

1 [Residential Hotels: Tenant Mail Receptacles.]

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3 **Ordinance amending the San Francisco Housing Code by amending Section 1002 and**
4 **amending the San Francisco Administrative Code by adding Chapter 41E to require**
5 **residential hotel owners to provide a United States Postal Service-approved mail**
6 **receptacle for each residential unit and by amending Section 37.14 to provide for an**
7 **appeal to the Rent Board for violation of this requirement; adopting findings pursuant**
8 **to California Health and Safety Code Section 17958.5.**

9 Note: Additions are single-underline italics Times New Roman;
10 deletions are ~~strikethrough italics Times New Roman~~.
11 Board amendment additions are double underlined.
12 Board amendment deletions are ~~strikethrough-normal~~.

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

14 Section 1. Findings pursuant to Health and Safety Code Section 17958.5. The Board
15 of Supervisors finds that the findings set forth in Section 41E.2 of Section 3 below constitute
16 findings of local conditions justifying deviation from the California Housing Code.

17 Section 2. The San Francisco Housing Code is hereby amended by amending Section
18 1002, to read as follows:

19 SEC. 1002. ADDITIONAL SUBSTANDARD CONDITIONS: ELECTRICAL OUTLETS,
20 ELEVATORS, ~~AND~~ ILLEGAL CONVERSION OF RESIDENTIAL HOTELS, AND RESIDENTIAL
HOTEL MAIL RECEPTACLES.

21 In addition to the provisions set forth in Section 1001 of this chapter prescribed by
22 California Health and Safety Code, Division 13, Part 1.5, State Housing Law, Sections
23 17920.3 et seq., the following conditions are considered substandard:

24 (a) Electrical Outlets. Habitable rooms and kitchens with insufficient number of
25 electrical convenience outlets as required by Section 504 of this Code.

Supervisor Daly, Peterson, Minkasini, Annunzio
BOARD OF SUPERVISORS

1 (b) Elevators. Lack of elevator service as required by Section 713 of this Code.

2 (c) Illegal Conversion of Residential Hotels. Illegal conversion of any residential unit
3 of a residential hotel, or improper recordkeeping as defined and required by Chapter 41 of the
4 San Francisco Administrative Code.

5 (d) Mold and Mildew. The existence of mold and mildew which is chronic or severe
6 as defined by Chapter 4 of this code.

7 (e) Residential Hotel Mail Receptacles. Lack of an individual mail receptacle for each
8 residential unit in a residential hotel, as required by Section 41E of the San Francisco Administrative
9 Code. The hotel owner is responsible for making arrangements with the United States Postal Service
10 for the installation of these receptacles and delivery of mail thereto. Installation and maintenance of
11 the mail receptacles shall meet all of the specifications and requirements of the United States Postal
12 Service. Compliance with United States Postal Service specifications and requirements, and delivery of
13 mail by the United States Postal Service, will not be enforced by the Department of Building Inspection.

14 Section 3. The San Francisco Administrative Code is hereby amended by adding
15 Chapter 41E, to read as follows:

16 SEC. 41E.1. TITLE.

17 This Chapter shall be known as the Residential Hotel Mail Receptacle Ordinance. For
18 purposes of this Chapter, the terms "owner," "permanent resident," "residential hotel," and "residential
19 unit" shall have the same meaning as those set forth in Administrative Code Sections 41.4(m), (n), (p),
20 and (q), respectively.

21 SEC. 41E.2. FINDINGS.

22 The Board of Supervisors finds that:
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1 (a) The high cost of housing in San Francisco makes residential hotels the only permanently
2 affordable housing option for many seniors, immigrants, families, and individuals on low or fixed
3 incomes.

4 (b) The City and County of San Francisco has recognized the essential role of residential
5 hotels and has utilized them as a valuable resource to permanently house more than 1,300 formerly
6 homeless people in the City's Master Lease Program, which has become a national model for
7 permanent supportive housing and an important part of finding a solution to the problem of
8 homelessness.

9 (c) If there are no individual mail receptacles at a residential hotel, the United States Postal
10 Service makes a "central delivery," where all mail is dropped in a bag at the front desk and distributed
11 by desk clerks.

12 (d) Desk clerks are low-paid, under-trained, and overburdened with the extra responsibility
13 of handling mail that adds time and difficulty to their jobs, resulting in mail frequently being lost,
14 misplaced, or accidentally given to the wrong person. In addition, mail is not forwarded to a tenant at
15 their new address when they move out of a residential hotel.

16 (e) This lack of services creates an undue burden for the tenants of residential hotels. Lost
17 or delayed mail has resulted in residential hotel tenants having been bumped to the back of the Section
18 8 list after years of waiting, or losing out on other essential services because of missed appointments.
19 Many tenants must receive SSI, Veterans Disability, or paychecks on time in order to pay their rent for
20 the month. Tenants who move must return to their old address regularly and attempt to collect mail
21 rather than have it forwarded to their new address as the Postal Service does for apartment houses.

22 (f) Mail security and privacy are high priorities for the tenants of residential hotels. At the
23 Central City SRO Collaborative tenant convention, attended by 300 tenants from more than 100 San
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1 San Francisco residential hotels, problems with mail distribution in the hotels ranked as one of the most
2 pressing issues for the tenants surveyed.

3 (g) Many tenants of residential hotels have been homeless before and are understandably
4 afraid that lost or misplaced mail could result in homelessness again.

5 (h) While a number of non-profit owned or managed residential hotels have installed in
6 their lobbies mail receptacles for permanent residents that meet United States Postal Service
7 specifications, other residential hotels have not.

8 SEC. 41E.3. MAILBOXES FOR PERMANENT RESIDENTS OF RESIDENTIAL HOTELS.

9 (a) Within one year of the effective date of this Chapter, the owner of a residential hotel
10 shall install an individual mail receptacle for each residential unit. The mail receptacle shall be for
11 receipt of mail delivered by the United States Postal Service to a permanent resident of the hotel. The
12 hotel owner is responsible for making arrangements with the United States Postal Service for the
13 installation of these receptacles and delivery of mail thereto. Installation and maintenance of the mail
14 receptacles shall meet all of the specifications and requirements of the United States Postal Service.

15 SEC. 41E.4. PETITIONS BY PERMANENT RESIDENTS FOR VIOLATION OF THIS
16 CHAPTER.

17 (a) A current or former permanent resident of a residential hotel who believes that the hotel
18 has not acted in compliance with the provisions of this Chapter 41E may petition the Rent Board for a
19 reduction in rent.

20 (b) Upon a finding of violation following a hearing, the Rent Board may order a reduction
21 of rent for the aggrieved current or former resident.

22 (c) The Rent Board may promulgate Rules and Regulations for the mediation and
23 arbitration of such resident petitions, including provision for mediation and/or hearing and decision by
24 an Administrative Law Judge, with a right of appeal to the Rent Board.

1 SEC. 41E.5. LIMITATION OF LIABILITY.

2 By adopting this Residential Hotel Permanent Resident Mail Receptacle Ordinance, the City
3 and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not
4 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable
5 in money damages to any person who claims that such breach proximately caused injury.

6 Section 4. The San Francisco Administrative Code is hereby amended by renumbering
7 Section 37.14 and adding Section 37.14B, to read as follows:

8 SEC. 37.14A. HEARINGS AND REMEDIES FOR VIOLATION OF RESIDENTIAL
9 HOTEL VISITOR POLICIES.

10 (a) Upon receipt of a petition from a current or former occupant of a residential hotel
11 alleging violation of the provisions of Administrative Code Chapter 41D, including allegation of
12 violation of the Uniform Visitor Policy or any Supplemental Visitor Policy, the Board through its
13 Administrative Law Judges shall conduct a hearing in order to decide the petition. This
14 decision may require a determination as to whether a residential hotel's policies and
15 procedures are consistent with the Uniform Visitor Policy and any approved Supplemental
16 Policies, and in compliance with Administrative Code Chapter 41D.

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

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

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

3 SEC. 37.14B. (a) Upon receipt of a petition from a current or former permanent resident of
4 a residential hotel alleging violation of the provisions of Administrative Code Chapter 41E, the Board
5 through its Administrative Law Judges shall conduct a hearing in order to decide the petition. This
6 decision may require a determination as to whether the petitioner is permanent resident.

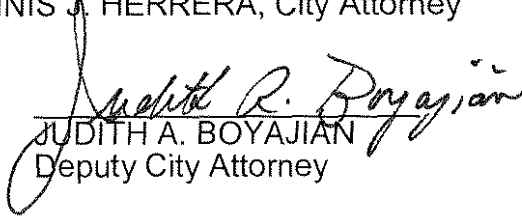
7 (b) Upon an Administrative Law Judge's findings of fact and decision that the operator of a
8 residential hotel has violated the requirement to install a United States Postal Service-approved mail
9 receptacle for receipt of mail delivered by the United States Postal Service, the Administrative Law
10 Judge may conclude that the resident has suffered a diminution in housing services and order a
11 corresponding reduction in rent.

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

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

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

19 By:


20 JUDITH A. BOYAJIAN
21 Deputy City Attorney
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City and County of San Francisco

City Hall
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San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 060188

Date Passed:

Ordinance amending the San Francisco Housing Code by amending Section 1002 and amending the San Francisco Administrative Code by adding Chapter 41E to require residential hotel owners to provide a United States Postal Service-approved mail receptacle for each residential unit and by amending Section 37.14 to provide for an appeal to the Rent Board for violation of this requirement; adopting findings pursuant to California Health and Safety Code Section 17958.5.

April 4, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin

Absent: 1 - Sandoval

April 11, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval


Excused: 1 - Alioto-Pier

File No. 060188

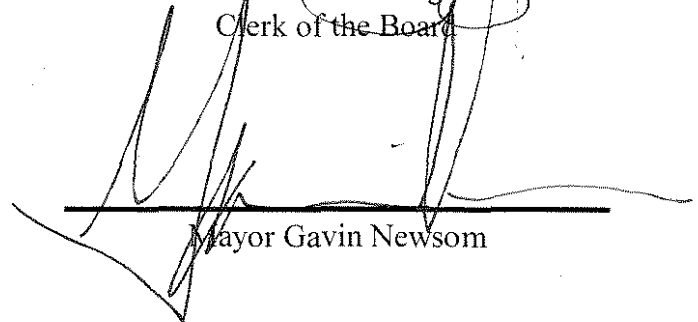
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on April 11, 2006 by
the Board of Supervisors of the City and
County of San Francisco.

4.20.06

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom