

[Administrative Code - Short-Term Residential Rentals]

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Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to limit short-term rental of a Residential Unit to no more than 120 days per calendar year; and affirming the Planning Department’s determination under the California Environmental Quality Act.

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

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

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

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

SEC. 41A.4. DEFINITIONS.

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

1 * * * *

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

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

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

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

9 (d) the Residential Unit: is not subject to the Inclusionary Affordable Housing Program
10 set forth in Planning Code Section 415et seq.; is not a residential hotel unit subject to the
11 provisions of Chapter 41, unless such unit has been issued a Permit to Convert under Section
12 41.12; is not otherwise a designated as a below market rate or income-restricted Residential
13 Unit under City, state, or federal law; has not been the subject of an eviction pursuant to the
14 Ellis Act and Administrative Code Section 37.9(a)(13) within the five year period prior to
15 applying for the Registry if such eviction occurred after November 1, 2014; and no other
16 requirement of federal or state law, this Municipal Code, or any other applicable law or
17 regulation prohibits the permanent resident from subleasing, renting, or otherwise allowing
18 Short-Term Residential Rental of the Residential Unit.

19 * * * *

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

21 * * * *

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

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

1 (A) ~~The Permanent Resident occupies the Residential Unit for no less than 275~~
2 ~~days out of the calendar year in which the Residential Unit is rented as a Short-Term Residential~~
3 ~~Rental or, if the Permanent Resident has not rented or owned the Residential Unit for the full preceding~~
4 ~~calendar year, for no less than 75% of the days he or she has owned or rented the Residential Unit~~ The
5 Residential Unit is rented for Tourist or Transient Use for no more than 120 days during any calendar
6 year;

7 (B) The Permanent Resident maintains records for two years
8 demonstrating compliance with this Chapter 41A, including but not limited to information
9 demonstrating Primary Residency, ~~the number of days per calendar year he or she has occupied the~~
10 ~~Residential Unit,~~ the number of days per calendar year the Residential Unit has been rented as
11 a Short-Term Residential Rental, and compliance with the insurance requirement in
12 Subsection (D). These records shall be made available to the Department upon request;

13 * * * *

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15 Section 3. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20 Section 4. 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 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

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4 By: _____
5 MARLENA BYRNE
6 Deputy City Attorney

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