

[Providing for Amendments to Residential Hotel Visitor Policies, Rent Board Authority to Approve Policies and Hear Complaints, and providing that Violation of Police Code §919.1 Regarding Visitor Fees or Restrictions is an Infraction.]

Ordinance amending Administrative Code Chapter 41D "Residential Hotel Visitor Policies" to allow operators of residential hotels to adopt Supplemental Visitor Policies in addition to the Uniform Visitor Policy for Residential Hotels, upon approval of the San Francisco Residential Rent Stabilization and Arbitration Board (Rent Board), providing that the Rent Board may amend the Uniform Visitor Policy from time to time, and providing for hotel occupants to petition the Rent Board for hearing and rent reduction for violation of Chapter 41D; amending Administrative Code Section 37.6 and adding Section 37.13 to authorize the Rent Board to effectuate the provisions of Chapter 41D; and, amending Police Code Section 919.1 to provide that imposition or collection of a charge for a visitor or restriction of a visitor in violation of Section 919.1 is (in addition to any available civil remedies), an infraction.

Note: Additions are *single-underline italics Times New Roman font*; deletions are ~~*strikethrough italics Times New Roman font*~~; Board amendment additions are double underlined Arial font; Board amendment deletions are ~~strikethrough Arial font~~.

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

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 41D.1 of the Residential Hotel Visitor Policy Ordinance, to read as follows:

SEC. 41D.1. TITLE.

This Chapter shall be known as the Residential Hotel Visitor Policy Ordinance. For purposes of this Chapter, "Residential Hotel" shall have the same meaning as that set forth in Administrative Code Section 41.4(p).

1 Section 2. The San Francisco Administrative Code is hereby amended by amending
2 Section 41D.3 of the Residential Hotel Visitor Policy Ordinance, to read as follows:

3 **SEC. 41D.3. AUTHORITY OF THE SINGLE ROOM OCCUPANCY HOTEL SAFETY**
4 **AND STABILIZATION TASK FORCE, APPROVAL OF THE INITIAL UNIFORM VISITOR**
5 **POLICY FOR RESIDENTIAL HOTELS, AND SUBSEQUENT AUTHORITY OF THE**
6 **RESIDENTIAL RENT ARBITRATION AND STABILIZATION BOARD.**

7 (a) The Single Room Occupancy Hotel Safety and Stabilization Task Force ("SRO
8 Task Force") was created by Board of Supervisors Resolution No. 869-99. In addition to the
9 duties and obligations imposed by that resolution, the Task Force ~~is hereby~~ was authorized by
10 Ordinance No. 135-01 to carry out the requirements of this Chapter for ~~the review and approval~~
11 ~~initial approval~~ of a Uniform Visitor Policy for Residential Hotels (Uniform Visitor Policy) Visitor
12 Policies ("Visitor Policies"). The Task Force fulfilled this responsibility on December 5, 2001, by
13 adopting the initial "Uniform Visitor Policy in SRO Hotels." For purposes of this Chapter,
14 "Residential Hotel" shall have the same meaning as that set forth in Administrative Code Section
15 41.4(p).

16 (b) Following The SRO Task Force approval of the initial Uniform Visitor Policy, the
17 Residential Rent Stabilization and Arbitration Board is authorized to review and amend the Uniform
18 Visitor Policy from time to time, to establish criteria and procedures for approval of Supplemental
19 Visitor Policies, and to hear and determine complaints of non-compliance with the provisions of this
20 Chapter. The Task Force is also authorized to approve a Uniform Residential Hotel Visitor Policy
21 that may be adopted by hotel operators in lieu of the operator submitting a separate policy for
22 approval. No Visitor Policy may be implemented or enforced prior to its approval by the SRO Task
23 Force in accordance with this Chapter. The Housing Transportation, and Land Use Committee of the
24 Board of Supervisors, or a successor committee, shall review and approve the Task Force's proposed
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1 ~~criteria and procedures, and all proposed amendments thereto, and any Uniform Residential Hotel~~
2 ~~Visitor Policy, and all proposed amendments thereto, that may be proposed by the Task Force.~~

3 Section 3. The San Francisco Administrative Code is hereby amended by amending
4 Section 41D.4 of the Residential Hotel Visitor Policy Ordinance, to read as follows:

5 **SEC. 41D.4. DEVELOPMENT OF CRITERIA FOR APPROVAL OF REQUIRED**
6 **GOALS FOR THE UNIFORM VISITOR POLICY AND ANY SUPPLEMENTAL VISITOR**
7 **POLICIES.**

8 ~~(a) — Not later than sixty (60) days from the effective date of this Chapter, the SRO Task~~
9 ~~Force shall promulgate procedures for the approval of Visitor Policies and appropriate guidelines for~~
10 ~~operators of Residential Hotels who wish to implement a Visitor Policy.~~

11 ~~(b) (a) The Uniform Visitor Policy and any Supplemental Visitor Policies ~~criteria~~ shall ~~further~~~~
12 ~~meet~~ the following goals:

13 (1) To enhance the safety and welfare of guests and occupants of Residential
14 Hotels;

15 (2) To ensure the dignity and personal freedom of guests and occupants of
16 Residential Hotels and their visitors by eliminating unnecessary restrictions on the ability of
17 guests and occupants of Residential Hotels to conduct their personal and social lives in the
18 manner that they choose.

19 (3) To prevent harassment or other inappropriate interference by Residential Hotel
20 operators, employees or agents with the personal and social lives of Residential Hotel guests
21 and occupants and their visitors.

22 (4) To respect the privacy rights and right to quiet enjoyment of other Residential
23 Hotel guests and occupants.

24 (5) To recognize the obligation of SRO operators to maintain the safety of the
25 premises.

1 (6) To incorporate and to be consistent with the provisions of Police Code Section 919.1(a).

2 (b) However, nothing in the Uniform Visitor Policy or any Supplemental Visitor Policy shall
3 encourage or allow any hotel to exceed its approved maximum occupancy under state or local fire
4 safety laws.

5 ~~(c) The criteria may take the form of templates for acceptable policies and/or specific~~
6 ~~requirements and limitations for policies. If the SRO Task Force chooses to promulgate a Uniform~~
7 ~~Residential Hotel Visitor Policy, such policy shall be consistent with these criteria.~~

8 ~~(1) The SRO Task Force shall hold at least one public hearing on the proposed goals (including~~
9 ~~any Uniform Visitor Policy). Notice and hearing procedures shall conform to the requirements of~~
10 ~~Administrative Code Chapter 67, the "Sunshine Act."~~

11 ~~(2) Not later than one year following the date of approval of the criteria, and annually~~
12 ~~thereafter, the SRO Task Force shall review the criteria and the Uniform Visitor Policy, if any, and~~
13 ~~consider whether revisions or modifications are necessary. The Task Force may approve any revisions~~
14 ~~or modifications only after a public hearing in accordance with the requirements of Administrative~~
15 ~~Code Chapter 67.~~

16 Section 4. The San Francisco Administrative Code is hereby amended by amending
17 Section 41D.5 of the Residential Hotel Visitor Policy Ordinance, to read as follows:

18 **SEC. 41D.5. APPROVAL OF HOTEL OPERATOR PETITIONS FOR SUPPLEMENTAL**
19 **VISITOR POLICIES.**

20 (a) The operator of a Residential Hotel wishing to ~~implement a Visitor Policy other than the~~
21 add a Supplemental Visitor Policy to the Uniform Residential Hotel Visitor Policy shall submit the
22 proposed policy in writing to the SRO Task Force may petition the San Francisco Residential Rent
23 Stabilization and Arbitration Board for approval of a proposed Supplemental Policy. A Supplemental
24 Visitor Policy must be consistent with the Uniform Visitor Policy, the goals required by Section 41D.4,
25 and other requirements of this Chapter. The SRO Task Force may promulgate forms for this purpose.

1 (b) ~~Not later than [60] days from the date a proposed Visitor Policy is submitted to the SRO~~
2 ~~Task Force and following the opportunity for~~ The Rent Board shall conduct a public hearing on the
3 proposed Supplemental Visitor Policy, ~~the Task Force shall~~ and either approve the proposed
4 policy and notify the operator in writing, or disapprove and return the proposed policy to the
5 operator with a written explanation of the reasons why the proposed policy does not meet the
6 requirements for approval.

7 (c) Once approved, a Supplemental Visitor Policy ~~shall~~ may be subject to ~~annual~~
8 ~~periodic~~ review by the ~~SRO Task Force~~ Rent Board. The ~~Task Force~~ Rent Board may require
9 revisions to an approved Supplemental Visitor Policy where necessary in order to ~~bring~~ bring the
10 policy into conformity with ~~updated or modified approval criteria~~ Uniform Visitor Policy amendments
11 or other applicable law or regulations, or to insure ongoing compliance with the goals required by
12 Section 41D.4. The Rent Board may also withdraw approval of an approved Supplemental Visitor
13 Policy upon finding that the policy no longer meets the requirements for approval.

14 (d) ~~The operator of a Residential Hotel wishing to implement the Uniform Residential Hotel~~
15 ~~Visitor Policy shall submit written certification to the SRO Task Force of the operator's adoption of the~~
16 ~~Uniform Policy. Such certification shall be signed by the owner or operator, and shall state the date, at~~
17 ~~least five calendar days after the date of the certification, on which the Visitor Policy becomes effective.~~
18 ~~The Task Force may promulgate a form for this purpose. An operator who has provided this~~
19 ~~certification to the Task Force shall not be required to submit a separate Visitor Policy. A public~~
20 ~~hearing or meeting noticed under this Section 41D.5, shall be noticed for a minimum of ten (10) days.~~
21 Notice shall be provided to operators, occupants, law enforcement, health and human service agencies,
22 and interested organizations, according to Rent Board rules and regulations promulgated for this
23 purpose.

24 (e) ~~Once approved, or, in the case of an operator using the Uniform Residential Hotel~~
25 ~~Visitor Policy, once the certification of adoption has been submitted, the~~ Uniform Visitor Policy and

1 ~~any Supplemental Visitor Policy shall be posted on a minimum 8-1/2 inch by 11-inch sign in the~~
2 ~~lobby of each Residential Hotel in an area accessible to guests and occupants. The approved~~
3 ~~Visitor Policy shall not be effective, and may not be implemented unless and until it has been posted in~~
4 ~~the lobby for a minimum of five (5) calendar days. During the period the approved Visitor Policy is~~
5 ~~posted but not effective, it shall include a conspicuous notice indicating the date on which the Visitor~~
6 ~~Policy shall become effective.~~

7 ~~(e) An operator or occupant of a Residential Hotel may appeal the decision of the SRO Task~~
8 ~~Force regarding a proposed Visitor Policy for that hotel to the Housing, Transportation and Land Use~~
9 ~~Committee of the Board of Supervisors ("Housing Committee"). An operator or occupant wishing to~~
10 ~~appeal the SRO Task Force's decision shall submit written notice to the Clerk of the Board of~~
11 ~~Supervisors within ten (10) business days from the date the Task Force's written decision is issued.~~
12 ~~Such notice shall state the basis for the challenge. The Clerk of the Board shall schedule the appeal for~~
13 ~~the next available meeting of the Housing Committee, in conformance with the requirements of~~
14 ~~Administrative Code Chapter 67, and shall send written notice of the date and time of the hearing to the~~
15 ~~operator and guests and occupants of that Residential Hotel. The Housing Committee shall review the~~
16 ~~decision of the SRO Task Force for conformity with the criteria and procedures for approval~~
17 ~~promulgated by the Task Force. The operator and the guests and occupants shall have the opportunity~~
18 ~~to submit written and oral testimony. Following such testimony and comment from interested members~~
19 ~~of the public, the Housing Committee shall vote to either affirm, reverse, or reverse with changes, the~~
20 ~~decision of the SRO Task Force. The decision of the Housing Committee shall be final.~~

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1 Section 5. The San Francisco Administrative Code is hereby amended by amending
2 Section 41D.6 of the Residential Hotel Visitor Policy Ordinance, to read as follows:

3 **SEC. 41D.6. ~~REVIEW AND MODIFICATION~~ REVIEW AND AMENDMENT OF THE**
4 **UNIFORM VISITOR POLICY, AND AMENDMENT OF CRITERIA AND PROCEDURES FOR**
5 **APPROVING SUPPLEMENTAL VISITOR POLICIES.**

6 (a) The Rent Board shall conduct an annual public hearing to review the Uniform Visitor
7 Policy and adopt amendments as determined to be appropriate under the goals and requirements of
8 this Chapter. The Rent Board may also consider and adopt amendments to the Uniform Visitor Policy
9 at other publicly noticed meetings, as needed to effectuate the goals and requirements of this Chapter.
10 Amendments may be proposed by the Rent Board and its Executive Director, and as permitted under
11 Section 41D.6.(c).

12 (~~a~~ b) The ~~SRO Task Force~~ Rent Board may conduct a public hearing to review ~~amend~~ the

13 criteria and procedures for approving Supplemental Visitor Policies ~~at a meeting noticed pursuant~~
14 ~~to the requirements of Administrative Code Chapter 67. Any such modifications shall be consistent~~
15 ~~with the~~ and adopt amendments, as determined to be appropriate under the goals and requirements of
16 this Chapter. Amendments may be proposed by the Rent Board and its staff, and as permitted under
17 Section 41D.6.(c).

18 (~~b~~ c) Interested parties, including, but not limited to, operators, guests and occupants,
19 visitors, law enforcement, health and human service agencies and interested organizations
20 may request that the ~~SRO Task Force~~ Rent Board amend the Uniform Visitor Policy or amend the
21 criteria and procedures for approval of Supplemental Visitor Policies. Placement of such requests
22 on a Rent Board agenda or notice of hearing shall be at the discretion of the Rent Board and its
23 Executive Director. ~~If the SRO Task Force puts such a request on a meeting agenda, the amendment or~~
24 modification shall be handled in accordance with Subsection (a).

1 (d) A public hearing or meeting noticed under this Section 41D.6, shall be noticed for a
2 minimum of ten (10) days. Notice shall be provided to operators, occupants, law enforcement, health
3 and human service agencies, and interested organizations, according to Rent Board rules and
4 regulations promulgated for this purpose.

5 Section 6. The San Francisco Administrative Code is hereby amended by amending
6 Section 41D.7 of the Residential Hotel Visitor Policy Ordinance, as follows:

7 **SEC. 41D.7. IMPLEMENTATION. HOTEL OCCUPANT PETITIONS FOR VIOLATION**
8 **OF THIS CHAPTER**

9 ~~The requirements of Section 41D.3, prohibiting visitor policies except where such policies have~~
10 ~~been approved pursuant to this Chapter, shall not apply until ninety (90) days after the SRO Task force~~
11 ~~has promulgated criteria and procedures for approval of Visitor Policies.~~

12 (a) A current or former residential hotel occupant who believes that the hotel has not acted
13 in compliance with the Uniform Visitor Policy or any approved Supplemental Policy, or who believes
14 that the hotel has not otherwise acted in compliance with the provisions of this Chapter 41D, may
15 petition the Rent Board for a reduction in rent.

16 (b) Upon a finding of violation following a hearing, the Rent Board may order a reduction
17 of rent for the aggrieved occupant.

18 (c) The Rent Board may promulgate Rules and Regulations for the mediation and
19 arbitration of such occupant petitions, including provision for mediation and/or hearing and decision
20 by Administrative Law Judge, with a right of appeal to the Rent Board.

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1 Section 7. The San Francisco Administrative Code is hereby amended by amending
2 Section 37.6 of the Residential Rent Stabilization and Arbitration Ordinance, to read as
3 follows:

4 **SEC. 37.6. POWERS AND DUTIES.**

5 In addition to other powers and duties set forth in this Chapter, and in addition to
6 powers under the Charter *and under other City Codes*, the Board shall have the power to:

7 (a) Promulgate policies, rules and regulations to effectuate the purposes of this
8 Chapter, *and to effectuate the purposes of Administrative Code Chapter 41D*;

9 (b) Hire such staff, including Administrative Law Judges, as may be reasonably
10 necessary to perform its functions, and promulgate standards for all such staff, subject to the
11 Civil Service provisions of the Charter;

12 (c) Conduct rental arbitration hearings *and residential hotel visitor policy hearings*, and
13 administer oaths and affirmations in connection with such hearings;

14 (d) Publish, on March 1st of each year, the increase in the CPI for the preceding 12
15 months, as made available by the U.S. Department of Labor;

16 (e) Make studies and surveys and conduct such hearings as necessary to perform
17 its functions;

18 (f) Report biannually to the Mayor and the Board of Supervisors on its activities and
19 on progress made towards the achievement of the purposes of the Chapter;

20 (g) Make available to the public, on request, policies, rules and regulations, reports
21 and surveys in accordance with applicable State law;

22 (h) Issue rules and regulations for the conduct of its own affairs;

23 (i) Be empowered to request and, if granted, to receive funds appropriated by the
24 Board of Supervisors through the mayor;

1 (j) Maintain, on at least a monthly basis, statistics on the number of notices to
2 vacate filed with the Board pursuant to Section 37.9(c) and statistics on the causes given in
3 such notices or in any additional written documents as provided in Section 37.9(c). Said
4 statistics shall be published in a report on March 1st every year, and copies of the report shall
5 be submitted to the Mayor and Board of Supervisors;

6 (k) Compile a list at random, on a monthly basis, of 10 percent of the notices to
7 vacate filed pursuant to Section 37.9(c) which state on the notice or in any additional written
8 document any causes under Section 37.9(a)(8) as the reason for eviction. Said list shall be
9 transmitted to the District Attorney on a monthly basis for investigation pursuant to Section
10 37.9(c).

11 (l) Periodically review the Uniform Visitor Policy for Residential Hotels and determine
12 amendments as appropriate; and hear and determine hotel operator petitions for Supplemental Visitor
13 Policies, consistent with Administrative Code Chapter 41D (Residential Hotel Visitor Policies).

14 (m) Hear and decide petitions from residential hotel occupants (whether or not an occupant
15 qualifies as a "tenant" under this Chapter 37) who allege violation of Administrative Code Chapter
16 41D, including alleged violations of the Uniform Visitor Policy or any approved Supplemental Visitor
17 Policy. Current or former hotel occupants may file such petitions. These petitions may require a
18 determination whether, and to what extent, a residential hotel's policies are in compliance with
19 Administrative Code Chapter 41D, including compliance with the Uniform Visitor Policy.

20 Section 8. The Administrative Code is hereby amended by amending Section 37.13, to
21 read as follows:

22 **SEC. 37.13. HEARINGS AND REMEDIES FOR VIOLATION OF RESIDENTIAL**
23 **HOTEL VISITOR POLICIES.**

24 (a) Upon receipt of a petition from a current or former occupant of a residential hotel alleging
25 violation of the provisions of Administrative Code Chapter 41D, including allegation of violation of the

1 Uniform Visitor Policy or any Supplemental Visitor Policy, the Board through its Administrative Law
2 Judges shall conduct a hearing in order to decide the petition. This decision may require a
3 determination as to whether a residential hotel's policies and procedures are consistent with the
4 Uniform Visitor Policy and any approved Supplemental Policies, and in compliance with
5 Administrative Code Chapter 41D.

6 (b) Upon an Administrative Law Judge's findings of fact and decision that the operator,
7 employee or agent of a residential hotel has violated the Uniform Visitor Policy or any approved
8 Supplemental Visitor Policy or any other provision of Chapter 41D, the Administrative Law Judge may
9 conclude that the occupant has suffered a diminution in housing services and order a corresponding
10 reduction in rent.

11 (c) The decision of the Administrative Law Judge shall be final unless the Board vacates the
12 decision on appeal.

13 (d) Either party may file an appeal of the Administrative Law Judge's decision with the Board.
14 Such appeals are governed by Section 37.8(f).

15 Section 9. The Administrative Code is hereby amended by amending Section 37.13, to
16 read as follows:

17 **SEC. 37.14~~3~~. SEVERABILITY.**

18 If any provision or clause of this Chapter or the application thereof to any person or
19 circumstance is held to be unconstitutional or to be otherwise invalid by any court of
20 competent jurisdiction, such invalidity shall not affect other Chapter provisions, and clauses of
21 this Chapter are declared to be severable.

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1 Section 10. The Police Code is hereby amended by amending Section 919.1, to read
2 as follows:

3 **SEC. 919.1. PROHIBITING RESIDENTIAL HOTEL OPERATORS FROM**
4 **CHARGING VISITOR FEES; LIMITING RESIDENTIAL HOTEL RESTRICTIONS ON**
5 **VISITORS; *VIOLATION IS AN INFRACTION.***

6 (a) No operator, employee, or agent of a Residential Hotel, as defined in San
7 Francisco Administrative Code Section 41.4(p), may impose or collect a charge for any
8 person to visit a guest or occupant of the hotel. No operator, employee or agent of
9 Residential Hotel may implement or impose any policy restricting persons from visiting guests
10 or occupants of a Residential Hotel except in accordance with the provisions of ~~the Uniform~~
11 ~~Residential Hotel Visitor Policy or any Supplemental Visitor Policy approved by the Single Room~~
12 ~~Occupancy Safety and Stabilization Task Force~~ pursuant to Administrative Code Chapter 41D.
13 The provisions of this Section shall be posted on an 8-1/2 inch by 11-inch sign in the lobby of
14 each such Residential Hotel in an area visible to guests and occupants.

15 (b) Penalty. In addition to any available civil penalties, any operator, employee or agent of
16 a Residential Hotel who violates any of the provisions of this Section shall be guilty of an infraction, the
17 penalty for which shall be a fine of not less than \$50 nor more than \$500, consistent with the California
18 Government Code.

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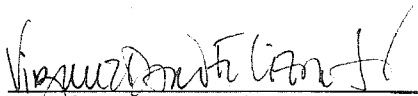
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Section 11. Uniform Visitor Policy Adopted December 5, 2001, on file With Clerk.

A copy of the initial "Uniform Visitor Policy in SRO Hotels" as adopted by the SRO Health and Safety Task Force on December 5, 2001, is on file with the Clerk of the Board of Supervisors in File No. _____, which is hereby declared to be a part of this ordinance as if set forth fully herein.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: 
VIRGINIA DARIO ELIZONDO
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 020343

Date Passed:

Ordinance amending Administrative Code Chapter 41D "Residential Hotel Visitor Policies" to allow operators of residential hotels to adopt Supplemental Visitor Policies in addition to the Uniform Visitor Policy for Residential Hotels, upon approval of the San Francisco Residential Rent Stabilization and Arbitration Board (Rent Board), providing that the Rent Board may amend the Uniform Visitor Policy from time to time, and providing for hotel occupants to petition the Rent Board for hearing and rent reduction for violation of Chapter 41D; amending Administrative Code Section 37.6 and adding Section 37.13 to authorize the Rent Board to effectuate the provisions of Chapter 41D; and, amending Police Code Section 919.1 to provide that imposition or collection of a charge for a visitor or restriction of a visitor in violation of Section 919.1 is (in addition to any available civil remedies), an infraction.

April 15, 2002 Board of Supervisors — PASSED ON FIRST READING

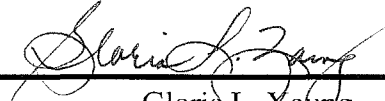
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

April 22, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin,
Sandoval
Absent: 2 - Newsom, Yee

File No. 020343

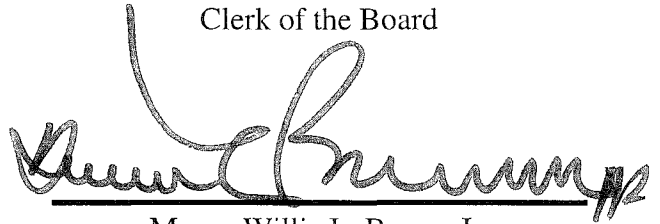
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on April 22, 2002 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 10 3 2002

Date Approved



Mayor Willie L. Brown Jr.