

File No. 160790

Committee Item No. 2

Board Item No. 21

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date July 25, 2016

Board of Supervisors Meeting

Date 8/2/16

Cmte Board

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| <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 checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <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 |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination</u> |
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Completed by: Alisa Somera Date July 21, 2016

Completed by: [Signature] 745 Date 7/25/16

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

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Malia Cohen, Chair
Land Use and Transportation Committee

FROM: Victor Young, Assistant Clerk

DATE: July 25, 2016

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 26, 2016

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 26, 2016. This item was acted upon at the Committee Meeting on Monday, July 25, 2016, at 1:30 p.m., by the votes indicated.

Item No. 71 File No. 160790

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to require Hosting Platforms to verify that a Residential Unit is on the City Registry prior to accepting a fee for booking a short-term rental transaction, and to provide an affidavit of compliance to the City and retain certain records; authorize the Office of Short Term Rentals to issue an administrative subpoena to obtain records; provide for civil, administrative, and criminal penalties against Hosting Platforms for violations of their obligations under the Residential Unit Conversion Ordinance; and affirming the Planning Department's determination under the California Environmental Quality Act.

REFERRED WITHOUT RECOMMENDATION AS A COMMITTEE REPORT

Vote: Supervisor Malia Cohen - Aye
Supervisor Scott Wiener - Aye
Supervisor Aaron Peskin - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Jon Givner, Deputy City Attorney

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 verify that a Residential Unit is on the City**
5 **Registry prior to accepting a fee for booking a short-term rental transaction, and to**
6 **provide an affidavit of compliance to the City and retain certain records; authorize the**
7 **Office of Short Term Rentals to issue an administrative subpoena to obtain records;**
8 **and provide for civil, administrative, and criminal penalties against Hosting Platforms**
9 **for violations of their obligations under the Residential Unit Conversion Ordinance; and**
10 **affirming the Planning Department's determination under the California Environmental**
11 **Quality Act.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

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

17
18 Section 1. Environmental Findings. The Planning Department has determined that the
19 actions contemplated in this ordinance comply with the California Environmental Quality Act
20 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
21 the Clerk of the Board of Supervisors in File No. 160790 and is incorporated herein by
22 reference. The Board affirms this determination.

23
24 Section 2. The Administrative Code is hereby amended by revising Sections 41A.4,
5 41A.5, 41A.6, and 41A.7, to read as follows:

1 **SEC. 41A.4. DEFINITIONS.**

2 Whenever used in this Chapter 41A, the following words and phrases shall have the
3 definitions provided in this Section:

4 **Booking Service.** A Booking Service is any reservation and/or payment service provided by a
5 person or entity that facilitates a short-term rental transaction between an Owner or Business Entity
6 and a prospective tourist or transient user, and for which the person or entity collects or receives,
7 directly or indirectly through an agent or intermediary, a fee in connection with the reservation
8 and/or payment services provided for the short-term rental transaction.

9 * * * *

10 **Hosting Platform.** A person or entity that participates in the short-term rental business
11 by providing, ~~a means~~ and collecting or receiving a fee for, Booking Services through which an
12 Owner may offer a Residential Unit for Tourist or Transient Use. ~~This business service is~~ Hosting
13 Platforms usually, though not necessarily, provide ~~d~~ Booking Services through an online platform
14 that allows an Owner to advertise the Residential Unit through a website provided by the
15 Hosting Platform and ~~provides a means for the Hosting Platform conducts a transaction by which~~
16 potential tourist or transient users ~~to~~ arrange Tourist or Transient Use and payment, whether
17 the tourist or transient pays rent directly to the Owner or to the Hosting Platform.

18 * * * *

19 **SEC. 41A.5. UNLAWFUL CONVERSION; REMEDIES.**

20 * * * *

21 (e) **Criminal Penalties.** Any Owner or Business Entity who rents a Residential Unit for
22 Tourist or Transient Use in violation of this Chapter 41A, or any Hosting Platform that provides
23 a Booking Service a listing for a Residential Unit to be used for Tourist or Transient Use in
24 violation of the Hosting Platform's obligations under this Chapter 41A, ~~without correcting or~~
25 ~~remedying the violation as provided for in subsection 41A.6(e)(6),~~ shall be guilty of a misdemeanor.

1 Any person convicted of a misdemeanor hereunder shall be punishable by a fine of not more
2 than \$1,000 or by imprisonment in the County Jail for a period of not more than six months; or
3 by both. Each Residential Unit rented for Tourist or Transient Use shall constitute a separate
4 offense.

5 * * * *

6 (g) **Exception for Short-Term Residential Rental.**

7 * * * *

8 (4) **Requirements for Hosting Platforms.**

9 (A) ~~Notice to Users of Hosting Platform.~~ All Hosting Platforms shall
10 provide the following information in a notice to any user listing a Residential Unit located
11 within the City and County of San Francisco through the Hosting Platform's service. The
12 notice shall be provided prior to the user listing the Residential Unit and shall include the
13 following information: that Administrative Code Chapters 37 and 41A regulate Short-Term
14 Rental of Residential Units; the requirements for Permanent Residency and registration of the
15 unit with the Department; and the transient occupancy tax obligations to the City.

16 (B) A Hosting Platform shall comply with the requirements of the
17 Business and Tax Regulations Code by, among any other applicable requirements, collecting
18 and remitting all required Transient Occupancy Taxes, and this provision shall not relieve a
19 Hosting Platform of liability related to an occupant's, resident's, Business Entity's, or Owner's
20 failure to comply with the requirements of the Business and Tax Regulations Code. A Hosting
21 Platform shall maintain a record demonstrating that the taxes have been remitted to the Tax
22 Collector, ~~and shall make this record available to the Tax Collector upon request.~~

23 (C) A Hosting Platform may provide, and collect a fee for, Booking Services in
24 connection with short-term rentals for Residential Units located in the City and County of San
25 Francisco only when those Residential Units are lawfully registered on the Short Term Residential

1 Rental Registry at the time the Residential Unit is rented for short term rental. ~~Prior to providing~~
2 ~~reservation and payment services for a listing of a Residential Unit within the City to be rented for~~
3 ~~Tourist or Transient Use, a Hosting Platform shall verify with the Office of Short Term Residential~~
4 ~~Rental Administration and Enforcement that the Residential Unit is listed on the Registry and has a~~
5 ~~valid registration number. For each listing active on the effective date of the ordinance in Board File~~
6 ~~No. 160423 and thereafter, Hosting Platforms shall comply with this subsection (g)(4)(C) by:~~

7 _____ (i) ~~Providing the verified registration number on each listing in the area~~
8 ~~of the listing dedicated to information verified or compiled by the Hosting Platform about the host, such~~
9 ~~as host response rate, host ratings, and date of joining the platform prior to conducting any booking~~
10 ~~service for such host; or~~

11 _____ (ii) ~~Sending the verified registration number, Residential Unit street~~
12 ~~address (including any unit number), and host name to the Office of Short Term Residential Rental~~
13 ~~Administration and Enforcement by electronic mail prior to posting the listing on the platform.~~
14 ~~Consistent with protections for Registry information, the Office of Short Term Residential Rental~~
15 ~~Administration and Enforcement, to the extent permitted by law, shall redact registered Permanent~~
16 ~~Resident names and street and unit numbers from the records available for public review.~~

17 (D) ~~Any violation of a Hosting Platform's responsibilities under subsections (g)(4)(A),~~
18 ~~(B), or (C), or 41A.7(b) shall subject the Hosting Platform to the administrative penalties and~~
19 ~~enforcement provisions of this Chapter 41A, including but not limited to payment of civil penalties of up~~
20 ~~to \$1,000 per day for the period of the failure to comply, with the exception that any violation related to~~
21 ~~failure to comply with the requirements of the Business and Tax Regulations Code shall be enforced by~~
22 ~~the Treasurer/Tax Collector under that Code.~~

23 (D) Commencing November 5, 2016, and on the fifth day of every month
24 thereafter, a Hosting Platform shall provide a signed affidavit to the Office of Short Term Rentals
25

1 verifying that the Hosting Platform has complied with subsection (g)(4)(C) of this Section 41A.5 in the
2 immediately preceding month.

3 (E) For not less than three years following the end of the calendar year in
4 which the short-term rental transaction occurred, the Hosting Platform shall maintain and be able, in
5 response to a lawful request, to provide to the Office of Short Term Rentals for each short-term rental
6 transaction for which a Hosting Platform has provided a Booking Service:

7 (i) The name of the Owner or Business Entity who offered a
8 Residential Unit for Tourist or Transient Use,

9 (ii) The address of the Residential Unit,

10 (iii) The dates for which the tourist or transient user procured use of
11 the Residential Unit using the Booking Service provided by the Hosting Platform,

12 (iv) The registration number for the Residential Unit, and

13 (v) The affidavit required in subsection (g)(4)(D).

14 (5) The exception set forth in this subsection (g) provides an exception only to
15 the requirements of this Chapter 41A. It does not confer a right to lease, sublease, or
16 otherwise offer a residential unit for Short-Term Residential Use where such use is not
17 otherwise allowed by law, a homeowners association agreement or requirements; any
18 applicable covenant, condition, and restriction, a rental agreement, or any other restriction,
19 requirement, or enforceable agreement. All Owners and residents are required to comply with
20 the requirements of Administrative Code Chapter 37, the Residential Rent Stabilization and
21 Arbitration Ordinance, including but not limited to the requirements of Section 37.3(c).

22 (6) ~~Department Contact Person.~~ The Department shall designate a contact
23 person for members of the public who wish to file Complaints under this Chapter 41A or who
24 otherwise seek information regarding this Chapter or Short-Term Residential Rentals. This
25 contact person shall also provide information to the public upon request regarding quality of

1 life issues, including, for example, noise violations, vandalism, or illegal dumping, and shall
2 direct the member of the public and/or forward any such Complaints to the appropriate City
3 department.

4 (7) Notwithstanding any other provision of this Chapter 41A, nothing in this
5 Chapter shall relieve an individual, Business Entity, or Hosting Platform of the obligations
6 imposed by any and all applicable provisions of state law and the Municipal Code including
7 but not limited to those obligations imposed by the Business and Tax Regulations Code.
8 Further, nothing in this Chapter shall be construed to limit any remedies available under any
9 and all applicable provisions of state law and the Municipal Code including but not limited to
10 the Business and Tax Regulations Code.

11
12 **SEC. 41A.6. ADMINISTRATIVE ENFORCEMENT PROCEDURES.**

13 * * * *

14 (d) **Administrative Penalties for Violations and Enforcement Costs.**

15 (1) **Administrative Penalties.** Administrative penalties shall be assessed as
16 follows:

17 (A) For the initial violation by an Owner or Business Entity, not more than
18 four times the standard hourly administrative rate of \$121 for:

19 (i) each unlawfully converted unit per day from the notice of
20 violation until such time as the unlawful activity terminates; or

21 (ii) the initial for each identified failure of a Hosting Platform to
22 comply with the requirements of its obligations under subsections 41A.5(g)(4), (A), (B), (C), or
23 41A.7(b), per day from the notice of violation until such time as the unlawful activity terminates;
24
25

1 (B) For the second and any subsequent violation by the same Owner(s),
2 Business Entity, or Hosting Platform, not more than eight times the standard hourly
3 administrative rate of \$121 for:

4 _____ (i) each unlawfully converted unit per day from the notice of
5 violation until such time as the unlawful activity terminates; or

6 _____ (ii) for the second and any subsequent each identified failure of a
7 Hosting Platform to comply with its obligations under the requirements of subsections
8 41A.5(g)(4) ~~(A), (B), (C), or 41A.7(b)~~, per day from the day the unlawful activity commenced until
9 such time as the unlawful activity terminates; and

10 ~~(C) For the third and any subsequent violation by the same Owner(s), Business~~
11 ~~Entity, or Hosting Platform, not more than 12 times the standard hourly administrative rate of \$121 for~~
12 ~~each unlawfully converted unit or for each identified failure of a Hosting Platform to comply with the~~
13 ~~requirements of subsections 41A.5(g)(4) (A), (B), (C), or 41A.7(b), per day from the day the unlawful~~
14 ~~activity commenced until such time as the unlawful activity terminates.~~

15 (2) **Prohibition on Registration and Listing Unit(s) on Any Hosting**

16 **Platform.** In the event of multiple violations of any Owner's or Business Entity's obligations under
17 this Chapter 41A, the Department shall remove the Residential Unit(s) from the Registry for one
18 year and include the Residential Unit(s) on a list maintained by the Department of Residential
19 Units that may not be offered for Tourist or Transient Use ~~listed on any Hosting Platform~~ until
20 compliance. Any Owner, ~~or Business Entity or Hosting Platform~~ who continues to list offer for
21 rent a Residential Unit in violation of this Section 41A.6 shall be liable for additional
22 administrative penalties and civil penalties of up to \$1,000 per day of unlawful inclusion.

23 * * * *

1 **SEC. 41A.7. OFFICE OF SHORT-TERM RESIDENTIAL RENTAL ADMINISTRATION**
2 **AND ENFORCEMENT.**

3 (a) The Mayor shall establish an Office of Short-Term Residential Rental
4 Administration and Enforcement, which shall provide a single location to receive and process
5 applications for the Registry and Complaints regarding violations of this Chapter 41A. This
6 office shall be staffed by the Department and other departments as appropriate, with
7 participation from the Department of Building Inspection, the Treasurer/Tax Collector's Office,
8 and other departments as needed, to process applications for the Registry and enforce the
9 requirements of this Chapter 41A in a timely and efficient manner. It is the intent of this Board
10 of Supervisors in directing the establishment of this office to streamline both the process of
11 administering the Registry and enforcing the requirements of this Chapter 41A to protect
12 residential housing from unlawful conversion to Tourist or Transient Use. The Office of Short-
13 Term Residential Rental Administration and Enforcement shall promulgate rules and
14 regulations to simplify and streamline the application process and to minimize the time
15 between the filing of applications and their final approval.

16 (b) **Monitor Hosting Platforms.** In addition to the administrative enforcement
17 duties outlined in Section 41A.6, the Office of Short-Term Residential Rental Administration
18 and Enforcement shall actively monitor Hosting Platform listings ~~to ensure that Hosting Platforms~~
19 ~~are only listing Residential Units that are listed on the Registry.~~ Within 15 business days of the
20 effective date of ~~the ordinance in Board File No. 160423~~ Ordinance No. 104-16, the Office of Short-
21 Term Residential Rental Administration and Enforcement shall complete a comprehensive
22 review of active Hosting Platform listings and produce an inventory of potentially non-
23 compliant listings discovered during the review. Subsequent reviews of Hosting Platform
24 listings shall be performed on at least a monthly basis.

1 (1) The Office of Short-Term Residential Rental Administration and
2 Enforcement shall, upon completion of a Hosting Platform review or discovery of a potentially
3 non-compliant listing, immediately provide notice to Hosting Platforms by electronic mail of all
4 listings that do not have valid registration numbers or are otherwise not in compliance with this
5 Chapter 41A. These notices shall be provided to the City Attorney's Office.

6 ~~(2) Hosting Platforms shall respond to each notice sent pursuant to subsection (b)(1) by~~
7 ~~confirming, for each listing identified in the notice, that the listing has a valid registration number and~~
8 ~~providing that number and any other requested information relevant to determining whether the listing~~
9 ~~complies with the provisions of this Chapter 41A (including unit address and host information) to the~~
10 ~~Office of Short-Term Residential Rental Administration and Enforcement. Consistent with protections~~
11 ~~for Registry information, the Office of Short-Term Residential Rental Administration and Enforcement,~~
12 ~~to the extent permitted by law, shall redact registered Permanent Resident names and street and unit~~
13 ~~numbers from the records available for public review.~~

14 (2) The Office of Short-Term Residential Rental Administration and Enforcement shall
15 have the power to issue and serve administrative subpoenas as necessary to determine whether
16 Owners, Business Entities, and Hosting Platforms have complied with Administrative Code Chapter
17 41A. The Office of Short-Term Residential Rental Administration and Enforcement shall issue and
18 serve subpoenas to the Hosting Platforms to obtain information necessary to determine whether
19 violations of Administrative Code Chapter 41A have occurred within a reasonable time not to exceed
20 30 days of discovering potential violations through a monthly review or other investigation effort.
21 Owners, Business Entities, and Hosting Platforms shall have a reasonable opportunity to challenge the
22 administrative subpoena by seeking judicial review before suffering any penalties for refusing to
23 comply.

24 ~~————(3) For each listing that a Hosting Platform fails to provide the requested information~~
25 ~~within one City business day of the notice being sent by the Office of Short-Term Residential Rental~~

1 *Administration and Enforcement, the Hosting Platform shall be subject to the administrative penalties*
2 *and enforcement provisions of this Chapter 41A, including but not limited to payment of civil penalties*
3 *of up to \$1,000 per day until the Hosting Platform complies with subsection (b)(2).*

4 (c) **Reporting to Board of Supervisors.**

5 (1) **Annual Reports.** The Office of Short-Term Residential Rental
6 Administration and Enforcement shall provide a report to the Board of Supervisors regarding
7 the administration and enforcement of the Short-Term Residential Rental program on an
8 annual basis. The report shall make recommendations regarding proposed amendments to
9 this Chapter 41A necessary to reduce any adverse effects of the Short-Term Residential
10 Rental program.

11 (2) **Quarterly Reports.** The Office of Short-Term Residential Rental
12 Administration and Enforcement shall provide quarterly reports to the Board of Supervisors
13 summarizing the Host Platform monitoring activities during the preceding quarter. The
14 periods covered by the quarterly reports shall commence on January 1, April 1, July 1, and
15 October 1, respectively. At a minimum, each report shall include the number of notices sent
16 to Hosting Platforms, the total number of listings included in those notices, the number *of any*
17 *administrative subpoenas issued upon discovery of potentially non-compliant listings, of listings that*
18 *were confirmed as non-compliant or otherwise removed or modified by the Hosting Platforms in*
19 *response to the notices,* and the number and amount of penalties imposed on Owners, Business
20 Entities, or Hosting Platforms for violations of their respective obligations under this Chapter
21 41A, failing to respond to notices. Each report shall break down information by zip code,
22 supervisorial district, and any other criteria as may be requested by the Board of Supervisors.


23 Section 3. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance. This ordinance sets forth revisions to Administrative Code
10 Chapter 41A, with the amendments adopted in Ordinance No. 104-16 shown as existing text,
11 even though the effective date of Ordinance No. 104-16 is July 24, 2016, subsequent to
12 introduction of this ordinance.

13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By:


17 ROBB KAPLA
18 Deputy City Attorney

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LEGISLATIVE DIGEST
(Revised 7/26/16)

[Administrative Code - Short-Term Residential Rentals]

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to require Hosting Platforms to verify that a Residential Unit is on the City Registry prior to accepting a fee for booking a short-term rental transaction, and to provide an affidavit of compliance to the City and retain certain records; authorize the Office of Short Term Rentals to issue an administrative subpoena to obtain records; provide for civil, administrative, and criminal penalties against Hosting Platforms for violations of their obligations under the Residential Unit Conversion Ordinance; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Chapter 41A, as amended by Ordinance No. 104-16, requires that Hosting Platforms verify each unit has a valid registration prior to providing booking services for a unit. Hosting Platforms have two options for complying with this requirement, either by providing the verified registration in the listing, or by providing the verified registration number and unit information to the Office of Short-Term Rental ("Office").

Ordinance No. 104-16 also amended Chapter 41A to mandate that Hosting Platforms respond within one business day to demands from the Office for information regarding the compliance of any listing, and mandates that the Office perform regular monitoring of Hosting Platforms to identify non-compliant or potentially non-compliant listings.

Amendments to Current Law

This Ordinance would amend Chapter 41A to clarify that Hosting Platforms may provide, and collect a fee for, Booking Services in connection with short-term rentals for Residential Units located in the City and County of San Francisco only when those Residential Units are lawfully registered on the Short Term Residential Rental Registry ("Registry") at the time the Residential Unit is rented for short term rental. A Hosting Platform that provides Booking Services for an unregistered unit will be in violation of Chapter 41A and subject to the enforcement proceedings as provided in Chapter 41A. The Ordinance would require the Hosting Platforms to submit to the Office a monthly affidavit that the Hosting Platforms must sign, verifying that the platforms complied with their obligations under Chapter 41A. The Ordinance would require a Hosting Platform to retain certain records related to their Booking Services for 3 years.

This Ordinance provides the Office with administrative subpoena power to allow the Office to obtain information from Hosting Platforms as necessary to investigate and enforce against potential violations of Chapter 41A. The administrative subpoena power would replace the existing disclosure requirements for Hosting Platforms

Background Information

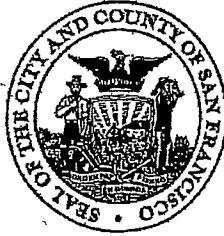
Chapter 41A of the Administrative Code prohibits short term rentals (rentals of less than 30 days) of residential units within the City. In February of 2015, the City amended Chapter 41A to allow short term rentals if the permanent resident registers the unit with the City and agrees to adhere to various rules and restrictions, including a requirement that permanent residents occupy their residential unit for no less than 275 days out of the year in which the residential unit is rented as a Short-Term Residential Rental, and payment of Transit Occupancy Taxes.

Enforcement of Chapter 41A is difficult because Hosting Platforms generally do not post addresses, contact information, or registration numbers for listings. The Office lacks a direct method for determining if a host has a valid registration number, or if a complaint's allegations of short term rental violations at a specific address correspond to listings on a platform. Hosting Platforms have not been responsive to voluntary requests from the Office for information about the status of potentially non-compliant units or listings. Ordinance No. 104-16 mandated that Hosting Platforms only provide Booking Services for units with valid short-term rental registration numbers, provide evidence of compliance, and respond to requests for information from the Office.

The proposed Ordinance would clarify that Hosting Platforms' responsibilities are triggered by their provision of, and compensation for, Booking Services. Hosting Platforms that provide Booking Services for units that are not listed on the Registry when they accept a fee for their Booking Services will be in violation of Chapter 41A. Further, this Ordinance strengthens the ability of the Office to investigate and enforce Chapter 41A by providing the Office with administrative subpoena power.

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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

July 19, 2016

File No. 160790

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Jones:

On July 12, 2016, Supervisor Campos introduced the following proposed legislation:

File No. 160790

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to require Hosting Platforms to verify that a Residential Unit is on the City Registry prior to accepting a fee for booking a short-term rental transaction, and to provide an affidavit of compliance to the City and retain certain records; authorize the Office of Short Term Rentals to issue an administrative subpoena to obtain records; provide for civil, administrative, and criminal penalties against Hosting Platforms for violations of their obligations under the Residential Unit Conversion Ordinance; 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

A handwritten signature in cursive script, appearing to read "Andrea Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

Attachment

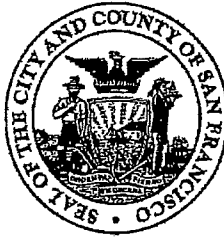
c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

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
760 Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2016.07.20 09:56:04 -0700

BOARD of SUPERVISORS



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Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
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Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection

FROM: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

DATE: July 20, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following the legislation, introduced by Supervisor Campos on July 12, 2016:

File No. 160790

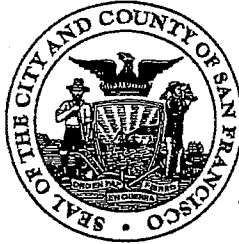
Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to require Hosting Platforms to verify that a Residential Unit is on the City Registry prior to accepting a fee for booking a short-term rental transaction, and to provide an affidavit of compliance to the City and retain certain records; authorize the Office of Short Term Rentals to issue an administrative subpoena to obtain records; provide for civil, administrative, and criminal penalties against Hosting Platforms for violations of their obligations under the Residential Unit Conversion Ordinance; 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 andrea.ausberry@sfgov.org.

cc:

Sonya Harris, Building Inspection Commission
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

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

MEMORANDUM

TO: Kevin Guy, Director, Office of Short-Term Rental Administration and Enforcement
Olson Lee, Director, Mayor's Office of Housing and Community Development
John Rahaim, Director, Planning Department
Jose Cisneros, Treasurer, Office of the Treasurer and Tax Collector

FROM: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

DATE: July 19, 2016

SUBJECT: LEGISLATION INTRODUCED

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cc:

Eugene Flannery, Housing and Community Development
Sophie Hayward, Housing and Community Development
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
AnMarie Rodgers, Legislative Affairs
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning
Amanda Kahn Fried, Treasurer and Tax Collector



Introduction Form

By a Member of the Board of Supervisors or the 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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. 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

Sponsor(s):

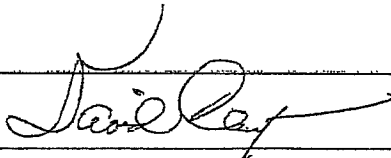
Campos, Peskin, Avalos, Mar

Subject:

[Administrative Code - Short-Term Residential Rentals]

The text is listed below or attached:

Please see attached ordinance.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

