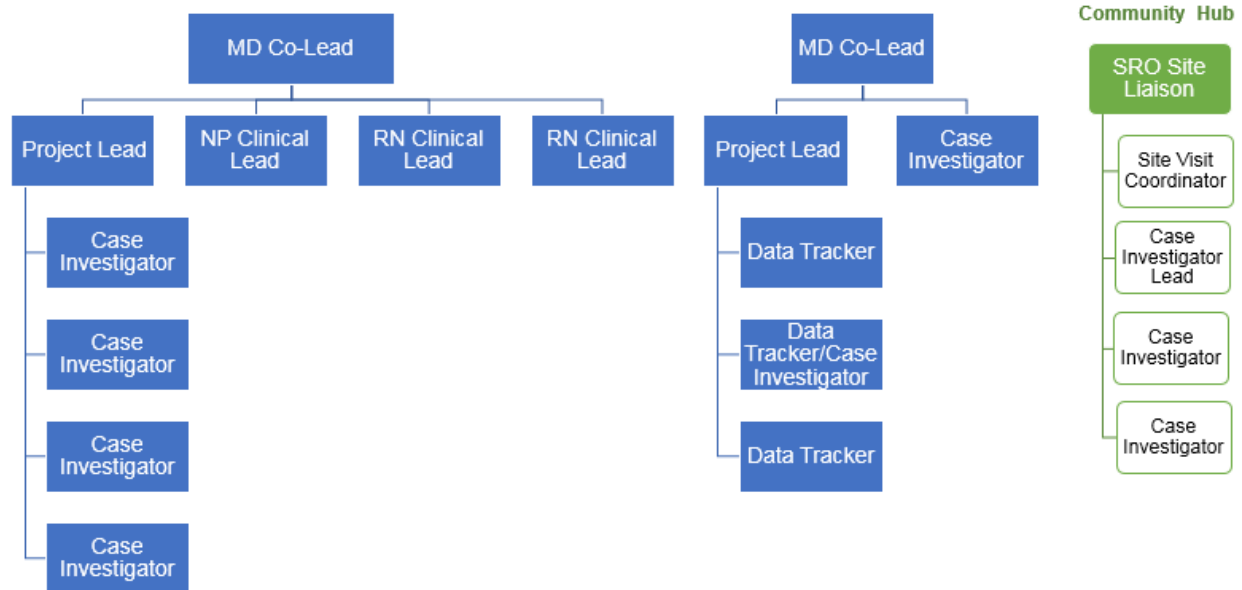
Data from the City's SRO COVID dashboard shows that as of January 15, 2021, 912 SRO residents have tested positive for COVID-19, 219 residential hotel buildings have had at least one resident test positive, 356 COVID-19 positive SRO residents have stayed at an isolation and quarantine site, and 9 SRO residents have died from complications associated with COVID-19. According to DPH, the SRO case fatality rate of 1.1 percent is similar to the citywide fatality rate.

DPH Outbreak Management Group

The DPH SRO Team Outbreak Management Group is comprised of twenty DPH staff who are responsible for managing community outreach, clinical testing and outbreak investigation for SROs and permanent supportive housing, as well as data tracking and analysis. Exhibit 1 below

illustrates the current team’s organization chart. The two physician epidemiologist co-leads of the team oversee team leads, clinical leads, and case investigators. The SRO Community Hub is located in the Community Mitigation branch of the COVID Command Center and works with the SRO Team Outbreak Management Group. The Community Hub notifies property managers or building owners of COVID cases and provides guidance on environmental cleaning standards as well as information about the prior relevant emergency ordinance. The Community Hub staff also assist the clinical leads and case investigators in the Outbreak Management Group with case investigation and outreach, and the primary points of contact for SRO owners and other permanent supportive housing providers.

Exhibit 1. DPH Outbreak Management Group Organization Chart



Source: DPH

Note: NP refers to Nurse Practitioner and RN refers to Registered Nurse

DPH is currently managing all testing event operations at SRO hotels. Wherever possible these tests are conducted through the City’s Public Health Lab, however, capacity issues can require tests go through the CityTestSF program under the current City contract with Color Genomics (File 20-1192) for COVID-19 testing. Pricing assumptions below assume testing costs as charged under the Color contract in addition to results disclosure tasks that are not part of the contract with Color Genomics.

DPH Testing Procedures at SROs

To date, the DPH SRO Outbreak Management Group has generally deployed mass testing at SRO buildings when there are more than two cases in separate households within 14 days, plus additional markers for risk of intrabuilding transmission. According to the physician epidemiologist leads of the SRO response team, the current policy is based on (though has a lower threshold than) the California Department of Public Health guidance, which defines

outbreaks in residential congregate settings as three confirmed or probable cases.¹ DPH states that instances of mass testing at SRO buildings with one case did not result in identification of additional cases beyond what would be expected based on community prevalence. According to DPH, because there is widespread community transmission of COVID-19, and because SRO residents work and engage outside their residence in the community, a single case in an SRO does not necessarily indicate that there will be spread outside of the household in that building.

DPH’s testing procedures for SROs differ from the proposed amendment to the Administrative Code, which requires testing all residents in an SRO when one SRO resident tests positive.

FISCAL IMPACT

We estimate that, if the proposed ordinance had been in effect and implemented as written between June 2020 and November 2020, the increased costs to the City of implementation would range from \$3.0 million to \$3.9 million, summarized in Exhibits 3 and 4 below. This assumes that 50 percent of costs would have been reimbursed by FEMA.

Estimated Costs of COVID Testing and Isolation/Quarantine Rooms

Based on information provided by DPH, during the six-month period of June 2020 to November 2020, we estimate that DPH incurred costs of \$1,869,531 to conduct 61 mass testing events across 40 SRO buildings for SRO residents in buildings where two or more individuals tested positive, and to provide isolation/quarantine rooms for 279 SRO residents who tested positive and accepted those placements. The number of mass testing events per SRO building was approximately 1.5. Assuming 50 percent of these costs are reimbursed by the Federal Emergency Management Agency (FEMA), costs to the City are estimated at \$934,766 for testing and for isolation/quarantine hotel rooms for SRO residents in this six-month period, shown in Exhibit 2.

Exhibit 2. Estimated Costs for Actual DPH SRO Testing Events and Isolation/Quarantine Hotels, June 2020 – November 2020

	Number of Occurrences	Cost per Occurrence	Total
<i>Actual Testing Events</i>			
Testing Events	61	\$9,069	\$553,209
Isolation/Quarantine Hotel Rooms	279	\$4,718	<u>1,316,322</u>
Total			\$1,869,531
Net Cost to City with 50% FEMA Reimbursement			\$934,766

Source: DPH and BLA Analysis

Note: Isolation & Quarantine Room costs are estimated at \$337 per person per night based on our review of the City’s contracts for rooms and associated services, with an assumed duration of 14 days, based on guidance from the Centers for Disease Control.

¹ October 13, 2020 CDPH guidance to local health departments on non-healthcare congregate facilities COVID-19 outbreak definitions and reporting guidance: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/OutbreakDefinitionandReportingGuidance.aspx>

According to DPH, the policy as outlined in this ordinance of a holding mass testing event for one or more COVID-19 positive tests would have required 314 mass testing events across 172 SROs from June 2020 to November 2020, or roughly 1.8 testing events per SRO building. We estimate that this cost would have been approximately \$9,622,816, of which \$4,811,708 would be funded by the City after FEMA reimbursement.

If the number of testing events across 172 SROs was closer to 1.5 events per building, as was the case for what DPH implemented June through November 2020, there would have been approximately 258 testing events across the 172 SROs. Under this scenario, we estimate costs to be closer to \$7,907,042, of which \$3,953,521 would be City costs after FEMA reimbursement, shown in Exhibit 3 below.

Exhibit 3. Estimated Costs for Potential DPH SRO Testing Events and Isolation/Quarantine Hotels, June 2020 – November 2020

	Number of Occurrences	Cost per Occurrence	Total
<i>Based on 258 SROs with One Positive COVID Test</i>			
Testing Events (1.5 per SRO)	258	\$9,069	\$2,339,802
Isolation/Quarantine Hotels	1,180	\$4,718	<u>5,567,240</u>
Total			\$7,907,042
Net Cost to City with 50% FEMA Reimbursement (258 Testing Events)			\$3,953,521
<i>Based on 314 SROs with One Positive COVID Test</i>			
Testing Events (1.8 per SRO)	314	\$9,069	\$2,847,768
Isolation/Quarantine Hotels	1,436	\$4,718	<u>6,775,048</u>
Total			\$9,622,816
Net Cost to City with 50% FEMA Reimbursement (314 Testing Events)			\$4,811,408

Source: DPH and BLA Analysis

The net increase in costs to the City if the ordinance had been in effect for the six-month period between June 2020 and November 2020, assuming 50 percent FEMA reimbursement, would have ranges from \$3.0 million (for 258 testing events) to \$3.9 million (for 314 testing events), as shown in Exhibit 4.

Exhibit 4: Estimated Increased Costs to the City between June 2020 and November 2020

Estimated Costs	258 Testing Events	314 Testing Events
Testing based on one resident with positive COVID test	\$7,907,042	\$9,622,816
Testing based on DPH policy	<u>1,869,531</u>	<u>1,869,531</u>
Estimated increase	\$6,037,511	\$7,754,285
Net Cost to City with 50% FEMA Reimbursement	\$3,018,756	\$3,876,643

Source: BLA

These estimates provide a range of potential costs for implementing this ordinance over the period of June to November 2020. The costs going forward would vary depending on the change in the number of positive COVID cases in SROs.

We also assume 50 percent FEMA reimbursement; however, this may increase due to changing Federal reimbursement rates to states and localities for COVID-19 assistance.²

These estimates do not account for costs that may have been avoided if an individual would otherwise have become ill or required hospitalization due to COVID in the absence to testing.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

² On January 21, 2021 a Presidential Memorandum outlined that FEMA will cover 100 percent of costs related to the safe opening and operation of a number of facilities, including non-congregate shelters, healthcare facilities, and other eligible applicants: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/extend-federal-support-to-governors-use-of-national-guard-to-respond-to-covid-19-and-to-increase-reimbursement-and-other-assistance-provided-to-states/>.

Attachment: Method for Estimating Costs of COVID Testing and Quarantine/Isolation Rooms

Testing Event Cost Estimates

The cost per occurrence for a testing event is estimated based on \$125 dollars per test multiplied by an average of 60 SRO residents in a residential hotel. This estimate also includes 38 hours of related staff time for registering and creating the list of those to be tested, conducting the tests, and disseminating results. This work is conducted by DPH Health Worker IIIs and Public Health Nurses. Exhibit A.1 below demonstrates how \$9,069 per testing event was determined.

Exhibit A.1. Estimated Cost per One Testing Event

Test		Total
No. Tests (Avg # of residents in SRO)		60
Cost per Test		\$125
	Subtotal Test Cost	\$7,500
Staffing	Wage/Hr.	Total
Health Worker III, Outreach, 16 Hours	\$34.25	\$548
PHN (RN), Testing & Orders, 6 Hours	78.89	473
Health Worker III, Results Disclosure, 16 Hours	34.25	548
	Subtotal Staffing Cost	\$1,569
Total Testing Cost		\$9,069

Source: DPH and BLA Analysis

Note: Wages assume Step 3 in each job class in FY 2020-21 and do not include benefits.

The estimates do not include programmatic staffing (1.5 FTE of physician-leadership, 2 program leads and 2 data trackers) and coordination.

There are a portion of SRO residents who are tested which do not incur City costs. As of October 2020, DPH estimates that 41 percent of SRO resident cases of COVID-19 were tested at the Public Health Laboratory and 58 percent were tested at another laboratory. While these estimates assume that DPH will be doing all testing, and incurring costs to the city for this testing, city costs under this ordinance could potentially be reduced if there is a large number of SRO residents who utilize offsite testing.

Isolation/Quarantine Hotel Room Cost Estimates

The cost for isolation/quarantine hotels is estimated to be approximately \$337 per room per night, totaling \$4,718 for 14 days. Exhibit A.2 shows the breakdown in costs for the isolation/quarantine hotel rooms. These estimated costs cover four isolation/quarantine room sites for a total of 272 rooms.

Exhibit A.2. Isolation/Quarantine Room Cost Estimate

I/Q Room Cost	Cost per month	Cost per day (30 days)	Cost per room per day (272 rooms)
Leases	\$538,800	\$17,960	\$66
Food	231,283	7,709	28
Laundry & Supplies	34,394	1,146	4
Disinfection	251,015	8,367	31
CBO Contracts*	1,696,945	56,565	208
Total	\$2,752,438	\$91,748	\$337
Total Cost over 14 days			\$4,718

Source: DPH and BLA Analysis

*CBO Contract costs include costs for medical and non-medical staffing, transportation to and from I/Q hotel rooms, administration, security and janitorial services. These costs are based on the current contract estimates for services provided by HealthRight 360 and Episcopal Community Services.

Note: Lease, Food, Laundry & Supplies, and Disinfection cost estimates are based on actual spending provided by DPH.

According to Drew Murrell, Deputy Finance Office at DPH, the isolation/quarantine hotel room cost estimate project that DPH will cover the costs for hotel room leases, food, laundry and supplies, and disinfection costs in addition to the CBO contracts. The CBO contract costs cover staffing and service delivery at the isolation/quarantine sites, which was work that was previously done by City Disaster Service Workers. DPH is currently still finalizing the CBO contracts with providers and anticipates that there may be some changes as providers are experiencing challenges with meeting staffing at the needed levels. According to Mr. Murrell, DPH will continue to fill gaps in staffing as needed to ensure patient needs are met across the sites.

Under DPH’s current practice of testing SRO residents when there are cases in more than two cases in separate households within 14 days (and conducting repeat testing as needed to contain an outbreak), 279 individuals were placed in isolation/quarantine hotel rooms following 61 testing events, as shown in Exhibit 2 above, or approximately 4 to 5 isolation/quarantine hotel room placements for every testing event. Based on these results, we estimated if DPH were to test SRO residents when one individual at a hotel tests positive, then 1,416 SRO residents would be placed in isolation/quarantine rooms following 314 testing events (the number of testing events that would have occurred had DPH tested all residents after one individual in the hotel tested positive). While DPH offers access to these rooms for close contacts of the positive person and will offer rooms to all residents if a building has over a 10 percent positivity rate, according to the physician epidemiologist leads of the SRO response team, there has been low uptake of isolation and quarantine among SRO residents.

Cleaning and Personal Protective Equipment Costs

Residential hotel cleaning costs are not included in the estimates provided as this is not currently a City cost. At the beginning of the pandemic, the Mayor’s Office of Housing and Community Development (MOHCD) released purchase orders from emergency contracts for janitorial services managed by the Emergency Operations Center in collaboration with the Office of Contract Administration. These janitorial services provided cleaning for market rate and

affordable residential hotels through September. There were five janitorial service companies under contract to provide emergency as-needed services.³ These contractors remain available as a resource to residential hotel owners, but owners are now expected to contract directly for their cleaning needs according to Benjamin McCloskey, Deputy Director Finance and Administration for MOHCD. Mr. McCloskey estimates that MOHCD spent approximately \$1.65 million on cleaning services for residential hotels up through September; the majority of this was reimbursable through FEMA. However, according to Mr. McCloskey, as of September 15, 2020 FEMA is only reimbursing for cleaning costs where emergency work related to the pandemic is performed, which does not include cleaning SRO hotels. According to the January 21, 2021 Presidential Memorandum on FEMA reimbursement, disinfecting services for the safe opening and operation of certain facilities, like non-congregate shelter and healthcare facilities, will be covered at 100 percent Federal cost share until September 30, 2021.

Personal protective equipment (PPE) costs are not included in our estimates. DPH reported that the COVID Command Center currently has sufficient PPE to meet the requirements of the proposed ordinance. However, there are PPE costs included in the CBO contract costs for services provide at the isolation/quarantine hotel sites.

The fiscal impact of this ordinance is based on what we estimate DPH would have spent on SRO testing and isolation/quarantine hotels during the six-month period of June through November 2020 had it implemented the ordinance as written. These estimates provide a guideline for potential costs going forward. There is uncertainty around how these estimated costs may change given that cases could decline or surge depending on factors such as vaccine rollout and controlling the spread of more contagious variants of the virus.

³ These contractors include: YMM Janitorial, YADEJS, Inc., MEK Enterprises, Clean-A-Rama Maintenance Service, and Aim To Please Janitorial Services, Inc.

President, District 7
BOARD of SUPERVISORS



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Norman Yee

PRESIDENTIAL ACTION

Date:

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No.

(Primary Sponsor)

Title.

Transferring (Board Rule No 3.3)

File No.

(Primary Sponsor)

Title.

From:

Committee

To:

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor:

Replacing Supervisor:

For:

Meeting

(Date)

(Committee)

Start Time:

End Time:

Temporary Assignment:

Partial

Full Meeting

Norman Yee, President
Board of Supervisors

Introduction Form

By a Member of the Board of Supervisors or 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 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:

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 contract 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.

Signature of Sponsoring Supervisor:

For Clerk's Use Only