

File No. 140381

Committee Item No. _____

Board Item No. 9

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting

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Date October 21, 2014

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Completed by: [Signature] Date 10/16/14
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1 [Administrative, Planning Codes - Amending Regulation of Short-Term Residential Rentals
2 and Establishing Fee]

3 **Ordinance amending the Administrative Code to provide an exception for permanent**
4 **residents to the prohibition on short-term residential rentals under certain conditions;**
5 **to create procedures, including a registry administered by the Planning Department, for**
6 **tracking short-term residential rentals and compliance; to establish an application fee**
7 **for the registry; amending the Planning Code to clarify that short-term residential**
8 **rentals shall not change a unit's type as residential; affirming the Planning**
9 **Department's determination under the California Environmental Quality Act; and**
10 **making findings of consistency with the General Plan, and the eight priority policies of**
11 **Planning Code, Section 101.1.**

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.**

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

18 Section 1. The Board of Supervisors of the City and County of San Francisco hereby
19 finds and determines that:

20 (a) General Plan and Planning Code Findings.

21 (1) On August 7, 2014, at a duly noticed public hearing, the Planning
22 Commission in Resolution No. 19213 found that the proposed Planning Code amendments
23 contained in this ordinance were consistent with the City's General Plan and with Planning
24 Code Section 101.1(b) and recommended that the Board of Supervisors adopt the proposed
25 Planning Code amendments. A copy of said Resolution is on file with the Clerk of the Board of

1 Supervisors in File No. 140381 and is incorporated herein by reference. The Board finds that
2 the proposed Planning Code amendments contained in this ordinance are on balance
3 consistent with the City's General Plan and with Planning Code Section 101.1(b) for the
4 reasons set forth in said Resolution.

5 (2) Pursuant to Planning Code Section 302, the Board finds that the
6 proposed ordinance will serve the public necessity, convenience and welfare for the reasons
7 set forth in Planning Commission Resolution No. 19213, which reasons are incorporated
8 herein by reference as though fully set forth.

9 (b) Environmental Findings. The Planning Department has determined that the
10 actions contemplated in this ordinance comply with the California Environmental Quality Act
11 (California Public Resources Code Section 21000 et seq.). Said determination is on file with
12 the Clerk of the Board of Supervisors in File No. 140381 and is incorporated herein by
13 reference. The Board affirms this determination.

14 (c) General Findings.

15 (1) The widespread conversion of residential housing to short-term rentals,
16 commonly referred to as hotelization, was prohibited by this Board because, when taken to
17 extremes, these conversions could result in the loss of housing for permanent residents. But,
18 with the advent of new technology, the rise of the sharing economy, and the economic and
19 social benefits to residents of sharing resources, short-term rental activity continued to
20 proliferate. This has not only led the City to strengthen enforcement of short-term rental laws,
21 but also prompted an examination of parameters to regulate short-term rentals and create a
22 pathway to legalize this activity. The goal of regulation is to ensure compliance with all
23 requirements of the Municipal Code, including but not limited to the Business and Tax
24 Regulations Code and the Residential Rent Stabilization and Arbitration Ordinance, and
25 accountability for neighborhood quality of life.

1 (2) The exception created here for permanent residents would allow for
2 reasonable flexibility in renting residential spaces on an occasional basis; however, this
3 exception is only intended for residents who meet the definition of permanent resident so that
4 these units remain truly residential in use. Thus, the exception is only for primary residences
5 in which permanent residents are present for a significant majority of the calendar year.

6 (3) The hosting platforms, as part of a new but growing industry, would also
7 benefit from regulation to ensure good business standards and practices. Such regulation
8 includes required notification to users of local short-term rental laws and transient occupancy
9 tax obligations to San Francisco.

10 (4) The Office of the Treasurer & Tax Collector retains all of its existing
11 authority under the Business & Tax Regulations Code with regard to the subject matter of this
12 ordinance.

13
14 Section 2. The Administrative Code is hereby amended by revising Sections 37.9(a),
15 41A.4, 41A.5, and 41A.6, to read as follows:

16
17 **SEC. 37.9. EVICTIONS.** Notwithstanding Section 37.3, this Section shall apply as of
18 August 24, 1980, to all landlords and tenants of rental units as defined in Section 37.2(r).

19 (a) A landlord shall not endeavor to recover possession of a rental unit unless:

20 (1) The tenant:

21 (A) Has failed to pay the rent to which the landlord is lawfully entitled
22 under the oral or written agreement between the tenant and landlord:

23 (i) Except that a tenant's nonpayment of a charge prohibited
24 by Section 919.1 of the Police Code shall not constitute a failure to pay rent; and
25

1 (ii) Except that, commencing August 10, 2001, to and including
2 February 10, 2003, a landlord shall not endeavor to recover or recover possession of a rental
3 unit for failure of a tenant to pay that portion of rent attributable to a capital improvement
4 passthrough certified pursuant to a decision issued after April 10, 2000, where the capital
5 improvement passthrough petition was filed prior to August 10, 2001, and a landlord shall not
6 impose any late fee(s) upon the tenant for such non-payment of capital improvements costs;
7 or

8 (B) Habitually pays the rent late; or

9 (C) Gives checks which are frequently returned because there are
10 insufficient funds in the checking account; or

11 (2) The tenant has violated a lawful obligation or covenant of tenancy other
12 than the obligation to surrender possession upon proper notice or other than an obligation to
13 pay a charge prohibited by Police Code Section 919.1, and failure to cure such violation after
14 having received written notice thereof from the landlord.

15 (A) Provided that notwithstanding any lease provision to the contrary,
16 a landlord shall not endeavor to recover possession of a rental unit as a result of subletting of
17 the rental unit by the tenant if the landlord has unreasonably withheld the right to sublet
18 following a written request by the tenant, so long as the tenant continues to reside in the rental
19 unit and the sublet constitutes a one-for-one replacement of the departing tenant(s). If the
20 landlord fails to respond to the tenant in writing within fourteen (14) days of receipt of the
21 tenant's written request, the tenant's request shall be deemed approved by the landlord.

22 (B) Provided further that where a rental agreement or lease provision
23 limits the number of occupants or limits or prohibits subletting or assignment, a landlord shall
24 not endeavor to recover possession of a rental unit as a result of the addition to the unit of a
25 tenant's child, parent, grandchild, grandparent, brother or sister, or the spouse or domestic

1 partner (as defined in Administrative Code Sections 62.1 through 62.8) of such relatives, or as
2 a result of the addition of the spouse or domestic partner of a tenant, so long as the maximum
3 number of occupants stated in Section 37.9(a)(2)(B)(i) and (ii) is not exceeded, if the landlord
4 has unreasonably refused a written request by the tenant to add such occupant(s) to the unit.
5 If the landlord fails to respond to the tenant in writing within fourteen (14) days of receipt of the
6 tenant's written request, the tenant's request shall be deemed approved by the landlord. A
7 landlord's reasonable refusal of the tenant's written request may not be based on the
8 proposed additional occupant's lack of creditworthiness, if that person will not be legally
9 obligated to pay some or all of the rent to the landlord. A landlord's reasonable refusal of the
10 tenant's written request may be based on, but is not limited to, the ground that the total
11 number of occupants in a unit exceeds (or with the proposed additional occupant(s) would
12 exceed) the lesser of (i) or (ii):

13 (i) Two persons in a studio unit, three persons in a one-
14 bedroom unit, four persons in a two-bedroom unit, six persons in a three-bedroom unit, or
15 eight persons in a four-bedroom unit; or

16 (ii) The maximum number permitted in the unit under
17 state law and/or other local codes such as the Building, Fire, Housing and Planning Codes; or

18 (3) The tenant is committing or permitting to exist a nuisance in, or is causing
19 substantial damage to, the rental unit, or is creating a substantial interference with the
20 comfort, safety or enjoyment of the landlord or tenants in the building, and the nature of such
21 nuisance, damage or interference is specifically stated by the landlord in writing as required
22 by Section 37.9(c); or

23 (4) The tenant is using or permitting a rental unit to be used for any illegal
24 purpose, provided however that a landlord shall not endeavor to recover possession of a rental unit

1 solely as a result of a first violation of Chapter 41A that has been cured within 30 days written notice to
2 the tenant; or

3 (5) The tenant, who had an oral or written agreement with the landlord which
4 has terminated, has refused after written request or demand by the landlord to execute a
5 written extension or renewal thereof for a further term of like duration and under such terms
6 which are materially the same as in the previous agreement; provided, that such terms do not
7 conflict with any of the provisions of this Chapter; or

8 (6) The tenant has, after written notice to cease, refused the landlord access
9 to the rental unit as required by State or local law; or

10 (7) The tenant holding at the end of the term of the oral or written agreement
11 is a subtenant not approved by the landlord; or

12 (8) The landlord seeks to recover possession in good faith, without ulterior
13 reasons and with honest intent:

14 (i) For the landlord's use or occupancy as his or her principal
15 residence for a period of at least 36 continuous months;

16 (ii) For the use or occupancy of the landlord's grandparents,
17 grandchildren, parents, children, brother or sister, or the landlord's spouse, or the spouses of
18 such relations, as their principal place of residency for a period of at least 36 months, in the
19 same building in which the landlord resides as his or her principal place of residency, or in a
20 building in which the landlord is simultaneously seeking possession of a rental unit under
21 Section 37.9(a)(8)(i). For purposes of this Section 37.9(a)(8)(ii), the term spouse shall include
22 domestic partners as defined in San Francisco Administrative Code Sections 62.1 through
23 62.8.

24 (iii) For purposes of this Section 37.9(a)(8) only, as to landlords who
25 become owners of record of the rental unit on or before February 21, 1991, the term "landlord"

1 shall be defined as an owner of record of at least 10 percent interest in the property or, for
2 Section 37.9(a)(8)(i) only, two individuals registered as domestic partners as defined in San
3 Francisco Administrative Code Sections 62.1 through 62.8 whose combined ownership of
4 record is at least 10 percent. For purposes of this Section 37.9(a)(8) only, as to landlords who
5 become owners of record of the rental unit after February 21, 1991, the term "landlord" shall
6 be defined as an owner of record of at least 25 percent interest in the property or, for Section
7 37.9(a)(8)(i) only, two individuals registered as domestic partners as defined in San Francisco
8 Administrative Code Sections 62.1 through 62.8 whose combined ownership of record is at
9 least 25 percent.

10 (iv) A landlord may not recover possession under this Section
11 37.9(a)(8) if a comparable unit owned by the landlord is already vacant and is available, or if
12 such a unit becomes vacant and available before the recovery of possession of the unit. If a
13 comparable unit does become vacant and available before the recovery of possession, the
14 landlord shall rescind the notice to vacate and dismiss any action filed to recover possession
15 of the premises. Provided further, if a noncomparable unit becomes available before the
16 recovery of possession, the landlord shall offer that unit to the tenant at a rent based on the
17 rent that the tenant is paying, with upward or downward adjustments allowed based upon the
18 condition, size, and other amenities of the replacement unit. Disputes concerning the initial
19 rent for the replacement unit shall be determined by the Rent Board. It shall be evidence of a
20 lack of good faith if a landlord times the service of the notice, or the filing of an action to
21 recover possession, so as to avoid moving into a comparable unit, or to avoid offering a
22 tenant a replacement unit.

23 (v) It shall be rebuttably presumed that the landlord has not acted in
24 good faith if the landlord or relative for whom the tenant was evicted does not move into the
25

1 rental unit within three months and occupy said unit as that person's principal residence for a
2 minimum of 36 continuous months.

3 (vi) Once a landlord has successfully recovered possession of a rental
4 unit pursuant to Section 37.9(a)(8)(i), then no other current or future landlords may recover
5 possession of any other rental unit in the building under Section 37.9(a)(8)(i). It is the intention
6 of this Section that only one specific unit per building may be used for such occupancy under
7 Section 37.9(a)(8)(i) and that once a unit is used for such occupancy, all future occupancies
8 under Section 37.9(a)(8)(i) must be of that same unit, provided that a landlord may file a
9 petition with the Rent Board, or at the landlord's option, commence eviction proceedings,
10 claiming that disability or other similar hardship prevents him or her from occupying a unit
11 which was previously occupied by the landlord.

12 (vii) If any provision or clause of this amendment to Section 37.9(a)(8)
13 or the application thereof to any person or circumstance is held to be unconstitutional or to be
14 otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other
15 chapter provisions, and clauses of this Chapter are held to be severable; or

16 (9) The landlord seeks to recover possession in good faith in order to sell the
17 unit in accordance with a condominium conversion approved under the San Francisco
18 subdivision ordinance and does so without ulterior reasons and with honest intent; or

19 (10) The landlord seeks to recover possession in good faith in order to
20 demolish or to otherwise permanently remove the rental unit from housing use and has
21 obtained all the necessary permits on or before the date upon which notice to vacate is given,
22 and does so without ulterior reasons and with honest intent; provided that a landlord who
23 seeks to recover possession under this Section 37.9(a)(10) shall pay relocation expenses as
24 provided in Section 37.9C except that a landlord who seeks to demolish an unreinforced
25 masonry building pursuant to Building Code Chapters 16B and 16C must provide the tenant

1 with the relocation assistance specified in Section 37.9A(f) below prior to the tenant's vacating
2 the premises; or

3 (11) The landlord seeks in good faith to remove temporarily the unit from
4 housing use in order to be able to carry out capital improvements or rehabilitation work and
5 has obtained all the necessary permits on or before the date upon which notice to vacate is
6 given, and does so without ulterior reasons and with honest intent. Any tenant who vacates
7 the unit under such circumstances shall have the right to reoccupy the unit at the prior rent
8 adjusted in accordance with the provisions of this Chapter. The tenant will vacate the unit only
9 for the minimum time required to do the work. On or before the date upon which notice to
10 vacate is given, the landlord shall advise the tenant in writing that the rehabilitation or capital
11 improvement plans are on file with the Central Permit Bureau of the Department of Building
12 Inspection and that arrangements for reviewing such plans can be made with the Central
13 Permit Bureau. In addition to the above, no landlord shall endeavor to recover possession of
14 any unit subject to a RAP loan as set forth in Section 37.2(m) of this Chapter except as
15 provided in Section 32.69 of the San Francisco Administrative Code. The tenant shall not be
16 required to vacate pursuant to this Section 37.9(a)(11), for a period in excess of three months;
17 provided, however, that such time period may be extended by the Board or its Administrative
18 Law Judges upon application by the landlord. The Board shall adopt rules and regulations to
19 implement the application procedure. Any landlord who seeks to recover possession under
20 this Section 37.9(a)(11) shall pay relocation expenses as provided in Section 37.9C; or

21 (12) The landlord seeks to recover possession in good faith in order to carry
22 out substantial rehabilitation, as defined in Section 37.2(s), and has obtained all the necessary
23 permits on or before the date upon which notice to vacate is given, and does so without
24 ulterior reasons and with honest intent. Notwithstanding the above, no landlord shall endeavor
25 to recover possession of any unit subject to a RAP loan as set forth in Section 37.2(m) of this

1 Chapter except as provided in Section 32.69 of the San Francisco Administrative Code; Any
2 landlord who seeks to recover possession under this Section 37.9(a)(12) shall pay relocation
3 expenses as provided in Section 37.9C; or

4 (13) The landlord wishes to withdraw from rent or lease all rental units within
5 any detached physical structure and, in addition, in the case of any detached physical
6 structure containing three or fewer rental units, any other rental units on the same lot, and
7 complies in full with Section 37.9A with respect to each such unit; provided, however, that
8 guestrooms or efficiency units within a residential hotel, as defined in Section 50519 of the
9 Health and Safety Code, may not be withdrawn from rent or lease if the residential hotel has a
10 permit of occupancy issued prior to January 1, 1990, and if the residential hotel did not send a
11 notice of intent to withdraw the units from rent or lease (Administrative Code Section 37.9A(f),
12 Government Code Section 7060.4(a)) that was delivered to the Rent Board prior to January 1,
13 2004; or

14 (14) The landlord seeks in good faith to temporarily recover possession of the
15 unit solely for the purpose of effecting lead remediation or abatement work, as required by
16 San Francisco Health Code Articles 11 or 26. The tenant will vacate the unit only for the
17 minimum time required to do the work. The relocation rights and remedies, established by
18 San Francisco Administrative Code Chapter 72, including but not limited to, the payment of
19 financial relocation assistance, shall apply to evictions under this Section 37.9(a)(14).

20 (15) The landlord seeks to recover possession in good faith in order to
21 demolish or to otherwise permanently remove the rental unit from housing use in accordance
22 with the terms of a development agreement entered into by the City under Chapter 56 of the
23 San Francisco Administrative Code.

24 (16) The tenant's Good Samaritan Status (Section 37.2(a)(1)(D)) has expired,
25 and the landlord exercises the right to recover possession by serving a notice of termination of

1 tenancy under this Section 37.9(a)(16) within 60 days after expiration of the Original and any
2 Extended Good Samaritan Status Period.

3 * * * *

4
5 **SEC. 41A.4. DEFINITIONS.**

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

8 **Business Entity.** A corporation, partnership, or other legal entity that is not a natural
9 person that owns or leases one or more residential units.

10 **Complaint.** A complaint submitted to the Department by an interested party alleging
11 a violation of this Chapter 41A and that includes the ~~f~~Residential ~~u~~Unit's address, including unit
12 number, date(s) and nature of alleged violation(s), and any available contact information for the
13 ~~e~~Owner and/or resident of the ~~f~~Residential ~~u~~Unit at issue.

14 **Conversion or Convert.** A change of use from ~~f~~Residential ~~u~~Use to ~~t~~Tourist or
15 ~~t~~Transient ~~u~~Use, including, but not limited to, renting a ~~f~~Residential ~~u~~Unit as a ~~t~~Tourist or ~~t~~Transient
16 ~~u~~Use.

17 **Department.** The Planning Department.

18 **Director.** The Director of the Planning Department.

19 **Hosting Platform.** A person or entity that provides a means through which an ~~e~~Owner
20 may offer a ~~f~~Residential ~~u~~Unit for ~~t~~Tourist or ~~t~~Transient ~~u~~Use. This service is usually, though not
21 necessarily, provided through an online platform and generally allows an ~~e~~Owner to advertise the
22 ~~f~~Residential ~~u~~Unit through a website provided by the ~~h~~Hosting ~~p~~Platform and provides a means for
23 potential tourist or transient users to arrange ~~t~~Tourist or ~~t~~Transient ~~u~~Use and payment, whether the
24 tourist or transient pays rent directly to the ~~e~~Owner or to the ~~h~~Hosting ~~p~~Platform.

1 Interested Party. A ~~p~~Permanent ~~r~~Resident of the building in which the ~~t~~Tourist or
2 ~~t~~Transient ~~u~~Use is alleged to occur, any homeowner association ~~e~~associated with the building
3 Residential Unit in which the Tourist or Transient Use is alleged to occur, the Owner of the
4 Residential Unit in which the Tourist or Transient Use is alleged to occur, the City and County of
5 San Francisco, or any non-profit organization exempt from taxation pursuant to Title 26, Section 501
6 of the United States Code, which has the preservation or improvement of housing as a stated purpose in
7 its articles of incorporation or bylaws.

8 Owner. Owner includes any person who is the owner of record of the real property. As
9 used in this Chapter 41A, the term "Owner" includes a lessee where the lessee is offering a
10 ~~r~~Residential ~~u~~Unit for ~~t~~Tourist or ~~t~~Transient use.

11 Permanent Resident. A person who occupies a ~~r~~Residential ~~u~~Unit for at least 60
12 consecutive days with intent to establish that unit as his or her primary residence. A ~~p~~Permanent
13 ~~r~~Resident may be an owner or a lessee.

14 Primary Residence. The ~~p~~Permanent ~~r~~Resident's usual place of return for housing as
15 documented by at least two of the following: motor vehicle registration; driver's license; voter
16 registration; tax documents showing the Residential Unit as the Permanent Resident's
17 residence for the purposes of a home owner's tax exemption; or other such evidence a utility bill.
18 A person may have only one Primary Residence.

19 (a) — Residential Unit. Room or rooms, including a condominium or a room or
20 dwelling unit that forms part of a tenancy-in-common arrangement, in any building, or portion
21 thereof, which is designed, built, rented, leased, let or hired out to be occupied for ~~r~~Residential
22 ~~u~~Use, or which is occupied as the home or residence of four or more households living independently
23 of each other in dwelling units as defined in the San Francisco Housing Code, provided that the
24 residential unit was occupied by a permanent resident on or after February 8, 1981. It is presumed that
25

1 a residential unit was occupied by a permanent resident on or after February 8, 1981, and the owner
2 has the burden of proof to show that a residential unit is not subject to this Chapter.

3 (b) **Residential Use.** Any use for occupancy of a dwelling Residential Unit by a
4 Permanent Resident.

5 **Short-Term Residential Rental.** A Tourist or Transient Use where all of the
6 following conditions are met:

7 (a) the Residential Unit is offered for Tourist or Transient Use by the
8 Permanent Resident of the Residential Unit;

9 (b) the Permanent Resident is a natural person;

10 (c) the Permanent Resident has registered the Residential Unit and maintains
11 good standing on the Department's Short-Term Residential Rental Registry; and

12 (d) the Residential Unit is not subject to the Inclusionary Affordable Housing
13 Program set forth in Planning Code Section 415 et seq.; is not a residential hotel unit as defined in
14 subject to the provisions of Chapter 41; unless such unit has been issued a Permit to Convert
15 under Section 41.12; is not otherwise designated as a below market rate or income-
16 restricted Residential Unit under City, state, or federal law; and no other requirement of federal or
17 state law, this Municipal Code, or any other applicable law or regulation prohibits the
18 permanent resident from subleasing, renting, or otherwise allowing Short-Term Residential Rental of
19 the Residential Unit.

20 **Short-Term Residential Rental Registry or Registry.** A database of information
21 maintained by the Department that includes information regarding Permanent Residents who are
22 permitted to offer Residential Units for Short-Term Residential Rental. Only one Permanent
23 Resident per Residential Unit may be included on the Registry at any given time. The Registry
24 shall be available for public review to the extent required by law, except that, to the extent permitted by
25

1 law, the Department shall redact any pPermanent rResident names from the records available for
2 public review.

3 (e) — **Tourist or Transient Use.** Any Uuse of a rResidential uUnit for occupancy for
4 less than a 30-day term of tenancy, or occupancy for less than 30 days of a rResidential uUnit
5 leased or owned by a bBusiness eEntity, whether on a short-term or long-term basis,
6 including any occupancy by employees or guests of a bBusiness eEntity for less than 30 days
7 where payment for the rResidential uUnit is contracted for or paid by the bBusiness eEntity.

8 (d) — Permanent Resident. A person who occupies a residential unit for at least 60
9 consecutive days with intent to establish that unit as his or her principal place of residence.

10 (e) — Conversion or Convert. The change of the use or to rent a residential unit from
11 residential use to tourist or transient use.

12 (f) — Owner. Owner includes any person who is the owner of record of the real property.
13 Owner includes a lessee where an interested party alleges that a lessee is offering a residential unit for
14 tourist or transient use.

15 (g) — Interested Party. A permanent resident of the building in which the tourist or transient
16 use is alleged to occur, the City and County of San Francisco, or any non-profit organization exempt
17 from taxation pursuant to Title 26, Section 501 of the United States Code, which has the preservation
18 or improvement of housing as a stated purpose in its articles of incorporation or bylaws.

19 (h) — Director. The Director of the Department of Building Inspection.

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

21 (a) **Unlawful Actions.** Except as set forth in subsection 41A.5(g), iIt shall be unlawful
22 for

23 (1) any Oowner to offer an apartment Rresidential Uunit for rent for Ttourist or
24 Ttransient Uuse;
25

1 (2) any Owner to offer a Residential Unit for rent to a Business Entity
2 that will allow the use of a Residential Unit for Tourist or Transient Use; or

3 (3) any Business Entity to allow the use of a Residential Unit for Tourist
4 or Transient Use.

5 (b) **Records Required.** The Owner and Business Entity, if any, shall retain and
6 make available to the Department ~~of Building Inspection occupancy~~ records to demonstrate
7 compliance with this Chapter 41A upon written request as provided herein. Any Permanent Resident
8 offering his or her Primary Residence as a Short-Term Residential Rental shall retain and make
9 available to the Department records to demonstrate compliance with this Chapter 41A, including but
10 not limited to records demonstrating Primary Residency, and the number of days per calendar year he
11 or she has occupied the Residential Unit, and the number of days per calendar year, with dates
12 and the duration of each stay, the Residential Unit has been rented for Short-Term Residential
13 Rental Use.

14 (c) **Determination of Violation.** Upon the filing of a written Complaint that an
15 Owner or Business Entity has engaged in an alleged unlawful eConversion has occurred or
16 that a Hosting Platform is not complying with the requirements of subsection (g)(54)(A), the
17 Director shall take reasonable steps necessary to determine the validity of the Complaint.
18 The Director may independently determine whether an Owner or Business Entity may be
19 renting a Residential Unit for Tourist or Transient Use as defined in violation of this Chapter
20 41A or whether a Hosting Platform has failed to comply with the requirements of subsection
21 (g)(54)(A). To determine if there is a violation of this Chapter 41A, the Director may initiate an
22 investigation of the subject property or Hosting Platform's allegedly unlawful activities. This
23 investigation may include, but is not limited to, an inspection of the subject property and/or a
24 request for any pertinent information from the Owner, ~~or Business Entity~~, or Hosting Platform,
25 such as leases, business records, or other documents. The Director shall have discretion to

1 determine whether there is a potential violation of this Chapter 41A and whether to conduct an
2 administrative review hearing as set forth below. Notwithstanding any other provision of this
3 Chapter 41A, any alleged violation related to failure to comply with the requirements of the
4 Business and Tax Regulations Code shall be enforced by the Treasurer/Tax Collector under
5 the provisions of that Code.

6 (d) **Civil Action.** Following the filing of a Complaint and the determination of a
7 violation by the Director through an administrative review hearing as set forth in this Chapter
8 41A, ~~the City and County of San Francisco~~ may institute civil proceedings for injunctive and
9 monetary relief against a Hosting Platform for violation of subsection (g)(4)(A) or the City or
10 any other interested party may institute civil proceedings for injunctive and monetary relief
11 against an Owner or Business Entity. In addition, ~~the an Owner, or, or Business Entity in~~
12 violation of this Chapter or a Hosting Platform in violation of subsection (g)(4)(A) may be liable
13 for civil penalties of not more than \$1,000 per day for the period of the unlawful rental activity. If
14 the City or the interested party is the prevailing party, the City or the interested party shall
15 be entitled to the costs of enforcing this Chapter 41A, including reasonable attorneys' fees, ~~up~~
16 ~~to the amount of the monetary award,~~ pursuant to an order of the Court. Any monetary award
17 obtained by the City and County of San Francisco in such a civil action shall be deposited in
18 the Mayor's Office of Housing, Housing Affordability Fund less the reasonable costs incurred
19 by the City and County of San Francisco in pursuing the civil action Department to be used for
20 enforcement of Chapter 41A. The Department, through the use of these funds, shall
21 reimburse City departments and agencies, including the City Attorney's Office, for all costs
22 and fees incurred in the enforcement of this Chapter 41A.

23 (e) **Criminal Penalties.** Any Owner or Business Entity who rents a Residential
24 Unit for Tourist or Transient Use as defined in violation of this Chapter 41A without correcting
25 or remedying the violation as provided for in subsection 41A.6(b)(7) shall be guilty of a

1 misdemeanor. Any person convicted of a misdemeanor hereunder shall be punishable by a
2 fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more
3 than six months, or by both. Each ~~R~~residential ~~U~~unit rented for ~~T~~tourist or ~~T~~transient ~~U~~use
4 shall constitute a separate offense.

5 (f) **Method of Enforcement, Director.** The Director shall have the authority to
6 enforce this Chapter against violations thereof by any or all of the means provided for in this
7 Chapter 41A.

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

9 (1) *Notwithstanding the restrictions set forth in this Section 41A.5, a Permanent*
10 *Resident may offer his or her Primary Residence as a Short-Term Residential Rental if he or she:*

11 (A) *occupies ~~t~~The Residential Unit is occupied by the Permanent*
12 *Resident occupies the Residential Unit for no less than 275 days out of the preceding per out of*
13 *any given the calendar year in which the Residential Unit is rented as a Short-Term Residential*
14 *Rental or, proportional share thereof if he or she if the Permanent Resident has not rented or*
15 *owned the Residential Unit for the full preceding calendar year, for no less than 75% of the*
16 *days he or she has owned or rented the Residential Unit;*

17 (B) *The Permanent Resident maintains records for two years*
18 *demonstrating compliance with this Chapter, including but not limited to information demonstrating*
19 *Primary Residency, the number of days per calendar year he or she has occupied the Residential Unit,*
20 *the number of days per calendar year the Residential Unit has been rented as a Short-Term*
21 *Residential Rental, and compliance with the insurance requirement in Subsection (D). These records*
22 *shall be made available to the Department upon request;*

23 (C) *The Permanent Resident complies with any and all applicable*
24 *provisions of state and federal law and the San Francisco Municipal Code, including but not limited to*
25 *the requirements of the Business and Tax Regulations Code by, among any other applicable*

1 requirements, collecting and remitting all required transient occupancy taxes, and the occupancy
2 requirements of the Housing Code;

3 (D) The Permanent Resident maintains homeowner's or renter's
4 property or casualty liability insurance appropriate to cover the Short-Term Residential Rental
5 Use in the aggregate of not less than \$150,000/500,000 or conducts each Short-Term Residential
6 Rental transaction through a Hosting Platform that provides a guarantee program relating to
7 property damage in an amount not less than \$150,000 to owners per incident equal or greater
8 coverage. Such coverage shall defend and indemnify the Owner(s), as named additional
9 insured, and any tenant(s) in the building for their bodily injury and property damage arising
10 from the Short-Term Residential Use;

11 (E) registers, and maintains registry of, the The Residential Unit is
12 registered on the Short-Term Residential Rental Registry prior to offering the Residential Unit for
13 use as a Short Term Residential Rental. Offering a Residential Unit for Short Term
14 Residential Rental while not maintaining good standing on the registry shall constitute a
15 violation of this Chapter 41A; and

16 (F) includes The Permanent Resident includes the Department-issued
17 registration number is included on any Hosting Platform listing or other listing offering the
18 Residential Unit for use as a Short-Term Residential Rental;

19 (G) For units subject to the rent control provisions of Section 37.3, the
20 Permanent Resident complies with the initial rent limitation for subtenants and charges no more rent
21 than the rent the primary Permanent Resident is paying to any landlord per month; and

22 (H) The Permanent Resident can demonstrate to the satisfaction of the
23 Department that the Residential Unit and the property on which it is located is not subject to any
24 outstanding Building, Electrical, Plumbing, Mechanical, Fire, Health, Housing, Police, or Planning
25 Code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and

1 desist orders, or correction notices. The Department shall not include a property that is subject to any
2 such outstanding violations in the Registry. If such a violation occurs once a Residential Unit has
3 been included in the Registry, the Department shall suspend the Residential Unit's registration
4 and registration number until the violation has been cured.

5 (2) Additional Requirements.

6 (A) Offering a Residential Unit for Short-Term Residential Rental,
7 including but not limited to advertising the Residential Unit's availability, while not maintaining
8 good standing on the Registry shall constitute an unlawful conversion in violation of this
9 Chapter 41A and shall subject the person or entity offering the unit in such a manner to the
10 administrative penalties and enforcement procedures, including civil penalties, of this Chapter.

11 (B) Only one Permanent Resident may be associated with a
12 Residential Unit on the Registry, and it shall be unlawful for any other person, even if that
13 person meets the qualifications of a "Permanent Resident", to offer a Residential Unit for
14 Short-Term Residential Rental.

15 (C) A Permanent Resident offering a Residential Unit for Short-Term
16 Residential Rental shall maintain a valid business registration certificate.

17 (D) A Permanent Resident offering a Residential Unit for Short-Term
18 Residential Rental shall post a clearly printed sign inside his or her Residential Unit on the
19 inside of the front door that provides information regarding the location of all fire extinguishers
20 in the unit and building, gas shut off valves, fire exits, and pull fire alarms.

21 (23) Short-Term Residential Rental Registry Applications, and Fee, and Reporting
22 Requirement.

23 (A) Application. Registration shall be for a two-year term, which may be
24 renewed by the Permanent Resident by filing a completed renewal application. Initial and renewal
25 applications shall be in a form prescribed by the Department. The Department shall determine, in its

1 sole discretion, the completeness of an application. Upon receipt of a complete initial application,
2 the Department shall send mailed notice to the owner of record of the Residential Unit,
3 informing the owner that an application to the Registry for the unit has been received. If the
4 Residential Unit is in a RH-1(D) zoning district, the Department shall also send mailed notice
5 to any directly associated homeowner association that has previously requested such notice.

6 Both the initial application and any renewal application shall contain information sufficient to
7 show that the Residential Unit is the Primary Residence of the applicant, and that the applicant is the
8 unit's Permanent Resident, and that the applicant has the required insurance coverage and
9 business registration certificate. In addition to the information set forth here, the Department may
10 require any other additional information necessary to show the Permanent Resident's compliance with
11 this Chapter 41A. Primary Residency may shall be established by showing the Residential Unit is
12 listed as the applicant's residence on at least two of the following: any motor vehicle registration;
13 driver's license; or voter registration; or tax documents showing the Residential Unit as the
14 Permanent Resident's Primary Residence for home owner's tax exemption purposes, and; or any
15 other information as required by the Department utility bill. A renewal application shall contain
16 sufficient information to show that the applicant is the Permanent Resident and has occupied the unit
17 for at least 275 days of each of the two preceding calendar years. Upon the Department's
18 determination that an application is complete, the unit shall be entered into the Short-Term Residential
19 Rental Registry and assigned an individual registration number.

20 (B) Fee. The fee for the initial application and for each renewal shall be
21 \$50, payable to the Director. The application fee shall be due at the time of application. Beginning with
22 fiscal year 2014-2015, fees set forth in this Section may be adjusted each year, without further action
23 by the Board of Supervisors, as set forth in this Section. Not later than April 1 Within six months of
24 the effective operative date of this ordinance and after holding a duly noticed informational
25 hearing at the Planning Commission, the Director shall report to the Controller the revenues

1 generated by the fees for the prior fiscal year and the prior fiscal year's costs of establishing and
2 maintaining the registry and enforcing the requirements of this Chapter 41A, as well as any other
3 information that the Controller determines appropriate to the performance of the duties set forth in this
4 Chapter. After the hearing by the Planning Commission, but Nnot later than May 15August 1,
5 2015, the Controller shall determine whether the current fees have produced or are projected to
6 produce revenues sufficient to support the costs of establishing and maintaining the registry, enforcing
7 the requirements of this Chapter 41A and any other services set forth in this Chapter and that the
8 fees will not produce revenue that is significantly more than the costs of providing such services. The
9 Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as
10 appropriate to ensure that the program recovers the costs of operation without producing revenue that
11 is significantly more than such costs. The adjusted rates shall become operative on July 1.

12 (C) Reporting Requirement. To maintain good standing on the
13 Registry, the Permanent Resident shall submit a report to the Department on January 1 of
14 each year regarding the number of days the Residential Unit or any portion thereof has been
15 rented as a Short-Term Residential Rental since either initial registration or the last report,
16 whichever is more recent, and any additional information the Department may require to
17 demonstrate compliance with this Chapter 41A.

18 (454) Requirements for Hosting Platforms.

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

1 (B) A Hosting Platform shall comply with the requirements of the Business
2 and Tax Regulations Code by, among any other applicable requirements, collecting and remitting all
3 required Transient Occupancy Taxes, and this provision shall not relieve a Hosting Platform of liability
4 related to an occupant's, resident's, Business Entity's, or Owner's failure to comply with the
5 requirements of the Business and Tax Regulations Code. A Hosting Platform shall maintain a record
6 demonstrating that the taxes have been remitted to the Tax Collector and shall make this
7 record available to the Department Tax Collector upon request. Additionally, a Hosting
8 Platform's failure to provide the required notice to users under subsection 41A.5(g)(4)(A) shall
9 be a violation of this Chapter.

10 (C) Any such violation of a Hosting Platform's responsibilities under this
11 subsection (g)(5)(A) shall subject the Hosting Platform to the administrative penalties and
12 enforcement provisions of this Chapter, including but not limited to payment of civil penalties a
13 fine payable to the Department of up to \$1,000 per day for the period of the failure to
14 comply provide notice or the failure to provide the required information to the Department, with
15 the exception that any violation related to failure to comply with the requirements of the
16 Business and Tax Regulations Code shall be enforced by the Treasurer/Tax Collector under
17 that Code.

18 (565) The exception set forth in this subsection (g) provides an exception only to the
19 requirements of this Chapter 41A. It does not confer a right to lease, sublease, or otherwise offer a
20 residential unit for Short-Term Residential Use where such use is not otherwise allowed by law, a
21 homeowners association agreement or requirements, any applicable covenant, condition, and
22 restriction, a rental agreement, or any other restriction, requirement, or enforceable agreement. All
23 Owners and residents are required to comply with the requirements of Administrative Code Chapter
24 37, the Residential Rent Stabilization and Arbitration Ordinance, including but not limited to the
25 requirements of Section 37.3(c).

1 (676) Department Contact Person. *The Department shall designate a contact person*
2 *for members of the public who wish to file Complaints under this Chapter or who otherwise seek*
3 *information regarding this Chapter or Short-Term Residential Rentals. This contact person shall also*
4 *provide information to the public upon request regarding quality of life issues, including for example*
5 *noise violations, vandalism, or illegal dumping, and shall direct the member of the public and/or*
6 *forward any such Complaints to the appropriate City department.*

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

14 (98) Annual Department Reporting Requirement. *Within one year of the*
15 *effective date of this ordinance and annually thereafter, the Department shall provide a report*
16 *to the Board of Supervisors regarding the Department's administration and enforcement of the*
17 *Short-Term Residential Rental program. The study shall make recommendations regarding*
18 *proposed amendments to this Chapter 41A necessary to reduce any adverse effects of the*
19 *Short-Term Residential Rental program.*

20 **SEC. 41A.6. PROCEDURES FOR DETERMINING ADMINISTRATIVE PENALTIES.**

21 (a) **Notice of Complaint.** *Within ~~45~~30 days of the filing of a Ceomplaint and upon*
22 *the Director's independent finding that there may be a violation of this Chapter, the Director*
23 *shall notify the Oowner by certified mail that the Oowner's Residential Unit is the subject of*
24 *an investigation for an unlawful use and provide the date, time, and place of an administrative*
25 *review hearing in which the eOowner can respond to the Ceomplaint. If the Director finds there*

1 is no violation of this Chapter or basis for an investigation for an unlawful activity, the Director
2 shall so inform the complainant within 30 days of the filing of the Complaint. If the Complaint
3 concerns the failure of a Hosting Platform to comply with the requirements of subsection
4 (g)(54)(A), within 1530 days of the filing of the Complaint and upon the Director's independent
5 finding that there may be a violation of this Chapter, the Director shall notify the Hosting
6 Platform by certified mail that the Hosting Platform is the subject of an investigation for failure
7 to comply with the requirements of this Chapter that subsection and provide the date, time,
8 and place of an administrative review hearing in which the Hosting Platform can respond to
9 the Complaint.

10 (b) **Administrative Review Hearings.** In the event the Director determines that an
11 administrative review hearing shall be conducted, the Director's appointed hearing officer will
12 hold an administrative review hearing within ~~60~~45 days of the filing of the ~~Complaint~~
13 Director's finding that there may be a violation of this Chapter 41A to review all information
14 provided by the Interested Party, members of the public, City staff, and the Owner or Hosting
15 Platform for the investigation and the hearing officer shall thereafter make a determination
16 whether the Owner or Hosting Platform has violated this Chapter.

17 (1) For hearings regarding alleged unlawful conversions, Nnotice of the
18 hearing shall be conspicuously posted on the building that is the subject of the hearing. The
19 ~~Owner shall state under oath at the hearing that the notice remained posted for at least~~
20 ~~seven calendar days prior the hearing.~~ The Director shall appoint a hearing officer to conduct
21 the hearing.

22 (2) **Pre-hearing Submission.** No less than ten working days prior to the
23 administrative review hearing, parties to the hearing shall submit written information to the
24 Director including, but not limited to, the issues to be determined by the hearing officer and
25

1 the evidence to be offered at the hearing. Such information shall be forwarded to the hearing
2 officer prior to the hearing along with any information compiled by the Director.

3 (3) Hearing Procedure. If more than one hearing is requested for Residential
4 Units located in the same building at or about the same time, the Director shall consolidate
5 all of the hearings into one hearing. The hearing shall be ~~tape~~ recorded. Any party to the
6 hearing may at his or her own expense cause the hearing to be recorded by a certified court
7 reporter. Parties may be represented by counsel and shall have the right to cross-examine
8 witnesses. All testimony shall be given under oath. Written decisions and findings shall be
9 rendered by the hearing officer within 2030 ~~working~~ days of the hearing. Copies of the findings
10 and decision shall be served upon the parties by certified mail. A notice that a copy of the
11 findings and decision is available for inspection between the hours of 9:00 a.m. and 5:00 p.m.
12 Monday through Friday shall be posted by the Owner or the Director in the building in the
13 same location in which the notice of the administrative review hearing was posted.

14 (4) Failure to Appear. In the event the Owner, authorized Hosting Platform
15 representative, or an interested party fails to appear at the hearing, the hearing officer may
16 nevertheless make a determination based on the evidence in the record and files at the time
17 of the hearing, and issue a written decision and findings.

18 (5) Finality of the Hearing Officer's Decision and Judicial Review. The
19 decision of the hearing officer shall be final. Within 20 days after service of the hearing
20 officer's decision, any party may seek judicial review of the hearing officer's decision.

21 (6) Hearing Officer Decision and Collection of Penalties. ~~If any imposed~~
22 ~~administrative penalties and costs have not been deposited at the time of the Hearing~~
23 ~~Officer's decision~~ Upon the Hearing Officer's decision, the Director may proceed to collect the
24 penalties and costs pursuant to the lien procedures set forth in Subsection 41A.6(ed),
25 consistent with the Hearing Officer's decision.

1 (7) Remedy of Violation. If the Hearing Officer determines that a violation has
2 occurred, the Hearing Officer's Decision should ~~shall~~:

3 (A) Specify a reasonable period of time during which the Owner,
4 Business Entity, or Hosting Platform must correct or otherwise remedy the violation; *and*

5 (B) State that if the violation is not corrected or otherwise remedied
6 within this period, Detail the amount of any administrative penalties the Owner or Hosting
7 Platform shall be may be required to pay the administrative penalties as set forth in Subsection
8 41A.6(c); *and*.

9 (C) For violations by Owners, State that if the violation is not corrected
10 or otherwise remedied within this period, the Department shall remove or prohibit the registration
11 of the Residential Unit from the Short-Term Residential Registry for one year even if the
12 Residential Unit otherwise meets the requirements for Short-Term Residential Rental and may
13 prohibit the offending Owner from including such Residential Unit on any Hosting Platform for
14 a period of one year.

15 (8) If the Hearing Officer determines that no violation has occurred, the
16 determination is final.

17 (c) **Imposition of *Administrative* Penalties for Unabated Violations and**
18 **Enforcement Costs.**

19 (1) Administrative Penalties. If the violation has continued unabated beyond
20 the time specified in the notice required by the Hearing Officer determines that a violation has
21 occurred, an administrative penalty *of shall be assessed as follows:*

22 (A) for the initial violation, not more than four times the standard hourly
23 administrative rate of ~~\$104.00~~ 121.00 shall be charged for each unlawfully converted unit, or for
24 each identified failure of a Hosting Platform to comply with the requirements of subsection
25

1 (g)(54), per day from the day the unlawful use activity commenced notice of Complaint until
2 such time as the unlawful use activity terminates;

3 (B) for the second violation within six months of any hearing held
4 pursuant to this Chapter by the same Owner(s), Business Entity, or Hosting Platform, not more
5 than eight times the standard hourly administrative rate of \$121.00 for each unlawfully converted unit,
6 or for each identified failure of a Hosting Platform to comply with the requirements of
7 subsection (g)(54), per day from the day the unlawful use activity commenced until such time as the
8 unlawful use activity terminates; and

9 (C) for the third and any subsequent violation within 12 months of any
10 hearing held pursuant to this Chapter by the same Owner(s), Business Entity, or Hosting
11 Platform, not more than twelve times the standard hourly administrative rate of \$121.00 for each
12 unlawfully converted unit or for each identified failure of a Hosting Platform to comply with the
13 requirements of subsection (g)(54) per day from the day the unlawful use activity commenced
14 until such time as the unlawful use activity terminates.

15 (2) Enforcement Costs. The Owner or Hosting Platform shall reimburse the
16 City for the costs of enforcement of this Chapter, which shall include, but not be limited to,
17 reasonable attorneys' fees.

18 (3) Prohibition on Registration and Listing Unit(s) on Any Hosting Platform. If the
19 violation has continued unabated beyond the time specified in the notice required by the
20 Hearing Officer in the event of multiple violations, the Department shall remove the Residential
21 Unit(s) from the Registry for one year and include the Residential Unit(s) on a list maintained by
22 the Department of Residential Units that may not be listed by any Permanent Resident on any
23 Hosting Platform until compliance. Any Owner or Business Entity who continues to list a Residential
24 Unit in violation of this section shall be liable for additional administrative penalties and civil
25 penalties of up to \$1,000 per day of unlawful inclusion.

1 (d) **Notice of Continuing Violation and Imposition of Penalties.** The Director shall
2 notify the Owner or Hosting Platform by certified mail that of the violation has continued
3 unabated and that administrative penalties shall be imposed pursuant to this Chapter 41A.
4 The notice shall state the time of the ~~continued~~ existence of the violation and the resulting
5 imposition of penalties. Payment of the administrative penalties and enforcement costs shall
6 be made within 30 days of the certified mailed notice to the Owner or Hosting Platform. If the
7 administrative penalties and enforcement costs are not paid, the Director shall refer the matter
8 to the Treasurer/Tax Collector and/or initiate lien procedures to secure the amount of the
9 penalties and costs against the real property that is subject to this Chapter, under Article XX
10 of Chapter 10 of the *San Francisco* Administrative Code to make the penalty, plus accrued
11 interest, a lien against the real property regulated under this Chapter. Except for the release of
12 the lien recording fee authorized by Administrative Code Section 10.237, all sums collected by
13 the Tax Collector pursuant to this ordinance shall be ~~held in trust by the Treasurer and~~
14 ~~distributed as provided in Section 41A.5(d) of this Chapter~~ deposited as set forth in subsection
15 (e) below.

16 (e) **Deposit of Penalties.** ~~Administrative penalties paid pursuant to this Chapter~~
17 ~~shall be deposited in the Mayor's Office of Housing, Housing Affordability Fund less the~~
18 ~~reasonable costs incurred by the City and County of San Francisco in pursuing enforcement~~
19 ~~under this Chapter 41A. If enforcement costs were imposed, such funds shall be distributed~~
20 ~~according to the purpose for which they were collected.~~ Any fees and penalties collected
21 pursuant to this Chapter 41A shall be deposited in the Department, which shall reimburse City
22 departments and agencies, including the City Attorney's Office, for all costs and fees incurred
23 in the enforcement of this Chapter 41A.

1 Section 3. The Planning Code is hereby amended by revising Sections 102.7, 102.13,
2 790.88 and 890.88, to read as follows:

3
4 **SEC. 102.7. DWELLING UNIT.**

5 A room or suite of two or more rooms that is designed for, or is occupied by, one family
6 doing its own cooking therein and having only one kitchen. A housekeeping room as defined
7 in the Housing Code shall be a dwelling unit for purposes of this Code. For the purposes of
8 this Code, a live/work unit, as defined in Section 102.13 of this Code, shall not be considered
9 a dwelling unit. Notwithstanding the foregoing, use of a dwelling unit as a Short-Term Residential
10 Rental in compliance with Administrative Code Section 41A.5 shall not alter the use type as a
11 residential use.

12 * * * *

13
14 **SEC. 102.13. LIVE/WORK UNIT.**

15 A live/work unit is a structure or portion of a structure combining a residential living
16 space for a group of persons including not more than four adults in the same unit with an
17 integrated work space principally used by one or more of the residents of that unit; provided,
18 however, that no otherwise qualifying portion of a structure which contains a Group A
19 occupancy under the San Francisco Building Code shall be considered a live/work unit.
20 Notwithstanding the foregoing, use of a live/work unit as a Short-Term Residential Rental in
21 compliance with Administrative Code Section 41A.5 shall not alter the use type as a live/work unit.

22 * * * *

23
24 **SEC. 790.88. RESIDENTIAL USE.**

1 A use which provides housing for San Francisco residents, rather than visitors,
2 including a dwelling unit or group housing, as defined in Subsections (a) and (b) below, or a
3 residential hotel, as defined in Section 790.47 of this Code and in Chapter 41 of the San
4 Francisco Administrative Code. Notwithstanding the foregoing, use of a dwelling unit as a Short-
5 Term Residential Rental in compliance with Administrative Code Section 41A.5 shall not alter the use
6 type as a residential use.

7 (a) Dwelling Unit. A residential use which consists of a suite of two or more rooms
8 and includes sleeping, bathing, cooking, and eating facilities, but has only one kitchen.

9 (b) Group Housing. A residential use which provides lodging or both meals and
10 lodging without individual cooking facilities for a week or more at a time in a space not defined
11 as a dwelling unit. Group housing includes, but is not limited to, a rooming house, boarding
12 house, guest house, lodging house, residence club, commune, fraternity and sorority house,
13 monastery, nunnery, convent, and ashram. It also includes group housing operated by a
14 medical or educational institution when not located on the same lot as such institution.

15 * * * *

16
17 **SEC. 890.88. RESIDENTIAL USE.**

18 A use which provides housing for San Francisco residents, rather than visitors,
19 including a dwelling unit or group housing, as defined in Subsections (a) and (b) below, or a
20 residential hotel, as defined in Section 890.47 of this Code and in Chapter 41 of the San
21 Francisco Administrative Code. Notwithstanding the foregoing, use of a dwelling unit as a Short-
22 Term Residential Rental in compliance with Administrative Code Section 41A.5 shall not alter the use
23 type as a residential use.

24 (a) Dwelling Unit. A residential use which consists of a suite of two or more rooms
25 and includes sleeping, bathing, cooking, and eating facilities, and has only one kitchen.

1 (b) Group Housing. A residential use which provides lodging or both meals and
2 lodging without individual cooking facilities for a week or more at a time in a space not defined
3 as a dwelling unit. Group housing includes, but is not limited to, a roominghouse, boarding
4 house, guest house, lodging house, residence club, commune, fraternity and sorority house,
5 monastery, nunnery, convent, and ashram. It also includes group housing operated by a
6 medical or educational institution when not located on the same lot as such institution.

7 (c) Single Room Occupancy (SRO) Unit. A dwelling unit or group housing room
8 consisting of no more than one occupied room with a maximum gross floor area of 350 square
9 feet and meeting the Housing Code's minimum floor area standards. The unit may have a
10 bathroom in addition to the occupied room. As a dwelling unit, it would have a cooking facility
11 and bathroom. As a group housing room, it would share a kitchen with one or more other
12 single room occupancy unit/s in the same building and may also share a bathroom. A single
13 room occupancy building (or "SRO" building) is one that contains only SRO units and non
14 nonaccessory living space.

15
16 Section 4. Other Uncodified Provisions.

17 (a) Effective Date. This ordinance shall become effective 30 days after enactment.
18 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
19 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
20 Supervisors overrides the Mayor's veto of the ordinance.

21 (b) Operative Date. This ordinance shall become operative on February 1, 2015.

22 (c) Undertaking for the General Welfare. In enacting and implementing this
23 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
24 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
25

1 would be liable in money damages to any person who claims that such breach proximately
2 caused injury.

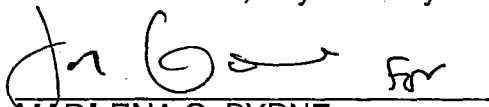
3 (ed) No Conflict with State or Federal Law. Nothing in this ordinance shall be
4 interpreted or applied so as to create any requirement, power, or duty in conflict with any
5 State or federal law.

6 (de) Severability. If any of section, subsection, sentence, clause, phrase or word of
7 this ordinance is for any reason held to be invalid or unconstitutional by a decision of any
8 court of competent jurisdiction, such decision shall not affect the validity of the remaining
9 portions of the ordinance. The Board of Supervisors hereby declares that it would have
10 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and
11 word not declared invalid or unconstitutional without regard to whether any other portion of
12 this ordinance would be subsequently declared invalid or unconstitutional.

13 (ef) Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the "Note" that appears under
18 the official title of the ordinance.

19
20 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

21
22 By:


MARLENA G. BYRNE
Deputy City Attorney

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24 n:\egana\as2014\1200498\00963400.doc

LEGISLATIVE DIGEST
(10/7/14 - Amended in Board)

[Administrative, Planning Codes – Amending Regulation of Short-Term Residential Rentals and Establishing Fee]

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Planning Department, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and, making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Existing Law

Under Chapter 41A of the San Francisco Administrative Code, renting a residential unit for less than a 30-day term is prohibited. Similar prohibitions are found in the Planning Code. These restrictions are designed to prohibit owners, businesses, and residents from converting rental units from residential use to tourist use (also referred to as transient or hotel use).

The Department of Building Inspection (DBI) enforces the provisions of Chapter 41A, and the Planning Department enforces the provisions of the Planning Code. Additionally, other tenants in the building where the tourist or transient use is alleged or housing non-profits may file a complaint with DBI. After a complaint has been filed and after a the City has determined through an administrative hearing process that a violation of Chapter 41A has occurred, the City, any permanent resident in the building, or the non-profit may also file a civil action in court to enforce the provisions of Chapter 41A and recover civil penalties. Any administrative or civil penalties recovered by the City go to the Mayor's Office of Housing's Housing Affordability Fund, after the City's reasonable costs for enforcement are covered.

Amendments to Current Law

The proposed amendments to Administrative Code Chapter 41A (as well as some additional amendments to Chapter 37 and the Planning Code) would allow permanent residents to rent all or portions of their unit for tourist or transient use under certain conditions. This "Short-Term Residential Rental" use is allowed if it complies with all of the requirements of the proposed legislation. A permanent resident is an owner or lessee who has lived in the unit for at least 60 consecutive days and intends to make the unit his or her primary residence. The proposed legislation would apply to all residential units in the City.

The legislation would remove enforcement of the requirements of Chapter 41A from DBI's jurisdiction and place it with the Planning Department. It would also require the Planning

Department to create and maintain a registry of all the permanent residents who may offer their units for Short-Term Residential Rental and to issue each person and their unit a unique registration number, which would have to be included in any listing for the unit for short-term rental. Once the Planning Department has received a complete initial application to join the registry, the Department will send mailed notice to the owner of record of the residential unit and, if the unit is in a RH-1(D) Zoning District (single-family, detached dwellings), to any homeowner association the dwelling is a part of.

The legislation creates an application and renewal fee for the registry, which is initially set at \$50, but may be changed after a report by the Planning Director and a determination by the City Controller that the fee should be adjusted to appropriately cover the costs of administering and enforcing the program.

The legislation also includes requirements for "hosting platforms." Hosting platforms are people or businesses that provide a way for individuals to offer a residential unit for tourist or transient use. This service is usually, though not necessarily, provided online and includes advertising the residential unit through a website provided by the hosting platform and sometimes also conducting or facilitating the transaction. Under the legislation, hosting platforms are required to provide notice to anyone using their services regarding the City's restrictions regarding Short-Term Residential Rentals and must collect and remit all required transient occupancy taxes to the City. Examples of hosting platforms currently providing these types of services include Airbnb and VRBO, among others.

The proposed legislation would allow tourist or transient use of a residential unit as a Short-Term Residential Rental if:

1. The residential unit is:
 - a.) offered for tourist or transient use by the permanent resident of the residential unit;
 - b.) not subject to the City's affordable housing program (also referred to as the Inclusionary Affordable Housing Program, found in Planning Code Section 415 *et seq.*);
 - c.) not a residential hotel unit as defined in Administrative Code Chapter 41 (also referred to as a single room occupancy (SRO) unit);
 - d.) not otherwise a below-market or income-restricted unit under federal, state, or local law;
 - e.) not restricted by any other federal, state, or local law or regulation from being sublet, rented, or otherwise used as a short-term residential rental;
 - f.) not subject to any outstanding Building, Electrical, Plumbing, Mechanical, Fire, Health, Housing, Police, or Planning Code violations; and
2. The permanent resident:
 - a.) is a natural person;
 - b.) has registered the unit and maintains good standing on the registry;
 - c.) lives in the residential unit at least 275 days a year (or proportion of a year if he or she has not rented or owned the residential unit for the full preceding calendar year);

- d.) maintains records for two years demonstrating compliance with these requirements;
- e.) complies with all applicable laws, including collecting and remitting all required transient occupancy taxes;
- f.) maintains liability insurance of not less than \$500,000 or conducts each transaction through a hosting platform that provides equal or greater coverage;
- g.) includes the Planning Department issued registration number on any listing for the unit;
- h.) for units subject to the rent control provisions of Section 37.3, complies with the initial rent limitation for subtenants and charges no more rent than the rent the primary resident is paying to any landlord per month;
- i.) maintains a valid business registration certificate;
- j.) posts a notice inside the door of the unit with information regarding the location of fire extinguishers, gas shut off valves, fire exits, and fire pull alarms; and
- k.) submits a yearly report to the Planning Department on January 1 with the number of days the residential unit has been rented as a Short-Term Residential Rental in the previous year.

Only one permanent resident may be associated with a residential unit. Offering a residential unit that is not listed on the registry for tourist or transient use is a violation of the ordinance.

The proposed legislation does not change or alter any obligations or restrictions that might be found in a individual lease, homeowners association agreement, or any covenants, conditions, or restrictions on the property. Thus, if a person's lease or homeowners association requirements prohibit this type of short-term rental, this legislation expressly does not change that. It also does not allow this use if such a use is not allowed under some other federal, state, or local law.

The proposed legislation includes some changes to Chapter 41A's existing enforcement procedures. It requires the Planning Director to notify anyone who files a Complaint if he or she finds that there is no violation or basis for an investigation within 30 days of the complaint filing. The proposed legislation would add a provision that if a violation is not corrected within the timeframe established by an administrative hearing officer, Planning shall remove the listing from the registry and prohibit the owner or lessee from listing the residential unit on any hosting platform for one year. The proposed legislation also expands the definition of "Interested Party"—i.e. those persons or entities that are permitted to file a lawsuit against someone the Planning Department has found to be in violation of Chapter 41A after an administrative hearing—to include a homeowner association within the building in which the unlawful activity has occurred, as well as another permanent resident of the building, the City, or a housing non-profit. The proposed legislation also provides for three tiers of administrative penalties, increasing the penalties for subsequent violations. The proposed legislation also provides that any administrative or civil penalties collected by the City through enforcement of this Chapter would go to the Planning Department for enforcement of this Chapter, after reimbursing other City Department's for the cost of enforcement.

The proposed legislation also amends Chapter 37.9 of the Administrative Code. Under the current provisions of Chapter 37.9, a landlord may evict a tenant for just cause if the tenant is using or permitting a rental unit to be used for any "illegal purpose." The proposed legislation provides that a first-time violation of Chapter 41A that has been cured within 30 days of written notice to the tenant is not considered an "illegal purpose" for which the tenant can be evicted for just cause.

The proposed legislation would also make amendments to the Planning Code so that renting a residential unit as a short-term residential rental in compliance with Chapter 41A would not change the unit's status as residential use.

The proposed legislation would not become operative until February 1, 2015.

n:\egana\as2014\1200498\00964758.doc

Ausberry, Andrea

From: Board of Supervisors (BOS)
Sent: Wednesday, October 15, 2014 4:54 PM
To: Ausberry, Andrea
Subject: Please Pass Sensible Home Sharing Legislation - Keep Enforcement Clear + Fair [File Number: 140381]

-----Original Message-----

From: Arthur McLaughlin [<mailto:amclaughlin@arthurmclaughlin.com>]
Sent: Tuesday, October 14, 2014 9:12 PM
To: Calvillo, Angela (BOS); Board of Supervisors (BOS)
Cc: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS)
Subject: Please Pass Sensible Home Sharing Legislation - Keep Enforcement Clear + Fair [File Number: 140381]

Dear Supervisors,

Home sharing helps countless San Franciscans to pay their bills and stay in their homes in the city they love - avoiding foreclosure, spending more time with their families, and pursuing their dreams. And it gives guests the chance to experience the real San Francisco -- - visiting local small businesses in neighborhoods they normally wouldn't visit.

I support home sharing in San Francisco, and I urge you to pass sensible legislation, without delay, that ensures San Franciscans can continue to share the homes in which they live.

Specifically, we urge you to pass legislation that:

- Keeps enforcement clear and fair. The City can and should enforce its laws before encouraging residents, landlords and tenants to sue each other. Allowing neighbors to harass home sharers with lawsuits disproportionately impacts lower income hosts who can't afford to hire a lawyer while wealthier homeowners are able to defend themselves. Those of us who rely on the income we earn to make ends meet will suffer most from this process.
- Avoids unnecessary limits on shared space rentals. Please enable families to share their homes with guests when they are present with no limits. Many of us rely on this supplemental income to stay in the city and the homes we love.
- Is clear, transparent, and easy to follow. So much time and energy has been poured into this legislation - let's make it something that will work.

We thank you for taking so much time to consider this important issue
- and we urge you to get it done right.

Sincerely,

Arthur McLaughlin

Alamo Square

Arthur McLaughlin,

BOS
Land Use Committee - 9/29
File No 140381
Petitions from District 1-11
5910 Received, Please Request File

Dear Supervisors and Planning Commissioners:

Today, San Franciscans share their homes for different reasons - to pay the bills and afford to stay in the city, return to school or pursue their dreams. Some just love to get to see the world without ever leaving home. We all believe San Franciscans should be able share this great city with travelers from around the world.

In the past year alone, nearly 180,000 visitors stayed with home sharers in San Francisco. On average, home sharers in San Francisco earn \$4,000 per year by welcoming these guests into their homes — a modest, but significant amount that can make a huge difference for families. And more than 80 percent of home sharers' listings are outside the traditional tourist areas, which means travelers support local businesses in diverse neighborhoods throughout the city and bring huge economic benefits to San Francisco, particularly neighborhoods less visited by hotel guests. The bottom line is clear: home sharing is good for San Franciscans, it's good for travelers, and it's good for the city.

We know that some people have concerns about home sharing and we strongly support fair, progressive rules for home sharers, including tax laws that are clear and easy to follow. Unfortunately, the laws governing home sharing today are outdated. It's time for new, fair laws that enable San Franciscans to share the home in which they live. Specifically, we need new rules that:

- Enable families in both houses and apartments to share the home in which they live.
- Include sensible enforcement measures and don't require hosts to register their personal information with a public government database or navigate a confusing and expensive bureaucratic process.
- Are enforced fairly, without a scheme that encourages neighbors to turn each other in for personal gain.

San Francisco is one of the greatest cities in the world, and we want to share it with travelers and make it more affordable for everyone lucky enough to call this city home. Please work with us and enact legislation that makes it fair to share in San Francisco.

Thank you.

Peter, Home Sharers of San Francisco

Please enact legislation that makes it fair to share in San Francisco.

Name: Jonathan Ross

Neighborhood: Richmond District

Date: 4/29/2014

From: Julia Diaz-Ridgeway [jdridgeway@yahoo.com]
Sent: Thursday, October 09, 2014 10:01 AM
To: Board of Supervisors (BOS)
Subject: I support home sharing

Dear Supervisors,

Please do not cave in to pressure from wealthy hotel representatives - homeowners and renters in SF have the right to share their homes with anyone they choose.

Home sharing helps countless San Franciscans to pay their bills and stay in their homes in the city they love - avoiding foreclosure, spending more time with their families, and pursuing their dreams.

And it gives guests the chance to experience the real San Francisco ---visiting local small businesses in neighborhoods they normally wouldn't visit.

I support home sharing in San Francisco, and I urge you to pass sensible legislation, without delay, that ensures San Franciscans can continue to share the homes in which they live. Specifically, we urge you to pass legislation that:

- **Keeps enforcement clear and fair.** The City can and should enforce its laws before encouraging residents, landlords and tenants to enforce laws themselves through individual lawsuits. Without proper limits, these lawsuits can be misused and those of us who rely on the income we earn to make ends meet will suffer most from this process.
- **Avoids unnecessary limits on shared space rentals.** Arbitrary caps on home sharing while hosts are home will not make the law any more enforceable. Many of us rely on this supplemental income to stay in the city and the homes we love.
- **Is clear, transparent, and easy to follow.** So much time and energy has been poured into this legislation - let's make it clear, fair, and easy to follow so it works.

We thank you for taking so much time to consider this important issue - and we urge you to get it done right.

Sincerely,
Julia Ridgeway-Diaz

File: 140381

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: Please Pass Sensible Home Sharing Legislation - Keep Enforcement Clear + Fair [File Number: 140381]

Hello Supervisors:

We have received close to 500 emails of this petition for File 140381. It appears each Board Member has been included in these email distributions. Each email will be placed in the file.

Peggy Nevin
Operations Deputy Director
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102-4689
Phone: (415) 554-7722 | Fax: (415) 554-5163 peggy.nevin@sfgov.org | www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

-----Original Message-----

From: Jong [<mailto:superjong1@yahoo.com>]
Sent: Friday, October 03, 2014 5:24 PM
To: Calvillo, Angela (BOS); Board of Supervisors (BOS)
Cc: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS)
Subject: Please Pass Sensible Home Sharing Legislation - Keep Enforcement Clear + Fair [File Number: 140381]

Dear Supervisors,

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- Is clear, transparent, and easy to follow. So much time and energy has been poured into this legislation - let's make it something that will work.

We thank you for taking so much time to consider this important issue - and we urge you to get it done right.

Sincerely,

Jong

West Portal

Sent from my iPhone

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: Please Pass Sensible Home Sharing Legislation - Keep Enforcement Clear + Fair [File Number: 140381]

Supervisors:

To date we have received approximately 400 more petition emails in favor of File 140381, like the one below. They will be placed on the Cpages and in the official file. The Clerk's office has determined that each Board Member has received most of these form emails, however we wanted to let you know our count as of today.

Office of the Clerk of the Board

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

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Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

-----Original Message-----

From: Esperanza Garcia [<mailto:egarcia.ecohope@gmail.com>]
Sent: Tuesday, October 07, 2014 1:09 PM
To: Calvillo, Angela (BOS); Board of Supervisors (BOS)
Cc: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jané (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS)
Subject: Please Pass Sensible Home Sharing Legislation - Keep Enforcement Clear + Fair [File Number: 140381]

Dear Supervisors,

Home sharing helps countless San Franciscans to pay their bills and stay in their homes in the city they love - avoiding foreclosure, spending more time with their families, and pursuing their dreams. And it gives guests the chance to experience the real San Francisco -- - visiting local small businesses in neighborhoods they normally wouldn't visit.

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- Is clear, transparent, and easy to follow. So much time and energy has been poured into this legislation - let's make it something that will work.

We thank you for taking so much time to consider this important issue - and we urge you to get it done right.

Sincerely,

Esperanza Garcia



SAN FRANCISCO PLANNING DEPARTMENT

August 11, 2014

Ms. Angela Calvillo, Clerk
Supervisor David Chiu
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Re: Transmittal of Board File No. 140381, Planning Case No. 2014.0707T
Amendments Relating to Short-Term Rentals
Planning Commission Recommendation: *Approval with modifications***

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Calvillo and Supervisor Chiu;

On August 7, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Chiu.

The proposed Ordinance would amend the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Department of Building Inspection, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; and amend the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential.

The proposed Ordinance would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c) and 15378 of the CEQA Guidelines.

At the August 7, 2014 hearing, the Commission adopted Resolution Number 19213 with a recommendation of *approval with modifications* to the Board of Supervisors for the proposed ordinance. The proposed recommended amendments are as follows:

1. Place short-term rental controls in the Planning Code so that the Planning Department is the agency responsible for enforcing on short-term rentals.
2. Modify the Ordinance so that the proposed city-run registry tracks the number of nights a unit has been rented.
3. Require any short-term rental platform or company doing business in San Francisco to provide information on the number of nights a property was rented. Information should be reported back to the city on a quarterly basis at a minimum.
4. Identify units that are on the proposed short-term registry in the Department's Property Information Map.

5. Amend the Ordinance so that a posting on a short-term rental site without first registering with the City constitutes a violation that can be assessed a penalty, even if the unit was not rented.
6. Require the registration number from the City-run registry to accompany all short-term rental postings.
7. Grant citation authority to the Planning Department if it is chosen to be the enforcement agency for short-term rentals, and provide for increased penalties for repeat violators.
8. Limit hosted rentals by nights rented, similar to the restrictions placed on non-hosted rentals, or by limiting the number of rooms that can be rented at any one time.
9. Limit single-family homes to the same restrictions as multi-unit buildings.
10. Require the property owner's consent in tenant occupied units and/or a 30-day notification by the Department to the owner prior to listing a unit on the short-term rental registry.
11. Prohibit SROs from being used as short-term rentals.
12. If the Planning Department is chosen as the enforcement agency, provide increased funding to the Planning Department for more enforcement staff to monitor short-term rentals.
13. Consider placing limits on allowing BMR (Below Market Rate) units to be used as short-term rentals.
14. Require the Planning Department to maintain a list of registered hosting platforms.
15. Prohibit units with outstanding Planning or Building Code violations from being listed on the short-term rental registry until those violations have been abated.
16. Conduct further investigation into the insurance requirements for short-term rental hosts.

The Department recommends that the legislative sponsors advise the City Attorney at your earliest convenience if you wish to incorporate any changes recommended by the Commission. This electronic copy is our transmittal to the Board of Supervisors. Per instructions by the Clerk of the Board, no hard copies will be provided; however hardcopies will be provided upon request. Attached are documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Aaron D. Starr
Acting Manager of Legislative Affairs

cc: Andrea Ausberry, Assistant Clerk
Amy Chan, Aide to Supervisor Chiu
Marlena G. Byrne, Deputy City Attorney

Attachments [one copy of each of the following]
Planning Commission Resolution Number 19213
Planning Commission Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19213 HEARING DATE AUGUST 7, 2014

Project Name: Amendments Relating to Short-Term Rentals
Case Number: 2014.0707T [Board File No. 140381]
Initiated by: Supervisor David Chiu/ Introduced April 15, 2014
Staff Contact: Aaron Starr, Acting Manager Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Reviewed by: AnMarie Rodgers, Senior Policy Advisor
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: Recommend Approval with Modifications

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Fax:
415.558.6409

Planning
Information:
415.558.6377

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE ADMINISTRATIVE CODE TO PROVIDE AN EXCEPTION FOR PERMANENT RESIDENTS TO THE PROHIBITION ON SHORT-TERM RESIDENTIAL RENTALS UNDER CERTAIN CONDITIONS; TO CREATE PROCEDURES, INCLUDING A REGISTRY ADMINISTERED BY THE DEPARTMENT OF BUILDING INSPECTION, FOR TRACKING SHORT-TERM RESIDENTIAL RENTALS AND COMPLIANCE; TO ESTABLISH AN APPLICATION FEE FOR THE REGISTRY; AMENDING THE PLANNING CODE TO CLARIFY THAT SHORT-TERM RESIDENTIAL RENTALS SHALL NOT CHANGE A UNIT'S TYPE AS RESIDENTIAL; AND MAKING ENVIRONMENTAL FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

WHEREAS, on April 15, 2014, Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 140381, which would amend the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Department of Building Inspection, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; and amend the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on August 7, 2014; and,

WHEREAS, the proposed Ordinance has been determined not to be a project under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance.

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve with modifications the proposed ordinance.

The proposed modifications recommended by the Planning Commission include:

1. Place short-term rental controls in the Planning Code so that the Planning Department is the agency responsible for enforcing on short-term rentals.
2. Modify the Ordinance so that the proposed city-run registry tracks the number of nights a unit has been rented.
3. Require any short-term rental platform or company doing business in San Francisco to provide information on the number of nights a property was rented. Information should be reported back to the city on a quarterly basis at a minimum.
4. Identify units that are on the proposed short-term registry in the Department's Property Information Map.
5. Amend the Ordinance so that a posting on a short-term rental site without first registering with the City constitutes a violation that can be assessed a penalty, even if the unit was not rented.
6. Require the registration number from the City-run registry to accompany all short-term rental postings.
7. Grant citation authority to the Planning Department if it is chosen to be the enforcement agency for short-term rentals, and provide for increased penalties for repeat violators.
8. Limit hosted rentals by nights rented, similar to the restrictions placed on non-hosted rentals, or by limiting the number of rooms that can be rented at any one time.
9. Limit single-family homes to the same restrictions as multi-unit buildings.
10. Require the property owner's consent in tenant occupied units and/or a 30-day notification by the Department to the owner prior to listing a unit on the short-term rental registry.
11. Prohibit SROs from being used as short-term rentals.
12. If the Planning Department is chosen as the enforcement agency, provide increased funding to the Planning Department for more enforcement staff to monitor short-term rentals.
13. Consider placing limits on allowing BMR (Below Market Rate) units to be used as short-term rentals.
14. Require the Planning Department to maintain a list of registered hosting platforms.
15. Prohibit units with outstanding Planning or Building Code violations from being listed on the short-term rental registry until those violations have been abated.
16. Conduct further investigation into the insurance requirements for short-term rental hosts.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Commission believes that short-term rentals need to be regulated in order to preserve the City's housing stock, reduce negative effects on affordable housing, and to protect the livability of residential neighborhoods. The City's current regulations are no longer sufficient to address this new technology and its associated effects, and if this industry remains unregulated, the Commission believes that the City will continue to lose permanent housing.
2. The Commission finds that the Planning Department should be the agency in charge of monitoring and enforcing on short-term rentals because this is essentially a land use issue and the Planning Department is the City agency responsible for regulating land use.
3. As drafted, the Commission finds that the proposed Ordinance does not have a meaningful enforcement mechanism. Currently to participate in the short-term rental program, permanent residents would be required to maintain records for at least two years to demonstrate compliance with City law. However, the ordinance provides no way for the enforcement agency to verify that these records are correct and accurate. To address this issue, the Commission recommends that the City start a centralized registry for all short-term rentals that tracks the properties that are being used as short-term rentals and the number of nights each property is rented. A central registry that tracks the number of days each property is rented is essential for any Department to effectively enforce the proposed short-term rental restriction, without it the new regulations are essentially ineffective. Without making these amendments to the proposed ordinance, the Department's enforcement difficulties would increase greatly. Creating a reasonable path to legalize some short-term usage is a laudable goal, but it must be paired with enforceable limits to prevent excessive conversion of the housing stock to transient use.
4. The Commission finds that the Ordinance should be amended so that a posting on a short-term rental site constitutes a violation. This will allow for quick and effective enforcement, and help act as a deterrent for would be scofflaws.
5. The Commission finds that requiring the registration number from the City-run registry to accompany all short-term rental postings will make it easier for the Planning Department's enforcement team to monitor short-term rental sites by providing a quick way to verify that a property was properly registered with the City.
6. The Commission finds that the Planning Department's enforcement process does not allow the Department to effectively respond to complaints and does not help deter would be violators. Granting citation authority to the Planning Department if the Department is chosen to be the enforcement agency for short-term rentals would allow the Department to issue a citation immediately.
7. The Commission finds that including all dwelling units in the short-term rental controls will help protect housing affordability, and it will also protect the character of our lowest intensity

residential districts, as most of the City's single-family homes are located in RH-1 (Residential House, Single-Family) and RH-2 (Residential House, Two-Unit) zoning districts.

8. The Commission finds that hosted rentals should have some limitations, either on the number of nights that a permanent resident can conduct a hosted rental, or the number of rooms that can be rented in any one unit at one time.
9. The Commission finds that more investigation needs to be done into the types of insurance available for short-term renters, and the appropriate amount of such insurance.
10. The Commission finds that SRO units should not be allowed to be rented as short-term rentals under this program, and that further investigation should be made into whether or not BMR units should be allowed to be rented as short-term rentals.
11. The Commission finds that the Planning Department does not have adequate enforcement staff to monitor short-term rentals, and if the Planning Department is chosen as the enforcement agency for short-term rentals, additional resources for staffing should be added to the Department's budget.
12. The Commission finds that property owners should be made aware that their tenant is using his or her unit as a short-term rental prior to having that unit listed on the proposed short-term rental registry.
13. The Commission finds that buildings with Planning or Building Code violations should not be listed on the short-term rental registry until such violations are abated.
14. **General Plan Compliance.** The proposed amendments to the Planning Code are consistent with the following Objectives and Policies of the General Plan.

HOUSING ELEMENT

OBJECTIVE 2

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

With the Commission's proposed amendments, the Ordinance would be consistent with Object two of the Housing Element because it would limit the number of days that a unit could be utilized as a short-term rental reducing the likelihood that permanent housing would be converted into transient housing.

OBJECTIVE 3

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

POLICY 3.1

Preserve rental units; especially rent controlled units, to meet the City's affordable housing needs.

With the Commission's proposed amendments the Ordinance would help preserve rental units by ensure that they are not converted into full time short-term rentals.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

POLICY 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

While not an entirely new use, short-term rentals are proliferating within the City like never before and having a new and distinct effect on the City's residential neighborhoods. With the Commission's proposed amendments, the proposed Ordinance would help preserve the distinct residential character of the City's residential neighborhoods by limiting the number of nights a residential unit can be rented out as a short-term rental.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

POLICY 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Short-term rentals are commercial activity and this Ordinance seeks to retain that commercial activity in the City while providing sufficient regulatory controls to ensure that any negative effects are addressed.

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED

Policy 3.4

Assist newly emerging economic activities.

Short-term rentals and short-term rental hosting platforms are an emerging economic activity; the proposed Ordinance would legalize this activity within San Francisco.

15. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood-serving retail uses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

With the Commission's proposed amendments, the Ordinance would minimize any effects that short-term rentals would have on existing housing and neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

With the Commission's proposed amendments, the Ordinance would help preserve the City's supply of affordable housing, by ensuring that long term housing for permanent residents is maintained as long-term housing. Further, the Commission recommends that SRO units not be allowed to be rented as short-term rentals under this program, and recommends further study into whether or not BMRs should be allowed to be rented as short-term rentals under this proposal.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an effect on the City's Landmarks and historic buildings.

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8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an effect on the City's parks and open space access to sunlight and vistas.

8. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on August 7, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Antonini, Fong, Hillis, and Johnson

NOES: Commissioners Moore and Sugaya

ABSENT: Commissioner Wu

ADOPTED: August 7, 2014



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning and Administrative Code Text Change HEARING DATE: AUGUST 7, 2014

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Date: July 31, 2014
Project Name: Amendments Relating to Short-Term Rentals
Case Number: 2014.0707T [Board File No. 140381]
Initiated by: Supervisor David Chiu/ Introduced April 15, 2014
Staff Contact: Aaron Starr, Acting Manager Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Reviewed by: AnMarie Rodgers, Senior Policy Advisor
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: Recommend Approval with Modifications

PLANNING CODE AND ADMINISTRATIVE CODE AMENDMENT

The proposed Ordinance would amend the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Department of Building Inspection, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The Way It Is Now:

1. The Administrative Code prohibits residential units in buildings with four or more units from being rented out for less than 30 days.
2. The term Short-Term Residential Rental and Hosting Platform are not defined in the Planning or Administrative Code.
3. The Planning Code requires conditional use authorization to convert a residential unit to a hotel use (AKA bed and breakfast). Renting out a residential unit for less than 30 days is not permitted per the Planning Code.
4. Hotels are not permitted in RH-1(D), RH-1, and RH-1(S) zoning districts and are limited to 5 rooms or less in RH-2, RH-3, RM, and RTO Districts. Hotels are permitted to have more than 5 rooms in RC districts, and regardless of the number of rooms require Conditional Use approval.
5. Under the direction of the Zoning Administrator, the Planning Department's enforcement division enforces violations of the Planning Code, including the prohibition on renting residential units out as short-term rentals.

The Way It Would Be:

Administrative Code Changes:

1. The Administrative Code would be amended to permit permanent residents of residential units in buildings with two or more units to rent their unit as a Short-Term rental for up to 90-days a year. Single-family homes would not be subject to Chapter 41A and thus would be able to be used as short-term rentals for an unlimited number of days, and hosted rentals¹ would also be unlimited.
2. The Administrative Code would be amended to add the term Short-Term Residential Rentals, which would be defined as follows:

Short-Term Residential Rental. A tourist or transient use where all of the following conditions are met:

- (a) the residential unit is offered for tourist or transient use by the permanent resident² of the residential unit;
- (b) the permanent resident is a natural person; and,
- (c) the permanent resident has registered the unit and maintains good standing on the Department's³ short-term residential rental registry

3. The Administrative Code would be amended to add the term Hosting Platform, which would be defined as follows:

Hosting Platform. A person or entity that provides a means through which an owner may offer a residential unit for tourist or transient use. This service is usually, though not necessarily, provided through an online platform and generally allows an owner to advertise the residential unit through a website provided by the hosting platform and provides a means for potential tourist or transient users to arrange tourist or transient use and payment, whether the tourist or transient pays rent directly to the owner or to the hosting platform.

4. In order to participate in the short-term rental program, the Ordinance requires the permanent resident to:

- 1) Register their property with the City,
- 2) Maintain residency in the unit for at least 275 days a year,
- 3) Comply with all applicable laws, including remitting all required transient occupancy taxes;

¹ For the purposes of this report, a "hosted rental" is one where the permanent resident is present during the guest's stay; a "non-hosted rental" is when the permanent resident is not there during the guests stay.

² "Permanent Resident" is defined in the Administrative Code as "A person who occupies a residential unit for at least 60 consecutive days with intent to establish that unit as his or her primary residence." The proposed Ordinance would clarify that "a permanent resident may be either an owner or a lessee."

³ The Ordinance places the Department of Building Inspection in charge of short-term rentals; however the Planning Department's recommendation is to have Planning in charge of short-term rentals.

- 4) Maintain records for at least two years that demonstrate compliance with City law,
 - 5) Maintain a minimum of \$150,000 worth of property or casualty insurance, either personally or through the hosting platform, and
 - 6) Comply with prorated rent limitations for subtenants for units subject to rent control provisions of Section 37.3.
5. The Ordinance requires short-term rental platforms to collect and remit required City Transit Occupancy Tax.
 6. The Department of Building Inspection (hereinafter "DBI") would be charged with enforcing the rules for short-term rentals.
 7. Enforcement for any violation is through an administrative review hearing, consistent with the existing enforcement procedures of Chapter 41A⁴. The proposed Ordinance would add a new enforcement provision that for a violation not corrected within the timeframe established by an administrative hearing officer, DBI may prohibit the an owner or lessee from listing the residential unit on any hosting platform for one year.
 8. The proposed legislation also amends Chapter 37.9 of the Administrative Code. Under the current provisions of Chapter 37.9, a landlord may evict a tenant if the tenant is using or permitting a rental unit to be used for any illegal purpose. The proposed legislation would carve out an exception to this where the "illegal purpose" does not include a first violation of Chapter 41A that has been cured within 30 days written notice to the tenant.
 9. The Ordinance requires hosting platforms to notify any host in San Francisco that:
 - 1) The San Francisco Administrative Code regulates short-term rentals.
 - 2) The Code includes requirements for permanent residency and registration of the unit, and
 - 3) They may be liable transient occupancy tax.

Planning Code Changes:

The only changes to the Planning Code add the following language to Sections 102.7 "Dwelling Unit", 102.13 "Live Work Unit", 790.88 "Residential Use", 890.88 "Residential Use".

Notwithstanding the foregoing, use of a dwelling unit as a Short-Term Residential Rental in compliance with Administrative Code Section 41A.5 shall not alter the use type as a residential use.

This change would allow any residential unit in the City to be rented out as a Short-Term Residential Rental provided the rental is in compliance with Administrative Code Section 41A.5. Single-family homes would not be limited to 90-days. Currently using a residential unit as a short-term rentals is prohibited by the Planning Code, unless the property owner applies for a conditional use application to operate a small inn or bed and breakfast.

⁴ Under existing Chapter 41A procedures, DBI first sends a notice of complaint within 15 days of the complaint, and then if a hearing is determined to be required, DBI sets the hearing date within 60 days of the complaint. Based on the outcome of the hearing, a decision is made as to whether or not the property owner is in violation.

ISSUES AND CONSIDERATIONS

Hosting Platforms

A short-term rental hosting platform is generally a web site that allows individuals to list their home or a room in their home for rent on a short-term basis. There are five main hosting platforms accounting for approximately 80% of the total listings in San Francisco, these include VRBO, Airbnb, HomeAway, Craigslist, and FlipKey. In most cases, the property owner either manages the listing, or has employed an agent to manage their property as a short-term rental. These sites take a certain percentage of the rental cost from the host, and some have recently started collecting the city's hotel tax from renters. Some of these platforms assert that the vast majority of its hosts are simply small-time "home sharers" who earn a few dollars here and there by occasionally renting out a spare room.⁵ However, as the San Francisco Chronicle recently reports, close to 5,000 San Francisco homes, apartments, and private or shared rooms were for rent via Airbnb, and two-thirds were entire houses or apartments, "showing how far Airbnb has come from its couch-surfer origins, and contradicting its portrayal as a service for people who rent out a spare room..."⁶ Further, the Department's enforcement staff has seen instances where real estate investors are buying new properties with short-term renting exclusively in mind.

Housing Affordability

The Planning Department's paramount concern is the impact that short-term rentals have on the availability and affordability of the City's housing stock. This concern is derived from Objectives Two and Three in the City's Housing Element, which seek to "retain existing housing units" and "protect the affordability of the existing housing stock," respectively. Based on surveys that the Department conducted, staff's conservative estimate is that at any one time, anywhere from 4,000-5,000⁷ entire units have been removed from San Francisco housing stock and are being advertised online as short-term rentals. This number accounts for nearly 1.3% of all housing units in the City. For comparison sake, there has been much public concern about the conversion of rental housing to condominiums. From 2009 to 2013, 2,669 units were converted into condominiums—about half the number of units that may currently be lost to tourist use⁸. To address that loss of rent controlled housing, the Board passed an Ordinance⁹ that allowed condominium conversions currently in the queue to move forward, but halted all future condominium conversion for 10 years.

San Francisco is in a housing affordability crisis and is frequently described as among the worst in the nation.¹⁰ ¹¹ ¹² ¹³ Any decrease in residential space available for the City's permanent resident puts an

⁵ "Can we stop pretending the sharing economy is all about sharing?" (June 30, 2014) Retrieved from www.time.com/money on July 1, 2014.

⁶ "Window into Airbnb's hidden impact on S.F." (June 16, 2014) Retrieved from www.SFChronicle.com on July 1, 2014.

⁷ This number represents the Department's best estimate of how many entire dwelling units are being listed on all five major short-term rental platforms in San Francisco. It does not include hosted rentals, where a room or a shared room is being offered while the permanent resident is present.

⁸ San Francisco Housing Inventory (2013). Retrieved from www.sfgov.org on July 1, 2014.

⁹ Board File Number 120069, Enactment Number 117-13, passed 6/28/13

¹⁰ Fortune Magazine. July 10, 2014. "Americas Housing Affordability Crisis is Getting Worse" Matthews, Chris. Retrieved at <http://fortune.com/2014/07/10/us-housing-affordability/>

upward pressure on price, exacerbating an already untenable situation. Further, based on the trends that the Department has seen over the past three years, residential units being rented out as short-term rentals will continue to grow for the foreseeable future (see discussion below).

Taking a unit or even a bedroom out of the long-term rental market and putting it into the short-term rental market also increases the value of the unit. This commercialization of residential units may inflate the market and keep rents artificially higher than the market would otherwise support. For instance, based on research the Department conducted in January of this year, a typical studios apartment in the City's Lower Haight neighborhood rents for about \$1,900 per month¹⁴. A short-term rental in the Lower Haight for a similar studio apartment rents for about \$180.00 per night for a total of \$5,400 per month¹⁵. In another example, the Department found a six-bedroom, five-bath home in the City's Marina District that rents for about \$11,000¹⁶ per month. A similar six-bedroom, five-bath home in the same neighborhood rents for \$1,300 per night for a total of \$39,000 per month¹⁷. The income that can be generated from short-term rentals could encourage speculators to pay more for a unit knowing that they could reap a larger return on their investment; could encourage landlords to seek legal means for eviction of rent control protected units so that the unit may be offered at higher prices; and it could also encourage permanent residents to offer to pay higher rents because they could supplement their income with short-term rentals.

Neighborhood Character

The Department is also concerned about how short-term rentals are impacting neighborhood character and the quality of life for San Francisco residents. A neighborhood made up of permanent residents has a very different character than a neighborhood where everyone is a transient visitor. While tourists are important for this City's economy and its cultural identity, it's primarily the residents of San Francisco that make it a unique and interesting place to visit. Permanent residents have a vested interest in maintaining the unique quality of life in San Francisco. They build community by developing longstanding relationships; help ensure that trash doesn't accumulate on the sidewalks, and are inherently motivated to be respectful of their neighbors. Many of the complaints that the Department receives about short-term rentals have to do with the hours of activity tourists keep compared to long-term residents with regular nine to five work schedules. Further, having short-term rentals unregulated

¹¹ A June 21, 2014 article in the NextCity, a city planning nonprofit wrote: "Mayor Lee has called the lack of affordable housing a "crisis" that "threatens to choke off [the city's] economic growth and prosperity for the future". Retrieved from: <http://nextcity.org/daily/entry/san-francisco-apartment-cost-affordable-housing>

¹² New York Times. April 14, 2014. "In Many Cities, Rent Is Rising Out of Reach of Middle Class". Dewan, Shaila. Retrieved from: <http://www.nytimes.com/2014/04/15/business/more-renters-find-30-affordability-ratio-unattainable.html>

¹³ The Economist. April 16, 2014. "The Spectre Haunting San Francisco". London, R.A. Retrieved from: <http://www.economist.com/blogs/freexchange/2014/04/housing-markets>

¹⁴ Craigslist.org listing, retrieved January, 2014

¹⁵ Airbnb.com listing, retrieved January, 2014

¹⁶ Craigslist.org listing, retrieved January, 2014

¹⁷ Home2sanfrancisco.com listing, retrieved January 2014.

in residential districts is akin to allowing an unregulated number of hotels in a residential district, something which is either prohibited or at a minimum requires conditional use authorization.

A Growing Issue

Short-term rentals have probably been happening in San Francisco for some time, and internet based short-term rental platforms, such as VRBO (Vacation Rentals By Owner), have been around since the mid 1990's. However, it wasn't until the last few years that hosting platforms started to become more prevalent. This issue first came to the Department's attention in a significant way in 2011, when staff started to see an increase in the number of complaints from neighbors regarding short-term rentals. Since then, Department records show a dramatic increase in the number of listings posted online in San Francisco. In 2011, the Department counted 1,595 rental listings on one short-term rental site. In 2012, that number increased to 2,533 and in January of this year that number increased to 6,960. Approximately 70% of listings from one site were for an entire unit. Other research has found 5,000 listings on one short-term rental platform alone, including both hosted and non-hosted rentals¹⁸. In 2012, the Department's enforcement team started to track short-term rentals with a separate tracking code. That year the Department received 25 complaints related to short-term rental use. In 2013 the number of complaints increased to 40, and as of June 27th of this year we have received approximately 95 complaints.

Planning Department's Enforcement Efforts

The Department's Zoning and Compliance Division has worked diligently to bring short-term rental violations into compliance with the Planning Code using current enforcement tools. Despite limited resources (currently, the Department has seven full-time planners for enforcement of all Planning Code provisions citywide). For this reason, the Department's enforcement program is generally complaint based and does not involve active monitoring or patrols for violations. While staff prioritizes short-term rental cases because they represent a loss of housing, the Department does not currently have the resources to actively monitor short-term rental sites nor do these sites necessarily include all the information necessary to open an enforcement case for a specific property. The current enforcement process typically takes 11 weeks before penalties can be assessed. Prior to fiscal penalties, staff must send required notices to the property owner and tenant, giving alleged violators due process and the opportunity to comply with the law. Additionally, these cases can be difficult to prove as ongoing violations, which are required to assess a penalty, due to the transient nature of the use. Profits from short-term rentals are also so lucrative that even after a violation hosts may attempt to re-list their unit on a different website.

Hotels, Inns and Bed & Breakfast Uses in Residential Districts

The Planning Code currently allows short-term rentals in Residential Districts, but they have historically been known as bed and breakfast inns or small hotels¹⁹. To add a small hotel use in a residential neighborhood the law requires conditional use authorization by the Planning Commission. Further, such uses are typically limited to 5 rooms, and even then are not permitted in all residential districts. Conditional Use requires a notice to property owners within 300' of the property, a posted notice on the property, and a public hearing before the Planning Commission. Principally permitting short-term rentals across the City without sufficient restrictions would allow hotel-like uses in a residential neighborhood without any public process or oversight. The Department recognizes the difference

¹⁸ "Window into Airbnb's hidden impact on S.F." (June 16, 2014) Retrieved from www.SFChronicle.com on July 1, 2014.

¹⁹ Large hotels are generally prohibited.

between renting out a home while on vacation versus a fulltime bed and breakfast; however, as the Department's enforcement team has found, and as the SF Chronicle's own investigation affirmed²⁰, a significant number of people are using short-term rental sites to circumvent traditional oversight processes and are effectively adding a hotel-like use in a residential neighborhood.

Overview of Other Jurisdictions

Various cities across the nation are searching for the best regulatory tools to regulate and accommodate short-term rentals in a manner consistent with community values. In general, cities that have adopted overly prescribed operating conditions and a highly regulated permitting process for short-term rentals, such as Chicago, have seen low participation rates. Other cities, including Austin, seemingly have successfully implemented streamlined regulations that are more effective at maintaining livable and vibrant neighborhoods, while also allowing an emerging business sector to flourish. Chicago and Austin represent two ends of the spectrum and will be explored in detail below. In addition, New York City's dense housing stock and struggles with affordability make for an interesting comparison with San Francisco. Further, New York State's Attorney General succeeded in getting critical information for enforcement. For these reasons, this report takes a closer look at these three responses to address this emerging issue²¹:

Chicago. Chicago defines "vacation rental" as a dwelling unit with up to six sleeping rooms that are available for rent to transients. This definition applies to properties that are either tenant occupied or owner occupied as long as the unit will not be occupied by the tenant or owner during the time of the stay. Offering just a room while the tenant or owner is present is allowed by right. Vacation rentals, however, require a license at a cost of \$500, renewable every two years. The license requires the owner to obtain liability insurance policy, sets a maximum number of guests allowed by square footage, requires hosts to keep a registry to be maintained for three years, and requires the license number to be posted on all advertisements. Further, vacation rental operators are required to provide all guests with soap, clean individual bath towels and linens, clean the unit between guests, and provide the guests with the number of a local contact person and post the license number and evacuation diagram within the unit. Operating without a license is a violation punishable by anywhere from \$500-\$1,000 for every day in operation, and all vacation rentals are required to remit the full hotel tax. This law does not apply to owner occupied units. This use is limited to specific zoning districts and sets a cap on the number of permits that will be issued at any given time.

This ordinance has been criticized for its onerous operating requirements and although it was enacted in 2011, it has experienced extremely low registration numbers likely because of those high standards. The main difference between Chicago's regulations and the proposed Ordinance is that Chicago only regulates rentals where the owner is not present, while the proposed Ordinance seeks to address both hosted and non-hosted short-term rentals. Chicago's regulations also sets strict operating procedures, such as supplying fresh linens and soap, and has no limit on the number of days the unit can be rented. The proposed Ordinance does not set strict operation procedures and limits the number of days a unit can be rented to 90 days.

²⁰ "Window into Airbnb's hidden impact on S.F." (June 16, 2014) Retrieved from www.SFChronicle.com on July 1, 2014.

²¹ For a more comprehensive comparison between what other cities are doing and what the proposed Ordinance is proposing, please see the matrix in Exhibit C

Austin. Austin passed an ordinance in 2012 regulating short-term rentals and requiring a license for every unit being offered for stays of less than 30 days. The license is obtained by submitting an application and paying a \$285 registration fee. The license is good for one year and requires neighborhood notification at initial establishment. Short-term rentals are also required to remit the full 9% hotel tax. Eligible properties are categorized into three types: those that are owner occupied and are renting either a portion or the entire unit, those that are not owner occupied and are a single or two-family property, and those that are a dwelling unit within a multi-family unit. Certain types are restricted by geographic or census tract caps and all properties are subject to building inspections at the initial period of application. These licenses are issued and monitored through the Code Compliance Department by two full-time inspectors and one full-time administrative personnel who solely handle short-term rental registrations, respond to complaints and violations, and proactively seeking out violators through online advertisements. The program is funded through a fee on Austin utility bills.

In comparison to the proposed Ordinance, Austin limits the number of permits it issues for short-term rentals, requires neighborhood notification to establish a short-term rental and limits which districts and what types of housing are eligible for short-term rentals. The proposed Ordinance, inclusive of Staff's recommendations does none of these. Also, Austin does not limit the number of days a unit can be rented, while the proposed Ordinance limits the number of days a unit can be rented to 90 days.

New York State. New York State passed a law in 2010 making it illegal to rent out apartments in residential buildings for less than 30 days. Owners of an apartment or a town house may only rent out one or two rooms and must be present in the home during the time of guests' stays. Additionally, each guest must have access to common areas of the home. In New York City enforcement is both reactive and proactive and handled by the Mayor's Office of Special Enforcement. Enforcement officers conduct random inspections of properties they believe to be operating as illegal hotels, gathering this information from monitoring online hosting platforms. Penalties range but can cost up to \$2,500 per day (The proposed Ordinance includes a \$1000.00 a day fine). New York's current regulations are similar to the existing ban on short-term rentals in San Francisco; however New York allows residents to rent out rooms in their homes on a short-term basis with no limit on the number of days. San Francisco does not. Recently, New York State's Attorney General came to an agreement with one specific host platform, Airbnb, in which the company has agreed to provide anonymized data about hosts in New York. No such arrangement has been made with California's State Attorney General, or the San Francisco City Attorney. This data will not include names, addresses or other personally-identifiable information. The Attorney General's Office will have one year to review the anonymized data and then request information about individual hosts who may be subject to further investigation. Both the Attorney General and the Mayor's Office of Special Enforcement have stated their aim is to bring down hosts running illegal hotels out of many units or entire buildings, rather than individuals who rent their single apartment while occasionally out of town.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Recommend that the Ordinance is amended as follows:

1. Place short-term rental controls in the Planning Code so that the Planning Department is the agency responsible for enforcing on short-term rentals.
2. Modify the Ordinance so that the proposed city-run registry tracks the number of nights a unit has been rented.
3. Require any short-term rental platform or company doing business in San Francisco to provide information on the number of days a property was rented. Information should be reported back to the city on a quarterly basis at a minimum.
4. Identify units that are on the Short-Term Registry in the Department's Property Information Map²².
5. Amend the Ordinance so that a posting on a short-term rental site without first registering with the City constitutes a violation that can be assessed a penalty, even if the unit was not rented.
6. Require the registration number from the City-run registry to accompany all short-term rental postings.
7. Grant citation authority²³ to the Planning Department if we are chosen to be the enforcement agency for short-term rentals and provide for increased penalties for repeat violators.
8. Subject hosted rentals to the same 90-night limit as non-hosted rentals.
9. Limit single-family homes to the same restrictions as multi-unit buildings.

BASIS FOR RECOMMENDATION

The Department believes that short-term rentals need to be regulated in order to preserve the City's housing stock, reduce impacts on affordable housing, and to protect the livability of residential neighborhoods. The City's current regulations are no longer sufficient to address this new technology and its associated impacts, and if this industry remains unregulated, the Department believes that the City will continue to lose permanent housing. In crafting its recommendation, the Department sought to create a legal avenue for hosts who want to occasionally rent their primary residence on a short-term basis, while balancing concerns over housing affordability and neighborhood character. The recommendations below mainly focus on improving the enforcement and monitoring of short-term rentals; however the Department believes that the Ordinance also needs to be expanded to include both hosted and non-hosted rentals and that all of the City's dwelling units should be treated the same under the new restrictions.

Recommendations 1: Place short-term rental controls in the Planning Code so that the Planning Department is the agency responsible for enforcing on short-term rentals.

As the City agency responsible for regulating land use, the Department should be the agency in charge of for monitoring and enforcing on short-term rentals because this is essentially a land use issue. While the Department of Building Inspection has a more robust enforcement division, the Planning Department

²² Follow this link to view the Department's Property Information Map, <http://ec2-50-17-237-182.compute-1.amazonaws.com/PIM/>

²³ Citation authority allows an agency to issue a citation and fines immediately when they see a violation, in contrast to our current enforcement efforts, which requires the Department to provide the offender the opportunity to correct the violation before any fines are levied.

believes that *if the enforcement measures outlined in our recommendations are adopted*, we will have the tools to effectively enforce the proposed short-term rental restrictions.

Recommendation 2-3:

2. **Modify the Ordinance so that the proposed city-run registry tracks the number of nights a unit has been rented.**
3. **Require any short-term rental platform or company doing business in San Francisco to provide information on the number of days a property was rented. Information should be reported back to the city on a quarterly basis at a minimum.**

The Department believes that these recommendations are imperative to ensure that housing affordability is maintained and that the ordinance can be effectively enforced. As drafted, the Ordinance does not provide a meaningful enforcement mechanism. Under the legislation as currently proposed, to participate in the short-term rental program, the permanent resident is required to register their property with the City and maintain records for at least two years to demonstrate compliance with City law. However, the ordinance provides no way for the enforcement agency to verify that these records are correct and accurate. To address this issue, the Department proposes a centralized city-run registry that tracks the number of nights a unit has been rented. Anyone that wants to rent out their units on a short-term basis would need to register their property with the City, and any hosting platform doing business in the City would be required to submit data about how many nights each property was rented on at least a quarterly basis.

Some short-term rental sites, such as Craig's List, only act as bulletin boards and aren't involved with booking the room or the financial transaction between the permanent resident and the renter. These services are not currently collecting data on how often a unit is rented; however, the Department strongly believes that it is the hosting platforms responsibility to provide this information to the City so that we can effectively enforce these new regulations. That being said, if the City cannot require all short-term rental sites to report this information, an alternative would be to require the permanent resident to report the dates a unit is to be rented to the City prior to the rental. While this would still rely on the permanent resident to self-report how many nights their unit is rented, it would provide the City a running tally, which is more difficult to forge than personal records kept in the possession of the permanent resident. Further, if a complaint is made and the permanent resident has not reported to the City that their unit is being rented this would qualify as proof of a violation. If this option is chosen, the Department believes there needs to be strong penalties for noncompliance, such as stiff fines and the revocation of the short-term rental permit for a period of five years or more. Further, the Department believes that only one of these reporting mechanisms should be used. Having a two tiered system is unfair to the hosting platforms and complicates the Department's record keeping and enforcement efforts.

A central registry that tracks the number of days each property is rented is essential for any Department to effectively enforce the proposed short-term rental restriction, without it the new regulations are essentially ineffective. Without making these amendments to the proposed ordinance, our enforcement difficulties would increase greatly. Creating a reasonable path to legalize some short-term usage is a laudable goal, but it must be paired with enforceable limits to prevent excessive conversion of the housing stock to transient use.

Recommendation 4: Identify units that are on the Short-Term Registry in the Department's Property Information Map.

The Department believes it is important for neighbors to know which properties in their neighborhood are registered as short term rental, and placing this information on the Department's Property Information map will make that information accessible to them. In addition, this will also allow neighbors to see if a property is properly registered with the City prior to making a complaint, possibly reducing the number of false complaints filed with the Department. The Department originally considered having a separate web site that listed all short term rentals in the city; however, in the end we felt that it was more practical to use an existing data base to make this information available to the public.

Recommendations 5: Amend the Ordinance so that a posting on a short-term rental site without first registering with the City constitutes a violation that can be assessed a penalty, even if the unit was not rented.

The Department recommends amending the legislation so that listing a unit on a short-term rental site when the property has not been registered on the City's short-term rental registry would stand as proof of a violation. This will allow for quick and effective enforcement, and help act as a deterrent for would be scofflaws. Proving that someone has rented the property as a short-term rental is a major impediment to the Department's enforcement efforts. Currently, to prove a violation the Department's enforcement team has to do a site visit and actually see the short-term renter occupying the unit. Listing your property on a short term rental site without registering it shows that you are not in compliance with the city law that requires the property to be registered, and it also shows intent to rent the apartment as a short-term rental.

Recommendation 6: Require the registration number from the City-run registry to accompany all short-term rental postings.

This recommendation is similar to the Department's existing requirement that all general advertising signs must display their building permit number on the sign. This requirement would make it easier for the Department's enforcement team to monitor short-term rental sites by providing a quick way to verify that a property was properly registered with the City. If this provision is not added to the Ordinance, Department enforcement staff would have to spend time determining if a property is registered on the site before any enforcement action could occur. Further, if the property is registered, Department staff would have diverted time and resources away from other enforcement activities just to find out that the property was in compliance.

Recommendation 7: Grant citation authority to the Planning Department if we are chosen to be the enforcement agency for short-term rentals and provide for increased penalties for repeat violators.

In order for the Planning Department to be able to effectively and quickly enforce these new regulations we would need to have citation authority. Our current enforcement process does not allow us to effectively respond to complaints and does not help deter would be violators. Currently our enforcement team sends out a letter of abatement to initiate an enforcement action. This process involves several letters and notices to the property owner and takes about 11 weeks before we can start assessing penalties. Granting citation authority would allow the Department to issue a citation immediately, upon verification of a violation. These citations could be abated, but fines and penalties could be assessed immediately helping to act as a deterrent for would be violators. Without this provision potential violators may be encouraged to flout the law knowing that they could ignore the first 2-3 letters without fiscal impact.

Recommendation 8: Subject hosted rentals to the same 90-day limit as non-hosted rentals.

As drafted, the proposed Ordinance does not limit the number of nights someone can rent out a room in their unit, creating a loophole that will allow someone to operate a bed and breakfast type use in their home without Conditional Use authorization. The Ordinance should be amended to also limit the number of days that someone can rent out a room in their unit (hosted rental) in the same way non-hosted rentals are limited.

Recommendation 9: Limit single-family homes to the same restrictions as multi-unit buildings.

As currently drafted, the Ordinance exempts single-family homes from the short-term rental controls, allowing entire homes to be converted into a hotel use without any public process or noticing. Including all dwelling units in the short-term rental controls will help protect housing affordability, and it will also protect the character of our lowest intensity residential districts, as most of the City's single-family homes are located in RH-1 (Residential, House, Single-Family) and RH-2 (Residential House, Two-Unit) zoning districts.

ENVIRONMENTAL REVIEW

The proposed Ordinance would result in no direct or indirect physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c) and 15378 of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received several inquiries about the proposed Ordinance. The Department also received several letters both in support and opposition to the proposed Ordinance, which are included as Exhibit D in this report. In general those that are in support of the proposed Ordinance are people who use short-term rental sites and want to be able to keep using these services to supplement their income or rent out additional units in their building. Those opposed to this Ordinance are concerned about the impacts short-term rentals have on neighborhood livability and housing affordability.

RECOMMENDATION:	Recommendation of Approval with Modifications
------------------------	--

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 140381
- Exhibit C: Chart Comparing Other City's Short-Term Rental Regulations
- Exhibit D: Letters of Opposition and Support.



SAN FRANCISCO PLANNING DEPARTMENT

CITY	REGULATION TYPE										ENFORCEMENT				
	100% BAN	SET # OF CU'S/ LICENSES	LIMIT BY ZONING DISTRICT	RENEWABLE LICENSE	HIGH ANNUAL FEE	LOW ANNUAL FEE	SIMPLE REGISTRATION	LIMIT # OF DAYS ALLOWED TO RENT PER YEAR	PAY FULL HOTEL TAXES	UNREGULATED (100% LEGAL, BY RIGHT)	PROACTIVE	REACTIVE ONLY	HIGH FEES (\$500+ per day)	LOW FEES (less than \$500 per day)	NOT ENFORCED
San Francisco (current)		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a						
New York City		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a			X			
Chicago															
Austin		X	X				Though it should be noted Airbnb has told our dept Austin is dealing with a major registration backlog				X				
Chiu's Leg										de facto...yes. Technically speaking...no		?		not enforced	

X = Best practices for San Francisco
 LEGEND: Orange block signifies this regulation or enforcement measure applies to that city's ordinance and practices

228

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

September 11, 2014

File No. 140381

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On September 2, 2014, Supervisor Chiu introduced the following legislation:

File No. 140381

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Planning Department, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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 "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

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

Not defined as a project under CEQA Guidelines Sections 15378 and 15080(c)(2) because it does not result in a physical change in the environment.

Ausberry, Andrea

From: Guzman, Monica
Sent: Thursday, September 11, 2014 4:53 PM
To: Rodgers, AnMarie (CPC)
Cc: Ausberry, Andrea
Subject: RE: BOS File No. 140381 - Planning Commission

Thank you for the prompt response AnMarie.

From: Rodgers, AnMarie (CPC)
Sent: Thursday, September 11, 2014 4:52 PM
To: Guzman, Monica
Cc: Ionin, Jonas (CPC)
Subject: RE: BOS File No. 140381 - Planning Commission

Thanks, Monica. This version responds to the earlier Planning Commission hearing, so unless the CAO feels it must be re-heard by the PC, I believe this item is ready to be scheduled without further response from our Commission.

Thank you,

AnMarie Rodgers
Senior Policy Advisor

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415.558.6395 | Fax: 415.558.6409
Email: anmarie@sfgov.org
Web: <http://www.sf-planning.org/Legislative.Affairs>
Property Info Map: <http://propertymap.sfplanning.org/>



From: Guzman, Monica
Sent: Thursday, September 11, 2014 4:02 PM
To: Ionin, Jonas (CPC)
Cc: Rahaim, John (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Poling, Jeanie (CPC); Navarrete, Joy (CPC); Ausberry, Andrea
Subject: BOS File No. 140381 - Planning Commission

Good Afternoon,

Attached is a referral for BOS File No. 140381, which is being referred to the Planning Commission for public hearing and recommendation. Please forward the Commission's response as soon as it is available. Thank you.

Sent on behalf of Andrea Ausberry, Assistant Clerk, Land Use and Economic Development Committee.

Regards,

Monica L. Guzman
Assistant Committee Clerk
Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-7718 | Fax: (415) 554-5163
monica.guzman@sfgov.org | board.of.supervisors@sfgov.org

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City Hall
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San Francisco 94102-4689
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TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: September 11, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, introduced by Supervisor Chiu on September 2, 2014:

File No. 140381

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Planning Department, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The proposed ordinance is being transmitted pursuant to Charter Section D3.750-5 for public hearing and recommendation. It is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: 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: Olson Lee, Acting Director, Mayor's Office of Housing
Bevan Dufty, Director, Housing Opportunity, Partnership and Engagement (HOPE)
Delene Wolf, Executive Director, Rent Board
Jose Cisneros, Treasurer, Office of the Treasurer/Tax Collector

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development Committee, Board of Supervisors

DATE: September 11, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Chiu on September 2, 2014:

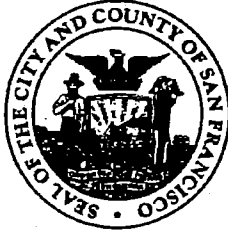
File No. 140381

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Planning Department, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you have any additional 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.

c: Eugene Flannery, Mayor's Office of Housing
Sophie Hayward, Mayor's Office of Housing
Amanda Fried, HOPE
Dee Schexnayder, HOPE
Christine Keener, HOPE
Greg Kato, Policy and Legislative Manager

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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 1, 2014

File No. 140381

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On April 15, 2014, Supervisor Chiu introduced the following legislation:

File No. 140381

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Department of Building Inspection, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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 "A. Ausberry".

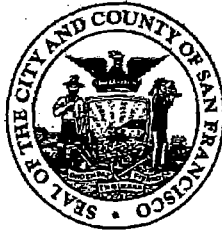
By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Environmental Planning
Jeanie Poling, Environmental Planning

*Not a project under CEQA
Guidelines Sections 15060(c)
and 15378 because there
is no direct or indirect
physical change in the environ-
ment.
Nannie Turrell
May 1, 2014*

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San Francisco 94102-4689
Tel. No. 554-5184
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 Economic Development
Committee, Board of Supervisors

DATE: May 1, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, introduced by Supervisor Chiu on April 15, 2014:

File No. 140381

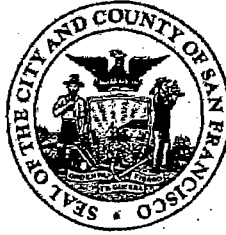
Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Department of Building Inspection, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The proposed ordinance is being transmitted pursuant to Charter Section D3.750-5 for public hearing and recommendation. It is pending before the Land Use and Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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: Olson Lee, Acting Director, Mayor's Office of Housing
Bevan Dufty, Director, Housing Opportunity, Partnership and Engagement (HOPE)
Delene Wolf, Executive Director, Rent Board
Jose Cisneros, Treasurer, Office of the Treasurer/Tax Collector

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: May 1, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Chiu on April 15, 2014:

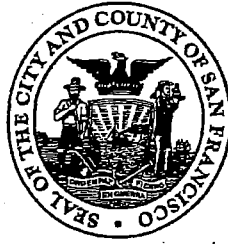
File No. 140381

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Department of Building Inspection, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you have any additional 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.

c: Eugene Flannery, Mayor's Office of Housing
Sophie Hayward, Mayor's Office of Housing
Amanda Fried, HOPE
Dee Schexnayder, HOPE
Christine Keener, HOPE
Greg Kato, Policy and Legislative Manager

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May 1, 2014

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On April 15, 2014, Supervisor Chiu introduced the following legislation:

File No. 140381

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Department of Building Inspection, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use and Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

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

By: Andrea Ausberry, Assistant Clerk
Land Use and Economic Development Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- AnMarie Rodgers, Senior Policy Manager
- Scott Sanchez, Zoning Administrator
- Sarah Jones, Chief, Major Environmental Analysis
- Jeanie Poling, Environmental Planning
- Nannie Turrell, Environmental Planning

BOS
Land Use Committee - 9/29
File No. 140381
Petitions from District 1-11
3910 Received, Please Request File

Dear Supervisors and Planning Commissioners:

Today, San Franciscans share their homes for different reasons - to pay the bills and afford to stay in the city, return to school or pursue their dreams. Some just love to get to see the world without ever leaving home. We all believe San Franciscans should be able share this great city with travelers from around the world.

In the past year alone, nearly 180,000 visitors stayed with home sharers in San Francisco. On average, home sharers in San Francisco earn \$4,000 per year by welcoming these guests into their homes — a modest, but significant amount that can make a huge difference for families. And more than 80 percent of home sharers' listings are outside the traditional tourist areas, which means travelers support local businesses in diverse neighborhoods throughout the city and bring huge economic benefits to San Francisco, particularly neighborhoods less visited by hotel guests. The bottom line is clear: home sharing is good for San Franciscans, it's good for travelers, and it's good for the city.

We know that some people have concerns about home sharing and we strongly support fair, progressive rules for home sharers, including tax laws that are clear and easy to follow. Unfortunately, the laws governing home sharing today are outdated. It's time for new, fair laws that enable San Franciscans to share the home in which they live. Specifically, we need new rules that:

- Enable families in both houses and apartments to share the home in which they live.
- Include sensible enforcement measures and don't require hosts to register their personal information with a public government database or navigate a confusing and expensive bureaucratic process.
- Are enforced fairly, without a scheme that encourages neighbors to turn each other in for personal gain.

San Francisco is one of the greatest cities in the world, and we want to share it with travelers and make it more affordable for everyone lucky enough to call this city home. Please work with us and enact legislation that makes it fair to share in San Francisco.

Thank you.

Peter, Home Sharers of San Francisco

Please enact legislation that makes it fair to share in San Francisco.

Name: Jonathan Ross

Neighborhood: Richmond District

Date: 4/29/2014

Ausberry, Andrea

From: Board of Supervisors (BOS)
Sent: Tuesday, September 30, 2014 9:11 AM
To: Ausberry, Andrea
Subject: File 140381: Airbnb responsibility for payment of back hotel taxes
Attachments: tres reg 2012-1 final.pdf

From: Doug Engmann [<mailto:doug.engmann@engmannoptions.com>]
Sent: Monday, September 29, 2014 10:45 PM
To: Campos, David (BOS); David Chui; Mar, Eric (BOS); Kim, Jane (BOS); Avalos, John (BOS); Tang, Katy (BOS); BreedStaff (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Yee, Norman (BOS); Wiener, Scott
Subject: Airbnb responsibility for payment of back hotel taxes

Dear Supervisors-

On April 3, 2012 the City Tax Collector ruled that the "transient occupancy tax" or "TOT" is applicable to the short-term rental of a private residence or any room in a private residence. The Treasurer also ruled that any website company that acts as a merchant of record collecting the rent for occupancy of the private residence is required to remit the TOT associated with that rental to the city. Attached is Tax Collector Regulation 2012-1 detailing this requirement.

Airbnb is the largest website company that acts as a merchant of record for short-term rentals arranged through their website. By their own testimony at the Land Use Committee, the TOT on existing Airbnb rentals is around \$11 million/year which Airbnb has stated they intend to begin collecting on October 1, 2014. Therefore it can be estimated that Airbnb does owe approximately 30 months of past due TOT on their rentals since April 2012 or **approximately \$25 million dollars.**

It would be a travesty if the Chiu legislation now before you does not reiterate and require the payment of past TOT tax due before any Airbnb host can register and do business in San Francisco. I urge each of you to live up to your responsibility to all San Francisco taxpayers and require this corporation which is currently valued at \$10 billion dollars to fulfill their legal and moral obligation to the citizens of San Francisco. These uncollected tax dollars would be a significant addition in funding for the city's provision of needed social, health, housing and public transportation services to our residents.

Regards,

Doug Engmann

www.respectsf.com
[@SFneighbors](https://www.facebook.com/SFNAHJ)

San Franciscans for Neighborhoods, Affordable Housing, and Jobs
8 - 7th Avenue
San Francisco, California 94118
415-733-3001

CITY AND COUNTY OF SAN FRANCISCO

Tax Collector Regulation 2012-1

TAX ON TRANSIENT OCCUPANCY – MULTIPLE PARTY TRANSACTIONS; OCCUPANCY OF PRIVATE RESIDENCES

San Francisco Business and Tax Regulations Code

(a) Authority. The Tax Collector promulgates this regulation pursuant to the Tax Collector's authority to adopt rules and regulations under San Francisco Business and Tax Regulations Code §§ 6.16-1 and 504.

(b) Purpose. The transient occupancy tax ("TOT") is a tax on the occupancy of hotel guest rooms imposed under Articles 6 and 7 of the San Francisco Business and Tax Regulations Code ("Article 6" and "Article 7," respectively). This regulation interprets the definitions of "operator" as provided in § 501(a) of Article 7 and § 6.2-13 of Article 6, as well as the definition of "rent" as provided in § 501(f) of Article 7, to address the application of the TOT where a person other than an owner, possessor, or on-site proprietor receives payment for rent in connection with an occupancy transaction, including when payment is made to an Internet- or web-based company ("website company") for occupancy of a guest room in San Francisco. This regulation also interprets the definitions of "hotel" as provided in § 501(d) of Article 7 and "guest room" as provided in § 501(e) of Article 7, where occupancy is of private residences such as houses, condominiums and apartments. This regulation provides guidance regarding the TOT to such operators who receive payment for occupancy, as well as the owners and residents of private residences used for occupancy.

(c) Definitions. For purposes of this regulation the terms "occupant," "occupancy," "hotel," "guest room," and "rent" are as defined in § 501 of Article 7. The term "person" is as defined in § 6.2-15 of Article 6. The term "operator" is as defined in § 6.2-13 of Article 6 and § 501 of Article 7.

(d) Background. The City and County of San Francisco taxes the occupancy of a hotel guest room. The TOT is calculated as a percentage of the rent for the occupancy of a hotel guest room in San Francisco. The occupant is required to pay the TOT when paying rent. An operator is responsible for collecting the TOT from the occupant when it collects the rent from the occupant, and any person that collects rent is responsible for remitting the TOT to the City. If an operator fails to collect the TOT from the occupant, the operator is liable for the full amount of the TOT to the City, "the same as though the tax were paid by the occupant." (Art. 7, § 504.)

(e) Interpretation:

(i) A "guest room" within the meaning of the TOT includes a private residence (whether a single-family residence, condominium, apartment, or any other kind of residence) or any portion thereof, including but not limited to any room or space or portion thereof, without regard to whether such space is shared with or accessible to others. Occupancy of such guest room is subject to the TOT.

(ii) The full amount that an occupant pays to secure or obtain the right to occupy a guest room is "rent" subject to the TOT, regardless of whether any portion of that payment is characterized as a "service fee" or otherwise. The full amount received by a website company, or any other person acting as merchant of record in connection with an occupancy transaction, is "rent" subject to the TOT.

(iii) A website company, or any other person acting as merchant of record who receives rent in connection with an occupancy transaction, is an "operator" who is responsible for collecting the TOT owed by the occupant and for remitting the TOT to the City. Any person receiving such rent shall provide a receipt to the occupant. Such receipt shall include a separate line item specifically identifying the TOT.



File #140381

Land Use

C. Page

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BOARD OF SUPERVISORS
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September 27, 2014

SF Supervisors Jane Kim, Scott Weiner, and Malia Cohen
City and County of San Francisco
City Hall
1 Dr. Carlton Goodlett Place
San Francisco, CA. 94102

RE: Airbnb Hearing on Monday, September 29th.

Dear Supervisors Kim, Weiner, and Cohen:

It is my understanding from the San Francisco Apartment Association (SFAA) that there will be the subject hearing. I know that Supervisor David Chiu's original proposed legislation on Airbnb rentals have been further modified since the last meeting on the 15th to minimize abuses; however, I am concerned that the current version still doesn't go far enough. I am urging you to incorporate SFAA's recommended amendments as follows:

The creation of a comprehensive, public registration list maintained by the Planning Department as recommended by the Planning Commission

- Require tenants to **obtain permission** from property owners prior to registering a listing
- Require **commercial insurance sufficient to indemnifies building residents and the property owner**
- **Notification of all property owners within 300 feet of Airbnb listing upon registration**
 - In a manner consistent with commercial and conditional uses in the Planning Code
- Certification by the **Department of Building Inspection** of compliance with applicable building codes.
 - Life-safety issues raised by **DBI Code Advisory Committees** and the Building Inspection Commission have not been addressed
- A hard cap of **90 days per year** for hosted and unhosted short term rentals (for apartments without no-subletting clauses)
- Prohibition of Airbnb use in **single-family homes in RH1 and RH1D** districts
- **Private Right of Action** for property owners within 300 feet
- Hotel Tax liability for **both hosting platform and host**
- Payment of **back taxes** (now in excess of \$50 million)
- **Monthly reporting by host to Treasurer** of revenues and rented nights
 - Information confidentially available to Planning Department, DBI and the Rent Board for purposes of enforcement.

Thank you for your consideration; if you have any questions regarding this letter you may reach me at 415-885-2225.

Sincerely,
Bill Quan
Bill Quan

cc:Charley Goss, SFAA

Ausberry, Andrea

From: Jurawa Hallen [jurawa@gmail.com]
Sent: Sunday, September 28, 2014 6:29 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381].

Hi Supervisor Scott Wiener,

I would like to voice my support for the Fair to Share home sharing legislation.

I do not personally share my home at the moment, but neighbors in my building do and I have not had any problem with it.

I believe home sharing can be done safely and I would like to have the option to do so shall I ever want to.

Please support this legislation.

Thanks,

Jurawa

--
Jurawa Hallen | www.jurawa.com | 617.610.0089

Ausberry, Andrea

From: Trent Kloppenburg [trentkloppenburg@googlemail.com]
Sent: Friday, September 26, 2014 4:14 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); elizabeth.fawcett@airbedandbreakfast.com; Amanda Murray
Subject: Please support home sharing legislation in SF!

Dear Supervisors,

My name is Trent and I have lived in Pacific Heights for the last 2 years. My fiance Amanda and I have been using Airbnb to share our home for the last 12 months.

It has been incredibly helpful for us to offset the rising cost of living in the city as well as save for our upcoming wedding next year. We only share it on average one weekend per month while we are out of town. I am writing this letter to ask you to support the passage of reasonable legislation that will protect home sharing here in the city.

After hosting 11 different groups of guests, I can honestly say that we haven't had one negative experience. The way Airbnb self-regulates through reviews and verification is one reason that I believe the home sharing experience has been so positive.

Our guests have been from all over the world and each time we give them a list of our must see attractions and restaurants. I believe that the city would want to encourage this as it helps the small businesses and generates more revenue for the city. They have always been very respectful of the neighborhood and I have yet to receive a complaint.

Also, I have family that visit from Seattle regularly and it can be difficult for them to find regular hotel vacancy so they opt to stay in an Airbnb. If they didn't have this option, they most likely would stay somewhere outside of the city and therefore spend their money in other places.

Again, as legislation is developed, I would like you to use your authority to protect home sharing in San Francisco. I simply don't see anything negative about it!

Kind Regards,

Trent and Amanda

Ausberry, Andrea

From: ash bhoopathy [ash.bhoopathy@gmail.com]
Sent: Friday, September 26, 2014 12:00 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Dear Scott and SF Board of Supervisors,

I'm writing to provide a letter of endorsement to **permit home sharing** in San Francisco. San Francisco is a city of vibrant experimentation, creativity, and heterogeneity. Through gentrification and (the supposed) migration of technology workers in the city, costs of housing have skyrocketed, causing price inflation in housing costs.

Home sharing is a great way to 1) Alleviate the housing costs for current city dwellers, and 2) allow for travelers and tourists from outside the city to visit more frequently, since they no longer have to pay the expensive fees that hotels charge. San Francisco is also a large enough city that has its fair share of business conventions, such that hotels still have (and should continue to have) ample business on a recurring basis. The hotel lobby staunchly opposes home sharing because they perceive that the economic rents they extract from their fixed assets are now dissipating.

Change is hard temporarily, but ultimately will benefit both SF home sharers who can offset their housing costs, and travelers who previously considered San Francisco to be out of reach economically for them to travel to. Looking back at history, innovation is better for consumers and residents, and always has been. There's no reason to assume any differently this time.

Thanks, feel free to call if you have further questions.

Ash Bhoopathy
(484) 868-0246

Ausberry, Andrea

From: Connie Chung [seeconrun@gmail.com]
Sent: Friday, September 26, 2014 11:32 AM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Dear Supervisors,

Please support home sharing and move the process along as fast as possible. Services like Airbnb strengthen our community and make San Francisco the great city that we are.

Cheers,
Connie

Ausberry, Andrea

From: Tony Carroll [tonycarroll92@gmail.com]
Sent: Thursday, September 25, 2014 7:15 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

To Whom It May Concern,

My partner is an owner/occupier of a two bedroom cottage in the Outer Sunset. Together we use one of the bedrooms for hosting guests using the AirBnB platform. We support "home sharing" (HOSTED short-term renting), and are against the actions of speculators and multi-property owners who are evicting tenants and/or removing "affordable", rental, housing stock from the market.

We too share the concerns of our opponents regarding the SAFETY, SECURITY, CLEANLINESS AND CHARACTER of our neighborhoods. We TOO have a vested interest in safeguarding the aforementioned as well as retaining and maintaining OUR (meaning all of our) homes, OUR neighborhoods, OUR public spaces and supporting OUR local businesses.

However, we DISAGREE with the assertions of our opponents that responsible, fair and reasonably regulated "home-sharing" will in any way threaten their level of comfort and security. We strongly DISAGREE with any measures that would require more of "home-sharing", short-term renters than is required of our neighboring landlords. In particular:

- A. Any type of public registry, as it would single us out and leave us vulnerable to unwarranted and unfair:
1. civil prosecution and associated costs of our defense, as well as those of our accusers;
 2. inflated and unlimited monetary penalties;
 3. jail terms (as the proposed legislation currently reads),

as well as threaten the sanctity of homeowner rights and destroy the very civility and character of our neighborhoods, which our opponents and the City seek to protect.

Why not make AirBnB, and the like, responsible for assuring that its users abide by the regulations enacted by the board? Let them collect the ANONYMOUS data for the City, and report any suspicious activity or persons to the appointed enforcing department. Wouldn't it be more efficient to let these businesses shoulder the responsibility of enforcing compliance with regulations, collection, and remittance of taxes, than to waste precious and strained resources in scouting for infractions, enforcing compliance, and collection of taxes from individual "home-sharers"?

Wouldn't it be more cost effective for the City to collect a revenue stream from which it would incur little or no cost, than to spend considerable time, energy and money to purchase equipment, hire and train staff, as well as find and pay for space to house a department needed to do what AirBnB and its business peers are already equipped to do? Let business incur their own costs to operate and prosper.

As for the concerns of our opponents regarding;

1. Neighborhood Association rules:

These are already in place and agreed to in writing prior to purchase of home.

SOLUTION: Include language in the proposed legislation supporting such agreements.

2. Landlord liability:

They are already protected by their rental agreements and current legislation.

SOLUTION: As for the safety and comfort of their tenants, a good landlord should regularly visit their properties and communicate with their tenants.

3. Unfair Tenant Evictions: have been going on for quite a while. It was exacerbated by the Ellis Act and its continuing effects are a direct result of a department lacking the resources needed to protect tenants from this unscrupulous practice.

4. Hotel Occupancy Rates & Hotel Worker Job Security;

EVIDENCE: According to San Francisco Travel: Between 2010 and 2012, hotels have increased their room rates (on average) by \$36.92 per room, while enjoying an increase in occupancy rates of 3.2% over the same period. If hotel workers are losing their jobs, WHO then, is to blame? Certainly NOT "home-sharers".



Thank-you, Board of Supervisors, Planning Commission and Land Use Committee, for your time and consideration in this matter. In closing, we merely ask, that you please, allow us "home-sharers" an opportunity to serve our community and contribute our fair share to this City we so love.

Respectfully yours,

Tony and Martha
Outer Sunset residents

Ausberry, Andrea

From: Wertheim, Steve (CPC)
Sent: Thursday, September 25, 2014 4:53 PM
To: Malamut, John (CAT); Veneracion, April (BOS)
Cc: Ausberry, Andrea; Buckley, Jeff (MYR); Rodgers, AnMarie (CPC)
Subject: RE: Interim Moratorium PDR in Central SoMa - Legislative Digest

John,

The amendment we'll be asking for includes the underlined language below:

- Section 2(b)(6): Projects that received a Planning Commission approval under Planning Code Section 321 and 803.9 on or before September 11, 2014.
- Section 2(c): "Except as provided in Section 2(b)(6) above, no project located within the SLI (Service/Light Industrial) District, as defined in Planning Code Section 817, is eligible for any of the exemptions to the moratorium as set forth in Subsection (b)."

-Steve

STEVE WERTHEIM
Planner, Citywide Policy & Analysis
Planning Department
City and County of San Francisco
1650 Mission St. Suite 400
San Francisco, CA 94103

415-558.6612
415-558.6409 [Fax]
steve.wertheim@sfgov.org



From: John.Malamut@sfgov.org [mailto:John.Malamut@sfgov.org]
Sent: Thursday, September 25, 2014 1:48 PM
To: Veneracion, April (BOS)
Cc: Ausberry, Andrea; Buckley, Jeff (MYR); Wertheim, Steve (CPC)
Subject: Re: Interim Moratorium PDR in Central SoMa - Legislative Digest

Ok. Thanks for the update. I'll stay tuned to hear from/get some language from Jim Reuben.

John D. Malamut
City Attorney's Office
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Tel: 415-554-4622
Fax: 415-554-4757

From: "Veneracion, April (BOS)" <april.veneracion@sfgov.org>
To: "Malamut, John (CAT)" <john.malamut@sfgov.org>
Cc: "Ausberry, Andrea" <andrea.ausberry@sfgov.org>, "Wertheim, Steve (CPC)" <steve.wertheim@sfgov.org>, "Buckley, Jeff (MYR)" <jeff.buckley@sfgov.org>

I left a message for Jim Reuben please prepare this as an amendment of the whole for introduction at Committee. I have talked with Steve about the need for this amendment due to the Commission action on 660 3rd St. Anmarie from Planning will be at Land Use to present this amendment.

Thank you, April

Please excuse brevity. I am on a mobile device.

On Sep 25, 2014, at 12:06 PM, John Malamut <John.Malamut@sfgov.org> wrote:

Attached is a legislative digest for the proposed interim control.

April - the Reuben and Junius firm keeps calling me to ask about an amendment that would exempt the 3rd Street project that the Planning Commission approved. I tell them that I have no unilateral authority to amend the legislation and that they need to contact you. I believe both Jim Reuben and David Silverman have done so. While it will not take me long to prepare the amendment (I already know what language I would use), I still will need an hour or so to prepare the amendment of the whole, a new digest, sign the legislation, and make copies for the committee. If the Supervisor plans to introduce an amendment of the whole, I would appreciate knowing no later than Monday morning, September 29.

John D. Malamut
City Attorney's Office
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Tel: 415-554-4622
Fax: 415-554-4757
<00959832.DOC>

Ausberry, Andrea

From: Board of Supervisors (BOS)
Sent: Monday, September 29, 2014 12:32 PM
To: BOS-Supervisors; Ausberry, Andrea
Subject: File 140381: NO on Short term rentals (Rbnb) ordinance

From: Lonnie K. CHIN [<mailto:lonniekchin@yahoo.com>]
Sent: Monday, September 29, 2014 12:09 PM
To: Board of Supervisors (BOS)
Subject: NO on Short term rentals (Rbnb) ordinance

Dear Supervisors Weiner, Kim and Cohen, ... Ms. Ausberry,

The ordinance about short term (Rbnb) rentals must stipulate that tenants MUST HAVE PROPERTY OWNERS PERMISSION before renting out or letting people not agreed by owners stay in the apartment for money. A tenant, who is a owner of a computer company, has been renting out our apartment for money. Strangers are coming and going all the time. Other tenants are complaining. He has more funds and resources than the owners and other tenants. The tenant agreements DO NOT ALLOW SUBLETTING and DO NOT ALLOW PEOPLE NOT APPROVED BY THE OWNERS to live in the units.

There has been three (3) break-ins in other apartments in the building resulting in stolen jewelry, electronics and other valuables. The back doors of the other apartments were torn off and the door frames broken. It was costly to repair and the tenants were afraid for their lives. Most of the tenants have been living there for over 25 years and are now seniors. Other incidents involved breaking into the laundry room and tearing out the cash box of the washing mating. A padlock on a door was also taken off. There were strange noises and arguments coming from the back of the building after 2:30 A.M. A stolen purse and clothing was found in the back stairs. The front door has been left open, the door propped open so anyone can get in. Garbage has been left all over the place. There is junk left outside in the back patio. THIS IS NOT ACCEPTABLE in a peaceful, quiet building and neighborhood.

This ordinance allowing short term rentals can become dangerous when strangers are allowed in anywhere. I have traveled all over the world to over 50 countries, and going back to some countries many times. Areas where tourists tend to congregate are often relatively safe, even in countries at war or conflict, e.g., Egypt, Syria, Israel, north Africa, Latin America, S.E. Asia and others because the authorities/police can maintain order in confined areas. That's where most of the hotels are, and even if private homes are rented; they are heavily regulated on public lists with addresses and other information. Most of those private rentals are retired people who only operate small rentals as their only income. They are also usually located in the center of town near tourist areas. San Francisco cannot afford to hire more police to be all over town as there are now strangers living everywhere. How many more police will be patrolling our neighborhood to keep it safe?

PLEASE STIPULATE THAT ANY SHORT TERM RENTALS MUST HAVE PROPERTY OWNERS PERMISSION, and that if they rent out or accept money for staying in our

apartments, **TENANTS WILL BE EVICTED.** If this ordinance is passed, why should property owners rent apartments to people at all? They can make so much more money renting out units on a short term basis. Isn't it the goal of having more affordable rentals for people of San Francisco?

The rents in our building are very reasonable ... \$899. - \$1,000. for a 2 bedroom, 2 bath in Pacific Heights. We don't mind keeping the rents that way if the tenants are clean, quiet, safe, responsible and respectful of the house rules, and that means no renting out to other people.

Thanks for your attention, Lonnie K. Chin

Ausberry, Andrea

From: Chris Hillyard [chris@farleyscoffee.com]
Sent: Wednesday, September 24, 2014 5:47 PM
To: Wiener, Scott; Cohen, Malia (BOS)
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

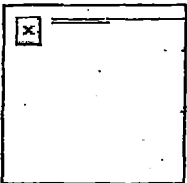
Dear Supervisors Wiener and Cohen,

As a small business owner in the Potrero Hill neighborhood, I am writing in support of home sharing. Supervisor Cohen, as you know, I own Farley's, a neighborhood institution of 25 years. I love being a part of the community, seeing our regular customers daily and hosting community events for the neighborhood. However, to continue running a viable community-based coffeehouse, I need the support of additional foot-traffic that we see through home sharing. We of course do not have hotels in our neighborhood so home sharing has brought additional customers to our business, primarily on the weekends and made those days our most profitable.

With this in mind, I ask you to please vote in favor of the home sharing legislation. Thank you for your consideration.

Kind Regards,
Chris Hillyard
GM/Owner

Farley's Coffee
www.farleyscoffee.com
(415) 846-2671



Ausberry, Andrea

From: lnayer50@comcast.net
Sent: Wednesday, September 24, 2014 11:49 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); lnayer50@comcast.net
Subject: Legislation 140381 regarding airbnbrentals

Dear Supervisor Weiner:

We are writing to you about 140381 regarding legislation about airbnb rentals.

We met you once at a small gathering in the Castro and appreciated being able to share our story. We are in favor of Chiu's legislation and especially happy that transient occupancy taxes will start to be paid to San Francisco—the city where we have made our home.

We are a retired couple—Louise from teaching at City College of San Francisco and Jim from directing senior centers in San Francisco. We both worked at our jobs for 30 years and more and feel very dedicated to San Francisco. Because of neck problems, Louise left her job at almost 62 and has been doing quite a bit of part-time teaching. Jim left his job at 66 and has spent a lot of time working on the house and doing other projects. He also continues to volunteer once a week at the senior center where he worked.

Unfortunately we still have a lot of debt—mortgage and equity line, etc. and continue to help our adult children as they finish graduate school and try to make their way in a difficult economy. Jim was a “contract worker” for the city all that time and never received a pension. Louise's pension and Jim's social security do not cover the bills right now.

Airbnb has been a godsend—allowing us to pay our bills without going further into debt. We have also been able to help our daughters out with rent as they finish school—so they don't have to borrow quite as much money from student loans. Though Jim has been able to do many house projects, he is now 71—so we also need to set up a savings account for house repairs. As our children become completely independent, airbnb will allow us to get ahead a little in the way we need to.

We rent out our primary residence—first a room and lately the whole house (we have a small room downstairs where we can stay or we stay with friends).

Our guests spend a lot of money in Glen Park Village—at the restaurants and the market. They spend a lot of money in other parts of the city as well. Our neighbors know we have guests and if there are any problems they know they can contact us.

We hope that any kind of registration and/or insurance will not end up costing us much money. We carry our own insurance, of course, and airbnb has insurance as part of being a host.

We support hosts like us—who are trying to stay in San Francisco and hope that the legislation will reflect the needs of people like us. We are not taking any unit off the market or evicting anyone. In the end our guests bring a lot of money back to the city and the new tax will hopefully benefit the city in a myriad of ways.

Thanks for working on this legislation for airbnb rentals.

Ausberry, Andrea

From: Junan Pang [junanpang@gmail.com]
Sent: Wednesday, September 24, 2014 10:30 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Hello!

I wanted to urge you to support the home sharing legislation. This is a great thing for the city and I really love that San Francisco is always on the cutting edge of adopting innovations and this is a great step in that direction.

Thanks!
Junan

Ausberry, Andrea

From: Jon Whitehead [jon@radiusf.com]
Sent: Wednesday, September 24, 2014 8:21 PM
To: Wiener, Scott; Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: RADIUS supports Home Sharing Legislation 140381

Dear Supervisors of San Francisco,

As a small business owner of RADIUS Restaurant & Cafe in the San Francisco's SoMa district, I would like to voice my approval for the Home Sharing legislation currently under review. I know it's a complicated issue, but one you've begun to address in clear terms and free from overly complicated regulation. I came to the hearing to share my opinion last Monday, but ran out of time to wait in line. I heard the comments continued well into the evening. Thank you to those on the Land Use Committee for your willingness to wait in order to hear everyone's view. It shows a lot of class and concern for the city you help to govern.

I am sure that many of the ideas presented below were also presented during public comment. I apologize for any redundancy and will try to keep this as short as possible.

First off, the argument that this measure calls for a massive rezoning of San Francisco is rather misleading. Residential property is already commercialized by leases between building owners and their tenants. Rent, by its very nature, is a commercial transaction. This simply broadens the extent of the concept by fractionalizing it into additional segments of time.

Now, for the sake of transparency, I should mention that I have a unique perspective to Airbnb, as it was founded a couple of blocks from my business. Over four years ago, our very first lunch catering order was for the original dozen or so employees working out of the founders' loft. Since then, I've had a front row seat to their meteoric growth and their extremely positive impact on the area – including 888 Brannan – and, really, the world. It's rather ironic, though, that the place they started and which realized the most benefit early on has also become one of the places where they've received the most friction and push back. What type of signal does that send to the rest of the world, when San Francisco is regarded as a capital of global innovation and, yet, discourages the very innovation it creates?

It may be difficult to clearly measure Airbnb's economic impact on small business in the area. However, once we became promoted on the platform as one of their Local Lounges, a neighborhood hub for guests to seek out guidance, I was amazed at how many of our regular customers and neighbors were also hosts. Since then, I've had the pleasure of interacting with hundreds of hosts and guests who sought me out specifically to speak with me about Airbnb. There is a positivity from these global travelers that is contagious and skews a little differently than many normal tourists. They feel empowered by staying in an environment that is not a hotel. It's become a temporary home to them, and they carry themselves not as visitors but as temporary residents.

I've also been surprised at the abundance of guests who stay in shared spaces in SoMa on business. I've met whole teams from companies that stayed together while they were in town for a conference. I've also met more than a few start-up founders from the east coast and overseas that preferred to stay in an Airbnb as they searched for office space for their new ventures. For them, it's an entirely new perspective on travel that's not driven exclusively by money...but by the comfort and insight that comes with living among other people that call this city home.

I could share a dozen stories of friends, neighbors and employees whose lives have been influenced – and some dramatically changed – by sharing their home...but I've taken enough of your time. I'll be happy to share more offline if asked. In the meantime, I wish you all the best of luck in moving forward on this issue. Thanks again for everything you do.

Cheers,
Jon

Jon Whitehead
Managing Partner
e: jon@radiusf.com
m: 415.786.1512
p: 415.525.3676

RADIUS Restaurant & Cafe
1123 Folsom Street
San Francisco, CA 94103
www.radiusf.com

Ausberry, Andrea

From: Matthew Silva [matthew.f.silva@gmail.com]
Sent: Wednesday, September 24, 2014 7:58 AM
To: Wiener, Scott; Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Hi all,

I'm writing to ask you to support the home sharing legislation that's before the board now. I'm a frequent user of Airbnb, and aside from the benefit of having such great options for staying in places around the world, it's also been a great way for me to meet so many great hosts in different cities and countries.

I know there are many concerns for how this kind of service could impact our city's housing stock, and its impact on affordability. I share those concerns as well, but I hope that we can find a way to both preserve the ability for individuals to host their space AND continue to provide opportunities for affordable housing in our city. San Francisco has the chance to lead in this regard, and show cities around the country how we can both promote the sharing economy and make our city's housing stock more affordable.

I wish you all the best of luck in your decision.

My best,
Matt Silva

Ausberry, Andrea

From: Prachi [prachir11@yahoo.com]
Sent: Monday, September 15, 2014 7:10 PM
To: Wiener, Scott
Cc: Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Ausberry, Andrea
Subject: Please support home sharing legislation

We hereby request you to support home sharing legislation.

We have been fortunate to experience home sharing while traveling and have met some great people while hosting.

We are originally from India. Though we both have PhD's but visa regulations only allows my husband to work. When our baby was born 3 years ago I anyways decided to stay at home. Also traveling and socializing took a back seat and of course expenses increased.

We started Home sharing and it opened up new avenues for us. We were also able to visit our home country and meet our family their. Home sharing allowed to take care of those travel expenses, which otherwise we would have to postpone.

Raising a family in a big city like San Francisco where cost of living is anyways high usually forces people like us to move out. If we talk about cultural & economic diversity, then any big city (esp major American cities which constitutes of huge immigrants families) must provide ample opportunities for people from various class, creed and race to be included and be part of the community. Home sharing certainly helped us experience this in it's own unique way.

We support home sharing and humbly request you to consider it with an open mind. Of course there has to a decorum and conduct. Where there should be a rules and regulations so that it is not abused.

But home sharing needs it fair chance.

Thanks and regards

Prachi

Sent from my iPhone
Sent from my iPhone

Ausberry, Andrea

From: Nevin, Peggy
Sent: Monday, September 15, 2014 4:55 PM
To: BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Caldeira, Rick (BOS); Givner, Jon (CAT); Wong, Linda (BOS); Ausberry, Andrea
Subject: File 140874 Presidential Action Lu to B&F Comm.
Attachments: File 140874 Transfer LU to BF.pdf

President Chiu has submitted a memo transferring File 140874, an ordinance amending the Administrative Code to require landlords to provide tenants with a disclosure of the tenant's rights at least 45 days before the landlord commences buy-out negotiations; to require landlords to file a summary of the disclosure, as well as buy-out agreements, with the Rent Board; to require the Rent Board to post the summary disclosures and the buy-out agreements on its website; to authorize administrative enforcement proceedings, resulting in a fine for violations; to authorize tenants to bring civil actions for actual damages and a fine against landlords who fail to provide the required disclosure of tenants' rights; to require the Rent Board to provide an annual report to the Board of Supervisors regarding tenant buy-outs; and amending the Subdivision Code to prohibit buildings from entering the condominium conversion lottery if the owners of the building have entered certain tenant buy-out agreements from Land Use & Economic Dev. to Budget and Finance Committee.

Peggy Nevin
Operations Deputy Director
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-7722 | Fax: (415) 554-5163
peggy.nevin@sfgov.org | www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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Ausberry, Andrea

From: Phil in West Portal [phil_west_portal@yahoo.com]
Sent: Monday, September 15, 2014 3:52 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Support Homesharing

Dear Supervisors,

I am writing in support of homesharing. I've shared my home in West Portal with guests from all walks of life. It feels good to help the family of a cancer patient stay close to UCSF, a Brooklyn grandmother spoil her grandkids here for a couple more days... and most inspirational for me... to mentor recent college grads who stay with me from all over the world. These young people can't afford extended hotel stays. Many are struggling to start their new lives in our creative economy.

They remind me of how I was when I first moved here.

Homesharing has enriched my life in innumerable ways. Most importantly for me, homesharing has allowed me to bootstrap new businesses here, follow my passions, and give back to this city by creating jobs as we expand.

I've learned a lot from my guests. But one thing that continues to amaze me is how they credit San Francisco for having started this wonderful movement. In their minds, San Francisco invented this thing called homesharing. Homesharing is of course not new, but we've invented the mechanisms so hosts feel safe to welcome guests from all over the world.

What my guests will never understand is why we'd want to curb homesharing after having "invented" it, or why our planning department has staffed up to fine residents for having visitors over.

The host community is well-organized in San Francisco. We've studied the Chiu legislation extensively. Our membership understands the benefits of this regulation, as long as our privacy and safety are not compromised.

Thank you for your courage in giving homesharing a legitimate place in our communities. I hope San Francisco will continue to inspire young people from all over the world. I hope my guests will continue to look up to San Francisco as a beacon of innovation & progress.

The world is watching us.

Phil

Ausberry, Andrea

From: Arjun Thakkar [arjun.thakkar@gmail.com]
Sent: Monday, September 15, 2014 3:27 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Let AirBnB live

Hello,

I understand you're all very busy - so I'll keep it brief. I'm a voter and I support home sharing in SF. I hope you feel the same.

Thank you,

- Arjun Thakkar

Ausberry, Andrea

From: prek [prekteacher1@gmail.com]
Sent: Monday, September 15, 2014 12:24 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Dear Supervisors,

My name is Cheryl S. Karcich and I currently reside in the Sunset/ Parkside district of San Francisco, which has been my home for the past 5 years.

I am currently a San Francisco teacher for a private school chain. Airbnb was referred to me by a fellow co-worker and teacher at our school, which helps teachers continue to live and work in San Francisco. Airbnb home sharing is the only way teachers like us will be able to afford living in San Francisco.

In addition, we participate in home sharing with our colleagues in Europe who are also educators and tend to visit San Francisco on a regular basis, which allows teachers the opportunity to travel during their Summer break. Being a host also gives us the opportunity to refer guests to local small businesses within our district from coffee shops, restaurants, grocery stores to local pubs. We support these local businesses and help drive more clients to the area.

We strongly urge you to support teachers in San Francisco by passing a fair home sharing legislation, so we may be able to continue teaching and afford high rent prices in San Francisco. Please move this legislation forward.

Thank you for your time and consideration.

Sincerely,

Cheryl S. Karcich

PreKTeacher1@gmail.com



September 14, 2014

SF Supervisors Jane Kim, Scott Weiner, and Malia Cohen
City and County of San Francisco
City Hall
1 Dr. Carlton Goodlett Place
San Francisco, CA. 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
SEP 15 AM 9:12

RE: Airbnb Hearing on Monday, September 15th

Dear Supervisors Kim, Weiner, and Cohen:

It is my understanding from the San Francisco Apartment Association (SFAA) that there will be the subject hearing. I know that Supervisor David Chiu's original proposed legislation on Airbnb rentals have been greatly modified to minimize abuses; however, I am concerned that the recent version still doesn't go far enough. I am urging you to incorporate SFAA's recommended amendments as follows:

- Landlord/Property Owner permission as a requirement to register a short-term rental with the City
- A publicly accessible registry, hosted on the Planning Department's Property Information Map, which tracks the address and apartment number, the number of nights the unit has been listed, and the nightly rate being charged.
- Commercial General Liability Insurance of \$1,000,000-\$2,000,000, or enough to indemnify the other tenants in the building and the building owner.
- Life/Safety and Building Code issues have yet to be addressed.

Also, I would like to propose something else, but first a little background: Recently, I discovered that one of our tenants had been using Airbnb to rent out his studio apartment in Nob Hill for \$155 a night; he has been doing this since early 2013. Also, we found that just about a block away at someone else building he was renting out his one bedroom for \$195 a night. So, I wouldn't be surprised if there are other people that are going around renting multiple apartments and then turning around and renting them out via Airbnb. We hope that whatever legislation is passed it would prohibit people from doing this. In addition, we feel that the above mentioned registry should also be able to reveal if anyone is listing multiple apartments.

Thank you for your consideration; if you have any questions regarding this letter you may reach me at 415-885-2225.

Sincerely,

Bill Quan

Bill Quan

cc:Charley Goss, SFAA

AirbnbLegislationSept15-2014BdOfSupervisorsHearing

Ausberry, Andrea

From: truckee.lynch@gmail.com on behalf of Truckee Lynch [thwarzle@gmail.com]
Sent: Friday, September 12, 2014 2:57 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Subject: Please support home sharing legislation [File number: 140381]

Dear Mr. Wiener,

Opening our home has been nothing short of a magical experience. I have lived in San Francisco for just over ten years, and never have I felt more connected to my city, and part of a community than I do now. We get to meet new people from around the globe regularly and share the experience of living in an amazing city, and are continually reminded by our guest of how great this city actually is. We love to share our favorite places and things to do; local markets, shops and other neighborhoods, tourist would otherwise never visit. I have personally directed visitors to places like, Haight St Market, or Velo Rouge Cafe in the Inner Richmond, or the Botanical Gardens. They end up here instead of places like Starbucks, and Safeway.

I have too many stories to go into detail but here are a few.

We had an older couple stay with who were awaiting their first grandson, their daughter lives across the street. The close proximity allowed them be here and ready when the 'news came' as well as stay around for a few weeks after.

We hosted family members whose mother was getting serious surgery at the UCSF Medical Center on Parnassus. Being here gave them an affordable option to be near by and a place to rest during a stressful time.

About a dozen times people have stayed with us who were planning a move here and wanted to stay in different places in the city before deciding where to settle. We have become great friends with one couple whom we now see regularly.

I hope this message finds you well and that a mutually agreeable solution is soon passed into law.

Ausberry, Andrea

From: Jacob Ferrero [jacobaferrero@gmail.com]
Sent: Friday, September 12, 2014 2:18 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: ♥ Please support home sharing legislation [File number: 140381] ♥

Hi Scott!

We really need to be able to keep our homes welcoming and open. I would be happy to sit down and walk you through how much fun it is to have an ambiance of German in your house, or a nice Lithuanian meal all prep'd, or some Russian goodness in the air - come on, the list goes on and on.

Please help work towards a social San Francisco. :)

In all sincerity,
Jacob

Ausberry, Andrea

From: Jeannie Stone [jeanniestone.sf@gmail.com]
Sent: Friday, September 12, 2014 2:18 PM
To: Ausberry, Andrea
Subject: Please support Home Sharing Legislation - File No. 140381

Dear Ms. Ausberry,

My name is Jeannie and together with my husband I own a small home in Bernal Heights. I have lived in San Francisco for 33 years, my husband and I have raised four children in this wonderful city. We have built a community here.

In our four bedroom home, we have two spare bedrooms that are empty when our boys are away.

My husband is a public school teacher and has been teaching for 35 years. Unfortunately the cost of living in this wonderful city has far overtaken the wages that we earn here. There is no way that we would be able to stay in our home if we are not allowed to share our home.

Our only chance of being able to afford to continue to pay our mortgage and property taxes is for us to have the additional income from renting our two spare bedrooms.

The San Francisco Planning Department has now told us that we have to stop sharing the two spare bedrooms in our own home. This has effectively destroyed our dream of being able to stay in the home and city that we love.

The Planning Commission needs to understand that home sharing creates affordable housing - WE cannot afford to stay in our home without it. We are NOT taking away any housing from San Francisco. These rooms will be EMPTY if we cannot share them for short term rental.

I ASK YOU TO CONSIDER - WHO ARE WE HURTING HERE?

We bring valuable business to our Bernal Heights restaurants, coffee shops, grocery stores. Our guests use public transportation. They see and experience the real San Francisco and real human connections are made.

Our friends and neighbors LOVE that we share our home. Many of them do not have spare bedrooms like we do.

Earlier this year we hosted Denise, a Buddhist Monk. Her closest friend, a fellow monk lived just 200 yards from our home and was dying. For two weeks she was able to come and go in the middle of the night, to sit at her friend's bedside and also have a warm place where she could return to rest her body and spirit.

After the memorial Denise hugged us and told us there was no way she could have stayed the two weeks she needed to, had she stayed in a downtown hotel. If it hadn't been for us she would have missed her friend's passing.

I ask you to PLEASE allow homeowners to share the home in which they live, without any restriction. We are living during very difficult times. Home sharing is a way for us to be able to stretch our dollar, to stay in our homes and for us and our children to make true meaningful connections with people from all over the world.

I ask you to try it yourselves either as a host or as a guest and to see how wonderful it is. Please support home sharing legislation!

Thank you!

Jeannie Stone

Ausberry, Andrea

From: Sharon Hoffman [sharon@livingstories.com]
Sent: Friday, September 12, 2014 2:13 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Subject: Please support home sharing legislation [File number: 140381]

Dear Supervisor Wiener,

My dear friends have a beautiful historic Victorian house in San Francisco. They fell on hard times when both found themselves out of work. Something really vital kept them afloat during that time. They rented out their basement apartment on AirBnB. Because of its location and amenities, they were able to book a steady stream of short-term guests, often from around the world. They are such friendly and warm people, they have ended up being friends with many of their guests, sometimes bringing them to parties and events with our circle of friends. In this way, they not only remained self-sufficient but also act as ambassadors to our wonderful city.

Please support home sharing legislation.

Regards,

Sharon Hoffman
San Francisco resident and registered voter

Ausberry, Andrea

From: Julian Keippel [keippelj@yahoo.com]
Sent: Friday, September 12, 2014 2:12 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Hello Scott Wiener,

I wanted to give you my perspective on home sharing in San Francisco. During tough economic times, when jobs in many sectors are scarce for older and disabled SF residents, we suffer and lose stability in our finances sometimes to the point of having to choose between rent and healthcare- quality food is already an impossibility. Home sharing gives a small chance of working out a bank account in a rough spot. Tourist money also comes to SF since when people have cheaper places to stay, studies show they spend what they saved in the vacation city.

Please consider these points when you vote on home sharing legislation [File number: 140381]

Thanks,
Julian Keippel

Ausberry, Andrea

From: Nikitas Magel [nikitasmagel@me.com]
Sent: Friday, September 12, 2014 2:06 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Hello—

I'm writing to voice my strong belief in the virtues of home sharing—and the hope that you will support legislation for it.

Home sharing has changed the lives of thousands of people in San Francisco by providing a way to make ends meet, by stimulating local business and by giving us the chance to make new friends with travelers near and far. It provides alternative accommodations for visitors looking to spend their time and resources in this City by the Bay, contributing greatly to the stimulation of our local economy.

Taking this away by failing to pass fair legalizing laws or by imposing over-burdensome restrictions will harm the citizens and voters of San Francisco as well as small neighborhood businesses. Please consider the importance and value of supporting legislation for home sharing in San Francisco!

Thank you,

~Nikitas

Nikitas Magel

Ausberry, Andrea

From: hollycarver@sbcglobal.net
Sent: Friday, September 12, 2014 2:03 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Dear Supervisors,

My name is Holly Carver and I am a single family home owner and home sharer in Lower Pacific Heights (Supervisor Farrell's district). I have lived in San Francisco for 16 years.

My husband and I are committed to raising our family in San Francisco, despite the the high cost of living. My husband works in the non-profit sector, I'm a consultant and we have two children in public school with the high school lottery process looming. We originally started home sharing, during summers and holidays, to bridge the cost of living-gap. We also thought it was brilliant to share our home when we are away so precious space is not wasted in this amazing city!

We love getting to know the guests who come from all over the world to explore our city and spend money in our neighborhood which is not normally frequented by tourists including the shops and restaurant on Divisadero between California and Geary. I get to know our guests ahead of time by asking a lot of questions about their work, where they are from and the purpose of their trip. In addition, Airbnb verifies their identity, collects a security deposit and provides a review system which enables us to see how guests behaved during past stays. I want to make sure that the people staying in my family home will take good care of it and be respectful. My home and neighborhood are very important to me.

In turn, we use the extra income earned from home sharing to pay our considerable property tax and it also allows us a little extra breathing room for unexpected expenses like fixing a leaky roof, replacing the hot water heater or having our trees trimmed in the front yard which the city requires us to do. In fact, we have contended with all of these scenarios this past year. Without home sharing, these extra expenses would be tremendously stressful and I'm not sure where the extra money would have come from.

I respectfully ask that you pass fair and easy home sharing legislation quickly and without delay! Specifically, I request that there be no cap on the number of days I can share my home. I only rent during the summer and holidays and that could exceed 96 days. I live in my home full time and, without home sharing, it would sit empty during these time periods. Home owners should be able to monetize their largest investment. I would also like to request that the registry be private and strictly used for compliance. There is no reason for anyone outside of the enforcement agency to have my personal information--it is unsafe and encourages vigilantism by those disgruntled with home sharing. Any complaints should go through a formal process through the regulating body.

Thank for this opportunity to comment and for moving home sharing legislation forward as soon as possible.

Sincerely,

Holly Carver

Ausberry, Andrea

From: Claudia Dallendoerfer [claudia@and.ch]
Sent: Friday, September 12, 2014 2:01 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Dear Supervisor Scott Wiener:

Please help us to make home sharing legal in San Francisco! We are a family of four and we depend on the income that we currently generating through Airbnb.

It helps us to ...

- spend more time with our children and only work part-time
- able to support our public school through volunteer work & support our school financially (direct Appeal to McKinley Elementary school)
- pay our mortgage
- support local businesses in our neighborhood (Duboce Triangle)
- make new friends and connections
- to stay in the city that we love

Please consider these points and learn about the fact that it benefits all of us in one way or another weather it's for fun, economic or environmental reasons.

Thanks for your consideration,

Claudia Dallendoerfer

Ausberry, Andrea

From: Bonnie Coombs [coombsbe@gmail.com]
Sent: Friday, September 12, 2014 1:56 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Hello Mr. Wiener,

Home sharing is an important way for people to connect with the world and provide people the opportunity to afford living in this city. I have used airbnb in many cities throughout the world, allowing me to meet and connect with people and experience what daily life is like. San Francisco is an amazing city, and home sharing allows more people to truly appreciate what makes this city great -- the people who choose to live here.

Please keep the legislation to regulate and legalize home sharing moving forward. It's very important.

Sincerely,
Bonnie Coombs
Alamo Square

Ausberry, Andrea

From: Laura Thompson [thoml68@yahoo.com]
Sent: Friday, September 12, 2014 3:57 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Please support home sharing legislation [File number: 140381]

Dear Supervisors -

I am a 57 year old woman, live alone have owned my current condo in a 2 unit Marina building since 2009 (no prop 13 protection). Unfortunately my 17 year marriage dissolved unexpectedly less than two years after buying this home. I also lost my job shortly afterward and was unable to find work. My home has been the most stable thing in my life and I want to remain in the city where I have a network of friends and support.

I started sharing the lower level of my condo two years ago to help me make ends meet. I list both levels of my condo as separate units since they have separate entrances and I move between the two levels depending on which level rents first so I live there all the time and act as a host and resource to my guests. The statistics are misleading because the data would suggest I have 2 units that are rented most of the time which is erroneous as I am living in one at all times. I use the VRBO and Airbnb sites simultaneously as do others. My place is rented regularly by friends and family of my neighbors who know I do this to pay the bills. My lower level (rented most often) is a space I would never rent to someone long-term as it is still part of my home and therefore not suited to long-term tenants. In addition, I eventually plan to have my 84 year old mother move in when she can no longer live alone.

Dispelling other myths:

I know there have been a number of news stories of misconduct. I believe these grossly overstate the real problems which is demonstrated by the relatively small number of complaints the city has received compared to the number of rooms/places shared in general. None of us want to see abuses occur and the vast majority of us are very responsible and keep our homes up. For example, I (like many others) insist on guests signing a contract that indicates No Smoking, No Parties or Gatherings, No Pets, No noise after 10pm, No parking available, etc and I insist on a copy of a driver's license as ID. I meet guests when they arrive and give everyone a list of my favorite restaurants/places nearby. I have had no problems arise with guests and can verify that many spend longer visits and spend more money at local establishments which is good for SF tourism (one of our biggest sectors) and good for families who want their far-flung family members to be able to visit and stay near them.

To mitigate any risks, I recommend that you encourage "best practices" among the platforms and hosts as a part of your registration process. By encouraging a "code of conduct" the city could minimize any future concerns on the part of neighbors or others. SF could show

leadership in many ways by supporting this popular, burgeoning travel sector in one of the most popular cities in the world.

Please pass legislation allowing home sharing in SF and please do not limit the number of days, especially for those of us who host people in the same building as our guests. A very large number of us are older adults trying to affordably stay in our home city as we face an uncertain retirement and we want to bring business to our local neighborhoods as well in a responsible, thoughtful manner. Home sharing is not new - this has gone on for centuries and is a legitimate travel resource - we are in an evolution of many sectors of our economy and SF has the opportunity to show how these things can be done positively and responsibly to the benefit of all.

Thank you for your consideration,

Laura

Ausberry, Andrea

From: Maida [maidamarin@gmail.com]
Sent: Friday, September 12, 2014 5:18 PM
To: Wiener, Scott
Cc: Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Subject: Airbnb and Homesharing

Dear Supervisor Scott Wiener,

As a property manager for hard working individuals who are Homesharers in San Francisco it is vital that these laws be passed.

Having been born and raised in San Francisco I understand how hard it is to pay one's mortgage. Homesharing has made it possible for people to be able to pay for family properties, pay for mortgages on properties purchased, help keep families together, raise children, and pay the bank at the same time.

For me personally, I will be able to continue to make a living at this later stage in my life where a steady income has been difficult to come by.

Please, I urge you to regulate and legalize Homesharing in San Francisco.

Sincerely,

Maida

Property Manager

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## Ausberry, Andrea

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**From:** Skate Stone [skatestone60@gmail.com]  
**Sent:** Friday, September 12, 2014 5:00 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]  
**Attachments:** Skate's home-sharing letter.docx

Hello,

My name is Skate Stone, I live in Bernal Heights and I am a life-long San Francisco resident - homeowner, family man, public school teacher - and I am writing you today in support of home sharing in San Francisco.

Home sharing is not a new idea, and it is here to stay. People have been sharing spare rooms in their homes for generations. Today the internet and a host of online forums have made the process easier, but the concept itself is ancient and speaks to the openness and generosity of the human spirit.

Here are some important points I have learned about home sharing in San Francisco during my time here as a host:

- > For every story of abuse of home sharing you hear there is a multitude of positive, untold stories of homeowners sharing rooms in their homes in San Francisco.
- > Those rooms have NOT taken rental stock from the City and they will never be turned into rental stock because they are just that: spare rooms in people's homes, NOT full-time rental units.
- > The guests that stay in these rooms use local businesses and services most out-of-towners would not patronize in neighborhoods all over the City.
- > EVERY host I have ever met or talked to or sat in a meeting with is looking for a way to make home sharing fair and balanced and will support legislation that helps make it so.
- > Most of these hosts would be willing to pay taxes on their earnings and will welcome a mechanism by which that could be done, thus bringing millions of home-sharing dollars to the City revenue flow.
- > My immediate neighbors and local businesses support my home sharing because I house their loved ones when they come to visit and send them to local establishments.

> My guests are well screened and are not partyers or home-abusers. They are family members of neighbors who don't have a spare room, young couples on their honeymoons, business people here for conventions and families of all sizes and configurations.

> Home sharing enables my wife and myself and so many like us to afford our homes in today's economy and not have to leave the City we love.

Home sharing is not new and it is here to stay, but there is much work to be done to make home-sharing palatable for all interests involved. Those of us in support of home sharing are asking you to seriously consider the current legislation that is attempting to bring order to home sharing in San Francisco. We want to make it possible for homeowners to share rooms in their homes and to control others who abuse the system. We are asking that the time-honored tradition of welcoming travellers into our homes be allowed and that fair and balanced home sharing legislation be created in our City.

I am Skate Stone, I am a home sharer in San Francisco, and I thank you so much for taking the time to read this letter.

Best,

-Skate Stone

## **Ausberry, Andrea**

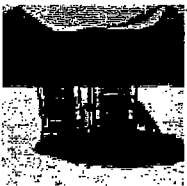
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**From:** Caldeira, Rick (BOS)  
**Sent:** Friday, September 12, 2014 6:55 PM  
**To:** Ausberry, Andrea  
**Subject:** Fwd: Monday's hearing: vacation rental concerns

For the file

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**From:** Ana [<mailto:anatravels@hotmail.com>]  
**Sent:** Friday, September 12, 2014 2:33 PM  
**To:** Wiener, Scott; Cohen, Malia (BOS); Kim, Jane (BOS); Chiu, David (BOS); Power, Andres; Bruss, Andrea (BOS); Veneracion, April (BOS); Chan, Amy (BOS); Calvillo, Angela (BOS)  
**Cc:** Rodgers, AnMarie (CPC); Durandet, Kimberly (CPC)  
**Subject:** Monday's hearing: vacation rental concerns



Dear Honorable Members of the Board of Supervisors Land Use Committe, et al:

I am writing regarding my concerns of the Hotelization of Macondray Lane, where my husband and I live and own a home. Macondray Lane is a historic district, with entrances on Taylor Street via 3 stories of wooden stairs, leading to a cobblestone path and egress onto Jones Street. This is a pedestrian street, only, with no vehicle access. Macondray Lane, recast by Armistead Maupin as Barbary Lane in 'Tales of a City' is a delight to its residents, the city and tourists everywhere.

In March 2013, the home next to mine located at 36 Macondray Lane was purchased as an investment property. The buyer, who lives in Australia, turned the home into a hotel that sleeps 12. Within weeks the home was being advertised on multiple websites including the vacation rental website: [www.home2sf.com](http://www.home2sf.com). It was offered on a nightly or weekly basis, advertised as perfect for corporate retreats and parties for up to 100 guests.

When I became aware of the Hotelization of 36 Macondray Lane I called the office of Kimberly Durandet. In the last 15 months Kimberly has been extremely successful in reducing both the number of guests and nights our neighbor's home has been rented as a hotel. Kimberly also enforced changes to the website, which included removing the language 'corporate retreats and parties for 100', as well as ensuring that the website states the home can only be rented for a minimum of 30 nights. Regarding the last point: in practice, this has not happened, but it has decreased. Last weekend the home was occupied on Friday and Saturday nights only by a group celebrating a birthday, but this is infrequent.

While I am grateful to Kimberly for her efforts and follow-through, we would like to see the Hotelization on Macondray Lane discontinued. In the last 15 months we've experienced the following uncomfortable and frightening situations with the guests staying at 36 Macondray Lane:

-We've had to call the police twice for trespassing and vandalism. In one instance, a guest climbed from the balcony of 36 Macondray Lane onto our balcony, outside our bedroom window.

-A group of (8) guests climbed from the roof of 36 Macondray Lane onto our roof (which is not engineered for ANY weight) in the middle of the night, waking us up.

-Several guests on the upper deck of 36 Macondray Lane threw fruit and other detritus from their deck into our bedroom window (5 feet away). This disgusting mess got all over our deck, our windows, our floors, and onto our bed.

-We've complained numerous times about noise after 10 pm. My husband is an on-call surgeon for 3 hospitals in San Francisco for up to 96 hours at a time. We share a wall with 36 Macondray Lane, and their upper deck is 5 feet from our bedroom.

-Their guests smoke on the upper deck, outside our bedroom window..

-Their guests use our garbage cans (located underground on Macondray Lane). This is always by accident, but it's still a nuisance.

-Their guests leave overflowing garbage and recycling outside the home, which affects everyone, on the Lane, and most often I'm the one who cleans it up.

-The home's property manager, Pamela Kelley, who also runs the website [www.home2sf.com](http://www.home2sf.com) is ineffective and inappropriate. The last email I received from her (after I complained to her directly regarding one of her guest's behavior) read "Ana, stop being a pain in the ass. There are far too many problems in this world, like starving children and poverty that sure can use your time."

Given that our house and 36 Macondray Lane are both 3 stories high and appear to be connected, 3 different neighbors have knocked on my door in the last year complaining to me about the guests staying at 36 Macondray Lane.

I will say that the owner of 36 Macondray Lane is always extremely apologetic whenever anything happens, but he doesn't live here, so he's frequently not able to address the situations that come up in a timely manner.

We pay \$35,000 a year in property taxes to live on Macondray Lane. In addition to the disruption to our daily lives, we're concerned about the noise, damage and harm to the fragile ecosystem, particularly the parrots, continued Hotelization may cause.

Regards,  
Ana Morley  
Steven Okuhn

property owners: 14 Macondray Lane, SF CA 94133  
cell: 415 640 5451 (ana)

## Ausberry, Andrea

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**From:** Sarah Noyes [ms.noyes@gmail.com]  
**Sent:** Friday, September 12, 2014 7:43 PM  
**To:** Wiener, Scott; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Campos, David (BOS); Cohen, Malia (BOS)  
**Cc:** Ausberry, Andrea; Avalos, John (BOS); Yee, Norman (BOS)  
**Subject:** My experience with Airbnb is common

Hello Scott,

Thank you, in advance, for taking the time to read my story.

Myself and many of my friends regularly use Airbnb as a way to make ends meet with an expensive city such as San Francisco. I am a freelance technical writer and recruiter, which means that I'm either overemployed or underemployed -- and so it usually evens out. Yet, I still only gross around \$3500 a month. And then in July, I received a call that my mom was diagnosed with cancer and didn't have much longer to live. With Airbnb, I was able to only work part-time and take care of my mom before she passed away. I could spend as much time as possible with her -- and be present -- since I wasn't worried about how I would pay my rent. I charge a modest amount for the space, far below what is recommended by Airbnb. I've used the service other times, which were just as helpful in me supporting my life in San Pancho.

I worry about all the proposed regulation of having renters register with the city, required to have liability insurance (shouldn't renters insurance suffice?) and then capping the amount at what may not be reasonable (esp if we all have to purchase seemingly not existent but surely expensive liability insurance). But that could all be moot since the whole process of registering and notifying my landlord would ruin the whole affair -- he's a complete tech luddite that balked when I found a roommate off Craigslist that is clearly responsible, employed and has good credit.

So why all the systemic overhaul when its really those that are abusing the system that should be regulated. I admit I don't know as much as I'd like about the percentage of users that do abuse the system and how. Moreover, I do not have suggestions on how to regulate them. Again, I just speak to the 'common' San Franciscan and how Airbnb has literally come to the rescue for many of us. Clearly, there are improvements to be made -- but I think we all agree that sharing platforms such as Airbnb are here to stay, and for good reason. Like all systems, esp those that are burgeoning, need considerable participatory action research in order to consistently meet as many joint interests as possible.

I also see how Airbnb can also create a sense of security for landlords such as mine. With additional exploration and testing, we are surely much closer than the security provided by Craigslist, to ensuring the safety of both persons, property and agreements.

Best regards, Sarah

c: (415) 713-4155  
[www.noyes-works.com](http://www.noyes-works.com)

**Ausberry, Andrea**

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**From:** Thierry Spelle [tspelle@yahoo.com]  
**Sent:** Saturday, September 13, 2014 7:01 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisors,

Please, support our ability to rent part of our homes on a short term basis.

As a resident of San Francisco for almost ten years, I currently own a house that is too big for the two people who are now left in it. It would be a shame not to have this space available to travelers, and to leave it unused. In addition to the real estate tax that I am paying, this could generate occupation tax for our city and help with our budget.

This option also allows us, as hosts, to meet people that we would have never met, and to promote, through face to face interaction with them, our beautiful city and its tourism.

I agree with the proposition that the legislation should control speculation on short term rental by allowing ONLY those who actually live in the home to rent part of it, in order not to compete with hotels and prevent an increase of long term rental rates.

Thierry Spelle

**Ausberry, Andrea**

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**From:** Nick Chaffee [nchaffee@gmail.com]  
**Sent:** Saturday, September 13, 2014 5:25 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Home sharing has made a big impact on my life. Please do the right thing for me and the city by enabling SF residents to share our homes legally and safely.

Thanks,

Nick Chaffee  
57 Oakwood St.  
San Francisco



## Ausberry, Andrea

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**From:** Melanie di Carlo [bianca.bellafore@gmail.com]  
**Sent:** Saturday, September 13, 2014 11:43 AM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** "Home Sharing Haiku" from Melanie di Carlo, District 1

### Home Sharing Haiku

In 1983 I was left with the responsibility of raising my only daughter. Despite working full time as a well-educated waitress, I could barely afford the costs of living here. So, I slept in a hammock in the living room and rented my own bedroom. Home Sharing is nothing new to San Francisco.

Several years later I moved away, under duress. When I returned with a Doctorate in Physical Therapy in 1998, this hardly made a difference. I wished I had never left my rent-controlled apartment, envious of my friends who are beneficiaries of this golden handcuff, now earning substantial incomes with relatively low housing costs.

I currently serve homebound patients, treating residents in every neighborhood of our city.

3 years ago, I purchased my first home, a flat in the Outer Richmond, borrowing, at a loss, from my retirement account for the down payment. I was concerned that I could someday be displaced as a tenant, but believe that landlords have rights also.

Soon after moving, water intrusions precipitated repairs totaling more than \$72,000. I might presently be a homeless "rolling stone" again.

Fortunately, I have an extra bedroom and have hosted residencies for students and relocating professionals affiliated with the VA nearby, and STEM wizards on extended internships.

Families of neighbors and tourists are also drawn to Land's End. New, chic cafes have emerged on languishing Balboa St., and our classic cinema has been renovated.

Home sharing promotes sustainability, maximizes our resources, and reinforces the nobility of mankind. Indeed, I feel safer with carefully screened guests in my home, for reasons I don't have time to enumerate.

While one neighbor might be envious, my family pities "the poor relative".

What is required in order for the City, County, and residents of San Francisco to benefit even more from home sharing? Is that the intention of "legislation"? Who can this truly protect? Please proceed consciously.

## Ausberry, Andrea

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**From:** Debra Eller [debraeller@aol.com]  
**Sent:** Saturday, September 13, 2014 11:30 AM  
**To:** Wiener, Scott  
**Cc:** Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Ausberry, Andrea  
**Subject:** Please support home sharing legislation [File number: 140381]

... a retired couple who have organized a family reunion. One daughter and her family live here and the other daughter lives outside the country.

... a 1965 Princeton reunion, 3 senior couples, former classmates reunited in San Francisco

... a family of 5 from Mexico, other families from China, France, Ireland

... our neighbors parents

These are just a few examples of the Guests we have hosted. They all have one thing in common, "this holiday would never have been possible if we had to stay in a hotel". Each family independently told us the same thing.

Each family contributed to our local merchants. Buying groceries at Canyon Market, enjoying a meal at Le Petit Laurent or buying gifts from Perch these are just a few examples of their participation in our community. Each family visited our local tourist attractions, used our public transportation systems and left large sums of tourist dollars with San Francisco. Each family went home to tell others about our great city and the amazing holiday created by being in a Home Share accommodation. Each family reported at least 3 other families who will also be visiting our beautiful city. It's a chain reaction we can't ignore or afford to miss.

We have made new friends and created long lasting relationships based on their visits, all while affording us the opportunity to continue to live in San Francisco. Our Homeshare income is critical to our retirement budget. Would we be able to live here without this added income? Maybe, but certainly not at the lifestyle level we enjoy now. We've managed to improve our home and in turn improve our neighborhood using this added income.

One other important community factor, we believe, that tends to be underestimated is the Host Community. We are building a very important and strong connection with other Hosts in Glen Park. As committed home owners in our community we are dedicated to building a strong environment for our children, for our seniors, for families, for ourselves. Our network of Hosts has built and will continue to build a secure and healthy neighborhood. As we plan our Host meetings, new community issues are presented and addressed. We are taking a much more active role in supporting our neighborhood and the city of San Francisco. We exchange ideas across the city as we strive to improve our focus on building a strong sense of community, something that is often missing in big cities.

Please vote in favor of Homesharing and support our community through fair, effective processes.

Thank you for your time, Debra and Reed Eller

**Ausberry, Andrea**

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**From:** Jessica Beitch [jessicabeitch@gmail.com]  
**Sent:** Saturday, September 13, 2014 9:34 AM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisor Wiener,

I am on the Board of Directors at The Women's Building. Thank you for joining us last year for our recruiting breakfast. Your presence and support means so much to our organization.

I'm also a host for AirBnB. I'm lucky enough to live in an apartment owned by my girlfriend and her parents. Whenever we leave San Francisco, we like to host out-of-town guests in our apartment. The income we receive has helped us keep up and improve our living space. Also, every time we travel, we look to AirBnB first for available places to stay. We feel that the accommodations are more interesting, affordable, and comfortable than hotels. I love to cook, as well as enjoy local dining options, so having a home with a kitchen is a huge plus. We hope that guests utilize our kitchen and outside deck to enhance their experience too.

A huge benefit of AirBnB is the support to merchants and businesses surrounding each home. While hotel guests dine at hotel restaurants and shop in Union Square (which is fabulous too, of course!), people who stay in our home love to visit our favorite eateries, home good stores, clothing boutiques, yoga studios, gelato and coffee shops, and grocery markets. We encourage visitors to ride MUNI, walk around the parks, and rent bikes. At the same time, when we travel, we take advantage of the local recommendations of our hosts.

Hotels serve a great purpose and continue to reach maximum capacity in our wonderful city. For the rest of us looking for a more personal experience (and also wishing to conserve resources like water and electricity by using the same towels during the whole stay, having CFLs in homes, and utilizing recycling and compost options in homes), AirBnB is our choice.

Please support home sharing legislation!

Thank you for your time and ongoing service to the City of San Francisco,  
Jessica

San Francisco, CA 94133

--  
Jessica C. Beitch, MSW

The Women's Building is a women-led community space that advocates self-determination, gender equality and social justice.

## Ausberry, Andrea

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**From:** E. Gil Jones [egiljones@gmail.com]  
**Sent:** Friday, September 12, 2014 8:05 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); nancen@earthlink.net  
**Subject:** Please support home sharing legislation [File number: 140381]

My name is E. Gil Jones. My wife and I have lived in Potrero Hill on Mississippi St. for five years. Our family has benefitted from homesharing in San Francisco, and I write to enlist your support for sensible regulation of this practice.

Our Potrero Hill apartment is not large enough to accommodate overnight guests and the nearest hotels are miles away, expensive, and frequently booked up. Our parents live in Kentucky and Colorado, and when they visit, they want to be as close to our residence as they can. Being within walking distance is highly desirable, since typically they don't rent cars when they visit us. Airbnb offerings have made it possible for them to stay nearby. My parents stay regularly with an Airbnb host just one block away from us.

Not only do Airbnb offerings provide proximity to us, they also provide excellent accommodations for our relatives. Our families have stayed in four different Airbnb homes in Potrero Hill, and they have found all the accommodations to be attractive and comfortable. Personal touches such as providing an initial breakfast and access to a garden or hot tub are additional benefits. Hosts have been available to solve any problems and also to offer information about the neighborhood and the city. My parents have developed a particular friendship with the host they stay with most frequently. They stop by to say hello even when she can't host them.

The cost of Airbnb accommodations is another important benefit. It's possible to find very reasonable rates, even in a neighborhood where housing costs are high. While I recognize the problems associated with those renting out rent-controlled apartments, our parents have always stayed in rooms or in-law apartments that would not be on the rental market except through airbnb or other home-sharing services in homes owned by the hosts.

I am just one who has benefitted from homesharing in San Francisco. I know you will be hearing from many others. I hope you'll consider my message and that you'll support sensible regulation of this practice as laid out in Supervisor Chiu's legislation and informed by the Homesharers of SF Position Paper.

Sincerely,  
E. Gil Jones



**COUNCIL OF  
COMMUNITY  
HOUSING  
ORGANIZATIONS**

*The voice of San Francisco's  
affordable housing movement*

September 12, 2014

President David Chiu  
Supervisor Scott Weiner  
Supervisor Jane Kim  
Supervisor Malia Cohen  
Cc: Supervisors, Angela Calvillo, Clerk

Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Legislation to Legalize Short-term Rentals – Case No. 2014.0707T [Board File No. 140381]

Dear Supervisors:

The Council of Community Housing Organizations (CCHO) strongly urges you to delay a vote at the full Board of Supervisors of this complex and poorly understood Short-term Rentals legislation pending a more thorough discussion of the many proposed ways of making regulation of Short-term Rentals (STRS) workable.

While we commend the Board of Supervisors for attempting to find a pathway to legalize and regulate a popular but currently illegal activity—the ability for owner-occupants and tenants to rent their units or extra bedrooms for a limited time during the year—CCHO does not support the proposal as currently written. At its most basic level the proposed system lacks transparency and enforceability (as the Planning Department staff itself has emphasized) to prevent abuses of “the rules.” The biggest concern which we expressed in our August 1st letter to the Planning Commission (attached) is that the very profitable industry of short-term rentals presents the very real risk of continuing to erode the City’s housing stock for *permanent* residents and continuing to drive up housing prices. This is one of the most important housing policy issues the City has faced in a decade, and the “solution” must be done right and not hurried.

325 Clementina Street, San Francisco, CA 94103 | [ccho@sfc-409.org](mailto:ccho@sfc-409.org) | 415.882.0901

The Council of Community Housing Organizations (CCHO) is a coalition of 22 community-based housing developers and tenant advocates. We fight for funding and policies that shape urban development and empower low-income and working-class communities. The work of our member organizations has resulted in nearly 30,000 units of affordable housing, as well as thousands of construction and permanent jobs for city residents.

To repeat an excerpt from the Planning staff's case report in August:

*"The Planning Department's paramount concern is the impact that short-term rentals have on the availability and affordability of the City's housing stock. This concern is derived from Objectives Two and Three in the City's Housing Element, which seek to 'retain existing housing units' and 'protect the affordability of the existing housing stock,' respectively."*

We are glad to see that the latest version of the legislation, as amended, has added a small piece from CCHO's previous suggestions, including the prohibition of short-term rentals in subsidized BMR units and residential hotels. The amendments also move enforcement to the Planning Department, creates a public registry number (but not public access to registry), and prohibits rentals in units with outstanding code violations, all important improvements, and a good sign that with further substantive amendments this might eventually be made into a workable piece of legislation.

However, it is also very critical to point out that most of the Planning Commission's recommendations were not adopted in this round of amendments, including:

- a. Tracking issues, such as tracking the number of nights STRs are rented, requiring hosting platforms to report number of nights, identify units in the Property Information Map, list of hosting platforms registered with the city
- b. Notification/approval of landlords/owners
- c. Limit on hosted rentals or number of rooms per residential unit
- d. Enforcement: making listing on a hosting platform without registration a violation, provide increased funding for enforcement by Planning

At least three sets of reforms that have been suggested by the public, including by the CCHO coalition of affordable housing advocates, by tenant advocates, and by a coalition of neighborhood advocates, housing advocates, property owners and labor unions. This wide set of concerns reflects the fact that the current proposal was not developed out of a broad participatory process, as should be expected in such a complicated issue which concerns all San Franciscans. In fact, it would appear that the only supporters of the ordinance are companies in the home-sharing industry such as Air BnB and their front group, Homesharers of SF, which represent the interests of those who would presumably profit by this legislation, but messier questions about implications for the City's housing policy are conveniently ignored.

At this point in the civic debate and given the significance of this public policy matter, we believe it is incumbent on the Board of Supervisors to reflect a problem-solving and "collaborative attitude" toward this issue. Given the number of constructive amendments proposed by various parties, and the fact that most of the Planning Department's and Planning Commission's own formal suggestions have been left out of the current legislation, it is clear that this proposal needs more thorough discussion and broad involvement in crafting the details to get it right before being put to a vote before the Board of Supervisors where, at best, amendments, if any, will be made in a rushed and last minute way.

In the following pages we reiterate the concerns and recommendations that we presented before the Planning Commission last month (our complete August 1<sup>st</sup> letter is attached for reference as well). In summary these are:

1. **Enforceability.** This is the crux of it all, regardless of how many and how precise "the rules" are, is the question of enforceability. The Neighborhood Preservation coalition offers many specific suggestions to increase enforceability and disincentivize cheating on allowances. We

recommend that, in alignment with Planning Department's own recommendations, the legislation should AT A MINIMUM, require hosting platforms to report the number of nights STRs are rented to the enforcing agency and on the public Registry, identify on the City's Property Information Map units registered as STRs with links to the public Registry, make listing on a hosting platform without registration a violation, and provide increased funding for enforcement by Planning. This is a very complex issue that requires much more thorough discussion and development to get it right.

2. **City-subsidized housing.** –The legislation as currently written, despite the proposed amendments, would seem to still allow anyone receiving the benefit of subsidies for permanent affordable housing, public housing, master-lease subsidies, or subsidized first-time homebuyer loans, to potentially cash in on these benefits by using their units as short-term rentals for their own profit. The legislation leaves the onus for protecting these units to the landlord or agency providing the subsidy, rather than simply prohibiting it. We recommend adding a clear prohibition to exclude any units receiving City subsidies, in whatever form, from taking advantage of these public subsidies. Though as noted above, the lack of a strong enforcement mechanism still makes it highly difficult to regulate this.
3. **In-law units.** Legislation recently passed by the Board of Supervisors to legalize in-laws and promote construction of new in-laws was meant to address the critical need to provide more housing supply for City residents, not to create small hotel units. The legislation as currently written sets up the conditions for holding out these in-law units from the permanent rental market to use as lucrative short-term rentals. We recommend that in-law units should be prohibited entirely from use as STRs.
4. **Planning Process.** The legislation creates a sweeping change in zoning definitions by redefining “residential use” to include short-term stays (which is traditionally considered a tourist/hotel use”), and does not set up a process or discussion for determining where STRs are appropriate, or not appropriate by land use or geography. It is impossible to assess the unintended consequences of such a blanket change to zoning definitions. Barring a more thorough review of these changes by land use category or geography, we recommend either a maximum cap on STRs by neighborhood and/or zoning district, AND/OR limiting the length of this legislation to a 3-year pilot, with a “hard sunset” provision, in order to test the impacts and any unintended consequences.
5. **Impact on Housing Costs.** Presumably, the primary reason people use “home-sharing” hosting platforms in the first place is to rent out an apartment or room while the permanent resident is a way on vacation – and it seems far-fetched that many people in this city can take more than three or four weeks of vacation per year. Allowing up to 90 days of “short-term” rentals creates a “market” temptation to profit from STRs, potentially adding another incentive to raise rents, raise sales prices, and hold housemate bedroom rentals off the market. We recommend reducing the total duration of allowance for STRs to something more reasonably aligned with typical vacations, say a total 30 days per year.



For these reasons, CCHO joins a broad set of concerned stakeholders, including housing advocates, tenant advocates, and neighborhood organizations, property owners and labor unions, in opposing the current legislation. We look forward to the opportunity to see legislation on Short Term Rentals evolve to address these concerns, while finding pathways for owner-occupants and tenants to legally let out their rooms for a limited time.

Thank you,

Fernando Martf and Peter Cohen  
For the Council of Community Housing Organizations

ATTACHMENT

[August 1, 2014 CCHO letter to Planning Commission]



**COUNCIL OF COMMUNITY  
HOUSING ORGANIZATIONS**

325 Clementina Street  
San Francisco, CA 94103  
ccho@sfcic-409.org  
415-882-0901  
www.sfccho.org

8-1-14

Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Short-term Rentals legislation – Case No. 2014.0707T [Board File No. 140381]

Dear Commissioners:

We commend the Board of Supervisors and Planning Commission for attempting to find a pathway to legalize and regulate a popular but currently illegal activity: the ability for owner-occupants and tenants to rent their units or extra bedrooms for a limited time during the year. And of course requiring all “hosting platforms” to collect the Hotel Tax for short-term rentals they list makes great sense, as well as paying any retroactive tax liabilities levied by the Controller. However, the shortcomings and unresolved issues of the legislation you have before you make it so that the Council of Community Housing Organizations cannot support it as currently proposed.

We couldn't agree more with the primary concern articulated well in your staff's case report:

*“The Planning Department's paramount concern is the impact that short-term rentals have on the availability and affordability of the City's housing stock. This concern is derived from Objectives Two and Three in the City's Housing Element, which seek to ‘retain existing housing units’ and ‘protect the affordability of the existing housing stock,’ respectively.”*

The widespread allowance for short-term rentals has potentially negative impacts on San Francisco's rent-controlled permanent housing stock, its limited SRO stock—housing of last resort for many people—and its City-subsidized affordable housing. As the staff report notes: *“Any decrease in residential space available for the City's permanent residents puts an upward pressure on price, exacerbating an already untenable situation.”* Realistic enforceability of the provisions being proposed is a serious question, and given the potential profitability of short-term rentals compared to permanent rental housing—the Planning staff's report indicates that rents are almost triple for a short-term rental—it will put tremendous pressure on limited City capacity to prevent abusing the allowances.

Moreover, the legislation effectively bypasses a traditional land use planning process approach, potentially undoing careful zoning work by neighborhood and community groups meant to stabilize neighborhoods, and creating unintended market pressures to further push up rents and sales prices. As your staff's report notes: *“the Department's enforcement staff has seen instances where real estate investors are buying new properties with short-term renting exclusively in mind.”*

Following is a short list of housing and planning concerns that our members have raised in internal discussions about the short-term rental issue. CCHO looks forward to seeing the proposal evolve to address these concerns.

1. **Impact on rent-controlled housing stock.** In this time of housing crisis, we know anecdotally of many units held off the market, and some estimates calculate that fully a third of AirBnB and VRBO units are permanent hotels. While the proposal creates a registry and limits short-term rentals use to 90 days, the serious limitations of enforcement capability realistically means there is little to keep property owners from withholding units permanently from the market and keeping them as, effectively, hotel units. Accountability and real enforcement is key. Again to cite your staff's report:

*"...the Department's enforcement program is generally complaint based and does not involve active monitoring or patrols for violations. While staff prioritizes short-term rental cases (which represent a loss of housing), the Department does not currently have the resources to actively monitor short-term rental sites (nor do these sites necessarily include all the information necessary to open an enforcement case for a specific property).... Additionally, these cases can be difficult to prove as ongoing violations (which is required to assess a penalty) due to the transient nature of the use. Profits from short-term rentals are also so lucrative that even after a violation hosts may attempt to re-list their unit on a different website."*

2. **Impact on SRO Ordinance.** One of the greatest victories for creating housing for homeless people in San Francisco was the SRO Ordinance. The ordinance limits conversions of residential hotels into tourist hotels, preserving this important housing of last resort for thousands of poor people, and furthermore allowing their conversion over time into permanently affordable housing with wraparound supportive services. There are nearly 14,000 SRO units protected through the SRO ordinance. By redefining residential uses to under 30 days, the proposal as written effectively – though presumably not intentionally—does away with the SRO ordinance, creating the incentive for SRO owners to turn their buildings back into tourist hotel uses (as above, because the enforcement mechanism is so weak).
3. **Impact on City-subsidized Housing.** The City spends millions of dollars each year in subsidizing permanently affordable housing, rehabilitating public housing, providing first-time homebuyer loans, and requiring the construction of "below-market-rate" inclusionary rental and ownership units (there are over 1,700 BMRs created through the City's inclusionary program). The proposal as currently written would allow anyone receiving the benefits of these City subsidies to potentially cash in on these benefits by using their apartments, houses and extra bedrooms as short-term rentals. There is nothing to prohibit this in the ordinance as currently written, and, even if it was prohibited in publicly-subsidized units, the lack of a strong enforcement mechanism again makes it highly difficult to regulate this.
4. **Impact on In-laws housing units.** There is nothing in the proposal restricting in-law units/secondary units/accessory-dwelling-units from being used for short-term rentals. In many respects these types of small "efficiency apartments" would be the easiest and most lucrative way for property owners to cash in on this allowance—essentially having a permanent small hotel unit tucked into garages, basements and rear patios. It is notable that the framing for legalizing in-laws and for promoting construction of new in-laws was to expand the much-needed housing stock for City residents and to "provide housing at below market prices", not to create small hotel units. Either way the expansion of in-law units provides a source of income for single-family homeowners and building owners, but the temptation of holding out units from

the permanent rental market to use as lucrative short-term rentals does not address the underlying need to provide more housing supply as was the stated intent of the two pieces of recent in-law units legislation.

5. **Impact on the Land Use Planning Process.** There should be clarity on a process and timeframe for establishing what types of zoning controls and authorizations are appropriate for short-term rentals, including potential interim controls while process issues are being worked through. While this legislation is meant to find a pathway to legalize and regulate an activity that already occurs, despite zoning regulations, at least two pathways would be far more consistent with existing Planning Code: one would be, through careful analysis and participation of the public, suggest changes in particular zoning districts to accommodate short-term rentals, and a second option would be to more judiciously limit the total duration of time these uses are allowed and create real enforcement mechanisms so these limits are not disregarded.
6. **Economic Impact on Housing Costs.** Finally, by allowing up to 90 days of hotel uses, and little enforceability to actually limit that time, the proposal creates an incentive to raise sales prices based on the potential hotel uses of the unit, and there is also an incentive to incorporate these costs into rental prices. In the July 30<sup>th</sup> Chronicle article, it is notable that an executive from one of the hosting platforms unapologetically acknowledged that the investment-home market (i.e., buying housing units without living in them) is increasingly driven by the prospect of using units for short-term rentals:

*"The typical owner on HomeAway and VRBO uses the property as a second home; it's a pied-a-terre that they use often, not a primary home," he said (co-founder of HomeAway). "It is naive to believe those homes would come back into the marketplace' if they were not vacation rentals."*

The problem of this kind of "perverse incentive" that potentially drives up housing prices points to a potential alternative of having a more limited allowance for short-term rental uses during a year (Why not four, six or even eight weeks? How many people take 90 day vacations? And why not limit the total number of rental "clients" in any single year?), and clear enforceability on those time limits. Considering the strong financial incentive to capitalize on the short-term rentals "market" as demonstrated in your staff's case report, this issue of the duration of allowable use again raises serious questions about the limited enforcement capacity of the City to ensure compliance with these proposed allowances. As Planning staff have called out in the case report, the reality is that this is essentially a self-enforcement industry. We believe the question deserves consideration: will the financial motivation to take full advantage of the short-term rentals market and the catch-as-catch-can enforcement regime of the City result in more housing units being taken out of use for permanent residents?

For these reasons, CCHO is not prepared to support the proposal at this time. We look forward to the opportunity to see an amended version that evolves to address these concerns, while finding pathways for owner-occupants and tenants to legally let out their rooms for a limited time.

Thank you,

Fernando Martí and Peter Cohen  
For the Council of Community Housing Organizations

Cc: Aaron Starr, Planning Department  
Supervisor David Chiu

## Ausberry, Andrea

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**From:** Ian Liffmann [chonilla@hotmail.com]  
**Sent:** Sunday, September 14, 2014 3:02 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Campos, David (BOS)  
**Subject:** Please support home sharing legislation (File # 140381)

Dear Supervisor Wiener-

My name is Ian, and I am writing in support of home sharing in San Francisco. I live in Bernal Heights, and my housemates and I have used home sharing to help pay the bills and meet interesting people from around the world. It has really made a difference for my friends and me to both find places to stay in San Francisco and when traveling elsewhere, but also in allowing us to make some extra money to help make ends meet. My mother lives in Bernal Heights, and she has been renting her place on AirBnB from time to time in order to help pay her property taxes.

Home sharing services are far more personal than a hotel, and I feel that many people end up having incredible experiences when visiting San Francisco because of this. It also allows for more people to come visit during peak travel times, and injects more money into neighborhoods that don't otherwise have places for short-term vacationers to stay (how many visitors would end up in Bernal Heights if it wasn't for home sharing?).

Please support legislation to keep home sharing legal and friendly in San Francisco!

Thank you,

-Ian Liffmann

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**Date:** Sun, 14 Sep 2014 14:45:10 -0700  
**Subject:** Letter in Support of Home-sharing to your Supervisor  
**From:** [emery.lieberman@airbedandbreakfast.com](mailto:emery.lieberman@airbedandbreakfast.com)  
**To:** [chonilla@hotmail.com](mailto:chonilla@hotmail.com)

Hey Ian,

Wanted to reach out to you to let you know what you can do to help this movement because you won't be able to make it to the Land Use Committee Hearing to show your support. The best way to get in touch and share your story is to send an email to chair of the Land Use Committee, Supervisor Scott Wiener, and CC the other supervisors, along with the committee clerk. Include the legislation's file number (140381) in the email's subject line so they know what you're writing about. It's important that they get this email by September 14th if possible.

It's helpful to start by introducing yourself and what neighborhood you live in, explain why home-sharing is important to you, and ask them to pass fair home-sharing legislation.

**Subject:** Please support home sharing legislation [File number: 140381]  
**To:** [Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org)

**CC:** [Andrea.Ausberry@sfgov.org](mailto:Andrea.Ausberry@sfgov.org), [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org), [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org), [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org), [Katy.Tang@sfgov.org](mailto:Katy.Tang@sfgov.org), [London.Breed@sfgov.org](mailto:London.Breed@sfgov.org), [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org), [Norman.Yee@sfgov.org](mailto:Norman.Yee@sfgov.org), [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org), [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org), [John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org)

I'd love to hear any feedback about this process and your interaction with your supervisor. Along with emailing them, it is super helpful to show up at their office in City Hall to hand-deliver it to them so that the supervisors feel the pressure from their constituents.

Thank you again for your support. The future of home-sharing in San Francisco is likely to be decided in the next month.

All the best,  
Emery

## Ausberry, Andrea

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**From:** Robert BJ Atanasio [rfi\_henry@att.net]  
**Sent:** Sunday, September 14, 2014 2:02 PM  
**To:** Wiener, Scott  
**Cc:** Carol Cowan; Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Home Sharing Legislation File #140381 at Land Use Commission

Dear Supervisor Weiner,

My name is Robert Atanasio and I am a home-owner in District 8. I am writing to ask for your and the Land Use Commission's support of David Chiu's home-sharing legislation.

I recently began hosting in order to supplement my regular income. In 2013, I changed jobs and accepted a lower paying position. After struggling for over a year with adapting to my decreased income, I realized that I would need to leverage my home ownership if I wanted to remain in San Francisco.

I understand that San Francisco has an affordable housing crisis. However, I do not believe that the current trend in home-sharing created or exacerbated this crisis. I have lived in the City for over 20 years and I am very familiar with the struggles associated with finding an affordable rental or home on a modest income. The crisis is due to policies that were set in place 30 or more years ago and have not been reviewed or revised to adapt to rapidly evolving cultural, economic, and social norms facilitated by technology. If anything, home-sharing allows many lower- and middle class renters and home owners to remain in the City we love. Many of us work in the public sector, arts, or the non-profit economy. We are the people who make San Francisco a desirable City to live in and visit.

My hosting does not degrade the character of my neighborhood. I encourage my guests to use the local businesses and services I depend upon. I explain to them why my neighborhood is unique and encourage them to become a part of it during their stay.

My hosting does not remove potential housing from the market. I do not wish to be a full-time landlord and if I did, my home would require extensive and expensive modifications to meet City code and make it livable for long-term tenants. And even then, my home would likely require waivers to certain codes.

My hosting does not put my guests in inordinate jeopardy to harm or injury. I discuss with them the unique character of my house and with their input determine whether it is suitable for their visit. I provide carbon-dioxide and smoke detectors, a fire extinguisher, a first-aid kit, and supplemental emergency earthquake kits. I provide reasonable guidance about earthquake safety and medical emergencies. My guests are hosted throughout their stay and I am present on the premises more than 80% of the time during my guests' stay.

My hosting does not decrease employment opportunities for those in the hospitality industry. Current hotel occupancy figures indicate that commercial and corporate providers are not suffering a significant decrease in business. My hosting provides a service that the hospitality industry cannot substitute.

I encourage you, the Commission, and the Board of Supervisors to move forward with approving legislation that does not place undue burdens on hosts. The final legislation should not include unprecedented intrusions on individual privacy or unduly limit a host's ability to offer services and should fairly regulate this new market while taxing derived income appropriately.

Respectfully,

Robert Atanasio  
San Francisco, CA



## Ausberry, Andrea

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**From:** Pamela Beach [pamela\_beach@sbcglobal.net]  
**Sent:** Sunday, September 14, 2014 12:52 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** home sharing

As a small retailer, I would like to offer my perspective on home sharing. I work a few days a week at a small, independent store in Noe Valley. I have talked with dozens of tourists who have stayed at airbnb homes in the neighborhood and all have reported a very positive experience. The most common comments are: 1) The accommodations being wonderful; 2) The hosts being helpful, friendly, responsible; 3) Being able to enjoy a very San Francisco experience – the neighborhood, the shops, interactions with locals, including small, independent shop keepers.

The local airbnbs and other home sharing arrangements also contribute to our local economy in Noe Valley. I've sold many an item to these visitors, (including a few who bought their host a gift!). They go to Philz Coffee or Bernie's or Martha Brothers. They shop at Whole Foods for their stay, go to our local restaurants and wonder over to Glen Park, the Castro, the Mission and Bernal Heights.

While tourists always seem very taken with San Francisco, these guests seem even more in love with the city. I know the intimacy that airbnb and other home sharing arrangements offer contributes to their experience. I think its beneficial to all – the hosts, the guests, and our local economy.

## Ausberry, Andrea

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**From:** Jane Ginsburg [jane.ginsburg@gmail.com]  
**Sent:** Sunday, September 14, 2014 12:14 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

I have been a homeowner in District 5 since 1976. I recently began renting out my attic (which I would never consider renting on a FT or permanent basis since access is thru my home) thru airbnb. I have had wonderful guests who greatly appreciate the opportunity to experience a SF neighborhood. I have become friends with many of my guests and the income from the home sharing has allowed me to stay in the city.

I believe that my guests should pay the occupancy tax the same as if they stayed at a hotel and hope that airbnb will begin collecting it. I pay taxes on the income I make. I want to reiterate again that what I am doing is not taking a rental off the market. My attic has never been and will never be a regular rental. I am comfortable having people stay with me whom I can vet and who are there for a short period of time.

Thank you

Jane Ginsburg  
110 Pierce St.

Sent from my iPad

**Ausberry, Andrea**

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**From:** James Ellingson [jamesdellingson@gmail.com]  
**Sent:** Sunday, September 14, 2014 11:55 AM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Home sharing

Home sharing is important in my household because it allows us to host travelers who would otherwise have a hard time affording comfortable accommodations in SF. This brings tourism and money to our city that otherwise would be spent elsewhere. It also allows my household a small amount of extra money that we also put back into our local economy. Without the opportunity to home share, we would not be able to afford to support our economy. It is a win win for everyone.

Sent from my iPhone

**Ausberry, Andrea**

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**From:** Thomas Hawley [thawley@thawley.com]  
**Sent:** Sunday, September 14, 2014 11:49 AM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Why we support Airbnb [File number: 140381]

Dear Mr. Wiener,

My wife and I, who live in Carmel Valley, own a small studio in an old Victorian on Baker St. We have been using Airbnb for about a year with great success since it allows us to use our unit two to three times a month in conjunction with our Airbnb guests. We provide our guests with detailed information about the restaurants and coffee houses in our neighborhood, the museums within walking distance and the wonderful small playhouses scattered throughout the city (which we adore!). Invariably we get very positive reviews from our guests who rave about such neighborhood establishments as The Green Chile Kitchen, The Matching Half, Bistro Central Park, Gambini Sports Bar, Nopa, Bi-rite Creamery, Tsunami, Falletti's, The Herbivore and Bar Crudo to name a few. (Now that the city has done such an excellent job of beautifying Divisadero, it has become a mecca for those seeking great food!)

It occurs to us that one of the great advantages of Airbnb to our city is that it introduces many visitors to neighborhoods and neighborhood establishments they would not otherwise get to know if they stayed at downtown hotels. It has also become clear to us that many of our guests are people of modest means who might have missed the San Francisco experience altogether if it were not for the opportunity to stay in an historical, reasonably priced studio apartment. Almost all of our guests leave San Francisco vowing to return, having had a great affordable experience in a less trafficked part of town. Airbnb works on so many levels to generate taxes for the city, revenue for the more out of the way businesses, and affordable lodging for tourists of modest means.

Best regards,

Thomas and

Marijke Hawley

**Ausberry, Andrea**

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**From:** Brad Harbin [bradaharbin@gmail.com]  
**Sent:** Sunday, September 14, 2014 11:47 AM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisor Weiner,

**I am writing to you to you as a voting, tax payer in your district to share with you why I would like to see you support home sharing legislation.**

**I am a home sharer. I live in my home with my husband and we share our space with guest who have come to San Francisco from all over the world - Russia, China, France, Brazil, Spain, Germany, Canada, Australia and of course from all across the US. People come to this amazing city because they visited when they were kids, a favorite uncle, they got married here,... honeymooned here, came out.... so many beautiful reasons ... and they choose to travel by home share not only because it makes travel more economically accessible, but because they want to know what its like to live here... where are the best restaurants, secret hidden SF treasures, they want to spend time with people who know and love this city where they are coming to spend their hard earned money for a trip that many have saved a long time to make happen.**

**We share our home because we love people... we love travel... and we love San Francisco. WE decided in Feb of this year to give it a try and have fallen in love with it... and with San Francisco again as we get to see this city through new eyes on a weekly basis. We actually live in our home that we share with guest. We go to dinner with them in our neighborhood. We communicate with guest long before they arrive and have actually canceled guest if we felt that it did not feel like a good fit for us .... them... or even our neighbors.**

**My husband and I are both students and Home sharing has made it possible for us to remain in this amazing city with much less financial pressure. Mu husband works from and is literally here all day with our guest - sharing our space.**

**We are excited about the changes coming and are not opposed to regulations that will protect us all... we just want to do our part... Stay in San Francisco, we are happy to pay our taxes and support the city and our neighborhood small business. We are will continue to protect the interest of our neighbors through our thorough screening and would love to mentor other hosts along they way so that the footprint that is left behind is one of common courtesy and fiscal responsibility.**

**Stand beside us Please. We need your support and we need home sharing in San Francisco.**

Thank you for your consideration.

Brad Harbin  
Chris Ferrer  
-The Misters-

## **Ausberry, Andrea**

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**From:** Eric Lopez [elopez@tricksters.net]  
**Sent:** Sunday, September 14, 2014 11:15 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisors.

My name is Eric and have been a resident of San Francisco since 1995. In 1988, I moved to Bay Area to attend UC Berkeley - School of Engineering. In 2008, I was able to purchase my home, a 102 year old Victorian at the time, as a TIC with plans to renovate the duplex before the financial recession. I have been sharing my home with guests through Airbnb for the past several years. San Francisco is now my home as I have "tamed the fox" with my connections to friends, family and other ties to this city due for the last 25 years.

Home sharing is important to me because it has helped me afford the rising cost of living, so that I can stay in this city that I love. I'm an entrepreneur in the high tech industry and travel quite extensively for work. This space would otherwise sit unused during my travels, but now I'm earning enough money from it to help pay my mortgage and renovation costs to improve my home.

I am writing to ask you to support the passage of reasonable legislation that will protect home sharing here in San Francisco. As mentioned, I travel quite extensively across the globe. In the past year, I have had professional service engagements that have been longer than a week to the following cities:

- Muscat, Oman
- Moscow, Russia
- Austin, Texas (multiple engagements)
- Las Vegas, Nevada
- Cork, Ireland
- Toronto, Canada
- Washington, DC (multiple engagements)
- San Jose, Costa Rica - my current engagement where I'm writing from
- Tokyo, Japan - next engagement
- Paris, France - future engagement
- Bangalore, India - future engagement

By the end of the year, including vacation, I'll have been away from my home for more than 18 weeks. This is a fairly light work schedule for my line of work. There have been times in previous years that on-site customer engagements have been over 70% away from my home.

Sharing my home with guests does not just benefit me, it also contributes positively to my neighborhood. My guests spend their money at the restaurants, cafes, and boutiques in my neighborhood. I always give them recommendations on great local businesses to check out, such as Pork Store for brunch and Willows for pub fare and Stanza for an unbeatable cup of coffee and for a unique San Francisco eating experience SoMa Street Food Park. These are just some of the businesses that would otherwise not see tourism dollars since they are not in the central hotel zone.

Also, many of my guests are visiting from out of country and are other entrepreneurs or families that could not afford the typical hotels cost. They come to experience San Francisco and/or network with other like minded individuals. I have visited my new found friends in my travel throughout the world, as we have built a community that shares our love for our home towns.

As you consider the legislation currently proposed, I hope you take into account how important home sharing is to the thousands of hosts in the city just like me, as well as the benefits our guests bring to our local businesses and neighborhoods. I look forward to the full hearing on this legislation where I am sure the Land Use Committee will be able to hear from more San Francisco hosts who rely on home sharing and want to work together with the city to see legislation move forward.

Sincerely,

-Eric Lopez

**Ausberry, Andrea**

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**From:** Mintleaves [mintleaves@yahoo.com]  
**Sent:** Sunday, September 14, 2014 11:07 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

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**Ausberry, Andrea**

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**From:** Felix Remennik [felixrem@gmail.com]  
**Sent:** Sunday, September 14, 2014 10:14 PM  
**To:** Wiener, Scott; Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

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## Ausberry, Andrea

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**From:** Jeff Beck [jeffbeck82@gmail.com]  
**Sent:** Sunday, September 14, 2014 8:05 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please Support Home Sharing Legislation [File number: 140381]

Evening;

I would like to voice my support for home sharing, as a resident and worker in SF, this allows me to keep my place affordable, as the rent is very high as I am sure you are aware, but I love my city and was born/raised here. I work as hard as I can (with multiple jobs and sharing my space) to keep myself here.

As someone who works in hospitality, it is very expensive to afford a hotel room for those without a high level of income. Our shared homes and units allow more people to see this city, the rare gem of civilization that it is.

It should be shared with the world, with no barriers (and no sold out signs) to entry, don't you think?

Thank you for your support in this matter,  
Jeff Beck

## Ausberry, Andrea

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**From:** Shannon Murray [shannonsf@gmail.com]  
**Sent:** Sunday, September 14, 2014 6:03 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** In support of home sharing

Dear Supervisors,

I live on Pearl Street at Market and Duboce which is technically Mission Dolores. Some are calling this the hub because it joins Mission Dolores, Hayes Valley, and SOMA. I've lived here for 9 years. I'm writing in support of home sharing.

During a recent job change, home sharing became a godsend to supplement my income. It's been a win/win/win for my guests, the neighborhood, and me. It allows people to stay in one of the best walking neighborhoods in San Francisco and live like a local. Guests patronize my local restaurants, which makes them and me both very happy.

I've been told that some feel that home sharing is displacing people and taking rentals off the market. To me this could not be further from the truth. In fact it's the reverse. By making my home available when I travel for work or vacation, we're dramatically increasing the number of occupants per square feet in my neighborhood. Guests patronize local businesses that I wouldn't when I'm away and at greater numbers. I live alone. Home sharing guests almost always number two and sometimes four. My home would go empty otherwise, but this way it stays full, and my local business benefit which allows me to have a diverse selection to choose from when I am home.

I'm confounded as to why others don't realize this basic economic principle. We're INCREASING not DECREASING housing density with home sharing. The basic concept is that people rent things that would otherwise go unused. Most home sharers are normal hard working people who live in the homes they're sharing.

I have personally met with President Chiu and think his legislation is the right step towards legalizing home sharing. I hope you will support this legislation by moving it forwards quickly.

Cheers!

Shannon Murray

## Ausberry, Andrea

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**From:** Kathy Cady [kathylcady@gmail.com]  
**Sent:** Friday, September 12, 2014 1:22 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; David.Chu@sfgov.org; Mar, Eric (BOS); Mark.Farell@sfgov.org; Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Being able to find accommodations through AirBnB for my children and grandchildren within a block of my apartment for my 'major' birthday this summer made the difference between a pleasant time and the onerous one it would have been if I'd had to put them up in a hotel. Please know, I work for a major hotel chain and know very well what a different experience it would have been for all of us. I probably would have celebrated my birthday somewhere else if AirBnB hadn't been an option so San Francisco benefited from the \$ spent here.

Kathy Cady

P.S. I had a terrific birthday party at the Savoy Tivoli, even though they are only allowed to have live music ONCE A MONTH - a neighbor across the street complained that music on a Saturday afternoon from 3 - 6 was a disturbance! Only in San Francisco!!!

Kathy Cady

## Ausberry, Andrea

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**From:** Douglas Freelon [dn.freelon13@gmail.com]  
**Sent:** Wednesday, September 10, 2014 10:17 AM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Supervisor Wiener,

I am writing to ask you and your colleagues to support home sharing in San Francisco. It is a positive service that enables more visitors to come to and enjoy our city (and spend their money). In every neighborhood it is a plus for the surrounding businesses and spreads tourist dollars out over the city from the tourist "hubs". I live at Scott and Divisadero and I know that the local business owners are appreciative of the extra customers they're getting because of home sharing.

In addition, the number of hotel rooms in this neighborhood is very limited. I provide accommodation in an area that people want to stay in but would not be able to without me and other home sharers. And even in an area where there are many hotel rooms, are home sharers doing any real damage to the hotel industry? Home sharing has existed side by side with with corporate and traditional hotels/motels in Europe for quite some time with no real harm done to the latter. I also provide accommodation at a rate that allows many people to visit here who could not afford to stay in a traditional hotel/motel, bringing more tourist dollars into this city.

Finally, home sharing allows me to make a few extra dollars to make life a little easier in a city that is becoming more and more expensive to live in every day. And those dollars aren't going into the already overstuffed coffers of some corporate bank account, they are being spent right here in San Francisco. I know of people who would not be able to keep their homes if it weren't for home sharing. I realize there are a few some people out there are doing some unscrupulous things and that there is a problem with available rental units being removed from the market, but I believe you can find a way to solve these problems without hurting the honest, little guys like me.

Thank you for taking the time to consider my thoughts. I will be at the meeting on Monday.

Sincerely,  
Douglas Freelon

**Ausberry, Andrea**

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**From:** Stephen Pons [sjpons@gmail.com]  
**Sent:** Wednesday, September 10, 2014 8:38 AM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** 140381 - Fair Home Sharing Legislation  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Supervisors,

My name is Stephen Pons. I live in Pacific Heights, and I'm a San Francisco-born native.

For three years now, I've shared my home in Pacific Heights when I am away and I have used shared homes to accommodate family and friends visiting San Francisco. It has enabled me to afford living in and supporting this great city, and has allowed my family and friends to experience neighborhoods and support local businesses while they visit.

Having worked on both sides of home sharing (as a guest and as a host), I can attest to its positive impact. From a guest standpoint, my family who has used home-sharing to be a guest in San Francisco have experienced and supported neighborhood businesses, especially restaurants. They've returned to their home towns and told others of the magnificence of the San Francisco experience, perpetuating the success of businesses that aren't in the typical tourist centers of the city, thus expanding the tourism business. From a host standpoint, I've served as a sort of concierge to the city to many visitors, enhancing their experience and then hosting their friends and family on subsequent visits, thus expanding San Francisco's tourism. I've also, on occasion, declined to host guests that didn't seem to fit the mold of a model guest that my neighbors and I would like to have in the neighborhood, creating an additional layer of security and screening that typical hotels would not.

I am sharing my San Francisco home sharing experience with you, the board of supervisors, in order to provide a perspective from a San Francisco tax-payer and voter with an interest in the future of San Francisco. I urge you to pass fair home-sharing legislation.

Sincerely,

Stephen Pons

**Ausberry, Andrea**

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**From:** Claudia Reyes [mateitoya@yahoo.com]  
**Sent:** Monday, September 15, 2014 6:32 AM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mai, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisors,

I am Claudia Reyes, self employee, citizen of the US who has lived in San Francisco for 10 years now.

Home sharing has made my life. I am taking care of my disabled mom, who is a week chair and has Parkinson's. I lost my job when my mom got sick and I was the only one who had to take care of her 24/7. Home sharing helped me living with mom while having an income nobody else provides me. I am single and my mom doesn't apply for full benefits yet. Home sharing has been a bless for me and mom and thanks to this income we can be economic independent while being in this unfortunate situation.

I've share my place with many guests from all over the world for two years. They all have been good people. I have never had any problem with any of them. I interviewed them and follow the verification and rating system on Airbnb also to make sure I know whom I'm bringing into my home. I've had a very nice, smooth experience with this job.

Please help me continuing taking care of mom !!

!!! Please pass fair home sharing legislation, please don't delay. please move this legislation forward !!!

Thank you so much.

Sincerely,

Claudia Reyes.  
Richmond District  
SF, CA.

SF Landlady

9/7/14

I feel so luck that I was able to buy a 2<sup>nd</sup> home in the Marina, looking to retired here, I'm in my sixties. I use the flat often when it's available.

Due to a downturn in the economy, I was forced to start the "short term rental business". I've feel like I've approached this in a serious and responsible way; however, when looking into getting the required permits from the City of SF, I hit a roadblock. The process is entirely over the top. I'm not a hotel and shouldn't be treated like one. I'm more like European pension. It should be an easy over the counter process. I even contacted an attorney and was quoted \$10,000 and no guarantee. I am a frequent VRBO guest around the world and really enjoy staying in homes, not hotels.

I'm semi-retired and I rent out my flat in the Marina mostly to families who don't won't a hotel experience. Some of my clients have grown children in the neighborhood and want to stay close by.

Other clients are also retired and want to stay in a quiet neighborhood and enjoy the local restaurants and sites. Or they have business conferences to attend down at Fort Mason. I've had other clients who are in town for medical reasons, usually staying over a month. These visits have involved radiation and chemo.

I've never had trouble with loud parties, or the neighbors complaining. I would like to submit the tax due, but only if it goes towards affordable housing. I don't know why the building department has to be involved. That's a giant bureaucratic hot mess. I say leave us alone, make it easy, legal, no restrictions other than what the free economy dictates.

I also contacted the federal SBA, to complain that SF is trying to shut down over 5,000 small businesses.

Who does that?

I urge you to make this process easy, collect your tax for homelessness or affordable housing without cumbersome processes.

Regards,

LandladySF





RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO



2014 SEP 12 PM 3:36 HEFFERNAN INSURANCE BROKERS

BY \_\_\_\_\_

A Member of the Heffernan Group

Dear Supervisors

We write to you as insurance professionals to express our great concern about Supervisor David Chiu's legislation regarding short-term travel rentals (aka "STRs" or "Airbnb Rentals").

Our concern stems from the fact that currently when an apartment building is used as a STR, the short-term rental "host", her fellow tenants and the property owner are completely uninsured. Rental properties cannot buy ANY insurance covering these rentals.

We have done extensive research on this issue. For our research we contacted five insurance carriers (Travelers, Sequoia, Golden Eagle, CIG (California Insurance Group), Philadelphia Insurance), and two insurance programs (CIBA, and Specialty Property) that are actively pursuing apartment risks (accounts) in California and San Francisco in particular.

#### **Our findings:**

##### **Currently STRs are completely uninsured in rental buildings**

We asked carriers and program managers how they would respond to learning of short-term rentals at a location they already insure. All said they would cancel coverage mid-term due to a *significant increase in hazard*, and/or change in risk classification. Even if a tenant had secured the minimum coverage required by the proposed legislation, carriers state they will not offer coverage if they are aware of short-term rentals.

##### **There is currently no insurance available to cover STRs in rental buildings.**

We asked carriers if they would offer insurance, at any price, to an apartment building with tenants renting units via short-term rental platforms. All are aware of, and have underwriting policies regarding short-term rentals. All decline any risk (building) that is known to have an apartment unit on these platforms. The issues they state are: 1) The tenant has no insurable interest in the unit and thus the carrier has no duty to defend the tenant nor respond to losses occurring due to tenant's commercial activities; 2) The carrier has no relationship with the tenant, 3) The inability to underwrite (evaluate) the tenant who is subleasing the unit.

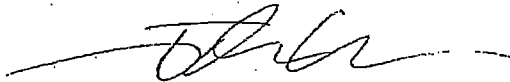
##### **Airbnb insurance does not cover rental units.**

We have reviewed the Airbnb "Host Guarantee" (see <https://www.airbnb.com/terms> Host Guarantee tab). It is an insurance policy. The Host Guarantee only affords coverage to a Host who owns 50% or more of the home/condo/apartment. So a tenant of an apartment unit is not afforded coverage. The apartment owner is not the host so the apartment owner is not afforded

further insurance coverage of STRs the current proposal will leave people uninsured, and severely damaged by its inadequacies.

Thank you for your attention to this issue. Please contact us if you have any questions at all about our perspective or the research we completed.

Thank you again,

A handwritten signature in black ink, appearing to read "John Vipiana", with a long horizontal flourish extending to the right.

John Vipiana, SVP  
Real Estate Practice Leader  
Heffernan Insurance Brokers



## San Francisco Apartment Association

To: **Andrea Ausberry, Clerk of the Land Use Committee**  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244

Re: **File Number 140381, Agenda Item 2 for Land Use Meeting 9/15/2014**

Hi Andrea,

Enclosed with this cover letter please find four copies of a letter from the President of Heffernan Insurance Brokers on the current status of building insurance in relation to Airbnb and Short Term Rental units and the problems with insurance as it relates to File Number 140381, which goes before the Land Use Committee on 9/15/2014 and is scheduled for Agenda Item Number 2. Please pass this along to Supervisors Kim, Wiener, and Cohen. A fourth copy is enclosed for President Chiu as the sole sponsor of the legislation.

Thank you.

Sincerely,

Charley Goss  
Government and Community Affairs  
San Francisco Apartment Association  
415.255.2288 ext. 14

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 SEP 12 PM 3:38  
*[Signature]*

**JAMES L. COWAN**  
1646 Grove Street, San Francisco, CA 94117  
415-563-5089 / 415-516-9625  
jlcowan@mindspring.com

Supervisor Scott Weiner  
San Francisco Board of Supervisors, District 8  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

September 10, 2014

Dear Supervisor Weiner,

We are writing to request that you support legislation that sets firm, equitable and achievable standards for home sharing in San Francisco.

My husband and I have lived in the city's North Panhandle neighborhood for more than thirty years. For much of that time, we have hosted visitors from other countries and other parts of the US: Students enrolled in local colleges, business people and scholars in town for meetings and conferences, and travelers anxious to enjoy one of America's showplace destinations.

In many cases, our guests come to visit relatives who live nearby but whose apartments are too small to accommodate them. The opportunity to stay in a friendly, welcoming place just blocks away from a son or daughter is a primary reason they prefer our home to a downtown hotel. Over the years, some people have stayed with us several times: first, to attend the wedding of their son or daughter, and later to welcome the arrival of their San Francisco grandchildren!

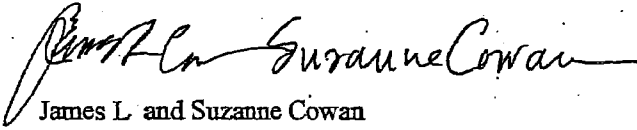
Our local community organization, the North of Panhandle Neighborhood Association (NOPNA), has long fought to keep "big-box" and chain stores out of the area while supporting the efforts of small, independent merchants to survive and thrive here. As charter members of NOPNA (we both served on the Board, and for seven years Suzanne edited and produced their neighborhood newsletter), we are proud that our guests help support the local economy. While many enjoy visiting the traditional tourist attractions, nearly every one of them has patronized restaurants, cafes and shops located within just a few blocks of our home, thanks to the resource list we provide. For us, home sharing is not just a way to earn extra money (although, being retired and on a fixed income, we are truly grateful for this financial help!), but a way to bring the world to our home and our community.

For all these reasons, we strongly urge you to support a law that will allow San Francisco residents to share their homes, while setting firm limits on the kinds of properties that can be rented out to temporary visitors. We are adamantly opposed to the exploitation of precious housing space by multi-unit property owners who rent to short-term guests at the expense of people who live and work in our city. Please press forward with the new legislation, but make sure to allow for its firm enforcement and establish strict penalties for those who abuse it.

*(Continued on the back)*

We appreciate your attention to this important issue and trust that you will proceed in the best interests of the people of San Francisco.

Sincerely,



James L. and Suzanne Cowan

CC:

✓ Andrea Ausberry, Ass't. Clerk, Land Use and Economic Development, San Francisco Board of Supervisors

San Francisco Supervisors David Chin, Eric L. Mar, Mark Farrell, Katy Tang, London Breed, Jane Kim, Norman Yee, David Campos, Malia Cohen, John Avalos

**Ausberry, Andrea**

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**From:** Trudi Neiverth [trudijanen@gmail.com]  
**Sent:** Friday, September 12, 2014 1:07 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation (File #140381)

**To Scott Wiener, et al.**

I began using Airbnb's services three years ago in order to seek out temporary roommates for my spare bedroom in my Townhouse on Potrero Hill. Airbnb was perfectly geared to this type of situation. I have found numerous renters from all over the world. The Airbnb service makes the process easy, safe and possible for like-minded people to get together. They provide a much needed service for both hosts and guests - unlike traditional services which are inappropriate for many people. It caters to a special minority of people who prefer a more "European" travel experience which adds a more personal touch. It also helps me cope with the increasingly higher living expense in San Francisco.

Airbnb operates in countries all over the world and my guests love it because it provides a different type of travel experience such as staying in a home and getting involved in a local Community where I am able to provide them with personal travel tips to enhance their stay. I have had the opportunity to meet wonderful people from all over the world who have stayed at my home anywhere from 3 days to 3 months. I still remain friends with some of my guests.

This type of experience is more intimate and roommate-like than a hotel stay. I got numerous inquiries about my home, but declined many of them because I'm very fussy about who I want to share my home with. Since I've been using Airbnb, I have been able to rent out my spare bedroom occasionally with time in between allowing greater flexibility for me.

I have never had a negative experience with any of my guests. All of my guests have been responsible and trustworthy individuals who show great respect for my property and the Community. As an intermediary, Airbnb has made the process safer and organized. Through them, I know a lot about my guests prior to their arrival as well as them knowing

about me and details about the space they are renting. Airbnb helps in any way they can to facilitate any and all problems with the process. They offer "conflict resolution" when necessary that I have used to my satisfaction which is so important when using a service such as this. Based on my guests' reviews, I know how much they enjoyed staying in a homey atmosphere and also greatly benefited from my showing them around the City and helping them locate the Community's popular businesses who also benefit.

Potrero Hill is a popular "hosting" neighborhood, with many residents renting out in-law units or spare bedrooms to guests who find them online. Since there are no hotels in or near the residential area of Potrero Hill, it's wonderful to be able to sign onto Airbnb and find a neighbor who may be willing to host someone's parents while visiting. This convenience is also financially friendly, with rates often a quarter of the price of a Union Square Hotel. I have also found it beneficial to live near San Francisco General Hospital, with many doctors on call looking for a place within walking distance of the hospital. The weather is also an appeal to guests. It also offers guests a very affordable place to stay. I think it's a tremendous service for anyone who uses it.

The experience is also more neighborly and brings the community together. If Airbnb didn't exist, it would be real inconvenient for people on the Hill to have guests. I think Airbnb "sets the standard for home-sharing" by finding reputable guests and hosts.

Sincerely,

Trudi Neiverth

Potrero Hill



**Ausberry, Andrea**

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**From:** Patricia [patti@patticakes.biz]  
**Sent:** Friday, September 12, 2014 1:03 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Scott Werner,

Home sharing has been around for many years. In many countries I have traveled I have always able to stay in people's homes. It is my preference and who wants to travel and stay in a hotel. It is not the same experience. Home sharing has changed the lives of thousands of people in San Francisco by providing a way to make ends meet, by stimulating local business and by giving us the chance to make new friends with travelers near and far. Let the Supervisors know how taking this away by failing to pass fair legalizing laws or by imposing over-burdensome restrictions will harm the citizens and voters of San Francisco as well as small neighborhood businesses.

Thank you

Patti LaRue

**Ausberry, Andrea**

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**From:** Pam O'Dea [pamazon@earthlink.net]  
**Sent:** Friday, September 12, 2014 12:56 PM  
**To:** Wiener, Scott  
**Subject:** Home sharing legislation

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The following information may be confidential, proprietary, or otherwise subject to legal privilege. If you have received this communication in error, please notify the sender immediately by e-mail. Do not disseminate, distribute, or take any action in reliance on the information contained herein. If you are not the intended recipient, you should not disseminate, distribute, or take any action in reliance on the information contained herein. If you are the intended recipient, you should not disseminate, distribute, or take any action in reliance on the information contained herein unless you are authorized to do so. If you are not the intended recipient, you should not disseminate, distribute, or take any action in reliance on the information contained herein. If you are the intended recipient, you should not disseminate, distribute, or take any action in reliance on the information contained herein unless you are authorized to do so.  
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## Ausberry, Andrea

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**From:** Gina Im [deathstar.gim@gmail.com]  
**Sent:** Friday, September 12, 2014 12:48 PM  
**To:** Scott.weiner@sfgov.org  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Mr. Weiner,

I'm writing to urge you to support home sharing legislation. Home sharing has been a great benefit for me personally. My partner and I had embarked on a 2.5 week cross-country road trip last summer, and home sharing was an amazing way to save money, make new friends and get an insider experience to exploring the new locale. We met some wonderful musicians who opened up their homes in the heart of New Orleans. They would sit on their stoop and play music in the mornings and invite us out to their favorite neighborhood bar in the evenings. In all my experiences, those willing to share their homes have been incredibly open, warm and welcoming. I've met some wonderful people through this outlet.

From a practical standpoint, home sharing is a great way for people to travel and find affordable accommodations. It can be cheaper than a hotel room and can serve as useful supplementary income for the host. In San Francisco, residents who open up their homes are threatened with evictions by territorial and entitled property owners who seem to begrudge the resourcefulness of their tenants. Despite property owners making a large profit from egregious rent hikes, they feel entitled to the small profit their tenants are making and feel the need to deprive their tenants of a small opportunity for tenants to make ends meet. This is an unfair upper hand that greedy property owners are taking advantage of.

So to sum up, I advocate home sharing because it not only allows greater mobility and accessibility of travel, but it can also greatly help home sharers with an additional source of income to make ends meet.

Thank you,

Gina Im  
San Francisco resident

**Ausberry, Andrea**

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**From:** Therry Frey [therryannfrey@gmail.com]  
**Sent:** Friday, September 12, 2014 12:40 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** re: Home sharing legislation

Dear Mr. Wiener,

I wonder if you know how stretched Americans have become financially, I mean really know. I'm one of the many who hope to rent their house out every so often to help ends meet. I can't, of course, live in my own home while I rent it out which, personally, I'm not ecstatic about, but as a retired person I'm on a fixed income which has recently not been enough. Health care is one of the major reasons.

Why is the government so concerned with the "small" people, who try to make a few bucks. Why don't you go after the people who have a lot and who have stopped sharing? Start taking it maybe a little more from the 1%. America has become a country of "winner takes all" and the hell with the rest of us. In Europe children grow up to be part of a whole and to think of the whole and that means sharing your fortune, to a degree, at least. In America that upbringing is obviously missing.

Please support Home sharing legislation File No. 140381.

Thank you

Therry Frey

**Ausberry, Andrea**

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**From:** Harrison Watkins [harrison.s.watkins@gmail.com]  
**Sent:** Friday, September 12, 2014 12:03 PM  
**To:** Wiener, Scott; Ausberry, Andrea; Chiu, David (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

I support home sharing. I love meeting people when I travel, but as I try to make ends meet, this is a great way for me to meet new people while they travel to my city.

Please keep it legal!

Harrison Watkins

## Ausberry, Andrea

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**From:** Liz Stinson [liz@lizstinson.com]  
**Sent:** Friday, September 12, 2014 12:03 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Hi all,

Thanks for representing all of us and doing your best to bring together the disparate constituencies that form our great city.

My name is Liz and I've been renting out two rooms in my condo (which I bought December 2013) for the past 5 or 6 weeks. I did not know it was illegal til just recently! I am originally from Omaha, NE, and not the law-flouting type!

Here's the deal. When I started using the Airbnb service in order to generate income on rooms that were vacant (and for which I did NOT want a longer-term tenant), I could suddenly see how my vision of supporting a child on my own would be possible. See, I'm 40. And single. And desperate to be a mother. The stay-at-home kind (remember? Midwestern roots). Let me repeat, *I was not renting these out to a regular (longer-term) tenant, and that option is much less attractive to me.*

With Airbnb, this dream of stay-at-home motherhood becomes a reality. Without Airbnb, I would only be able to earn \*a fraction\* of the income -- not enough to make it work.

Look, I know I'm not your typical "hard luck" story, and I'm not. But I do own my condo and invested a huge amount to get it. I would love the opportunity to **earn a fair return on that investment**. I hope you will hear my request with open ears and an open heart.

Sincerely,  
Liz Stinson

**Ausberry, Andrea**

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**From:** couch sailors [couchsailors@gmail.com]  
**Sent:** Friday, September 12, 2014 12:01 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Maia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Hello Scott,

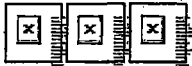
My girlfriend and I started renting out our room on Airbnb about a year ago. By doing so, we were able to afford to purchase a home instead of renting. And with the money we've saved on my mortgage, and the extra we've made on top, we've managed to buy a sailboat and now we're planning on sailing around the world! We keep a blog on [couchsailors.com](http://couchsailors.com) where we're documenting our story and explain the social benefits we're hoping to bring.

We're constantly following the news about the laws and regulations around Airbnb. It would be a shame that any regulations would prohibit people like us from renting out a home that we own and be able to achieve goals that we never thought were even possible to expand our horizons. Airbnb truly allows anyone to be an entrepreneur, and should be a representation of what San Francisco is all about!

Please follow our story on facebook and [couchsailors.com](http://couchsailors.com)

Best,

Gina and Jose | [www.couchsailors.com](http://www.couchsailors.com) |



**Ausberry, Andrea**

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**From:** Marin McElhany [mmcelhany@gmail.com]  
**Sent:** Friday, September 12, 2014 12:01 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Scott,

Home sharing is the only reason I can afford my mortgage and be a woman entrepreneur. Please don't take away my right to share my home with guests of my choosing. That seems unconstitutional to me.

Let Airbnb BE !!!!!

- Marin McElhany  
SF Taxpayer





# HOME SHARERS OF SAN FRANCISCO

The table below details the:

- 27 legal burdens and restrictions on home sharers,
- and
- 21 enforcement provisions

proposed and contained in both Supervisor Chiu's Bill and the Recommendations of the Planning Commission.

|                               | Legal Burdens and Restrictions on Hosts                                                                                                                 |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Supervisor Chiu's Bill</u> |                                                                                                                                                         |
| Sec. 41A.4                    |                                                                                                                                                         |
| 1                             | Host must be "Permanent Resident."                                                                                                                      |
| 2                             | Listing must be Permanent Resident's "Residential Unit."                                                                                                |
| 3                             | Permanent Resident must be a "natural person."                                                                                                          |
| 4                             | Permanent Resident must register the unit with Dept.                                                                                                    |
| 5                             | Permanent Resident must maintain "good standing" with Dept's Registry.                                                                                  |
| Sec. 41A.5                    |                                                                                                                                                         |
| 6                             | Host cannot rent to "Business Entity" to use as short-term rental.                                                                                      |
| 7                             | Host who is a "Business Entity" cannot engage in short-term rental.                                                                                     |
| 8                             | Host must "retain and make available" records to the Dept. regarding Primary Residency, number of days etc.                                             |
| 9                             | Host must occupy Residential Unit for "no less than 275 days out of the preceding calendar year" (i.e. non-shared hosting limited to 90 days per year). |
| 10                            | Host must maintain "records for two years demonstrating compliance" with requirements including residency and insurance.                                |
| 11                            | Host must make these records "available to the Department upon                                                                                          |

|                                                   |                                                                                                                                                                              |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                   | request.”                                                                                                                                                                    |
| 12                                                | Host must comply “with any and all applicable provision of state law and San Francisco Municipal Code” including taxes.                                                      |
| 13                                                | Host must maintain “homeowner’s or renter’s property or casualty insurance ... of not less than \$150,000.”                                                                  |
| 14                                                | Host must register and maintain registration “prior to offering” the unit.                                                                                                   |
| 15                                                | Rent Control Tenant Hosts cannot profit from short-term renting.                                                                                                             |
| 16                                                | Host must provide all information required by Dept. on registration application.                                                                                             |
| 17                                                | Host must pay Registration Fee.                                                                                                                                              |
| <b><u>Planning Commission Recommendations</u></b> |                                                                                                                                                                              |
| 18                                                | Merely “posting on a short-term rental site without first registering ... constitutes a violation that can be assessed a penalty, even if the unit was not rented.”          |
| 19                                                | Registration number must be on all listings.                                                                                                                                 |
| 20                                                | Increased penalties for repeat violating Hosts.                                                                                                                              |
| 21                                                | “Limit hosted rentals by nights rented, similar (to)... non-hosted rentals” (90 nights a year max), or “by limiting the number of rooms that can be rented at any one time.” |
| 22                                                | Single family home owning Hosts subject to same restrictions as multi-unit buildings.                                                                                        |
| 23                                                | Tenant Hosts must get consent of property owner.                                                                                                                             |
| 24                                                | In rented listings, Dept. must notify owner 30 days before registration.                                                                                                     |
| 25                                                | Owner of SRO units cannot use them as short-term rentals.                                                                                                                    |
| 26                                                | Limitations on below market rate rentals from short-term renting.                                                                                                            |
| 27                                                | Hosts whose homes have any Planning or Building Code violations cannot register.                                                                                             |

| <b>Reference</b>                     | <b>Enforcement Provisions</b>                                                                                                                                                |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Supervisor Chiu’s Bill</u></b> |                                                                                                                                                                              |
| <b>Sec. 41A.4</b>                    |                                                                                                                                                                              |
| 1                                    | Dept. must maintain Registry.                                                                                                                                                |
| 2                                    | Registry must be available for public review.                                                                                                                                |
| <b>Sec. 41A.5</b>                    |                                                                                                                                                                              |
| 3                                    | Director must “take reasonable steps necessary to determine validity of” Complaint, investigate (inspection and request for information), and conduct administrative review. |
| 4                                    | Director or “any interested party” can “institute civil proceedings” (\$1000 per day of unlawful rental) plus costs and                                                      |

|                                            |                                                                                                                                                                     |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | attorney fees.                                                                                                                                                      |
| 5                                          | Host can be convicted of criminal misdemeanor, punishable by up to \$1000 fine or 6 months in jail, or both.                                                        |
| 6                                          | "Offering a Residential Unit ... while not maintaining good standing on the registry shall constitute a violation."                                                 |
| 7                                          | Dept. has discretion to "require any other additional information necessary to show" compliance.                                                                    |
| 8                                          | Controller can "adjust the fees upwards or downward ... to ensure that the program recovers the costs of operation."                                                |
| 9                                          | Hosting platform must provide Hosts with registration and tax obligation information.                                                                               |
| 10                                         | Hosting platform must collect and remit "all required Transient Occupancy Taxes."                                                                                   |
| 11                                         | Hosting platform must provide notice to Hosts of registration requirements, and Host's information to Dept. or face \$1000 per day fine.                            |
| 12                                         | If Host does not correct violation within time set by Hearing Officer, the Dept. can ban the Host from listing for one year.                                        |
| <u>Planning Commission Recommendations</u> |                                                                                                                                                                     |
| 13                                         | Planning Dept. to be given total enforcement responsibility.                                                                                                        |
| 14                                         | Registry must track the number of nights a unit has been rented.                                                                                                    |
| 15                                         | Website platform must "provide information on the number of nights a property was rented."                                                                          |
| 16                                         | Hosts' listed home must be identified on Dept's public online Property Information Map.                                                                             |
| 17                                         | Merely "posting on a short-term rental site without first registering ... constitutes a violation that can be assessed a penalty, even if the unit was not rented." |
| 18                                         | Registration number must be on all listings.                                                                                                                        |
| 19                                         | Dept. to get authority to issue on-the-spot citations.                                                                                                              |
| 20                                         | Increase funding to Dept. for enforcement staff.                                                                                                                    |
| 21                                         | Dept. must maintain a list of registered hosting platforms.                                                                                                         |

## Ausberry, Andrea

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**From:** pangels@ [pacbell.net pangels@pacbell.net]  
**Sent:** Thursday, September 11, 2014 9:30 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Greetings!

I am a resident and owner of a property at 449 Parker Ave. between Turk and Anza. I have been a property owner in San Francisco for 22 years and co-own this family home with my mother. It is my primary residence and it is the home where I have raised my 3 children. As SF has become harder and harder to afford, home-sharing has allowed us to stay in our home and has helped our family to cover tuition for college for my children. It has also helped us to afford the increasingly high property taxes.

We have been sharing our home with guests from around the world for the last 3 years through Airbnb. It has been a fantastic experience for our whole family as well as for our guests.

We have hosted visitors from over 11 countries as well as many from different parts of the U.S. Most of our guests express that they either dislike staying in hotels or could not afford hotels in SF.

Many of them come with an empty suitcase or buy one to take home with all the wonderful items that they have purchased while shopping here. They are able to buy things that they cannot find in their country or home town. We also recommend and they partake of many meals in local restaurants.

In addition it has been a wonderful cultural experience for our family as we have gotten to know many interesting things about other cultures and have shared conversations and meals with many of our guests. Opening our home and our hearts to people of diverse cultures, religions and races has been helpful to us financially as well as being a culturally and emotionally enriching way to live.

I believe that home-sharing is helping to create a positive culture of sharing, peace, community and conversation between people who would not otherwise meet. I believe that it is changing the pscho-energetic tapestry of living together as a human family and learning to care, respect and share space with many types of people. I believe that it is improving the quality of life of families and visitors to SF and showing them what a city who has a long history of being committed to positive social change and creative visionary thinking, can do. I think that many parts of the world look to SF to be light-bearers and visionaries of a new global future that is more abundant and sustainable for all races, cultures and religions. I believe that the position that SF government takes with regard to home sharing is critical in creating a better world for future generations and a culturally rich and caring city.

We have been very impressed with the way that Airbnb has set up their platform and web-site for optimal security and screening of guests. It has allowed to me to learn a great deal about my guests before hosting them and we have never had any issue with guests disrespecting our neighborhood or home. As a matter of fact, our experience has been the opposite. Many of our guests are concerned about local issues such as recycling, sustainability and in fact, some of our guests use home-sharing as their main means of travel because it does use less resources and creates less waste than staying in hotels. We have found that most guests are willing to bend over backwards to help in the household and are interested and curious to know what local issues are and how they can support local businesses.

Some of our guests come to visit family members and enjoy staying for 1 week to 10 days and having the opportunity to visit with children, see grandchildren grow up, attend graduations and other family celebrations.

Many of these guests also dine out and enjoy the museums, cultural activities, concerts and cruises on the bay. Most of our guests say they would probably not be able to make the trip if not for the opportunity that home-sharing has provided them with. We are very grateful to be able to offer them a lovely place to stay and to offer many recommendations of how they can enjoy this great city. We enjoy being "ambassadors" of hospitality for the city that we love.

I understand that there are some new regulations on the table to help with some of the issues that crop up with home-sharing. I appreciate the need to create regulations that are fair and just and I want to add my voice to the voices of many others who support home-sharing and who see the benefit to our families and to the culture and economy of our great city!!

I do have concerns over the safety and security of having hosts on public record and while I am happy to register with the city I do oppose this. It would present a serious safety threat to me and my family.

I would appreciate an alternative solution that allows hosts to register with the city without making it a matter of public record.

I urge you to move forward as soon as possible to pass fair home sharing legislation.

Thank you very much!

Sincerely,

Elizabeth P. Gibbons  
Mary Gibbons Landor  
Property Owners  
449 Parker Ave.  
San Francisco, Ca. 94118

## Ausberry, Andrea

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**From:** Adelaide Williams [addywilliams@gmail.com]  
**Sent:** Thursday, September 11, 2014 9:26 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisors,

My name is Addy Williams. I have been living in the Precita Park neighborhood for the past 7 years, and have been living in San Francisco for 15 years.

I am writing because I want to express my strong support for home sharing in San Francisco. My partner and I have been home sharing for over 7 years in various ways. Our first foray into home sharing was to host students from Switzerland who were visiting San Francisco for a 3 month ESL program. We then started hosting traveling nurses who resided elsewhere, but came to San Francisco 2 – 3 times per month to work in the San Francisco General Hospital Emergency Department. Last year, we finally joined Airbnb and have been successfully hosting for the past 1.5 years. For us as hosts and as travelers, home sharing has many significant benefits:

- It provides us with much needed income to be able to stay in San Francisco. We have always made it a point to live near to where we work, but San Francisco is definitely not cheap. Now, with a young family (one 2 year old and two more on their way in January), home sharing is more important than ever for us to be able to continue to afford to live in San Francisco.
- Because both of our parents live internationally, when they visit, they come for long periods at a time. As such, we are not able to rent out our second unit to tenants. Without home sharing, our second unit would remain vacant, which is a loss of revenue to us and to San Francisco.
- It provides our Airbnb guests and our traveling nurses with an affordable way to visit San Francisco for leisure and work, without which, they most likely would not be able to afford to visit our city. Let's face it- San Francisco is expensive to live in and visit!
- It provides our local Precita businesses with tourism traffic that they would otherwise never receive.
- It has allowed us to see other cities from a 'locals' perspective that we could never get if we were to stay at a hotel, which are generally located in the city CBD.

We recognize that there are many persons and groups in San Francisco that are concerned about home sharing. While there can always be a few 'bad apples', the arguments against home sharing, in our experience, seem largely unfounded and fear mongering:

- **Personal security and safety:** All of our Airbnb guests go through a rigorous ID check to verify who they are. Additionally, we review the past guest reviews and ask them to write a personal note regarding why they are visiting San Francisco. If we are slightest bit uncomfortable, we don't accept their reservation request. Why would we risk our own safety, not to mention the safety of our neighbors?
- **Home sharing has a negative impact on the neighborhood:** Most of our neighbors are aware that we home share and they have never had a complaint. Often, our guests are grandparents coming to visit their new grandchildren, and need a place to stay as the room in their children's house is now occupied. Because we live right underneath our home sharing unit, we have a vested interest in renting to quiet, respectful persons. Lastly, in speaking with some of the local businesses, they are thrilled to have home sharing in their neighborhood. When was the last time a concierge sent

someone to Precita Park Café for dinner? Probably never. But as hosts, we recommend the local businesses around us all the time!

- **Home sharing takes rental units off the market:** While this may be a real concern for some, in our case, this is simply not true. Due to our periodic needs to make our second unit available to our parents, we have not and will not ever rent out our second unit full time. To leave it vacant not only hurts us financially, but it also hurts San Francisco. Yes, legislation needs to be written to protect tenants, but not to the detriment of home sharing.
- **Home sharing hurts the hotel business:** Those who choose home sharing as a guest do so because they don't want the experience of a hotel. There will always be persons who will want the hotel experience, but travelers want choices these days. This is just another choice. As a country, we have never supported monopolies. To ban home sharing is essentially to support a hotel monopoly in San Francisco. This seems 100% contradictory to what this city stands for.

As I hope I have expressed above, as a host and guest, home sharing is very important to me. As a resident of San Francisco, I look to you, the Board of Supervisors, to thoroughly evaluate and provide sound legislation on this issue. I hope that some of my experiences and thoughts have resonated with you and that they have provided you with an informative firsthand account of the impact of home sharing on your residents as you proceed with your fair evaluation, modification, and approval of home sharing legislation in San Francisco. San Francisco is in the spot light on this issue and whatever is decided will serve as an example for other cities. As such, we must get it right! San Francisco hosts and guests traveling to San Francisco are currently in limbo until this issue is resolved. We need new legislation now! I hope between these two needs that you, the Board of Supervisors, can spend the extra effort to move the legislation forward to an expeditious and fair resolution.

Sincerely,

Addy Williams

**Ausberry, Andrea**

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**From:** Board of Supervisors (BOS)  
**Sent:** Thursday, September 11, 2014 1:05 PM  
**To:** BOS-Supervisors; Ausberry, Andrea  
**Subject:** File 140381: The MPIC asks you not to send Supervisor Chiu's AirBnb legislation to the full Board  
**Attachments:** Airbnb Letter to Land Use Committee.docx

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**From:** Miraloma Park Improvement Club [mailto:miralomapark@gmail.com]  
**Sent:** Wednesday, September 10, 2014 11:46 AM  
**To:** Wiener, Scott; Kim, Jane (BOS); Cohen, Malia (BOS); Board of Supervisors (BOS)  
**Cc:** Robert Gee; Yee, Norman (BOS)  
**Subject:** The MPIC asks you not to send Supervisor Chiu's AirBnb legislation to the full Board

The Miraloma Park Improvement Club (MPIC), which represents 2200 homes on Mt. Davidson in an entirely RH-1 zoned neighborhood, asks you not to refer to the full Board Supervisor Chiu's legislation to legalize short-term, AirBnb-type rentals across the City. The legislation would reduce available long-term housing and degrade SF's environment, and Mr. Chiu has refused to make changes recommended by the Planning Commission. We understand that consideration of this item is on your September 15 agenda. Please refer to details in our attached letter.

Sincerely,

Dan Liberthson, Corresponding Secretary



## Ausberry, Andrea

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**From:** chris bigelow [cgbigelow@gmail.com]  
**Sent:** Thursday, September 11, 2014 2:08 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Short-Term Residential Rental Legislation, File 140381

Hello Supervisors: My name is Chris and I am writing in support of the proposed ordinance for legalization of short-term residential rentals (STRR). The issues are complex and call for a response that is balanced, nuanced and inclusive. However, the legislation as drafted, including recommendations from the Planning Department and Commission, inequitably excludes STRR in certain situations.

For example, it is quite common for buildings of three units or less, including homes with in-law units or perhaps an apartment above the garage, to be occupied by Owners and their extended family for a substantial duration, without ever leasing any of the units to long-term tenants. Such secondary units are already unavailable on the housing market, by virtue of the Owners ongoing use of the property, and are occupied as contiguous "shared space". The STRR legislation, in its present form, does not include such units.

My family has lived in a small two-unit building in North Beach, occupying both apartments, for over twenty-eight years. This is where my children were raised and where they now return as young adults for many family events, holiday visits and extended stays. The space that I now offer for short-term rental is the small (450 sq. ft.) one bedroom apartment that used to be the "kids floor"; it has been used for that purpose for the entire time that we have owned the building. That is, until I retired and we needed some additional income to meet our financial obligations. The option of short-term rental has provided that income, allowing us the long-term stability of keeping our family home intact, and the flexibility of keeping the space available for those important family occasions.

The benefits of this experience are spread near and far and wide. In fact, my very first Guests came from only a mile away, needing some respite from ongoing construction work in their building. Some of my Guests have come here several times from Europe to visit their children and grandchildren who live in the neighborhood. Many Guests travel with young children, so I take that as an opportunity to bring out a few of the toys and puzzles that my children enjoyed, and the space becomes the "kids floor" once again.

In addition to these direct benefits for STRR Hosts, there are substantial economic benefits for neighborhood merchants and the City in general. In fact, it has been estimated that over 80% of STRR listings are in neighborhoods that are outside the six central zip codes where the majority of hotels are located. Data for activity on Airbnb, which is but one of several STRR websites, indicates that annual local spending by STRR Guests totals \$115.5M, and that \$50.6M of that total is spent in the neighborhood in which they stay.

Accordingly: STRR of secondary units should be deemed "hosted rentals", and included in *Paragraph 41A.5(g) Exception for Short-Term Residential Rental*, provided that ownership and use of such units meet the following four criteria. These are not arbitrary standards; they include durations of ownership and occupancy that are parallel to and can be regulated in the same manner as the requirements of the City's Rent Code.

- (1) units are on the same property as the Permanent Resident's Primary Residence;
- (2) have been occupied as Primary Residence by the Owner or the Owner and extended family (as defined by the Rent Code);

- (3) have not been leased on a long-term basis during the present Owner's period of ownership, or, the long-term tenant vacated on his or her own volition; and
- (4) have been owned by the current Owner for at least 36 continuous months. This is the same period of time stipulated in the Rent Ordinance regarding landlord attempts to recover possession of rental units for the Owner or a Relative to move in. A longer duration might be appropriate: a period of 5 years (corresponding to the anti-speculation terms of Proposition G), or 10 years (corresponding to the duration of occupancy required in the Rent Code to establish the status of a protected tenancy).

In such situations a unit can be offered to Guests as a "hosted rental" and provide housing for family members who periodically leave and return as circumstances change over time. Neighborhoods benefit from long-term continuity of residence by multi-generational families. In fact, the option of short-term rental supports long-term stability for families to keep their homes intact, which is consistent with Objectives 2 and 3 in the City's General Plan Housing Element, which seek to "retain existing housing units" and "protect the affordability of the existing housing stock," respectively.

Opponents of STRR may state that such an exception would constitute the removal of a unit from the market. However, please bear in mind that such units have already been removed from the market for many years and in some cases for generations. Verification of the qualifying criteria for such an exception can be addressed in the course of registering the unit on the proposed Short-Term Residential Rental Registry. The validity of the exception would lapse at such time that Ownership and / or use of the property no longer comply with the above criteria. The inclusion of a specified "exception" in the ordinance is preferred to a required "variance" or "conditional use" procedure, thus avoiding a public process that would be required for each and every single unit, resulting in less time and cost for all parties, including City staff who must administer such proceedings.

I am confident that a thoughtful investigation of the issues will result in STRR, including secondary units, being beneficially incorporated in San Francisco's regulatory system. Long term use and occupancy of homes by multi-generational families is deserving of protection for the same reasons that certain existing regulations provide protections for tenants and even for historic structures. Such regulations help to maintain and protect our families, as well as our cultural and economic landscape.

Thank you for your consideration.

Chris Bigelow

**Ausberry, Andrea**

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**From:** Angus Whyte [anguswhyte@mac.com]  
**Sent:** Wednesday, September 10, 2014 2:24 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** LAND USE COMMITTEE HEARING File #140381

Dear Scott,

My partner, thom grexa phillips and I, request that you and your colleagues on the Board of Supervisors support the concept and realities of home sharing. It benefits not only those who rent out spare rooms, it benefits the visitors who come to San Francisco wishing to be in an environment which is both welcoming and personal. They appreciate learning about the City from those of us who are familiar with it, and they prefer a home environment to that of an impersonal hotel room.

We look forward to seeing you at the hearing.

With thanks and best wishes

Angus

## Ausberry, Andrea

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**From:** Anita Pereira [soapplant@hotmail.com]  
**Sent:** Wednesday, September 10, 2014 9:54 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Breed, London (BOS); Kim, Jane (BOS)  
**Subject:** PLEASE support home-sharing-File #140381

Dear Board of Supervisors,

Hello. My name is Anita. I live in the Sunset neighborhood, and have been sharing my home through Airbnb for 4 years. It has been absolute Godsend to me, keeping me afloat financially. I am writing to ask you to PLEASE allow me to continue to do this so that I can pay my bills.

I lost my two steady part-time jobs in 2010. Being of an older age (age 50 at the time), I have found it difficult to find steady work every since. I had purchased my single-family detached house (I think it is the smallest little shack on my block) on my own in 1996 when the economy was booming, and when my independent contracting work was at its peak. In 2010, the job losses left me with no income to pay the mortgage, insurance, taxes, repair bills, health insurance, living expenses, etc. etc. It was a petrifying situation.

Then I heard of Airbnb, and since I was desperate, I decided to do something I had never done (and was extremely scared of doing) before-- I tried it. It turned out to be a lifesaver! You can only imagine how grateful I was/am to be able to pay my bills again. Being too young to tap into my retirement savings, and apparently too old to be given a steady permanent job, Airbnb provides me with the life-line income with which to survive during these "gap years".

In addition to the income, Airbnb provides me with a way of having someone watch my home, and make sure it is safe when I am away from it. I spend two to three days a week in Richmond where my long-term partner, Paul, lives. There, in his sunny garden, I am creating a Native Plant Garden for Wildlife in his and neighboring yards. This project was started to help keep me from being depressed worrying about my lack of money, and my difficulty in finding work. It brings great joy and is something I am passionate about. It allows me to be constructive, instead of being overwhelmed by depression brought on by financial woes. Airbnb enables me continue to do this passion, lessening my worry about whether my home has been broken into today, whether the water heater burst, whether my front sidewalk needs to be swept, or who-knows-what else...

I will never be putting my house up as a long-term rental because Paul and I are not (and are not planning to be) married and therefore I cannot give up the one and only secure roof I have over my head. Home sharing lets me keep MY home.

Please also consider that I am not the only one who benefits from sharing my home. The small mom-and-pop grocery store, restaurants, nail-salons, local pub, and other small businesses down the street also benefit. My Airbnb guests purchase groceries from the mom-and-pop store, eat brunch at Squat and Gobble, and have dinner at Roti's, and Tsing-tao's. All these small struggling establishments get a real economic boost from the disposable income of my Airbnb guests.

And lastly, a whole range of sweet absolutely ordinary people, in the form of my guests themselves, benefit from the service Airbnb provides. My guests tend to be people ranging in age from 30's to 60's and 70's. I primarily host FAMILIES---families with young children ranging from two months old to teenagers (they find my two bedroom house much more appropriate, and certainly much more affordable, than hotel rooms), families who want to be close to a family member who is receiving treatment at UCSF, tourist families visiting San Francisco for the very first time, families visiting their relative who lives a few blocks away but who has no spare room to host them, families whose young son is enrolled in a course at the SF Ballet or the local YWCA. The list is endless, but the common thread is that Airbnb makes they stay more pleasant by providing badly needed comfortable lodging that does not cost "an arm and a leg". Also, needless to say, the friendships that are formed are priceless. Any barriers that exist between people/strangers from different parts of the world, just keep getting broken down and I think the world just becomes better for it.

And there has never been any issue to trouble my neighbors with. My neighbors on the left side of me, Chris and Angelino have made friends with the guests who come during December (to work at the Christmas at the Cow Palace), going to hang out with them at the local pub down the street. My neighbors across the street, Ken and Clare, say they enjoy meeting the people who come from all over the world. (Ken has been written up in my guest book as being so friendly he even offered the guest his hose to wash his/guest's car!). My neighbor to the right of me, Jim, says he has no issues with me renting out my home this way. None of my guests, whom I screen very carefully, has caused any problems in the neighborhood whatsoever--My guests are all OLDER folks, emotionally mature, and respectful of the neighbors and the community. I am a phone call away if any problems arise; all my neighbors have my phone number and my email address. There has been not a single problem with the over 150 guests I have hosted since 2010.

Another consideration please: Please be aware if you would be so kind, that a limitation of home-sharing to allow mostly "hosted" stays/days, will financially kill the whole class of us older hosts. We older-generation hosts need the income primarily to pay for our homes; we are not young youthful X-generation folk who are renting out their landlord's space. As such we will be put at a huge economic loss if mostly all that is permitted is the "hosted" type of sharing (roommates). Being room-mates does not appeal to most all guests over the age of 35 or 40, (nor to me/us hosts over age 50) and as I indicated previously, it is these older-age guests that is the primary type of guests we get. Also, since these older guests typically have families, they are not interested, nor would they be able to fit, in a room-mate situation. They are looking for an "entire place of their own." How could I rent my second bedroom to a whole family, while I occupy the first bedroom? How will they fit? Limiting the number of days of "un-hosted/entire space" sharing will work for the young single people (these young ones do not have any desire to be room-mates with me/us old fogie-stogies). However it will not work for the older, family-group travelers. Limiting home-sharing to primarily just "hosted home-sharing" is going to be a very REAL unfair hardship for us older hosts, disproportionately benefiting only the solo young hosts and guests, but hurting us older folks. Please let us "old folks" have an equal way of earning our income, which is just as desperately needed too.

I really hope that you will allow something that is vital to the survival of working-class people to continue. I ask that you please work to form fair legislation that benefits all--- people struggling to pay their bills, local businesses trying to survive in harsh economic times, a world-full of ordinary working-class families who find that coming to San Francisco to visit is something they may/can really afford now, and lastly, our beloved City of San Francisco which stands to receive a windfall of additional tourist tax revenue.

Thank you so much for your consideration. I pray that you will support home sharing. I, and so may others like me will be absolutely financially devastated without it.

Sincerely,  
Anita



**Ausberry, Andrea**

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**From:** Zachary Bell [zachmbell@gmail.com]  
**Sent:** Wednesday, September 10, 2014 6:39 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Scott,

Home sharing and specifically airbnb, has truly changed my life for the better. I have been given the freedom to work on projects in different cities without the cost and time barrier of moving and rent tied to one location. This allows me to still have the security of my own home and the ability to travel for work and personal reasons without packing everything into storage, trying to find a sub-letter on Craigslist, or paying such high rents for a unit that I'm not using when traveling.

Airbnb saved my relationship as my partner was offered a role in NYC and I am able to leave for a week at a time to visit her. If I had to pay the rent that week and wasn't able to use airbnb I would not have been able to afford it.

Home sharing has enriched my life and allows me to still call my home, my home. Please keep San Francisco the greatest city in the US by allowing home sharing to continue.

Thank you for your time and service to the best city I know!

//Zach  
+1.908.433.6706

## Ausberry, Andrea

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**From:** Mira Weinstein [miralesliew@gmail.com]  
**Sent:** Tuesday, September 09, 2014 9:07 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Marina Bennett  
**Subject:** Support home sharing legislation

Dear Supervisors,

I've lived in the Outer Richmond – the very Outer Richmond – for about five years.

If you're tracking messages for and against the home sharing legislation, put another check in the "for" column.

If you're interested in why, keep reading.

First, home sharing contributes to the very local economy. Visitors who stay in outer neighborhoods like Ocean Beach patronize businesses like Kawi ka's Ocean Beach Deli or the Beach Chalet. They would never go all the way out there if they weren't staying in the neighborhood.

Next, visitors who stay in private homes are looking for a different experience than a traditional hotel offers. For many visitors, it's part of what makes a visit to San Francisco special. Hosts can provide insights into off-the-beaten track sites and things to do, local favorite restaurants and stores. What hotel staff person is going to suggest visiting the 16th Avenue steps? What tourist would go to see them if they weren't staying in the Sunset?

Legitimizing home sharing will improve local economies and introduce visitors to places they'd never see otherwise.

Many of the arguments against home sharing just don't ring true, including the argument that legitimate home sharing would take affordable rental space off the market. Even though I rent a two bedroom apartment, the second bedroom won't be filled with a roommate, even if home sharing legislation fails. I moved into a two bedroom so I would have space for visiting friends and family. A roommate would make that room unavailable when they come to town. Besides, I'm not a very good roommate.

Please support home sharing legislation to help support very local economies and those of us who want to show off the very best of San Francisco. Besides Pier 39 and Fisherman's Wharf.



**Ausberry, Andrea**

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**From:** ben shapiro [bshap123@gmail.com]  
**Sent:** Tuesday, September 09, 2014 8:28 PM  
**To:** Wiener, Scott; Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS)  
**Subject:** File number: 140381]

Honorable Mr. Supervisor,

I am writing to let you know how important for me and my family to find Airbnb and become member and participant in this venue.

I don't have to tell you how expensive life in the City is. You probably heard it time and time again and know from your experience living in the City.

My husband is retired and on Social Security and I am after working for almost 40 Years making \$37,000 dollars a Year working for non profit Organization.

We still have our mortgage to pay and want to be able to buy presents for our grandchildren.

It is almost impossible to do all that on the money my husband and I are making and I am close to retirement myself and will get even less. Not to mention medical bills.

By renting out part of our house hopefully will let us live normal life and not count every penny to survive. Plus it gives us flexibility not to rent when our children and grandchildren visiting us from out of State. They have place to stay.

Airbnb's genius idea made millions of people able to afford to travel and helping local businesses in our City and around the world.

Recently we hosted two young sisters who came to San Francisco to attend concert in Golden Gate Park.

They cannot afford to stay in expensive hotel.

Airbnb give them ability to find something cheaper and closer to the park.

Since all money transactions going through Airbnb, it makes sense to make them legal.

Thank you for your consideration,

Maria.

**Ausberry, Andrea**

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**From:** Sfmimsy@aol.com  
**Sent:** Tuesday, September 09, 2014 8:24 PM  
**To:** Wiener, Scott  
**Subject:** Please support home sharing legislation [File number: 140381]

I am writing to ask you to support home sharing in San Francisco. Sharing our home is the right of anyone in the community and should be encouraged, not made more complicated.

The people who are opposed to home sharing are quick to blame the residents who do share their homes for the shortage of rental housing and the high prices for rents in San Francisco. This tiny segment of the housing market hurts no one yet helps bring visitors to SF who would never pay the high prices in hotels, helps small business owners who profit from visitors to the outlying neighborhoods (rather than keeping all the tourist money downtown or in the Fisherman's Wharf area) and brings enhanced cultural understanding and great public relations to the city.

Please keep in mind that the majority of the rooms being used for home sharing were never in the rental market and never would be. They are spare rooms and extra beds and couches that home sharers offer in their own homes to mostly young international travelers who would not stay in the high priced hotels.

Home sharers are not responsible for the high rates for rentals in SF. Rents have been too high for the 47 years I have lived here and who were the nay sayers blaming then? If the Ellis Act is being abused, go after those people, not home sharers. If landlords are gouging tenants, go after them. If it is nearly impossible to build affordable housing in SF, change the obstacles, like the permit process or other planning restraints and encourage more housing.

Support legislation that permits this growing phenomenon and keep in mind that home sharers are helping the economy and the neighborhoods and enriching the quality of life for all of us.

Miriam Goodman

## Ausberry, Andrea

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**From:** Mick Dimas [mickdimas@gmail.com]  
**Sent:** Tuesday, September 09, 2014 4:52 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen; Malia (BOS); Avalos, John (BOS)  
**Subject:** I urge you to support home sharing legislation [File number: 140381]

Dear Supervisors,

I have been a resident of San Francisco for over twenty years and I live in the Castro and am a member of the Castro Eureka Valley Neighborhood Association. I love my city and work to make it a better place.

Home sharing is an important issue for San Francisco and should be made legal and I hope you can pass Supervisor Chiu's proposed legislation.

Home sharing is great for the citizens of San Francisco because it allows San Franciscans to share their lives with their friends and relatives that don't live in San Francisco. As we all know the City is an expensive place and hotels are even more expensive. Home sharing allows parents visiting their children or grandchildren a place to stay and feel at home. A grandparent visiting their grandchild doesn't have a negative impact on a neighborhood.

The idea of out of control tourists the opposition likes to tout is simply not true. As a host I have had the opportunity to help San Franciscans have their loved ones share in many weddings, birthdays and graduations. The spirit of homesharing in fact echoes the values of San Francisco in keeping loved ones close together and experiencing the City how it truly feels for a San Franciscan. From getting coffee in the morning at the local cafe to dining at one of our many wonderful restaurants and infusing cash into the corner store by buying bananas and bread. The spirit of homesharing not only enriches the sense of what means to be a San Franciscan it also adds a significant cash flow to locally owned small businesses in San Francisco.

And by passing this legislation it will also let the City add to its coffers. Regulating homesharing will create new tax revenue that the City can use to help build more parks and fund our police and fire departments.

Please move forward and support Supervisor Chiu's measure on home sharing as it will help not only San Franciscans, but the City as well.

Sincerely,

Mick Dimas

**Ausberry, Andrea**

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**From:** Shaily K. Gupta [shailykgupta@gmail.com]  
**Sent:** Monday, September 08, 2014 9:54 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Board of Supervisors,

Home sharing is mutually beneficial for hosts, guests, and communities. It allows hosts an additional source of income as San Francisco continues to raise its rents; it allows guests the opportunity to stay in neighborhoods they normally would not have access to; it allows communities to benefit from the distribution of spending that tourism can bring.

Please support home sharing legislation (140381). Your small action will make a big difference for many people.

Thank you,  
Shaily K. Gupta

**Ausberry, Andrea**

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**From:** Shaily K. Gupta [shailykgupta@gmail.com]  
**Sent:** Monday, September 08, 2014 9:54 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Board of Supervisors,

Home sharing is mutually beneficial for hosts, guests, and communities. It allows hosts an additional source of income as San Francisco continues to raise its rents; it allows guests the opportunity to stay in neighborhoods they normally would not have access to; it allows communities to benefit from the distribution of spending that tourism can bring.

Please support home sharing legislation (140381). Your small action will make a big difference for many people.

Thank you,  
Shaily K. Gupta

## Ausberry, Andrea

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**From:** SARA MCGHIE [mcghie4@comcast.net]  
**Sent:** Tuesday, September 09, 2014 12:43 PM  
**To:** Wiener, Scott  
**Cc:** Breed, London (BOS); Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Katey.Tang@sfgov.org; Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing Legislation ( File # 140381)

I am a home owner in the Upper Haight neighborhood and I have been a host for airbnb since May 2014. I have found their service to be fantastic. The income I get from home sharing through them has enabled me to make property improvements like painting, fireplace upgrades, and landscaping to my home. The extra income makes a huge difference to the affordability of a place in San Francisco.

Additionally, being able to introduce travelers to my neighborhood is a benefit to the area. Not surprising, since I put my place on the airbnb site, I have been almost completely booked through December. So its a mutually beneficial arrangement – travelers want to stay here ( and there aren't many hotels in the area) and I gain necessary income by hosting them.

So please support home sharing legislation – it's something your voters want!

Sincerely,

Sara McGhie

**Ausberry, Andrea**

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**From:** Yigit Ucar [ucar.yigit@gmail.com]  
**Sent:** Tuesday, September 09, 2014 2:27 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Commissioners,

My name is Yigit Ucar. I live in USA and also SF since 3 years. I moved to this beautiful country to have better life and better human rights. I am originally from Turkey and applied for gay asylum and 1.5 year ago has been approved.

Since this long procedure, I spent all money. I had to start my new life from zero point and also I had to survive with high rental situations.

Thanks god, my friend gave me an advice to use [airbnb.com](http://airbnb.com), and I started to earn extra money.

What happened after?

1. I could start to workshops for my careers
2. I could get my EIT license
3. And now I am working as an engineer.

Since high rental rates in SF, I know lots of my friends suffer to survive. But with home sharing, they can live here and also me. And we may have better life conditions.

If I couldn't share my home with somebody, and earn extra money. I am sure; I wouldn't have my professional career yet. And this solution, gave me a different life.

Please don't ban this opportunity in SF. Otherwise SF will lose diversity. And you will have to deal only software engineers or google workers.

Best Regards





**Ausberry, Andrea**

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**From:** Ian Goldstein [ianmgoldstein@gmail.com]  
**Sent:** Saturday, September 06, 2014 9:24 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Hello, Supervisor Wiener. I am a homeowner in the Castro, and I am writing in support of the home sharing legislation coming before the Land Use Committee this month.

I have been using Airbnb for two years to share an extra bedroom in my home with visitors to the city. The extra income from these short-term rentals allowed me to stay in my home after my divorce two years ago, allowing me to remain in the home I love and in the neighborhood I love.

My guests enjoy being in our neighborhood, and I can assure you they spend lots of their tourist dollars directly in our neighborhood cafes, restaurants, bars and shops.

Please note that I would NEVER consider renting out my spare bedroom full-time, since I also enjoy having my parents and friends from across the country come visit me and stay in my extra room. That means that my short-term rental activity has absolutely no effect on the availability of rental housing the city.

Short terms rentals have been nothing but a positive experience for me, for my neighbors, for my community, for our neighborhood, for the city, and for all the wonderful visitors to our amazing city who I've had the great pleasure of meeting during my two years of home sharing.

I urge you to please support the home sharing legislation.

Thank you,

Ian Goldstein

## Ausberry, Andrea

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**From:** Russ Cohn [russcohn@yahoo.com]  
**Sent:** Sunday, September 07, 2014 9:30 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Home sharing pays for my son's daycare at the Holy Family Day Home in the Mission. That extra income allows our family to remain in San Francisco. Please support Supervisor Chiu's proposed legislation making home sharing legal.

It is so difficult for families to live here. I've lived here for 15 years, my wife and I both work in SF, we own our own home in District 5, and we hope to raise our son here. It is a stretch financially. Luckily our home has a spare suite with a bathroom and a separate side entrance to the street, which we rent on airbnb. The suite has no kitchen and we don't want to build an illegal one. Certainly we can't share our own kitchen with strangers due to safety with a young child in the house. So there is no other option for us to rent out these rooms. We have renovated it with full permits, at great expense. We have never evicted anyone or even had a regular monthly tenant, due to the kitchen situation. We have never had a complaint from a neighbor or paying guest. If you are still reading, please note these important details:

1. A registry is intrusive and offensive. We are not sex offenders or terrorists! My grandparents in Nazi occupied Europe had to join a registry because they were Jews, and clearly that didn't go well. A simple permit or business license should suffice.
2. A limit by days per year is demeaning. I own my home. This is an important source of income and I don't think government has a right to limit it. If renting it out is safe and legal, why limit it to 90 days, or any other arbitrary time? Will you cap days of operation for taxis, pot clubs, chain stores or any other legal businesses? I can accept the hotel tax and other reasonable regulations, but please no day limit.
3. My airbnb unit is listed as an "entire unit". Please don't confuse this with a full legal "dwelling unit" under San Francisco laws. It has no kitchen and therefore is not a dwelling unit. It can not displace a monthly protected tenant. Our visitors eat out at our neighborhood restaurants so a kitchen is not necessary and the setup is fully disclosed in our listing. Whenever I hear about the number of "full apartment units" on airbnb displacing monthly tenants I just get angry.

**Ausberry, Andrea**

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**From:** Megan [morrismegan@gmail.com]  
**Sent:** Sunday, September 07, 2014 6:24 PM  
**To:** Wiener, Scott  
**Cc:** Megan Morris; Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Hi Scott,

I own a condo in Alamo square on Hayes and Steiner and am in support of hosting the friends I meet bc of airbnb through short term rentals (the avg request is 3 days).

I am CEO of localhero which is helping make it easy for our restaurants in San Francisco source from our local farms. And growing.

Airbnb has changed my life. Not only do I meet incredible people making big contributions to the world but I also get part of my mortgage paid. this allows me to spend more money on the city I love.

My guests love staying. I love making personal recommendations on where to go and see and eat, and often they want to stay longer because they see an insiders perspective.

Please support short term rentals (I pay property taxes too and would like to share my space with friends and use my one home of which I live in and own as a place to host short term renters. most of the requests I get are less than 3 days and my guests are wanting that personal local experience that hotels can't offer.

Megan Morris

—  
Megan Morris  
415.994.6549

## Ausberry, Andrea

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**From:** Cecilia Galiena [cgaliena@gmail.com]  
**Sent:** Sunday, September 07, 2014 4:03 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisors,

my name is Cecilia Galiena, I've lived in South Bernal for the last 8 years and in San Francisco since 2003. I am an artist and researcher for Apple and since my husband left for a secure job to a city out of state in 2010, I have been struggling to make ends meet. I love San Francisco, I have friends visiting from Italy every year (I am Italian) and they are always full of admiration for this unique and special place.

Since about 2011, I have been hosting visitors in my spare room to help me afford staying in the city. We have a daughter - honor roll - at a good school in San Francisco and we are engaged with the local community volunteering for Alemany Farms - Outdoor Kitchen Project, to educate to healthy and tasty eating people from all walks of life.

Home sharing is sometimes perceived as dangerous, but to assure you it is not: a) I would never put my daughter's life at risk, b) I have been using a web platform - Airbnb - that allows me to screen my potential guests, with ID and phone checking and reputation history. My neighbors are aware and don't mind because my rules are: good neighborly behavior and no loud noise after 10 pm.

People think that h\_\_\_\_\_

On a personal note, I have had many guests staying at my place, not only they were all good people, but it is always a joy to see how much enthusiasm they show for our city, they always come back with new and interesting stories and angles. In addition, I've hosted several job seekers who ended up re-locating to San Francisco. I wonder if their job seeking plans would have actualized had their only lodging option been hotels and thus, I do wonder what's the impact on the city finances and prestige when more professionals move in from other cities.

I therefore ask you to pass fair home sharing legislation, without delay, to allow for the city of San Francisco to benefit from home sharing and keep its broad and diversified residents base, a trait that characterizes all good cities worth visiting world wide, including my native Rome - Italy.

Concluding, I - together with all the other home sharers - trust that the City of San Francisco will do the right thing by its citizen's base and by contemporary history, trail blazing a new economic model worldwide.

Yours truly,

Cecilia Galiena

**Ausberry, Andrea**

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**From:** Lewis Stringer [lewisstringer@hotmail.com]  
**Sent:** Friday, September 05, 2014 11:58 AM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisor Wiener,

I strongly urge you to support Supervisor Chiu's home sharing legislation. My wife and I are middle-class parents and home owners in District 8. We are co-owners of a 10 unit TIC and would greatly benefit from the added income that short-term rentals provide when we go away. As you are aware, it is increasingly difficult for middle-class families to afford to live in San Francisco. While we are fortunate to own our home, there have been many times in the past few years, that we have contemplated selling it and moving to a less expensive area. This legislation would significantly improve our ability to afford to live in San Francisco and raise our children here.

Sincerely,

Lew Stringer

425 Buena Vista Ave East

San Francisco, CA,

94117

**Ausberry, Andrea**

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**From:** Thomas Spano [tom.spano@yahoo.com]  
**Sent:** Friday, September 05, 2014 3:00 PM  
**To:** Wiener, Scott  
**Cc:** Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Ausberry, Andrea  
**Subject:** Please support home sharing legislation [File number: 140381]

Greetings Civil Servants,

I'd like to take this opportunity to urge you to support the upcoming home sharing legislation.

Here's why:

I've been living in San Francisco for a year now, in a ridiculously expensive, very small apartment, while trying to get my fledgling startup off the ground. The absolute ONLY way I can meet my financial obligations on a monthly basis is by allowing travelers who can't afford SF hotel prices to stay in my home.

This greatly offsets my high living costs, and also contributes greatly to the local businesses that would never see a dime from a typical, Union Square tourist.

If I am no longer able to afford to live in SF, I will take my startup, and my dollars, and I will relocate to a more affordable city. I will have no choice.

I thank you for your time,

- Tom  
@tomspano

**Ausberry, Andrea**

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**From:** Sean Walton [seanwalton@gmail.com]  
**Sent:** Friday, September 05, 2014 12:48 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisor Wiener,

I was fortunate to buy a condo unit in November of 2010 and while the prices were a lot lower then, it was still a stretch on the income of a single architect. I was concerned I would be a slave to my mortgage and not be able to travel or try all the great bars and restaurants of the city. I heard about air bnb through friends and hosted someone at my place while I was out of town. It was a great experience and it liberated me from the fear of being stuck in my home never going out. Now I host guest guests about twice a month when I'm out of town.

An air bnb study says guest stay longer than they would if they had to pay hotel prices they also tend to visit more local businesses. This makes sense because guest are often asking me for restaurant and neighborhood recommendations. Because the city is not adding much hotel capacity but planning to expand the Moscone Center air bnb is a great way to absorb the extra demand for accommodations.

While I don't condone landlords converting long term rentals to temporary rentals nor do I condone people renting out their rent controlled apartments and living elsewhere evidence I have seen from air bnb shows that that is rare and most people only have 1 listing which is typically an extra bedroom or their place when they are out of town for work or vacation. I feel the housing shortage has more to do with underproduction of residential units for many years and it will take many years to get out of it. There should be a mechanism for responsible hosts to share this great city with the world.

kind regards,  
Sean Walton

**Ausberry, Andrea**

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**From:** Stephanie Johnson, CRS [sjohnson@zephyrsf.com]  
**Sent:** Friday, September 05, 2014 11:26 AM  
**To:** Wiener, Scott; Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS)  
**Subject:** Support Home Sharing Legislation (File #140381)

Dear Scott Wiener,

I am a resident and a home owner in your district and I want to express my support for home sharing in SF. I share my home (a room and bath on the lower level of my house) in order to continue to afford the cost of living in SF with two children. We have had excellent experiences with all of the guests we've accommodated and feel that home sharing not only assists us with the high cost of living but also enriches our lives.

Home sharing brings business travelers, tourists and the extended family of Noe Valley residents into the neighborhood where they spend their money in local restaurants and businesses. It also brings our neighborhood closer - I've met several of my neighbors as a result of hosting extended family for folks who don't have a spare room for their guests. I've been in the same house for 10 years and this year, as a result of home sharing, I've met several neighbors that I otherwise would not have known. What a wonderful way to build community.

I hope you will communicate all of the positive effects that home sharing has had on our area and that you will support legislation that will allow it to continue.

Thank you,

Stephanie Johnson



Stephanie Johnson, CRS  
Realtor and Top Producer, CalBRE# 01496050  
t: 415.217.9479 f: 415.277.3803  
e: sjohnson@zephyrsf.com | w: stephaniejohnsonsf.com





## Ausberry, Andrea

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**From:** Megan Mercurio [meganmercurio@gmail.com]  
**Sent:** Friday, September 05, 2014 11:16 AM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisors,

I am writing to share my story with you in the hopes that you will support home sharing in San Francisco. I am an SFUSD English teacher at the Juvenile Justice Center, and after the birth of our daughter, we took time off to live in Manny's home country, Venezuela, and travel with our baby. The decision to spend this time together as a family cost Manny his job. He now works as a stay at home dad, and Airbnb helps our family pay the mortgage. We consider ourselves activists in San Francisco, and want nothing more than to be able to continue to invest our energy serving the community. The extra income Airbnb generates gives us the freedom to stay in San Francisco while continuing to develop connections and friendships with travelers around the world.

Airbnb is the reason my husband, Manny, and daughter, Scarlett, and I are able to continue to live in San Francisco. As avid travelers, we have always seen Airbnb as a way to travel from within our living room. After hosting more than 150 guests, we have a renewed faith in humanity, as we have yet to have an unpleasant encounter with any of our amazing guests. Indeed, we are now rich in friends from all over the world. Beyond this, home sharing presently enables us to survive.

I hope you will consider my story and fully support home sharing in San Francisco.

Respectfully,

Megan Mercurio

Lower Nob Hill

**Ausberry, Andrea**

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**From:** Joe Murray [jdm568@gmail.com]  
**Sent:** Thursday, September 04, 2014 5:08 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisors,

My name is Joe Murray and I've lived in San Francisco in a studio loft on Russian Hill for 43 years. In the many years I worked for Philips Electronics and later for HP, I traveled a great deal. As a bachelor being away from home for weeks and occasionally months at a time didn't bother me. What I did find disturbing were the four break-ins and robberies that I fell victim to while away. My alarm system didn't deter the thieves, nor did the police provide any solutions.

Then I discovered home exchanging. Long before Airbnb, Roomarama and the rest, I found Intervac, joined and began making my home available for trade while I traveled. Due to my location, I had little trouble in getting trades. For the most part these trades were one sided. Occasionally I'd find a swap in the city I was traveling to, but for the most part I "banked" the swap to be used at a later date. Thereafter I began giving out copies of my keys to my friends, many of whom had gotten married and moved to Marin, the East Bay or the Peninsula. They enjoyed a weekend in the City or an overnight now and then during the week.

When I retired ten years ago I began traveling on my own, often to the home exchangers I had "banked" trades with in the past and never collected on. When Airbnb and the rest came along, it was a natural fit for me.

The bottom line is since I began sharing my home I've had zero break-ins! Not one! Even the police I've spoken with think it's a brilliant way to prevent robberies. Thieves are far less likely to rob a home that's occupied, they've told me on more than one occasion.

So I urge you to pass fair home sharing legislation, please don't delay—please move this legislation forward and prevent future home break-ins and robberies.

Sincerely,

Joe Murray  
1041b Broadway  
San Francisco, CA. 94133  
415-810-3469

## Ausberry, Andrea

---

**From:** Byron Gordon [gordon.byron@gmail.com]  
**Sent:** Thursday, September 04, 2014 12:02 PM  
**To:** Wiener, Scott; Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** re: Home sharing in San Francisco

Attention Supervisors,

My name is Byron Gordon and I'm a first generation American, born and raised in San Francisco. I've lived in the Potrero Hill neighborhood for 15 years and only recently have introduced myself to the concept of home sharing.

As you know, the cost of living in San Francisco has risen dramatically over the past 30 years. My parents came to San Francisco back in 1962. San Francisco was an entirely different city than the one it is today. But the cost of living was low enough that it made it possible for my mom and dad to raise a family of five, all under one roof. Today, good luck. I doubt there's any family of five that could live in San Francisco, unless the parents were earning well over 250K a year. My father's annual salary back in 1965 was 20K.

Today, I find myself in a situation where I've been unable to secure full-time employment. Many factors have contributed to my unfortunate circumstance. But one thing I never want to lose is the home I own. I like to say I came to home sharing rather than home sharing came to me. Since I've started home sharing, I've not only had nothing but excellent experiences with each guest I've hosted but the added income has enabled me to continue to pay my bills. I make little to no profit off of what I earn through home sharing. My bills, coupled with the cost of living in San Francisco are just too great.

In some ways, as much as I've enjoyed the experience of home sharing, I also believe my days in San Francisco are numbered. It's just too expensive to live here. I'm trying to hang on for a while yet but know the point in time will arrive soon when I'll have to sell and leave the city to live elsewhere. It's not what I want but it's becoming a major burden for me to live in this city.

In the time that I've made available my space for home sharing, I've sent my guests to local restaurants and cafes in my neighborhood. I know for a fact that Thinker's Cafe on 20th street has received quite a number of new customers thanks to my introductions. Their breakfast burritos are a hit among all of my guests to date.

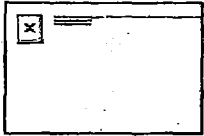
I've read the complaints by anti-home sharing advocate. I disagree with all of them. No complaint has ever been brought to my attention since I've dabbled with home sharing. My guests are respectful not only of my property but that of the neighborhood's. I've had guests ask me if it's safe to walk around the neighborhood at night. What does that tell you?

I always screen my guests and I have strict rules and regs for those who do stay at my place. In particular, my guests have no access to loud noises, such as television or radio. I advertise my place as a room for "peace and quiet." And that's exactly what my guests desire, in addition to the privacy they experience. In addition, many of my guests do not want to pay the more than \$200 a night for a hotel room in San Francisco given the limited budgets they are on to begin with. My place is affordable, private, quiet, and peaceful. And that is how I expect it to remain as long as I have anything to do with home sharing.

I ask you all to please expedite the passing of fair and comprehensive home sharing legislation for the city of San Francisco. We are ground zero for the concept of the sharing economy and this city should set an example and be a model for every other metropolis on the planet.

Thank you for reading.

Byron Gordon  
District 10



**Byron Gordon**  
[about.me/byrongordon](http://about.me/byrongordon)

## Ausberry, Andrea

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**From:** Michael Patterson [mpatterson6215@gmail.com]  
**Sent:** Thursday, September 04, 2014 5:17 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Mafía (BOS); Avalos, John (BOS)  
**Subject:** legislation file number (140381) on home sharing

Dear Supervisors,

We are Michael and Yesica. We currently live in the Mission and have lived in the neighborhood for the last 10 years. I (Michael) moved to the city 25 years ago and Yesica has been in San Francisco for 18 years. We love the city and the neighborhood and intend to spend our lives here.

We were introduced to home sharing about 4 years ago by a friend of ours. We have since hosted many people; included significant numbers of parents and grandparents visiting their children and grandchildren, relatives of neighbors when they are in town, as well as people from around the world.

The income from home sharing is helping to fund my daughter's education and adds a financial cushion in the event that either Yesica or I were to lose our jobs. As I know you are aware, San Francisco has become an incredibly expensive city to live in and those of us who are not tech workers appreciate an avenue to bring in some extra income. We also make a point to tell our guests about small businesses in the neighborhood, particularly small corner grocery stores and places to get coffee, and small unique places in the neighborhood, so we can spread the benefit of the people who stay with us.

Our relations with our neighbors are good, and we made them aware that we were going to be involved in home sharing before we began and we have addressed any concerns that they have raised since. Good relations with our neighbors are very important to us and our neighbors have expressed that they support and are comfortable with the fact we have guests in our home. We screen all guests rigorously and make sure that our safety and the safety of our neighbors is our primary concern.

We understand that there is legislation making its way through the city with an attempt to put common sense regulations in place. We would ask that in that the final legislation offer the broadest opportunity for people like us to keep home sharing. We believe there are significant benefits to our neighbors, neighborhood businesses, and the city in addition to the fact that we are obviously advocates.

Thanks for the time and consideration you are putting into this issue and we are hoping the legislation moves forward and is passed expeditiously.

Sincerely,

Michael and Yesica

**Ausberry, Andrea**

**From:** Tom Swierk [tom.swierk@gmail.com]  
**Sent:** Wednesday, April 16, 2014 6:55 PM  
**To:** Board of Supervisors (BOS); Ausberry, Andrea  
**Subject:** Re: Proposed AirBNB regulations - Voting by Supervisors

Thank you for fast reply and referral to Andrea!

Good Evening Andrea,

I am the resident manager of 1090 Eddy St / Gough, 50 unit bldg, ~75 tenants. I've lived in my home for ~20yrs and many of our residents are long term.

Recent news on proposed AirBNB regulations mentioned concerns (as shared by me and numerous others) regarding the drastic implications and utter disregard to public health and safety.

Multi-unit buildings would become hotels facing common yet significant risks of the hotel industry, which include

- NO BACKGROUND CHECKS on guests, who will have easy access to the building to steal from tenants...or do much worse!
- ESCORTS using rooms for illicit activities.
- PARTY GOERS using rooms for temporary loud obnoxious fun.
- BED BUGS being frequently brought into building.

Law abiding tenants and property owners will not benefit from this misguided AirBNB regulation...as only the greedy looking for short term monetary gain along with the City of SF via tax collection achieve a benefit at the expense of public health and safety...not to mention

- regulation enforcement to hold parties accountable will be difficult, time consuming, expensive and unsustainable.
- insurance coverage held by these greedy hosts will be blatantly insufficient to handle major liability posed from personal injury/assault, and property damage/fire.

**I am reaching out to you.**

- to share my very serious concerns (as a CPA and risk/compliance manager by trade)
- to ask your team for any recommend next steps on contacting stakeholders who can take corrective action, i.e., City Officials (Mayor and Supervisors) and other Associations.

**REMEMBER...IF YOU CAN'T FEEL SAFE AT HOME...WHERE ELSE CAN YOU FEEL SAFE!!!**

Thank you for your support on this very important public matter!



Tom Swierk  
1090 Eddy St, resident mgr  
415.905.0300

On Wed, Apr 16, 2014 at 3:46 PM, Board of Supervisors (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)> wrote:

Mr. Swierk:

There is currently no legislation open before the Board that specifies "AirBNB". However yesterday a piece of legislation was introduced, File 140381, an Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Department of Building Inspection, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and, making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The file has been assigned to the Land Use and Economic Development Committee. The Land Use Committee Clerk is Andrea Ausberry. Her email address is

[Andrea.Ausberry@sfgov.org](mailto:Andrea.Ausberry@sfgov.org).

Currently, there are no scheduled meetings for this file, but you can check with Andrea on Thursdays, (when the Board agenda is finalized) for further information.

Office of the Clerk of the Board

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers,*

addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

---

**From:** Tom Swierk [mailto:tom.swierk@gmail.com]  
**Sent:** Wednesday, April 16, 2014 1:10 PM  
**To:** Board of Supervisors (BOS)  
**Subject:** Proposed AirBNB regulations - Voting by Supervisors

Good Afternoon,

**I am requesting the DATE/TIME as to when the Board of Supervisors will be HEARING PUBLIC COMMENT regarding the proposed AirBNB regulations.**

**PLEASE ADVISE...thank you!**

Background:

I am the resident manager of 1090 Eddy St / Gough, 50 unit bldg, ~75 tenants. I've lived in my home for ~20yrs and many of our residents are long term.

Recent news on proposed AirBNB regulations mentioned your concerns (as shared by me and numerous others) regarding the drastic implications and utter disregard to public health and safety.

Multi-unit buildings would become hotels facing common yet significant risks of the hotel industry, which include

- NO BACKGROUND CHECKS on guests, who will have easy access to the building to steal from tenants...or do much worse!
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- PARTY GOERS using rooms for temporary loud obnoxious fun.



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**I am reaching out to you**

**- to share my very serious concerns (as a CPA and risk/compliance manager by trade)**

**- to ask your team for any recommend next steps on contacting stakeholders who can take corrective action, i.e., City Officials (Mayor and Supervisors) and other Associations.**

If you can't feel safe in your home...where else can you feel safe!  
Thank you for your support on this very important public matter!



Tom Swierk

1090 Eddy St, resident mgr  
415.905.0300

## Ausberry, Andrea

---

**From:** Henry Barmeier [henry.barmeier@gmail.com]  
**Sent:** Sunday, September 07, 2014 2:32 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear Supervisors,

I am Henry Barmeier, a 26-year-old Bay Area native, and I have been a resident of San Francisco for the last two years. I have lived in the Bayview neighborhood, and now reside in Cole Valley.

I am writing in support of fair home sharing legislation. I work at a nonprofit in the city that is fighting to break cycles of intergenerational poverty. I love my job and I love this city, but unfortunately, my salary is not sufficient to both pay the bills and save for my (and my potential family's) future. The only way I have been able to continue living in San Francisco is through earning some additional income by sharing my home with visitors to the city. Opening my apartment to other people for a few days a month gives me enough of a boost in income that I am able to stay in a neighborhood and city near and dear to my heart.

Before starting to share my home, I was concerned about the safety and security issues involved in having other people stay here. However, I quickly came to appreciate that services like Airbnb – which are built on reputation, transparency and reciprocal respect – are far more accountable and reliable than the more impersonal transactions at traditional hotels. I am able to read reviews of guests before they arrive, and I would not consider welcoming anyone who had presented a safety or security concern in the past. I have had dozens of people stay at my apartment now without any problems. The system works.

I am also sensitive to the concern that people are renting out their apartments year-round on Airbnb as if they were actual hotels. This practice is deeply offensive to me because it takes housing stock off the market that should be for full-time San Francisco residents, and drives up prices for everyone. I would never do this. I only rent my place for a few days a month, usually when I am travelling for work or visiting my parents down in San Jose. If I were not renting my apartment during this time, it would simply lie empty. I am not making any profits from my rentals, and I am not eliminating or reducing housing options for anyone.

Please pass fair home sharing legislation promptly. This is an extremely important issue to me, and I hope that the supervisors are able to come to a thoughtful decision on the issue that respects all of the good that can come from opening our homes to others.

Thank you for your time and attention.

Sincerely,

Henry Barmeier

**Ausberry, Andrea**

---

**From:** Christina Beard [christinabeard@gmail.com]  
**Sent:** Saturday, September 06, 2014 10:07 PM  
**To:** Wiener, Scott  
**Cc:** Ausberry, Andrea; Chiu, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Please support home sharing legislation [File number: 140381]

Dear \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Christina Beard, Designer

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

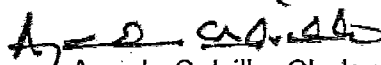
NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

- Date:** Monday, September 15, 2014
- Time:** 1:30 p.m.
- Location:** Committee Room 263, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA
- Subject:** File No. 140381. Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Department of Building Inspection, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If the legislation passes, an initial \$50.00 application fee, and for each renewal, shall be charged to permanent residents applying for an exception to the prohibition on short-term residential rentals, due at the time of application.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco CA 94102.

Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 12, 2014.



Angela Calvillo, Clerk of the Board

DATED: August 27, 2014

PUBLISHED/POSTED: September 1 & 7, 2014

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SAN FRANCISCO, CA 94102

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Ad Description LU Fee Ad File 140381 9/1 & 9/7

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

09/01/2014 , 09/07/2014

NOTICE OF PUBLIC HEARING LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS SEPTEMBER 15, 2014 - 1:30 PM COMMITTEE RM 263, CITY HALL, 1 DR. CARLTON B. GOODLETT PLACE, SF, CA NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard. File No. 140381. Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Department of Building Inspection, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. If the legislation passes, an initial \$50.00 application fee, and for each renewal, shall be charged to permanent residents applying for an exception to the prohibition on short-term residential rentals, due at the time of application. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco CA 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 12, 2014.

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# 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 or as Special Order at Board.
- 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 [ ]
- 9. Reactivate File No. [ ]
- 10. 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 Form.

Sponsor(s):

Supervisor Chiu

Subject:

Amending Regulation of Short-Term Residential Rentals and Establishing Fee

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: *David Chiu*

For Clerk's Use Only:



Print Form

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Time stamp  
or meeting date

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Amending Regulation of Short-Term Residential Rentals and Establishing Fee

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: *[Signature]*

For Clerk's Use Only:

