

File No. 170416 Committee Item No. 9
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date June 26, 2017

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 checked="" type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input 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
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<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
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER (Use back side if additional space is needed)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Referral CEQA 041917
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Referral SBC 041917
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Referral FYI 041917
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SBC Response 052417
<input checked="" type="checkbox"/>	<input type="checkbox"/>	CEQA Determination 061917
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Erica Major Date June 22, 2017
Completed by: _____ Date _____

[Administrative Code - Residential Hotel Status Report Requirement]

Ordinance amending the Administrative Code to require the completion of a report of residential hotel status, and disclosure of the report to the buyer or transferee, prior to the sale or transfer of a residential hotel; 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 ~~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. 170416 and is incorporated herein by reference. The Board affirms this determination.

Section 2. The Administrative Code is hereby amended by adding a new Section 41.22 and renumbering the current Section 41.22 to be Section 41.23, to read as follows:

SEC. 41.22. REPORT OF RESIDENTIAL HOTEL STATUS PRIOR TO SALE OR TRANSFER.

1 (a) Report of Residential Hotel Status Form. The Department of Building Inspection shall
2 make available a Report of Residential Hotel Status Form. The form shall request information
3 regarding the status of the Residential Hotel's compliance with this Chapter 41 and provisions of the
4 Building or Housing Codes including:

5 (1) Residential Hotel Status:
6 (A) Total number of Residential Units and Tourist Units at the Residential
7 Hotel;

8 (B) Unit numbers and locations of the Residential and Tourist Units;
9 (C) Identification of currently occupied Residential Units and their current
10 rent rates;

11 (D) For vacant Residential Units, the last date when a Permanent Resident
12 occupied the units and the rent rate when last occupied; and

13 (E) Date of last Annual Unit Usage Report.

14 (2) Property Status:
15 (A) Date of last inspection by the Department of Building Inspection;
16 (B) Notices of Violations, Abatement Orders, or any other Department of
17 Building Inspection, Fire Department, or Department of Public Health enforcement actions within the
18 last five years; and

19 (C) Disabled access features installed on the property.

20 (3) Such other information, if any, regarding compliance with this Chapter 41 and
21 the Building or Housing Codes, as the Department of Building Inspection, in its discretion, decides to
22 request on the form.

23 (b) Process for Obtaining Report of Residential Hotel Status. An owner or authorized
24 agent seeking to sell or exchange a Residential Hotel shall complete and submit a Report of Residential
25 Hotel Status Form to the Department of Building Inspection. The Department of Building Inspection

1 shall evaluate the information in the form, verify information that corresponds with the Department's
2 records, and identify and annotate any information on the form that is inconsistent with the
3 Department's Records. The Department shall complete its review and issue the verified and annotated
4 form as the Report of Residential Hotel Status within 10 business days of receiving the completed form.
5 A Report of Residential Hotel Status shall be effective for a period of one year from the date of
6 issuance, and shall contain therein the dates of issuance and expiration.

7 (c) **Disclosure of Report of Residential Hotel Status to Buyer or Transferee.** Starting 10
8 business days following the effective date of this Section 4.22, in addition to any applicable
9 requirements in Chapter 3.5 of the Housing Code, prior to the sale or exchange of ownership for any
10 Residential Hotel, the owner thereof, or their authorized agent, shall deliver a Department of Building
11 Inspection-approved Report of Residential Hotel Status to the buyer or transferee of said Residential
12 Hotel.

13 (d) **Receipt of Report of Residential Hotel Status.** Within 30 days of purchasing or
14 otherwise receiving title to a Residential Hotel, the buyer or transferee shall file with the Department of
15 Building Inspection, a receipt of Report of Residential Hotel Status, on a form furnished by said
16 Department.

17
18 **SEC. 41.232. CONSTRUCTION.**

19 * * * *

20
21 Section 3. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor's veto of the ordinance.

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

3 By:



4 ROBB W. KAPLA
Deputy City Attorney

5 n:\legana\as2017\1700499\01184223.docx

LEGISLATIVE DIGEST

[Administrative Code - Residential Hotel Status Report Requirement]

Ordinance amending the Administrative Code to require the completion of a report of residential hotel status, and disclosure of the report to the buyer or transferee, prior to the sale or transfer of a residential hotel; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

There is no requirement that residential hotel owners provide any information about the hotel's compliance with Administrative Code Chapter 41, the Hotel Conversion Ordinance, to purchasers or transferees prior to exchanging title. Housing Code Chapter 3.5 requires a Report of Residential Building Record ("Three R Report") prior to selling certain residential buildings in the City, but the requirement does not apply to Residential Hotels with 30 or more guest rooms and the report does not include information regarding the hotel's compliance with Chapter 41.

Amendments to Current Law

The Proposed Legislation would mandate that residential hotel owners provide a Report of Residential Hotel Status to the prospective buyer or transferee prior to selling or transferring property. The Department of Building Inspection ("DBI") shall create a Report of Residential Hotel Status Form that includes questions for the owners to complete regarding the rental amounts, vacancy status, and location of the residential units in the hotel as well as other information relevant to the hotel's compliance with Chapter 41 and other Housing and Building Code requirements. Owners of Residential Hotel owners will be required to complete the Report of Residential Hotel Status Form and submit it to DBI prior to selling or transferring the hotel. DBI shall have 10 business days to evaluate the information provided by the owner on the form, identify and annotate any information on the form that is inconsistent with DBI records, and issue the completed Report of Residential Hotel Status to the owner within 10 business days. The purchaser or transferee of a residential hotel must submit a receipt of receiving the Report of Residential Hotel Status to DBI within 30 days of acquiring title to the hotel. The Report of Residential Hotel Status will be valid for one year after issuance.

Background Information

Prospective purchasers or transferees of residential hotels are required to maintain compliance with Chapter 41, yet the information necessary to maintain compliance—such as residential unit locations, rents, vacancy status, and abatement of past violations—may not be available to purchasers prior to purchase. The Proposed Legislation, similar to the Three R

FILE NO. 170416

Report of the Housing Code, would provide prospective purchasers with the necessary prior to taking possession of the hotel. The information will allow prospective purchasers to maintain compliance across the transfer period and plan for abating any known issues at the hotel prior to purchase

n:\legana\as2017\1700499\01184250.docx

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

April 19, 2017

File No. 170416

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

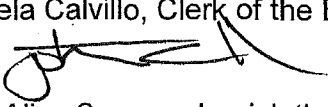
On April 11, 2017, Supervisor Peskin introduced the following proposed legislation:

File No. 170416

Ordinance amending the Administrative Code to require the completion of a report of residential hotel status, and disclosure of the report to the buyer or transferee, prior to the sale or transfer of a residential hotel; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board


702 By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

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

Not defined as a project under CEQA Guidelines
Sections 15378 and 15060(c)(2) because it does not
result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2017.06.19 12:42:29 -0700

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: *JS* Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: April 19, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 170416

Ordinance amending the Administrative Code to require the completion of a report of residential hotel status, and disclosure of the report to the buyer or transferee, prior to the sale or transfer of a residential hotel; and affirming the Planning Department's determination under the California Environmental Quality Act.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: 5/19/17

☒ No Comment

☐ Recommendation Attached

The Small Business Commission will not be hearing this item.

Regina Dick-Endrizzi
Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

April 19, 2017

File No. 170416

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

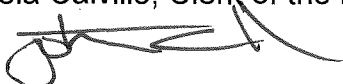
On April 11, 2017, Supervisor Peskin introduced the following proposed legislation:

File No. 170416

Ordinance amending the Administrative Code to require the completion of a report of residential hotel status, and disclosure of the report to the buyer or transferee, prior to the sale or transfer of a residential hotel; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board


70K By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

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

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: *JS* *for* Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: April 19, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 170416

Ordinance amending the Administrative Code to require the completion of a report of residential hotel status, and disclosure of the report to the buyer or transferee, prior to the sale or transfer of a residential hotel; and affirming the Planning Department's determination under the California Environmental Quality Act.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

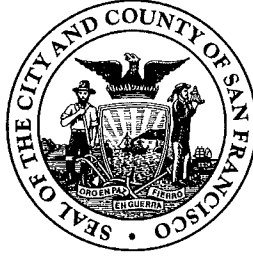
_____ **No Comment**

_____ **Recommendation Attached**

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission


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

MEMORANDUM

TO: Robert Collins, Executive Director, Rent Board
Olson Lee, Director, Mayor's Office of Housing and Community Development
Tom Hui, Director, Department of Building Inspection

FROM:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: April 19, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on April 11, 2017:

File No. 170416

Ordinance amending the Administrative Code to require the completion of a report of residential hotel status, and disclosure of the report to the buyer or transferee, prior to the sale or transfer of a residential hotel; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Eugene Flannery, Mayor's Office of Housing and Community Development
Kate Hartley, Mayor's Office of Housing and Community Development
Amy Chan, Mayor's Office of Housing and Community Development
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
4/11/2017 @ 4:15pm
AS
Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor [] inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. 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):**

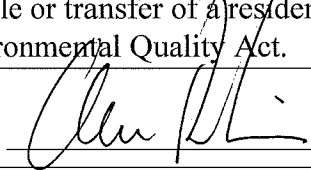
Supervisor Peskin

Subject:

[Administrative Code - Residential Hotel Status Report Requirement]

The text is listed below or attached:

Ordinance amending the Administrative Code to require the completion of a report of residential hotel status, and disclosure of the report to the buyer or transferee, prior to the sale or transfer of a residential hotel; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: