

BOARD of SUPERVISORS



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

February 13, 2017

File No. 170158

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

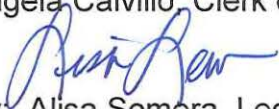
On February 7, 2017, Supervisor Peskin introduced the following proposed legislation:

File No. 170158

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to require Hosting Platforms to exercise reasonable care in verifying that a residential unit is on the City Registry prior to accepting a fee for booking a short-term rental transaction; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for By:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

1 [Administrative Code - Short-Term Residential Rentals]

2

3 **Ordinance amending the Administrative Code to revise the Residential Unit Conversion**
4 **Ordinance to require Hosting Platforms to exercise reasonable care in verifying that a**
5 **Residential Unit is on the City Registry prior to accepting a fee for booking a short-term**
6 **rental transaction; and affirming the Planning Department’s determination under the**
7 **California Environmental Quality Act.**

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

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

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

21 Section 2. The Administrative Code is hereby amended by revising Section 41A.5, to
22 read as follows:

23 **SEC. 41A.5. UNLAWFUL CONVERSION; REMEDIES.**

24 * * * *

25 (g) **Exception for Short-Term Residential Rental.**

1 * * * *

2 **(4) Requirements for Hosting Platforms.**

3 * * * *

4 (C) A Hosting Platform may provide, and collect a fee for, Booking
5 Services in connection with short-term rentals for Residential Units located in the City and
6 County of San Francisco only when the Hosting Platform exercises reasonable care to confirm that
7 those Residential Units are lawfully registered on the Short-Term Residential Rental Registry
8 at the time the Residential Unit is rented for short-term rental. *Whenever a Hosting Platform*
9 *complies with administrative guidelines issued by the Office of Short-Term Residential Rental*
10 *Administration and Enforcement to confirm that the Residential Unit is lawfully registered on the*
11 *Short-Term Rental Registry, the Hosting Platform shall be deemed to have exercised reasonable care*
12 *for the purpose of this subsection (g)(4)(C).*

13 * * * *

14
15 Section 3. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
24
25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: 
7 JON GIVNER
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Short-Term Residential Rentals]

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to require Hosting Platforms to exercise reasonable care in verifying that a residential unit is on the City Registry prior to accepting a fee for booking a short-term rental transaction; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Administrative Code Chapter 41A prohibits short-term rentals (rentals of less than 30 days) of residential units in the City unless the permanent resident of the unit registers the unit with the City's Office of Short-Term Residential Rental Administration and Enforcement (known as the Office of Short-Term Rentals) and agrees to adhere to various rules and restrictions. Hosting Platforms may provide, and collect a fee for, booking services in connection with short-term rentals only when the rented units are lawfully registered on the City's Short Term Residential Rental Registry. A Hosting Platform that provides booking services for an unregistered unit violates Chapter 41A and is subject to potential penalties and other administrative or judicial relief.

Amendments to Current Law

The ordinance would allow Hosting Platforms to provide, and collect a fee for, booking services only if the Hosting Platforms *exercise reasonable care* to confirm that the rented units are lawfully registered on the Short Term Residential Rental Registry at the time the units are rented for short-term rental. Under the proposed ordinance, Hosting Platforms exercise reasonable care if they comply with administrative guidelines issued by the Office of Short-Term Rentals to confirm that the unit is lawfully registered.

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