

File No. 140381

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 15, 2014

Board of Supervisors Meeting

Date _____

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
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<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
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OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date September 11, 2014

Completed by: _____ Date _____

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; and making environmental**
9 **findings and findings of consistency with the General Plan, and the eight priority**
10 **policies of Planning Code, Section 101.1.**

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

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

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

21 (a) General Plan and Planning Code Findings.

22 (1) On August 7, 2014, at a duly noticed public hearing, the Planning
23 Commission in Resolution No. 19213 found that the proposed Planning Code amendments
24 contained in this ordinance were consistent with the City's General Plan and with Planning
25 Code Section 101.1(b) and recommended that the Board of Supervisors adopt the proposed
Planning Code amendments. A copy of said Resolution is on file with the Clerk of the Board of
Supervisors in File No. 140381 and is incorporated herein by reference. The Board finds that

1 the proposed Planning Code amendments contained in this ordinance are on balance
2 consistent with the City's General Plan and with Planning Code Section 101.1(b) for the
3 reasons set forth in said Resolution.

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

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

13 (c) General Findings.

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

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 a
11 violation of this Chapter 41A and that includes the residential unit's address, including unit number,
12 date(s) and nature of alleged violation(s), and any available contact information for the owner and/or
13 resident of the residential unit at issue.

14 **Conversion or Convert.** A change of use from residential use to tourist or transient use,
15 including, but not limited to, renting a residential unit as a tourist or transient use.

16 **Department.** The Planning Department.

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

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

24 **Interested Party.** A permanent resident of the building in which the tourist or transient
25 use is alleged to occur, the City and County of San Francisco, or any non-profit organization exempt

1 from taxation pursuant to Title 26, Section 501 of the United States Code, which has the preservation
2 or improvement of housing as a stated purpose in its articles of incorporation or bylaws.

3 **Owner.** Owner includes any person who is the owner of record of the real property. As
4 used in this Chapter 41A, the term "Owner" includes a lessee where the lessee is offering a residential
5 unit for tourist or transient use.

6 **Permanent Resident.** A person who occupies a residential unit for at least 60
7 consecutive days with intent to establish that unit as his or her primary residence. A permanent resident
8 may be an owner or a lessee.

9 **Primary Residence.** The permanent resident's usual place of return for housing as
10 documented by motor vehicle registration, driver's license, voter registration, home owner's tax
11 exemption, or other such evidence.

12 (a) — **Residential Unit.** Room or rooms, including a condominium or a room or
13 dwelling unit that forms part of a tenancy-in-common arrangement, in any building, or portion
14 thereof, which is designed, built, rented, leased, let or hired out to be occupied for residential
15 use, or which is occupied as the home or residence of four or more households living independently of
16 each other in dwelling units as defined in the San Francisco Housing Code, ~~provided that the~~
17 ~~residential unit was occupied by a permanent resident on or after February 8, 1981. It is presumed that~~
18 ~~a residential unit was occupied by a permanent resident on or after February 8, 1981, and the owner~~
19 ~~has the burden of proof to show that a residential unit is not subject to this Chapter.~~

20 (b) — **Residential Use.** Any use for occupancy of a ~~dwelling~~ residential unit by a
21 permanent resident.

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

24 (a) the residential unit is offered for tourist or transient use by the permanent
25 resident of the residential unit;

1 (b) the permanent resident is a natural person;

2 (c) the permanent resident has registered the unit and maintains good standing on
3 the Department's Short-Term Residential Rental Registry; and

4 (d) the residential unit is not subject to the Inclusionary Affordable Housing
5 Program set forth in Planning Code Section 415 et seq., is not a residential hotel unit as defined in
6 Chapter 41 and no other requirement of federal or state law, this Municipal Code, or any other
7 application law or regulation prohibits the permanent resident from subleasing, renting, or otherwise
8 allowing Short-Term Residential Rental of the residential unit.

9 **Short-Term Residential Rental Registry.** A database of information maintained by the
10 Department that includes information regarding permanent residents who are permitted to offer
11 residential units for Short-Term Residential Rental. The registry shall be available for public review to
12 the extent required by law, except that, to the extent permitted by law, the Department shall redact any
13 permanent resident names from the records available for public review.

14 ~~(e)~~ — **Tourist or Transient Use.** Any Use of a residential unit for occupancy for less
15 than a 30-day term of tenancy, or occupancy for less than 30 days of a residential unit leased
16 or owned by a business entity, whether on a short-term or long-term basis, including any
17 occupancy by employees or guests of a business entity for less than 30 days where payment for
18 the residential unit is contracted for or paid by the business entity.

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

21 ~~(e)~~ — **Conversion or Convert.** The change of the use or to rent a residential unit from
22 residential use to tourist or transient use.

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

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

5 ~~(h) Director. The Director of the Department of Building Inspection.~~

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

8 **(a) Unlawful Actions.** Except as set forth in subsection 41A.5(g), it shall be unlawful
9 for

10 (1) any Owner to offer an ~~an~~ Residential Unit for rent for Tourist or
11 Transient Use;

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

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

16 **(b) Records Required.** The Owner and Business Entity, if any, shall retain and
17 make available to the Department ~~or Building Inspection occupancy~~ records to demonstrate
18 compliance with this Chapter 41A upon written request as provided herein. Any Permanent Resident
19 offering his or her Primary Residence as a Short-Term Residential Rental shall retain and make
20 available to the Department records to demonstrate compliance with this Chapter 41A, including but
21 not limited to records demonstrating Primary Residency and the number of days per calendar year he
22 or she has occupied the Residential Unit.

23 **(c) Determination of Violation.** Upon the filing of a written Complaint that an
24 alleged unlawful eConversion has occurred, the Director shall take reasonable steps necessary
25 to determine the validity of the Complaint. The Director may independently determine

1 whether an Owner or Business Entity may be renting a Residential Unit for Tourist or
2 Transient Use ~~as defined in violation of~~ this Chapter 41A. To determine if there is a violation of
3 this Chapter 41A, the Director may initiate an investigation of the subject property. This
4 investigation may include, but is not limited to, an inspection of the subject property and a
5 request for any pertinent information from the Owner or Business Entity, such as leases or
6 other documents. The Director shall have discretion to determine whether there is a potential
7 violation of this Chapter 41A and whether to conduct an administrative review hearing as set
8 forth below.

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

21 (e) **Criminal Penalties.** Any Owner or Business Entity who rents a Residential
22 Unit for Tourist or Transient Use ~~as defined in violation of~~ this Chapter 41A without correcting
23 or remedying the violation as provided for in subsection 41A.6(b)(7) shall be guilty of a
24 misdemeanor. Any person convicted of a misdemeanor hereunder shall be punishable by a
25 fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more

1 than six months, or by both. Each Residential Unit rented for Tourist or Transient Use
2 shall constitute a separate offense.

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

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

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

9 (A) occupies the Residential Unit for no less than 275 days out of the
10 preceding calendar year or proportional share thereof if he or she has not rented or owned the
11 Residential Unit for the full preceding calendar year;

12 (B) maintains records for two years demonstrating compliance with this
13 Chapter, including but not limited to information demonstrating Primary Residency, the number of
14 days per calendar year he or she has occupied the Residential Unit, and compliance with the insurance
15 requirement in Subsection (D). These records shall be made available to the Department upon request;

16 (C) complies with any and all applicable provisions of state and federal law
17 and the San Francisco Municipal Code, including but not limited to the requirements of the Business
18 and Tax Regulations Code by, among any other applicable requirements, collecting and remitting all
19 required transient occupancy taxes, and the occupancy requirements of the Housing Code;

20 (D) maintains homeowner's or renter's property or casualty insurance in the
21 aggregate of not less than \$150,000 or conducts each Short-Term Residential Rental transaction
22 through a Hosting Platform that provides a guarantee program relating to property damage in an
23 amount not less than \$150,000 to owners per incident;

24 (E) registers, and maintains registry of, the Residential Unit on the Short-
25 Term Residential Rental Registry prior to offering the Residential Unit for use as a Short-Term

1 Residential Rental. Offering a Residential Unit for Short-Term Residential Rental while not
2 maintaining good standing on the registry shall constitute a violation of this Chapter 41A; and

3 (F) includes the Department-issued registration number on any hosting
4 platform or other listing offering the Residential Unit for use as a Short-Term Residential Rental;

5 (G) for units subject to the rent control provisions of Section 37.3, complies
6 with the initial rent limitation for subtenants and charges no more rent than the rent the primary
7 resident is paying to any landlord per month; and

8 (H) can demonstrate to the satisfaction of the Department that the Residential
9 Unit and the property on which it is located is not subject to any outstanding Building, Electrical,
10 Plumbing, Mechanical, Fire, Health, Housing, or Planning Code enforcement, including any notices of
11 violation, notices to cure, orders of abatement, cease and desist orders, or correction notices. The
12 Department shall not include a property that is subject to any such outstanding violations in the
13 Registry.

14 (2) Short-Term Residential Rental Registry Applications and Fee.

15 (A) Application. Registration shall be for a two-year term, which may be
16 renewed by the Permanent Resident by filing a completed renewal application. Initial and renewal
17 applications shall be in a form prescribed by the Department. The Department shall determine, in its
18 sole discretion, the completeness of an application. Both the initial application and any renewal
19 application shall contain information sufficient to show that the Residential Unit is the Primary
20 Residence of the applicant and that the applicant is the unit's Permanent Resident. In addition to the
21 information set forth here, the Department may require any other additional information necessary to
22 show the Permanent Resident's compliance with this Chapter 41A. Primary Residency may be
23 established by showing the Residential Unit is listed as the applicant's residence on any motor vehicle
24 registration, driver's license, or voter registration, or as the Primary Residence for home owner's tax
25 exemption purposes, and/or any other information as required by the Department. A renewal

1 application shall contain sufficient information to show that the applicant is the Permanent Resident
2 and has occupied the unit for at least 275 days of each of the two preceding calendar years. Upon the
3 Department's determination that an application is complete, the unit shall be entered into the Short-
4 Term Residential Rental Registry and assigned an individual registration number.

5 (B) Fee. The fee for the initial application and for each renewal shall be
6 \$50, payable to the Director. The application fee shall be due at the time of application. Beginning with
7 fiscal year 2014-2015, fees set forth in this Section may be adjusted each year, without further action
8 by the Board of Supervisors, as set forth in this Section. Not later than April 1, the Director shall report
9 to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's
10 costs of establishing and maintaining the registry, as well as any other information that the Controller
11 determines appropriate to the performance of the duties set forth in this Chapter. Not later than May
12 15, the Controller shall determine whether the current fees have produced or are projected to produce
13 revenues sufficient to support the costs of establishing and maintaining the registry and any other
14 services set forth in this Chapter and that the fees will not produce revenue that is significantly more
15 than the costs of providing such services. The Controller shall, if necessary, adjust the fees upward or
16 downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of
17 operation without producing revenue that is significantly more than such costs. The adjusted rates shall
18 become operative on July 1.

19 (4) Requirements for Hosting Platforms.

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

1 Permanent Residency and registration of the unit with the Department; and the transient occupancy tax
2 obligations to the City.

3 (B) A Hosting Platform shall comply with the requirements of the Business
4 and Tax Regulations Code by, among any other applicable requirements, collecting and remitting all
5 required Transient Occupancy Taxes, and this provision shall not relieve a Hosting Platform of liability
6 related to an occupant's, resident's, Business Entity's, or Owner's failure to comply with the
7 requirements of the Business and Tax Regulations Code. Additionally, a Hosting Platform's failure to
8 provide the required notice to users under subsection 41A.5(g)(2)(A) shall be a violation of this
9 Chapter. Any such violation shall subject the Hosting Platform to a fine payable to the Department of
10 up to \$1000 per day for the period of the failure to provide notice or the failure to provide the required
11 information to the Department.

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

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

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

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

10 (a) **Notice of Complaint.** Within 15 days of the filing of a Ceomplaint and upon the
11 Director's independent finding that there may be a violation of this Chapter, the Director shall
12 notify the Oowner by certified mail that the Oowner's Residential Unit is the subject of an
13 investigation for an unlawful use and provide the date, time, and place of an administrative
14 review hearing in which the owner can respond to the Ceomplaint.

15 (b) **Administrative Review Hearings.** In the event the Director determines that an
16 administrative review hearing shall be conducted, the Director's appointed hearing officer will
17 hold an administrative review hearing within 60 days of the filing of the Ceomplaint to review
18 all information provided by the Interested Party, members of the public, City staff and the
19 Owner for the investigation and the hearing officer shall thereafter make a determination
20 whether the Oowner has violated this Chapter.

21 (1) Notice of the hearing shall be conspicuously posted on the building that is
22 the subject of the hearing. The Oowner shall state under oath at the hearing that the notice
23 remained posted for at least seven calendar days prior the hearing. The Director shall appoint
24 a hearing officer to conduct the hearing.
25

1 (2) Pre-hearing Submission. No less than ten working days prior to the
2 administrative review hearing, parties to the hearing shall submit written information to the
3 Director including, but not limited to, the issues to be determined by the hearing officer and
4 the evidence to be offered at the hearing. Such information shall be forwarded to the hearing
5 officer prior to the hearing along with any information compiled by the Director.

6 (3) Hearing Procedure. If more than one hearing is requested for Residential
7 Units located in the same building at or about the same time, the Director shall consolidate
8 all of the hearings into one hearing. The hearing shall be tape recorded. Any party to the
9 hearing may at his or her own expense cause the hearing to be recorded by a certified court
10 reporter. Parties may be represented by counsel and shall have the right to cross-examine
11 witnesses. All testimony shall be given under oath. Written decisions and findings shall be
12 rendered by the hearing officer within 20 working days of the hearing. Copies of the findings
13 and decision shall be served upon the parties by certified mail. A notice that a copy of the
14 findings and decision is available for inspection between the hours of 9:00 a.m. and 5:00 p.m.
15 Monday through Friday shall be posted by the Owner or the Director in the building in the
16 same location in which the notice of the administrative review hearing was posted.

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

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

24 (6) Hearing Officer Decision and Collection of Penalties. If any imposed
25 administrative penalties and costs have not been deposited at the time of the Hearing

1 Officer's decision, the Director may proceed to collect the penalties and costs pursuant to the
2 lien procedures set forth in Subsection 41A.6(e), consistent with the Hearing Officer's
3 decision.

4 (7) Remedy of Violation. If the Hearing Officer determines that a violation has
5 occurred, the Hearing Officer's Decision should:

6 (A) Specify a reasonable period of time during which the Owner must
7 correct or otherwise remedy the violation; *and*

8 (B) State that if the violation is not corrected or otherwise remedied
9 within this period, the Owner may be required to pay the administrative penalties set forth in
10 Subsection 41A.6(c); *and*,

11 (C) State that if the violation is not corrected or otherwise remedied within
12 this period, the Department may prohibit the offending Owner from including such Residential Unit on
13 any Hosting Platform for a period of one year.

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

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

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

21 (A) for the initial violation, not more than four times the standard hourly
22 administrative rate of ~~\$104.00~~ \$121.00 ~~shall be charged~~ for each unlawfully converted unit from the
23 day the unlawful use commenced until such time as the unlawful use terminates;

24 (B) for the second violation within six months of any hearing held pursuant to
25 this Chapter, not more than eight times the standard hourly administrative rate of \$121.00 for each

1 unlawfully converted unit from the day the unlawful use commenced until such time as the unlawful use
2 terminates; and

3 (C) for the third and any subsequent violation within 12 months of any
4 hearing held pursuant to this Chapter, not more than twelve times the standard hourly administrative
5 rate of \$121.00 for each unlawfully converted unit from the day the unlawful use commenced until such
6 time as the unlawful use terminates.

7 (2) Enforcement Costs. The Owner shall reimburse the City for the costs of
8 enforcement of this Chapter, which shall include, but not be limited to, reasonable attorneys'
9 fees.

10 (3) Prohibition on Listing Unit(s) on Any Hosting Platform. If the violation has
11 continued unabated beyond the time specified in the notice required by the Hearing Officer, the
12 Department shall include the Residential Unit(s) on a list maintained by the Department of Residential
13 Units that may not be listed by any Permanent Resident on any Hosting Platform until compliance. Any
14 Owner who continues to list a Residential Unit in violation of this section shall be liable for additional
15 civil penalties of up to \$1000 per day of unlawful inclusion.

16 (d) **Notice of Continuing Violation and Imposition of Penalties.** The Director
17 shall notify the Owner by certified mail that the violation has continued unabated and that
18 administrative penalties shall be imposed pursuant to this Chapter 41A. The notice shall state
19 the time of the continued existence of the violation and the resulting imposition of penalties.
20 Payment of the administrative penalties and enforcement costs shall be made within 30 days
21 of the certified mailed notice to the Owner. If the administrative penalties and enforcement
22 costs are not paid, the Director shall initiate lien procedures to secure the amount of the
23 penalties and costs against the real property that is subject to this Chapter, under Article XX
24 of Chapter 10 of the ~~San Francisco~~ Administrative Code to make the penalty, plus accrued
25 interest, a lien against the real property regulated under this Chapter. Except for the release of

1 the lien recording fee authorized by Administrative Code Section 10.237, all sums collected by
2 the Tax Collector pursuant to this ordinance shall be held in trust by the Treasurer and
3 distributed as provided in Section 41A.5(d) of this Chapter.

4 (e) **Deposit of Penalties.** Administrative penalties paid pursuant to this Chapter
5 shall be deposited in the Mayor's Office of Housing, Housing Affordability Fund less the
6 reasonable costs incurred by the City and County of San Francisco in pursuing enforcement
7 under this Chapter 41A. If enforcement costs were imposed, such funds shall be distributed
8 according to the purpose for which they were collected.

9
10 Section 3. The Planning Code is hereby amended by revising Sections 102.7, 102.13,
11 790.88 and 890.88, to read as follows:

12
13 **SEC. 102.7. DWELLING UNIT.**

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

21 * * * *

22
23 **SEC. 102.13. LIVE/WORK UNIT.**

24 A live/work unit is a structure or portion of a structure combining a residential living
25 space for a group of persons including not more than four adults in the same unit with an

1 integrated work space principally used by one or more of the residents of that unit; provided,
2 however, that no otherwise qualifying portion of a structure which contains a Group A
3 occupancy under the San Francisco Building Code shall be considered a live/work unit.

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

6 * * * *

7
8 **SEC. 790.88. RESIDENTIAL USE.**

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

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

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

23 * * * *

24
25 **SEC. 890.88. 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 890.47 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, and 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 roominghouse, 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 (c) Single Room Occupancy (SRO) Unit. A dwelling unit or group housing room
16 consisting of no more than one occupied room with a maximum gross floor area of 350 square
17 feet and meeting the Housing Code's minimum floor area standards. The unit may have a
18 bathroom in addition to the occupied room. As a dwelling unit, it would have a cooking facility
19 and bathroom. As a group housing room, it would share a kitchen with one or more other
20 single room occupancy unit/s in the same building and may also share a bathroom. A single
21 room occupancy building (or "SRO" building) is one that contains only SRO units and non
22 nonaccessory living space.

23
24 Section 4. Other Uncodified Provisions.
25

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

5 (b) Undertaking for the General Welfare. In enacting and implementing this
6 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
7 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
8 would be liable in money damages to any person who claims that such breach proximately
9 caused injury.

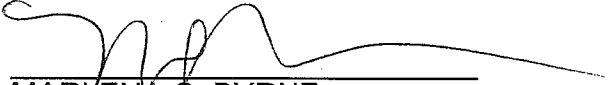
10 (c) No Conflict with State or Federal Law. Nothing in this ordinance shall be
11 interpreted or applied so as to create any requirement, power, or duty in conflict with any
12 State or federal law.

13 (d) Severability. If any of section, subsection, sentence, clause, phrase or word of
14 this ordinance is for any reason held to be invalid or unconstitutional by a decision of any
15 court of competent jurisdiction, such decision shall not affect the validity of the remaining
16 portions of the ordinance. The Board of Supervisors hereby declares that it would have
17 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and
18 word not declared invalid or unconstitutional without regard to whether any other portion of
19 this ordinance would be subsequently declared invalid or unconstitutional.

20 (d) Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
24 additions, and Board amendment deletions in accordance with the "Note" that appears under
25 the official title of the ordinance.

1
2 APPROVED AS TO FORM:
3 DENNIS J. HERRERA, City Attorney

4 By:

5 
6 MARLENA G. BYRNE
7 Deputy City Attorney

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LEGISLATIVE DIGEST

[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 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.

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 and other residences in the City from longer-term 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. Additionally, other tenants in the building where the tourist or transient use is alleged and housing non-profits may file a complaint with DBI. After a complaint has been filed and after a violation has been found, the City, the tenant, or the non-profit may also file a civil action in court to enforce the provisions of Chapter 41A and recover penalties.

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 use is referred to as a "Short-Term Residential Rental" 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 legislation defines "residential unit" for the purposes of 41A as units in buildings with two or more units.

The legislation would require DBI to create and maintain a registry of all the permanent residents who are allowed to offer their units for short-term residential rental. The legislation creates an application and renewal fee for the registry.

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. Under the legislation, hosting platforms are required to provide certain notice to anyone using their services regarding the City's restrictions regarding short-term rentals. 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 if:

1. the residential unit is offered for tourist or transient use by the permanent resident of the residential unit; and
2. the permanent resident:
 - a.) is a natural person;
 - b.) has registered the unit and maintains good standing on the DBI 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 homeowner's or renter's property or casualty insurance of not less than \$150,000 or conducts each transaction through a hosting platform that provides a guarantee program relating to property damage in an amount not less than \$150,000 to owners per incident; and
 - g.) 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.

The proposed legislation generally does not change Chapter 41A's existing enforcement procedures, except by adding a provision that a violation is 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.

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" rationale is based solely on a first violation of Chapter 41A that has been cured within 30 days written notice to the tenant.

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.



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

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415.558.6409

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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

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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.

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' 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/freeexchange/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 verses 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 explore 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
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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

ENFORCEMENT															
REGULATION TYPE															
CITY	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

X = Best practices for San Francisco

LEGEND: Orange block signifies this regulation or enforcement measure applies to that city's ordinance and practices

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

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

Dear Commissioners:

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.

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
Joy Navarrete, Environmental Planning

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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San Francisco 94102-4689
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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

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
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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
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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:

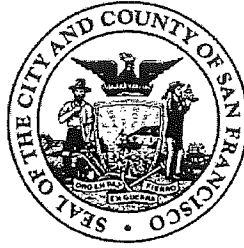
File No. 140381

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

BOARD of SUPERVISORS



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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

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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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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

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

Attachment

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

BOARD of SUPERVISORS



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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

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

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

Ausberry, Andrea

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

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

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

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

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

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

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 at 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

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

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 Kawika'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

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

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

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 a 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

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

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]

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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

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

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, 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

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

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

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

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

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

Clasificación

Ausberry, Andrea

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

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

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

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

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

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.

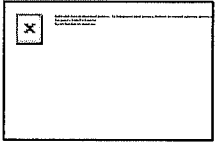
I've read the complaints by anti-home sharing advocate. I disagree with all of them. No complaint has ever been brought to my attention since I've dabbled with home sharing. My guests are respectful not only of my property but that of the neighborhood's. I've had guests ask me if it's safe to walk around 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

Ausberry, Andrea

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, Malia (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) regrading 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> 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.

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

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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

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.

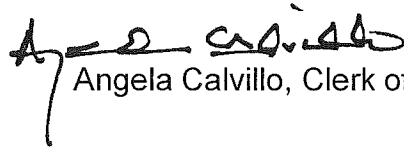
Location: Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

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.

A handwritten signature in black ink, appearing to read 'Angela Calvillo', written over a horizontal line.

Angela Calvillo, Clerk of the Board

DATED: August 27, 2014

PUBLISHED/POSTED: September 1 & 7, 2014

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Andrea Ausberry
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
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):

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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 File No. [140381]
- ☐ 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):

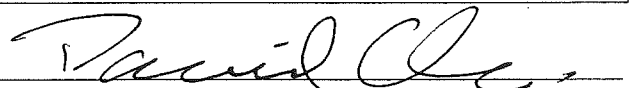
Supervisor Chiu

Subject:

Amending Regulation of Short-Term Residential Rentals and Establishing Fee

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

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- ☐ Planning Commission ☐ Building Inspection Commission

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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:



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