

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: Abigail Stewart-Kahn, Interim Director, Department of Homelessness and Supportive Housing
Dr. Grant Colfax, Director, Department of Public Health
Robert Collins, Executive Director, Rent Board

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: May 8, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on May 5, 2020:

File No. 200456

Emergency ordinance to establish protections for occupants of residential hotels ("SRO Residents") during the COVID-19 pandemic by, among other things: making it City policy to place in solitary hotel rooms SRO residents who meet the criteria for isolation or quarantine established by the County Health Officer, and requiring the Department of Public Health to develop a protocol to assist health care providers to identify SRO Residents who may require protection against or treatment for COVID-19; notify the operator of a residential hotel when an SRO Resident has tested positive for COVID-19 to facilitate contact tracing, testing for COVID-19, and cleaning; establish a telephone hotline for SRO Residents to respond to questions about accessing COVID-19 health screenings, testing, and solitary hotel rooms; provide face coverings to SRO Residents and workers in residential hotels; and provide daily aggregate data concerning the incidence of COVID-19 among SRO Residents, access to quarantine rooms by such residents, and the number of such residents who have died due to complications from COVID-19.

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: erica.major@sfgov.org.

cc: Dylan Schneider, Department of Homelessness and Supportive Housing
Emily Cohen, Department of Homelessness and Supportive Housing
Greg Wagner, Department of Public Health
Dr. Naveena Bobb, Department of Public Health
Sneha Patil, Department of Public Health

1 [Emergency Ordinance - Protections for Occupants of Residential Hotels During COVID-19
 2 Pandemic]

3 **Emergency ordinance to establish protections for occupants of residential hotels**
 4 **(“SRO Residents”) during the COVID-19 pandemic by, among other things: making it**
 5 **City policy to place in solitary hotel rooms SRO residents who meet the criteria for**
 6 **isolation or quarantine established by the County Health Officer, and requiring the**
 7 **Department of Public Health to develop a protocol to assist health care providers to**
 8 **identify SRO Residents who may require protection against or treatment for COVID-19;**
 9 **notify the operator of a residential hotel when an SRO Resident has tested positive for**
 10 **COVID-19 to facilitate contact tracing, testing for COVID-19, and cleaning; establish a**
 11 **telephone hotline for SRO Residents to respond to questions about accessing COVID-**
 12 **19 health screenings, testing, and solitary hotel rooms; provide face coverings to SRO**
 13 **Residents and workers in residential hotels; and provide daily aggregate data**
 14 **concerning the incidence of COVID-19 among SRO Residents, access to quarantine**
 15 **rooms by such residents, and the number of such residents who have died due to**
 16 **complications from COVID-19.**

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

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

Section 1. Declaration of Emergency under Charter Section 2.107.

1 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
2 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
3 of any City or County department or office required to comply with time limitations established
4 by law. The Board of Supervisors hereby finds and declares that an actual emergency exists
5 that requires the passage of this emergency ordinance.

6 (b) On February 25, 2020, Mayor London Breed proclaimed a state of emergency in
7 response to the COVID-19 pandemic. On March 3, 2020, the Board of Supervisors concurred
8 in the February 25 Proclamation.

9 (c) On March 10, 2020, the County Health Officer issued Order No. C19-04, directing
10 Residential Hotel owners and operators to comply with mandatory cleaning standards in all
11 common areas, in recognition of the fact that a high percentage of Residential Hotel residents
12 are 60 years of age or older and/or experience serious health complications, and that
13 conditions in such hotels often present environmental problems such as mold growth, poor
14 sanitation, broken plumbing, and poor ventilation. Although Order No. C19-04 requires
15 Residential Hotel operators to fully and immediately comply with environmental cleaning
16 standards, including making hand soap and hand sanitizer available in communal areas,
17 compliance has been limited by operators' inability to access a reliable source of hand
18 sanitizer and to install dispensers into bathrooms.

19 (d) On March 16, 2020, the County Health Officer issued Order No. C19-07, replaced
20 by Order No. C19-07b on March 31, 2020, extended and replaced by Order No. C19-07c on
21 April 29, 2020, directing San Franciscans to stay in their homes and follow social distancing
22 requirements when outside the home. Social distancing requires that individuals maintain at
23 least six feet between themselves and individuals who are not part of the same household or
24 living unit.

1 (e) On May 1, 2020, the County Health officer issued Directive No. 2020-02, directing
2 all individuals exposed to a person diagnosed with or likely to have COVID-19 to self-
3 quarantine, and Directive No. 2020-03, directing all individuals diagnosed with or likely to have
4 COVID-19 to self-isolate. Individuals who are directed to self-quarantine or self-isolate under
5 the County Health Officer’s orders must remain in their homes and separate from others.

6 (f) Individuals who live in Residential Hotels often share restrooms, cooking facilities,
7 and other common areas with people who are not members of their household, putting them
8 in frequent and close contact with other individuals who are members of vulnerable
9 populations in light of their age, health conditions, and other vulnerabilities.

10 (g) While the number of confirmed COVID-19 cases has generally “flattened,” since
11 the State of Emergency was declared on February 25, 2020, the number of confirmed cases
12 in congregate settings continues to steadily rise, with clusters of cases trending in Residential
13 Hotels citywide.

14 (h) This emergency ordinance is necessary to reduce the spread of COVID-19 by
15 enhancing the ability of occupants of Residential Hotels to comply with the County Health
16 Officer’s social distancing requirements, self-quarantine directive, and self-isolation directive.

17
18 Section 2. Definitions.

19 For purposes of this emergency ordinance, the following terms shall have the following
20 meanings:

21 “City” means the City and County of San Francisco.

22 “Close Contact” has the meaning set forth in County Health Officer Directives Nos.
23 2020-02 and 2020-03, as may be amended from time to time.

24 “Operator” has the meaning set forth in Administrative Code Section 41.4, as may be
25 amended from time to time.

1 “Owner” has the meaning set forth in Administrative Code Section 41.4, as may be
2 amended from time to time.

3 “Residential Hotel” has the meaning set forth in Administrative Code Section 41.4, as
4 may be amended from time to time.

5 “Residential Hotel Unit” has the meaning set forth in Administrative Code Section 41.4,
6 as may be amended from time to time.

7 “SRO Resident” means an individual who occupies a Residential Hotel Unit.

8
9 Section 3. Policies and Protocols to Protect Occupants of Residential Hotels During
10 the COVID-19 Emergency.

11 (a) Each Residential Hotel shall post in a common area where fire safety
12 information is required to be posted:

- 13 (1) The telephone number of the Eviction Defense Collaborative;
14 (2) The telephone numbers of the Single Room Occupancy Collaboratives;
15 (3) The telephone number of the Residential Hotel’s Operator or on-site
16 representative, so that City representatives, essential service workers, home-care providers,
17 and other persons can obtain prompt access to the building in order to serve the SRO
18 Residents; and
19 (4) A copy of this emergency ordinance.

20 (b) Within three days of the effective date of this emergency ordinance, the
21 Department of Public Health (“DPH”) shall prepare and publicly disseminate to City health
22 care providers a protocol for determining whether an individual resides in a Residential Hotel
23 Unit and may require protection against exposure to, or treatment for, COVID-19, including
24 but not limited to the issuance of face coverings, testing for COVID-19, and/or transfer to a
25 solitary isolation or quarantine hotel room (“I/Q Hotel Room”). Such protocol shall consist of a

1 series of questions that seek to establish whether the individual is occupying a Residential
2 Hotel Unit and has access to communal or individual bathroom and/or cooking facilities, and
3 the individual's medical history and vulnerabilities.

4 (c) It shall be the policy of the City to place SRO Residents in I/Q Hotel Rooms for a
5 period of up to 14 days if they meet the standards for isolation or quarantine established by
6 County Health Officer Directives Nos. 2020-02 and 2020-03, as may be amended from time to
7 time, and to provide transportation for such residents from the Residential Hotel where they
8 reside to the I/Q Hotel Room. Nothing in this ordinance shall in any way affect an SRO
9 Resident's right to return to the Resident's unit following a temporary absence due to COVID-
10 19. Further, a temporary absence due to COVID-19 shall not constitute a failure to
11 continuously reside in the unit for purposes of Chapter 37 of the Administrative Code.

12 (d) SRO Residents who are placed by DPH in I/Q Hotel Rooms shall be provided at
13 no cost to the resident with the following essential services and amenities during their
14 placement:

- 15 (1) Three meals per day;
- 16 (2) Adequate heat; and
- 17 (3) Clean restroom facilities.

18 (e) If an SRO Resident refuses to be placed in an I/Q Hotel Room, DPH shall make
19 every reasonable effort to identify and address the resident's barriers to acceptance of the
20 unit, by, among other things, making arrangements to care for the SRO Resident's pet,
21 making and maintaining connections with the resident's family, and identifying ways to care
22 for the resident's dependents.

23 (f) In carrying out the requirements of this emergency ordinance, the City shall
24 comply with the requirements of the Language Access Ordinance, Chapter 91 of the
25 Administrative Code, including, but not limited to the requirement to translate materials that

1 provide vital information to the public about a department's services or programs into the
2 language(s) spoken by a substantial number of limited English speaking persons.

3 (g) Upon confirming that an SRO Resident has tested positive for COVID-19, DPH
4 shall, to the extent consistent with state and federal laws governing the confidentiality of
5 medical information:

6 (1) Within 48 hours of such confirmation, contact all occupants of the
7 Residential Hotel in which the SRO Resident resides and all Close Contacts of the SRO
8 Resident, to offer and initiate COVID-19 testing for such individuals on the site of the
9 Residential Hotel and/or a suitable off-site facility located not more than one block from the
10 Residential Hotel. Where necessary to facilitate contact tracing and testing, the Residential
11 Hotel's Owner or Operator shall provide DPH with access to a list of all SRO Residents who
12 have occupied, and individuals who have worked at, the Residential Hotel during the previous
13 two-week period;

14 (2) Order the Owner or Operator of the SRO to clean all common areas in
15 the Residential Hotel, consistent with the Minimum Environmental Cleaning Standards
16 established and updated by the County Health Officer in Order No. C19-04, or provide access
17 to the Residential Hotel by a City contracted cleaning service;

18 (3) Provide the SRO Resident with written information about the Resident's
19 ability to be transferred to an I/Q Hotel Room, to receive meals and other services during the
20 resident's placement in an I/Q Hotel Room, and subsequent right to return to the Resident's
21 Residential Unit, which information the Resident may provide to the Residential Hotel Owner
22 or Operator.

23 (h) During any period in which an SRO Resident has been placed by DPH in an I/Q
24 Hotel Room, the Owner or Operator of the SRO from which the resident was transferred shall
25

1 not enter the SRO Resident’s unit except to address conditions that pose an immediate threat
2 to the health or safety of other SRO Residents.

3 (i) Within three days of the effective date of this emergency ordinance, DPH shall
4 establish a COVID-19 telephone hotline for SRO Residents to ask questions about accessing
5 COVID-19 health screenings, testing, and I/Q Hotel Rooms, including for those SRO
6 Residents without access to a health care provider. The SRO Hotline shall provide
7 interpreters to permit communication with persons who have limited English proficiency.
8 Persons who call the SRO Hotline may be screened for symptoms and referred to a
9 neighborhood-based and culturally competent medical provider for testing.

10 (j) To protect the health and safety of SRO Residents and the public, all persons,
11 including but not limited to, Residential Hotel Operators, staff, SRO Residents, essential
12 workers, repair people, in-home care workers, and delivery workers, shall comply with social
13 distancing requirements and wear face coverings in the common areas of Residential Hotels.
14 The City shall provide face coverings to all SRO Residents and Residential Hotel employees
15 who lack face coverings.

16 (k) Failure to comply with County Health Officer Orders regarding social distancing
17 and face coverings is punishable by fine, imprisonment, or both.

18 (l) To the extent consistent with state and federal laws governing the confidentiality
19 of medical information, DPH shall produce the following data on a daily basis for inclusion in
20 the City’s Data Tracker:

21 (1) The total number of residential hotels citywide with confirmed COVID-19
22 cases; and

23 (2) The total number of confirmed positive COVID-19 cases in San
24 Francisco, and the rate of cases by population size in San Francisco organized by zip code;

1 (3) The total number of SRO Residents who have completed an isolation or
2 quarantine stay in one of the City's I/Q Hotel Rooms; and

3 (4) The total number of SRO Residents who have died due to complications
4 from the COVID-19 virus.

5
6 Section 4. Undertaking for the General Welfare.

7 In enacting and implementing this emergency ordinance, the City is assuming an
8 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its
9 officers and employees, an obligation for breach of which it is liable in money damages to any
10 person who claims that such breach proximately caused injury. This emergency ordinance
11 does not create a legally enforceable right by any member of the public against the City.

12
13 Section 5. Severability.

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

22
23 Section 67. Effective Date; Expiration.

24 Consistent with Charter Section 2.107, this emergency ordinance shall become
25 effective immediately upon enactment. Enactment occurs when the Mayor signs the

1 ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within
2 ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the
3 ordinance. Once enacted, it shall remain in effect for 60 days, unless reenacted as provided
4 by Section 2.107. If not reenacted, it shall expire on the 61st day after enactment.

5

6 Section 7. Supermajority Vote Required.

7 In accordance with Charter Section 2.107, passage of this emergency ordinance by the
8 Board of Supervisors requires an affirmative vote of two-thirds of the Board of Supervisors.

9

10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

11

12 By: /s/
13 ANNE PEARSON
14 Deputy City Attorney

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LEGISLATIVE DIGEST

[Emergency Ordinance - Protections for Occupants of Residential Hotels During COVID-19 Pandemic]

Emergency ordinance to establish protections for occupants of residential hotels (“SRO Residents”) during the COVID-19 pandemic by, among other things: making it City policy to place in solitary hotel rooms SRO residents who meet the criteria for isolation or quarantine established by the County Health Officer, and requiring the Department of Public Health to develop a protocol to assist health care providers to identify SRO Residents who may require protection against or treatment for COVID-19; notify the operator of a residential hotel when an SRO Resident has tested positive for COVID-19 to facilitate contact tracing, testing for COVID-19, and cleaning; establish a telephone hotline for SRO Residents to respond to questions about accessing COVID-19 health screenings, testing, and solitary hotel rooms; provide face coverings to SRO Residents and workers in residential hotels; and provide daily aggregate data concerning the incidence of COVID-19 among SRO Residents, access to quarantine rooms by such residents, and the number of such residents who have died due to complications from COVID-19.

Existing Law

The California Health and Safety Code authorizes the County Health Officer to take any preventive measure that may be necessary to protect and preserve the public from any public health hazard during a local health emergency, address the spread of infectious disease, and ensure the adequate isolation and quarantine of individuals. Pursuant to this authority and to the declaration of an emergency relating to COVID-19, the County Health Officer has issued orders: 1) directing San Franciscans to stay in their homes except for limited essential activities and follow social distancing requirements; 2) directing residential hotel owners and operators to comply with mandatory cleaning standards in all common areas; 3) directing all individuals exposed to a person diagnosed with or likely to have COVID-19 to self-quarantine; and 4) directing all individuals diagnosed with or likely to have COVID-19 to self-isolate.

Amendments to Current Law

The proposed ordinance would make it the policy of the City to place SRO residents in solitary isolation / quarantine hotel rooms where they meet the standards for isolation or quarantine established by the Health Officer, and would require the City to provide such residents with essential services and amenities, including three meals per day, during their placement in such a room.

The proposed ordinance would require the Department of Public Health to:

- Prepare and disseminate to health care providers a protocol designed to help them identify SRO residents who may require protection against or treatment for COVID-19;
- Notify residential hotel operators when a resident has tested positive for COVID-19 to facilitate contact tracing, testing, and cleaning;
- Provide face coverings to SRO residents and employees who lack them;
- Establish a telephone hotline for SRO residents to facilitate screening, testing, referral to healthcare providers, and placement in solitary hotel rooms;
- Report daily data relating to the aggregate number of SRO hotels with residents who have tested positive for COVID-19, and other indicators;
- Take other specified steps to protect SRO residents against exposure to COVID-19 and to inform them of their rights.

The proposed ordinance would require SRO operators to post information in public areas of residential hotels.

Background Information

While the number of confirmed COVID-19 cases has generally “flattened,” since the State of Emergency was declared on February 25, 2020, the number of confirmed cases in congregate settings continues to steadily rise, with clusters of cases trending in Residential Hotels citywide.

A high percentage of Residential Hotel residents are 60 years of age or older and/or experience serious health complications. In addition, conditions in such hotels often present environmental problems such as mold growth, poor sanitation, broken plumbing, and poor ventilation. Because many SRO residents share restrooms, cooking facilities, and other common areas with people who are not members of their household, they are unable to engage in social distancing, self-isolate, and/or quarantine, consistent with Health Officer orders.

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