

File No. 201143

Committee Item No. _____

Board Item No. 70

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: October 6, 2020

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- Mayor Proclamation - Twenty-Seventh Supplement - 9/25/20
- Mayor Proclamation - Twenty-Eighth Supplement - 9/29/20
- _____
- _____
- _____
- _____
- _____
- _____

Prepared by: Lisa Lew

Date: October 2, 2020

Prepared by: _____

Date: _____

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Twenty-Seventh
2 and Twenty-Eighth Supplements]

3 **Motion concurring in actions taken by the Mayor in the Twenty-Seventh Supplement to**
4 **the Proclamation of Emergency that authorizes the Entertainment Commission to**
5 **create a permit program to allow outdoor entertainment, waives public notice**
6 **requirements for City projects related to the COVID-19 emergency response, and**
7 **extends the paid furlough program for City employees; and the Twenty-Eighth**
8 **Supplement to the Proclamation of Emergency that revises and replaces the temporary**
9 **moratorium on evictions for non-payment of rent by commercial tenants directly**
10 **impacted by the COVID-19 crisis, and authorizes the use of student housing for**
11 **occupancy as temporary housing during the emergency, to meet the ongoing local**
12 **emergency related to the novel coronavirus COVID-19 pandemic**

13
14 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local
15 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

16 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the
17 Existence of a Local Emergency to the Board of Supervisors (the "Proclamation"), and on
18 March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions
19 taken by the Mayor to meet the emergency; the Proclamation and the Board's concurring
20 motion are on file with the Clerk of the Board of Supervisors in File No. 200228; and

21 WHEREAS, On September 25, 2020, the Mayor took additional steps to meet the
22 emergency by issuing the Twenty-Seventh Supplement to the Proclamation, ordering three
23 actions to meet the emergency; the Twenty-Seventh Supplement is on file with the Clerk of
24 the Board of Supervisors in Board File No. 201143;

1 WHEREAS, On September 29, 2020, the Mayor took additional steps to meet the
2 emergency by issuing the Twenty-Eighth Supplement to the Proclamation, ordering two
3 actions to meet the emergency; the Twenty-Eighth Supplement is on file with the Clerk of the
4 Board of Supervisors in Board File No. 201143;

5 WHEREAS, Government Code, Sections 8550 et seq., and Charter, Section 3.100,
6 provide for the concurrence by members of the Board of Supervisors in such emergency
7 declaration and in action taken by the Mayor to meet the emergency; and now, therefore, be it

8 MOVED, That the Board of Supervisors concurs with the following actions taken by the
9 Mayor to meet the local emergency included in the Mayor's Twenty-Seventh Supplement to
10 the Proclamation, dated September 25, 2020, as such actions are described in full in the
11 Twenty-Seventh Supplement and summarized as follows:

12 Action #1: Authorizing the Entertainment Commission to create a permit
13 program to allow outdoor entertainment and outdoor amplified sound consistent with the
14 Health Officer's orders in connection with permitted outdoor dining and retail;

15 Action #2: Waiving public noticing requirements under Administrative Code
16 Chapters 79 and 79A for City projects related to the COVID-19 emergency response;

17 Action #3: Extending the paid furlough program for City employees through
18 October 30, 2020; and, be it

19 FURTHER MOVED, That the Board of Supervisors concurs with the following actions
20 taken by the Mayor to meet the local emergency included in the Mayor's Twenty-Eighth
21 Supplement to the Proclamation, dated September 29, 2020, as such actions are described in
22 full in the Twenty-Eighth Supplement and summarized as follows:

23 Action #1: Revising and replacing the temporary moratorium on evictions for
24 non-payment of rent by commercial tenants directly impacted by the COVID-19 crisis,
25

1 extending the moratorium until November 30, 2020, and providing for further extension if
2 emergency conditions continue to exist;

3 Action #2: Authorizing the use of student housing for occupancy as temporary
4 housing (occupancy by persons other than students) during the COVID-19 emergency, and
5 suspending application of any laws that would conflict with this order.

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**TWENTY-SEVENTH SUPPLEMENT TO MAYORAL PROCLAMATION
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY
DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safer At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safer At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been over 11,000 confirmed cases of COVID-19 within the City and 99 COVID-19-related deaths in the City; there have been more than 800,000 confirmed cases in California and more than 15,000 COVID-19-related deaths in California; and



WHEREAS, The Stay Safer At Home Order currently prohibits entertainment and nightlife businesses from holding indoor entertainment activity, indoor dining service, and large gatherings based on physical distancing mandates to prevent the transmission of the virus. These small businesses – including performance spaces, nightclubs, bars, restaurants, street fairs, and other cultural assets – have experienced significant financial losses due to the pandemic and are at risk of permanent closure and displacement. Under the current reopening plan, performance spaces, nightclubs, indoor bars without food service, and street fairs will be among the last to reopen; and

WHEREAS, As San Francisco begins to slowly reopen, and the City encourages the use of outdoor public space for dining and retail, there is currently no framework in place to permit responsible outdoor entertainment and amplified sound. Given that physical distancing requirements will likely continue to apply for some time, additional authority is needed to provide tools for the limited entertainment allowed by the Stay Safer At Home Order; and

WHEREAS, The threat of continued spread of the virus persists, and there is an ever-present risk that relaxation of some health restrictions will result in an increase in cases and strain our public health system. Authorizing a streamlined, accessible program to regulate temporary outdoor entertainment and amplified sound at outdoor spaces will allow businesses to safely comply with the requirements under the Health Order so the City can continue to control the public health emergency; and

WHEREAS, Temporarily allowing businesses to use outdoor spaces and take greater advantage of the reopening authorizations will ease the economic burden on these businesses and allow some employees to return to work, thus promoting the housing and health stability of these workers. It is in the public interest to suspend local laws that would stand as a barrier to the expeditious use of this available outdoor space to help businesses survive and operate safely during the emergency period; and

WHEREAS, The Eighteenth Supplement to the Proclamation of Local Emergency authorized the creation of the “Shared Spaces” program to allow retail businesses and restaurants to use portions of the sidewalk, parking lane, and certain privately owned outdoor public spaces on a temporary basis so that these businesses can operate safely and in a manner consistent with the Health Officer’s orders; and



WHEREAS, The Twenty-Third Supplement to the Proclamation of Local Emergency expanded on the Shared Spaces program by authorizing the Planning Director to create a program to temporarily allow unenclosed portions of property outside the public right-of-way, including but not limited to privately owned public open spaces, to be used for sales of goods and services, restaurant service, and similar uses; and

WHEREAS, The Twenty-Sixth Supplement to the Proclamation of Local Emergency further expanded the Shared Spaces program by authorizing the Director of Transportation to create a temporary program to facilitate the closure of streets, including traffic lanes, for businesses to occupy for sales of goods and services, restaurant service, and similar uses; and

WHEREAS, The Entertainment Commission maintains the legal and organizational capacity to review, make conditions, and provide enforcement for entertainment and amplified sound occurring at locations within its jurisdiction, including City streets, sidewalks, outdoor Port property, and outdoor private property. The Entertainment Commission promotes responsible entertainment that is consistent with public health and safety rules and balances the needs of businesses and residents to support neighborhood compatibility; and

WHEREAS, Throughout the local emergency, City departments have moved quickly to undertake projects necessary to keep residents safe and prevent the spread of the virus, including creating safe sleeping locations for people experiencing homelessness. To the extent these activities require advance public notice that would delay such projects, it is in the public interest to waive such noticing requirements; and

WHEREAS, In the Third Supplement to the Emergency Proclamation dated March 17, 2020, recognizing that many City employees affected by the Stay Safer At Home Order cannot perform their duties remotely and must stay home and that it is in the public interest to support such employees with paid leave, the Mayor authorized a paid leave program to mitigate financial impacts of the emergency on City employees; the Mayor extended the program through September 30, 2020 through further orders. Due to the ongoing restrictions of the Stay Safer At Home Order, it is in the public interest to further extend this paid leave program;



NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:

(1) This Order creates a temporary program for an individual, business, or organization to apply for authorization to temporarily provide outdoor entertainment or outdoor amplified sound on City sidewalks, City streets, and outdoor property that is not in the public right-of-way, to facilitate compliance with the orders or guidance of public health officials.

The Director of the Entertainment Commission or the Director's designee (collectively, the "Director") is authorized to implement this temporary permit program. The Director shall not approve any permit application under the program unless the applicant's use of the public-right-of-way or outdoor private property where the entertainment or amplified sound will occur has been approved by the City department with jurisdiction. Such City permits or authorizations include, but are not limited to, a Shared Spaces Permit issued under Public Works Order 203498, Temporary Street Closure Permit, Café Tables and Chairs Permit, License to Use Port Property, and temporary use authorization issued by the Planning Department. The Director shall not issue permits under this program for activity occurring on property under the jurisdiction of the Recreation and Parks Department or on residential property.

The Director shall grant a permit or conditionally grant a permit for outdoor entertainment or outdoor amplified sound under this program unless the Director finds that, (a) the applicant is not authorized to use the outdoor space by the City department with jurisdiction, (b) denial is warranted under any of the grounds set forth in Section 1060.5.2(f) of the Police Code, or (c) one or more other applications have been submitted and permits issued for the same premises or for premises in the vicinity and the activities, if permitted, would interfere with one another or together would interfere with the public health, safety, and welfare or peaceful enjoyment of neighboring property. The Director may impose other conditions on the permit that the Director determines are reasonably



necessary to ensure the public health, safety, and welfare or peaceful enjoyment of neighboring property.

A permit applicant or permit holder may appeal the Director's decision to deny, suspend or revoke a permit to the Entertainment Commission.

The Director is authorized to issue administrative citations under Chapter 100 of the Administrative Code for the violation of any condition imposed on a permit issued under this Order.

The Director shall issue rules and regulations to implement the program consistent with this Order. The rules and regulations shall ensure that in reviewing all permit applications, the Director will consider the impact on the health, safety, and security of the public. The rules and regulations shall further include procedures governing appeals to the Entertainment Commission for permits that the Director denies, suspends, or revokes. The rules and regulations may also impose other requirements the Director deems appropriate to further the program. Permits issued under this program shall require the permit holder to comply with all applicable orders and directives issued by the Health Officer.

Any provision of City law that would conflict with this program, including but not limited to Article 15.1 of the Police Code, and any provision of the Charter or Municipal Code that would allow an appeal to the Board of Appeals regarding such permits, is waived. The City shall not charge a fee for permits issued under this program. This Order shall not authorize conduct that is prohibited by orders or directives of the Health Officer.

Permits shall not survive the termination of this Order or the termination of the local emergency, whichever is earlier, except that the Director by regulation may authorize a reasonable wind-down period to allow permit holders to continue to operate under the program for a period not to exceed sixty days. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

(2) The requirement under Chapter 79 and Chapter 79A of the Administrative Code to provide public notice prior to the approval of certain City projects is suspended as to projects that have been approved or will be approved during the local emergency as part



of the City's COVID-19 response. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

(3) The Human Resources Director is authorized, with the concurrence of the Controller, to extend the existing paid leave program for employees, first authorized on March 17, 2020 in Section 3 of the Mayor's Third Supplemental Proclamation, and extended in subsequent supplements, through October 30, 2020. The Director of Transportation is authorized, with the concurrence of the Controller, to extend the existing paid leave program for service critical employees of the San Francisco Municipal Transportation Authority, first authorized on March 17, 2020 in Section 3 of the Mayor's Third Supplemental Proclamation, and extended in subsequent supplements, through October 30, 2020. As described in the Third Supplemental Proclamation and subsequent supplements, the purpose of the paid leave program is to mitigate the financial impacts of the emergency on City employees who are available to work, including working from home, but for whom there is no work due to the Stay Safe at Home Order.

DATED: September 25, 2020

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco



**TWENTY-EIGHTH SUPPLEMENT TO MAYORAL PROCLAMATION
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY
DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safer At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safer At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been over 11,000 confirmed cases of COVID-19 within the City and 101 COVID-19-related deaths in the City; there have been more than 810,000 confirmed cases in California and more than 15,000 COVID-19-related deaths in California; and



WHEREAS, On March 16, 2020, the Governor issued Executive Order N-28-20, finding that it is necessary to promote stability among commercial tenancies to further public health and mitigate the economic pressures of the emergency. Accordingly, paragraph 2 of the Executive Order waived certain provisions of state law so that local jurisdictions may achieve these purposes. The Governor has extended paragraph 2 of the Executive Order twice, and it currently expires on March 31, 2021; and

WHEREAS, On March 18, 2020, the Mayor issued the Fourth Supplement to the Proclamation of Local Emergency, which created an eviction moratorium for commercial tenants unable to pay rent due to financial impact from the COVID-19 crisis. On April 1, 2020, the Mayor issued the Eighth Supplement to the Proclamation of Local Emergency, Section 2 of which clarified and amended certain aspects of the commercial eviction moratorium. The commercial eviction moratorium is currently set to expire on September 30, 2020; and

WHEREAS, COVID-19 has caused and is expected to continue to cause serious negative impacts on the local economy and serious negative financial impacts to local businesses, including, but not limited to, reductions in income due to lower customer demand or mandated closures and service reductions; and

WHEREAS, These serious negative impacts will irreparably harm local businesses and the residents they employ, and will jeopardize public health; and

WHEREAS, It is in the public interest to continue to take steps to ensure that local businesses can operate after the pandemic ends, including temporarily prohibiting the eviction of commercial tenants that have suffered serious financial impacts; and

WHEREAS, Disruptions caused by COVID-19 have led to the indefinite suspension of in-person classes at educational institutions in the City; and

WHEREAS, The City's educational institutions have experienced substantial decline in enrollment and resulting revenues due to the state of emergency, but remain subject to ongoing financial obligations, including those associated with the long-term lease of student housing facilities. Due to the current state of emergency, educational institutions are unable to fill available student housing beds, resulting in numerous vacant and underutilized potential housing units throughout the City; and



WHEREAS, Under the City’s Planning Code, even short-term conversion of existing student housing units to residential units may result in the loss of authorization for the underlying student housing, resulting in a permanent loss of student housing use; and

WHEREAS, Educational facilities represent a vital sector of the City economy, which has been negatively impacted by the COVID-19 virus. It is in the public interest to support educational institutions through this public health emergency and to ensure the long-term availability of facilities adequate to house the City’s student population; and

WHEREAS, The City is experiencing a significant need for housing across all sectors, including opportunities for housing of shorter occupancies. Increasing the available supply of housing during the emergency will provide greater opportunity for people to move from more crowded living situations and avoid the increased risk of exposure to the virus. Increasing housing opportunities will also promote housing stability and a reduction in homelessness, which will reduce the risk of continued transmission of the virus; and

WHEREAS, The Order in Section 2 below builds on an existing body of law and policy, including the Good Samaritan Tenancy provisions of the Rent Ordinance, that recognize the need for flexibility in our housing laws in times of crisis. The success of the Good Samaritan status has allowed the City to better utilize its limited housing stock in response to emergencies. This Order seeks to provide comparable flexibility to provide safe accommodation to as many San Franciscans as possible as the City endures COVID-19;

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:

(1) The temporary moratorium on eviction for non-payment of rent by commercial tenants directly impacted by the COVID-19 crisis as imposed by the Fourth Supplement



to the Emergency Proclamation and amended through Section 2 of the Eighth Supplement to the Emergency Proclamation, is revised and replaced as follows:

(a) This Order applies only to commercial tenants registered to do business in San Francisco under Article 12 of the Business and Tax Regulations Code with 2019 combined worldwide gross receipts for tax year 2019 for purposes of Article 12-A-1 of the Business and Taxation Code equal to or below \$25 million. This figure shall be prorated in the case of businesses that were not operating for the entire 2019 tax year. Notwithstanding the foregoing, this Order shall not apply to any business that meets the definition of a formula retail use under Section 303.1 of the Planning Code.

(b) If a covered commercial tenant fails to make a rent payment that was due on or after March 17, 2020, then the landlord may not recover possession of the unit due to the missed or delayed payment, without first providing the tenant written notice of the violation and an opportunity to cure the violation, as set forth in subsections (c) and (d).

(c) The written notice from the landlord required under subsection (b) shall specify a cure period of at least one month from the date the tenant receives the notice, but landlords are encouraged to offer a longer period. Upon receipt of the notice, the tenant shall have the full cure period to either (1) pay the rent, or (2) provide documentation to the landlord showing that the tenant is unable to pay the rent due to a financial impact related to COVID-19. For purposes of this Order, the term “financial impact” means a substantial decrease in business income or substantial increase in business expenses that arose due to illness or other disruption, reduced open hours or reduced consumer demand, or temporary closure of the business, including temporary closure required to comply with restrictions or in response to restrictions under the shelter in place or other orders of the Health Officer. A financial impact is “related to COVID-19” if caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

(d) If the tenant provides the landlord documentation of the tenant’s inability to pay rent due to a financial impact related to COVID-19, then the cure period shall be extended by one month, so that the landlord and tenant can discuss the matter in good faith and attempt to develop a payment plan for the tenant to pay the missed rent. If the landlord and tenant cannot agree to a payment plan, then the tenant shall, on or before the new date that the cure period will expire, either (1) pay the rent, or (2) provide additional documentation of its continuing inability to pay due to a financial impact related to



COVID-19, in which case the cure period shall extend by one more month. Thereafter, the tenant may obtain additional monthly extensions of the cure period by providing updated documentation each month, so long as this Order remains in effect. If the tenant has not paid all outstanding rent at the end of the applicable cure period, or if this Order is no longer in effect, then the landlord may proceed with the eviction for non-payment.

(e) If the landlord owns less than 25,000 square feet of rentable space in the building, then the landlord may evict tenant(s) from that building due to the non-payment of rent notwithstanding subsection (b), if the landlord can demonstrate that being unable to evict would create a significant financial hardship (for example, default on debt or similar enforceable obligation) for the landlord.

(f) Failure to provide notice and/or documentation to the landlord shall not affect a tenant's ability to claim the protections of this Order as an affirmative defense in the event the landlord files an action to recover possession due to non-payment. Supporting documentation shall be required in court, though a court may in its discretion waive this requirement in circumstances where the documentation is unavailable.

(g) The moratorium imposed by this Order applies to all attempts to recover possession of a unit due to non-payment, including situations where the tenant is occupying the unit on a month-to-month periodic tenancy, holdover basis, or similar arrangement, and including where the landlord has the right to terminate or not renew the agreement at the landlord's discretion. In such situations, if a tenant misses a payment due to COVID-19, the moratorium shall apply, unless the landlord can demonstrate an alternative, non-pretextual reason for recovering possession of the unit (for example, turning the unit over to a new tenant under a previously executed agreement, planned renovations, or previous agreement to turn over the unit vacant to a new owner).

(h) The moratorium imposed by this Order also covers security deposits. This Order does not prohibit a landlord from drawing from an existing security deposit, in the event the tenant has missed a rent payment and the agreement allows the landlord to deduct rent from the security deposit, although this practice is discouraged. However, this Order does prohibit a landlord from requiring a tenant described in subdivision (a) to increase the security deposit. In addition, if an existing agreement contains a provision requiring a tenant to replenish a security deposit that the landlord has drawn from, the landlord shall not attempt to recover possession of the unit due to the tenant's inability to replenish the security deposit, if the tenant was unable to do so because of the financial



impacts of COVID-19. In such event, the landlord and tenant shall follow the notice and cure requirements set forth in subdivisions (c) and (d) with regard to replenishment of the security deposit. Any failure to replenish a security deposit as set forth in an existing agreement shall not be a basis to recover possession of the unit while this Order remains in effect.

(i) Nothing in this Order relieves a tenant of the obligation to pay rent, nor restricts a landlord's ability to recover the rent due through means other than an eviction for non-payment.

(j) This Order will remain in effect until November 30, 2020, until the Proclamation of Local Emergency is terminated, or until terminated by the Mayor or the Board of Supervisors, whichever occurs soonest. The Mayor may extend this Order by additional periods of up to two months at a time, if emergency conditions at the time warrant extension. The Mayor shall provide notice of the extension through an Executive Order posted on the Mayor's website and delivered to the Clerk of the Board of Supervisors. However, under no circumstance may any portion of this Order remain in effect beyond the date that paragraph 2 of the Governor's Executive Order N-28-20 shall expire (March 31, 2021, unless the Governor orders otherwise).

(k) The Office of Economic and Workforce Development ("OEWD") is delegated authority to adopt regulations and to develop and publish guidelines consistent with this Order, including forms and recommendations of the types of documentation that may show financial impacts related to COVID-19, and defining "significant financial hardship" for purposes of subsection (e).

(2) Notwithstanding any City law to the contrary, any lawful student housing as defined by the Planning Code that exists, or has obtained all required City permits, or is under construction in compliance with required City permits, may be offered for occupancy by a natural person for an initial stay, whether through lease, subscription, license, or otherwise, for a duration of greater than 30 consecutive days ("temporary housing use") as permitted by the terms of this Order. Use as a temporary housing use under this Order, shall not cause the housing to lose its designation as student housing under the Planning Code or its exempt status under Planning Code Section 415.3(f). Any provision in City law that limits such temporary housing use is hereby waived, and all otherwise applicable local requirements for public notice, the filing or approval of a discretionary entitlement, permit application, other approval, or the payment of fees are hereby waived, provided



that, before allowing a temporary housing use under this Order, a student housing owner or operator shall submit written notice of such temporary housing use to the Planning Department, including information about the total amount of student housing that the applicant owns or controls, the number of student housing units available for use as temporary housing use under this Order, and the address of such student housing, and any further information or graphic materials as may be required by the Planning Director or his designee. A student housing owner or operator shall notify the Planning Department when a temporary housing use is terminated and use of the site for student housing resumes.

Under this Order, (a) student housing used as a temporary housing use shall not be considered “rental units” for the purpose of the Rent Ordinance under Administrative Code Section 37.2(r); (b) individuals staying in such temporary housing shall not be considered “tenants” under Administrative Code Section 37.2(t); (c) Chapter 37 of the Administrative Code shall not apply to any unit used as a temporary housing use; (d) neither the temporary housing use nor the resumption of rentals to students shall constitute the loss of a residential unit under Planning Code Section 317; and (e) the restrictions in Planning Code Section 202.10 shall not apply to the authorized temporary housing use. Any provision of the Charter or Municipal Code authorizing an appeal to the Board of Appeals concerning authorizations under this Order is waived. This Order shall not authorize any conduct prohibited by orders or directives of the Health Officer. Authorization to use student housing for a temporary housing use shall not survive termination of this Order or termination of the local emergency, whichever occurs sooner, except that the Planning Director or the Director’s designee may authorize a temporary housing use to continue for a reasonable wind down period not to exceed 120 days to relocate individuals housed at the site. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: September 29, 2020

A handwritten signature in blue ink, reading "London Breed".

London N. Breed
Mayor of San Francisco

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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 inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.

Sponsor(s):

Yee

Subject:

Concurring in Actions to Meet Local Emergency - Coronavirus Response

The text is listed:

Motion concurring in actions taken by the Mayor in the Twenty-Seventh and Twenty-Eighth Supplements to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic.

Signature of Sponsoring Supervisor:

For Clerk's Use Only