

LEGISLATIVE DIGEST

[Emergency Ordinance - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings]

Emergency ordinance to establish cleaning and disease prevention standards in tourist hotels and large commercial office buildings to help contain COVID-19; to require training related to these standards for employees on paid time and to provide certain protections to employees as they perform cleaning duties; to prohibit retaliation against employees for refusing to perform work under conditions they believe may be unsafe or for reporting such conditions or exercising rights protected by the ordinance; and providing for administrative enforcement by the Department of Public Health and financial penalties as authorized by state law.

Existing Law

In Health Officer Order No. C19-04, issued on March 10, 2020, the City established minimum cleaning standards in environments conducive to the transmission of COVID-19 and other viral pathogens. That order requires operators of Single Resident Occupancy hotels to clean and disinfect frequently touched surfaces, lobbies, bathrooms, kitchens, and other communal areas often throughout the day; to maintain a compliance log of such cleanings; to provide hand sanitizers in all common areas; and to provide soap dispensers at all communal sinks. Health Officer Order No. C19-04 was accompanied with a list of cleaning supplies approved by the Centers for Disease Control (CDC) that are effective against COVID-19 and other viral pathogens.

Amendments to Current Law

The proposed ordinance will require tourist hotels and large commercial office buildings to establish, implement, and maintain specific, written regular cleaning, disinfecting and disease prevention standards consistent with those established by the California Departments of Public Health (CDPH) and Industrial Relations (Cal/OSHA division) issued "COVID-19 Industry Guidance: Hotels and Lodging."

The cleaning and disinfection requirements apply to public and employee high contact areas of tourist hotels and commercial office buildings, including, but not limited to, lobbies, lounges, waiting areas, hallways, restrooms, handwashing facilities, elevators, stairwells, meeting rooms, multi-use instruments and items, doors and handles, bed linens and towels, employee break and locker rooms, loading and shipping docks. Guests in tourist hotels may request that their room not be cleaned and sanitized on a daily basis.

The proposed ordinance will require tourist hotels and large commercial office buildings to provide paid-time training for employees tasked with performing such cleaning, disinfecting

and disease prevention methods, along with other employee protections to prevent retaliation or interference with an employee's protected rights.

The proposed ordinance provides for enforcement by the Department of Public Health under Health Code Sections 594, 595, 596, and 596.5, including closure by issuance of an order per Health Code Section 596(i)(6), and by civil action for actual and punitive damages.

Background Information

The COVID-19 pandemic precipitated an economic crisis in San Francisco, resulting in tens of thousands of workers being laid off without access to healthcare benefits or income to support their families. A majority of tourist hotels and large commercial office buildings closed or are operating at minimal capacity due to the public health measures necessary to contain the pandemic.

On May 12, 2020, the California Departments of Public Health (CDPH) and Industrial Relations (Cal/OSHA division) issued "COVID-19 Industry Guidance: Hotels and Lodging" providing guidance for the hotel and lodging industry to support a clean and safe environment for employees and guests in light of the COVID-19 pandemic.

On May 28, 2020, Mayor London Breed announced a phased-in plan for reopening San Francisco's economy over the coming weeks and months, aligned with the State's guidelines and based on San Francisco's risk-modelling to protect the public health and control the spread of COVID-19 (the "Plan"). Under Phase 2b of the Plan, targeted for June 15, offices where workers are not telecommuting may reopen. Under Phase 3, targeted for mid-August, hotels, hospitality services, and short-term rentals may reopen.

It is the top priority of the Board of Supervisors for tourist hotels and large commercial office buildings to reopen in the safest and quickest manner possible to aid in San Francisco's economic recovery. To reach these goals it is imperative to ensure that tourist hotels and large commercial office buildings implement cleaning and disease prevention standards to minimize the spread of COVID-19 and other Contagious Public Health Threats. The Board in its efforts to reduce the spread of COVID-19 also seeks to demonstrate to visitors, residents, and workers that San Francisco's Covered Establishments are and will remain among the cleanest and safest facilities in the world.

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