

File No. 170158 Committee Item No. 4
 Board Item No. 13

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date March 15, 2017

Board of Supervisors Meeting Date MARCH 21, 2017

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <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"/> | 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 |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral CEQA 02/13/17</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI 02/13/17</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Response CEQA 02/27/17</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Presidential Action Memo - 03/03/17</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Erica Major Date March 9, 2017
 Completed by: JM Date 3/16/2017

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 ~~*italics Times New Roman font*~~.
11 **Board amendment additions** are in **double-underlined Arial font**.
12 **Board amendment deletions** are in ~~**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. 170158 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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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
JON GIVNER
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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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

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org,
c=US
Date: 2017.02.27 09:10:10 -08'00'

BOARD of SUPERVISORS



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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:

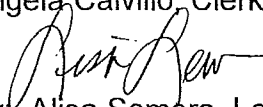
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for By:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

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

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1 Dr. Carlton B. Goodlett Place, Room 244
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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Kevin Guy, Director, Office of Short-Term Rental Administration and Enforcement

FROM: *AS* Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: February 13, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on February 7, 2017:

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.

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: alisa.somera@sfgov.org.

President, District 5
BOARD of SUPERVISORS



BOS-11, COB,
LMI, GAO, Leg. Dep.
City Hall Dep. city. atty.
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227
major
office

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PRESIDENTIAL ACTION

Date: 3/3/2017

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. 170158 Peskin
(Primary Sponsor)

Title. ~~Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to require Hosting Platforms to exercise~~

Transferring (Board Rule No 3.3)

File No. 170158 Peskin
(Primary Sponsor)

Title. Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to require Hosting Platforms to exercise

From: Land Use & Transportation Committee

To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed

London Breed, President
Board of Supervisors
435

Introduction Form

By a Member of the Board of Supervisors or the Mayor

5:48 PM
 2017 FEB - 7
 Time stamp
 or meeting date
 BY eu

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. Reactivate File No. []
- 10. 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 Imperative Form.

Sponsor(s):

Supervisor Peskin

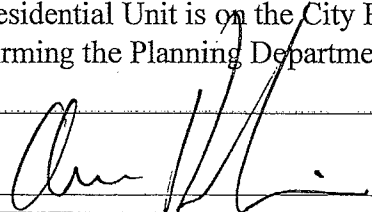
Subject:

[Administrative Code - Short-Term Residential Rentals]

The text is listed below or attached:

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.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only: