

File No. 200764 Committee Item No. 2  
Board Item No. 22

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation Committee Date September 14, 2020

Board of Supervisors Meeting Date September 29, 2020

#### Cmte Board

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Referral FYI 072220</u>
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Completed by: Erica Major Date September 10, 2020

Completed by: Erica Major Date September 17, 2020

[Health Code - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings]

**Ordinance amending the Health Code to establish cleaning and disease prevention standards and practices in tourist hotels and large commercial office buildings to help contain COVID-19, or other contagious public health threats; to require training related to these standards for employees, provide certain protections to employees as they perform cleaning duties, and prohibit retaliation against employees for refusing to perform work under conditions they believe may be unsafe or for reporting such conditions or exercising rights protected by the ordinance; authorizing the Office of Labor Standards Enforcement to enforce the employee rights and protections under the ordinance; and to provide for administrative enforcement by the Department of Public Health, and for financial penalties and civil actions as authorized by City and state law.**

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. Article 11 of the Health Code is hereby amended by revising Section 581, to read as follows:

**SEC. 581. PROHIBITED PUBLIC HEALTH NUISANCES.**

1 (a) No Person shall have upon any premises or real property owned, occupied or  
2 controlled by him, or her, or it, any public nuisance.

3 (b) The following conditions are hereby declared to be a public nuisance:

4 (1) Any accumulation of filth, garbage, decayed or spoiled food, unsanitary  
5 debris or waste material, or decaying animal or vegetable matter, unless such materials are  
6 set out for collection in compliance with Section 283 of this Code;

7 (2) Any accumulation of hay, grass, straw, weeds, or vegetation overgrowth;

8 (3) Any accumulation of waste paper, litter, or combustible trash unless such  
9 materials are set out for collection in compliance with Section 283 of this Code;

10 (4) Any buildings, structures, or portion thereof found to be unsanitary;

11 (5) Any matter or material which constitutes, or is contaminated by, animal or  
12 human excrement, urine, or other biological fluids;

13 (6) Any visible or otherwise demonstrable mold or mildew in the interiors of any  
14 buildings or facilities;

15 (7) Any pest harborage or infestation, including but not limited to pigeons,  
16 skunks, raccoons, opossums, and snakes, except for pigeon harborages that comply with  
17 Section 37(e) of this Code;

18 (8) Any noxious insect harborage or infestation including, but not limited to  
19 cockroaches, bed bugs, fleas, scabies, lice, spiders or other arachnids, houseflies, wasps,  
20 and mosquitoes, except for harborages for honey-producing bees of the genus *Apis* regulated  
21 by ~~the~~ California Food and Agriculture Code Sections 29000 et seq. which are not otherwise  
22 determined to be a nuisance under State law;

23 (9) Any article of food or drink in the possession or under the control of any  
24 person which is tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or  
25

1 drunk. The term "food" as used in this ~~subparagraph~~ subsection (b)(9) includes all articles used  
2 for food and drink by humans, whether simple, mixed, or compound;

3 (10) Any lead hazards which are within the control of the Owner or Manager of  
4 the building, structure, or property. Unless otherwise stated in this Article 11, the term "lead  
5 hazards" as used in this ~~subparagraph~~ subsection (b)(10) shall have the same meaning as that  
6 set forth in Section 1603 of this Code. ~~For the purposes of this subparagraph, and~~ the term  
7 "children" as used in Section 1603 ~~of this Code~~ shall mean any person who is up to 72 months  
8 of age. For the purposes of this ~~subparagraph~~ subsection(b)(10), any paint, ~~both whether~~ interior  
9 ~~and or~~ exterior, found on buildings and other structures built before 1979 is presumed to be  
10 lead-based paint; such presumption may be rebutted by competent evidence demonstrating  
11 that such paint is not lead-based paint;

12 (11) Any vacant lots, open spaces, and other properties ~~in the City and County of~~  
13 ~~San Francisco~~, which become infested with poison oak (*Toxicodendron diversilobum*) or poison  
14 ivy shrub (*Rhus toxicodendron*), hereafter referred to as poisonous growth;

15 (12) Any violation of Section 37 of this Code;

16 (13) Any violation of Section 92 of this Code;

17 (14) Any violation of Section 590 of this ~~Article~~ Code;

18 (15) Any violation~~s~~ of Sections 29.10, 29.17, 29.25, 29.27.-1 or 29.31 of this  
19 Code;

20 (16) Any violation of Article 11B of this Code;

21 (~~17~~16) Any violation~~s~~ of rules or regulations the Director adopts to implement  
22 the provisions of this Article 11 or applicable provisions of State law; ~~and~~

23 (~~18~~17) Anything else that the Director deems to be a threat to public health and  
24 safety.

1           Section 2. The Health Code is hereby amended by adding Article 11B, consisting of  
2 Sections 625.1 through 625.7, to read as follows:

3  
4                                   **ARTICLE 11B: HEALTHY BUILDINGS**

5  
6           **SEC. 625.1. NAME OF ORDINANCE.**

7           *This Article 11B shall be known as the “Healthy Buildings Ordinance.”*

8  
9           **SEC. 625.2. DEFINITIONS.**

10          *As used in this Article 11B, the following terms shall have the following meanings:*

11          *“City” means the City and County of San Francisco.*

12          *“Contagious Public Health Threat” means any contagious, infectious, or communicable*  
13 *disease that the Department may from time to time determine poses an imminent and proximate threat*  
14 *to public health in the City, and includes SARS-CoV-2, the novel coronavirus that causes COVID-19.*

15          *“Covered Establishment” means a Tourist Hotel or Large Commercial Office Building within*  
16 *the geographic boundaries of the City.*

17          *“COVID-19” means the Coronavirus Disease 2019.*

18          *“Department” means the San Francisco Department of Public Health.*

19          *“Disinfectant” means an Environmental Protection Agency (EPA)-registered product that is*  
20 *qualified for use against Contagious Public Health Threats, and as further defined in Section*  
21 *625.3(c).*

22          *“Employee” or “Employees” means full-time and part-time employees, casual or on-call*  
23 *employees, or independent contractors and their employees, who perform work as described in Section*  
24 *625.3 at the Covered Establishment, whether employed or hired directly by the Operator of the*  
25 *Covered Establishment or by another entity.*

1 "Employee Dining and Break Rooms" means any space designated by the Operator for  
2 Employees to take legally or contractually mandated breaks, or other breaks, ~~or frequently used by~~  
3 Employees to take such breaks authorized or approved by the Operator.

4 "Frequently Touched" means any physical surface or object that is typically touched by  
5 multiple individuals during the course of a day.

6 "Large Commercial Office Building" means any building or Set of Buildings containing more  
7 than 50,000 square feet of Office Space. "Large Commercial Office Building" does not include either  
8 1) a building or Set of Buildings owned or controlled by the City or by any other unit of government,  
9 whether local, state, or federal, or 2) any premises within a building or Set of Buildings leased or  
10 occupied by the City or by any other unit of government, whether local, state or federal, for which in  
11 either case the City or any other unit of government is required to provide cleaning or other janitorial  
12 services.

13 "Office Space" has the meaning set forth in Planning Code Section 320(f).

14 "Operator" means any person or business entity that employs or hires Employees directly or  
15 indirectly to perform work as described in Section 625.3 at a Covered Establishment.

16 "Set of Buildings" means more than one building on the same lot, adjacent lots, or same block,  
17 in each case owned by the same individual or entity, or related companies of such individuals or  
18 entities.

19 "Tourist Hotel" means any building or Set of Buildings containing six or more guest rooms or  
20 suites of rooms intended or designated to be used for commercial tourist use by providing  
21 accommodation to transient guests on a nightly basis or longer, as defined in Administrative Code  
22 Section 41.4. "Tourist Hotel" does not include a hotel, or any guest rooms or suites within such a  
23 hotel, procured, leased, rented, or controlled by the City for the purpose of sheltering people as part of  
24 the City's COVID-19 response or response to any other Contagious Public Health Threat.

1           **SEC. 625.3.   CLEANING STANDARDS FOR COVERED ESTABLISHMENTS.**

2           (a)       *Each Operator shall establish, implement, and maintain written cleaning and disease*  
3 *prevention standards designed to minimize the risk of transmission of the novel coronavirus that causes*  
4 *COVID-19 or other Contagious Public Health Threats as they arise.*

5           (b)       *Hand washing stations shall be provided on every floor of the Covered Establishment.*  
6 This requirement does not apply to Tourist Hotels that authorize housekeeping Employees to  
7 wash hands in guest rooms.

8           (c)       *Disinfectant. The cleaning and disease prevention standards established under this*  
9 *Section 625.3 shall provide for disinfection of porous and non-porous surfaces using appropriate*  
10 *Disinfectants. ~~Disinfectants used must be labeled to be effective against viral pathogens.~~*  
11 ~~Bleach and alcohol solutions must meet standards approved by the Department for effective~~  
12 ~~use.~~ *If no Disinfectant exists that may be used on non-porous surfaces effectively or without causing*  
13 *damage to the material, the Operator shall use such other cleaning agent as is appropriate for the*  
14 *material while using a Disinfectant on all other surfaces. Each Operator shall follow the*  
15 *manufacturer's instructions for all cleaning and disinfection products for concentration, application*  
16 *method, and contact time for safe and effective use. Additionally, Employees shall be trained in the*  
17 *proper use of cleaning and disinfection products per the product manufacturer's guidelines and*  
18 *Cal/OSHA safety requirements.*

19           (d)       *High-contact areas, items, and fixtures. The cleaning and disease prevention standards*  
20 *established under this Section 625.3 shall identify "high-contact" areas, items, and fixtures with which*  
21 *Employees or guests may be expected to have regular physical contact. These shall include, at a*  
22 *minimum, those areas, items, and fixtures identified in subsections (e) and (f), but shall also include*  
23 *any other high-contact areas, items, and fixtures;* provided, however, that subsections (e) and (f)  
24 shall not apply to areas of Covered Establishments that are closed to Employees and/or  
25 guests.

1           (e) Regular cleaning and disinfection. The following high-contact areas, items, and fixtures  
2 shall be cleaned and disinfected multiple times daily, and more frequently where appropriate. For  
3 some of the matters addressed in subsections (e)(1)-(9), additional requirements apply as stated.  
4 Unless otherwise stated, references in this Section 625.3 to “surfaces” do not include ceilings.

5           (1) Public and Employee areas. All Frequently Touched surfaces in lobbies,  
6 lounges, waiting areas, hallways, handwashing facilities, other public areas or other areas designated  
7 for Employees, such as break and locker rooms; including as surfaces without limitation, walls,  
8 floors, windows and other glass surfaces, desks, table tops and furniture, countertops, door  
9 handles, and light switches. Porous surfaces such as carpeted floors, rugs, and drapes, shall be  
10 disinfected using Disinfectant identified for the item, or where not, using appropriate cleaners  
11 indicated for use on these surfaces.

12           (2) Elevators. All Frequently Touched surfaces, internal and external, for  
13 elevators, including without limitation elevator buttons and controls, walls, floors, and handrails.

14           (3) Stairways, stairwells, and escalators. All Frequently Touched surfaces on  
15 stairways, stairwells, and escalators, including without limitation handrails.

16           (4) Restrooms. All Frequently Touched surfaces, fixtures, and facilities in public  
17 and non-public restrooms, including without limitation sinks, faucets, mirrors, soap dispensers, dryers,  
18 paper towel dispensers, toilets, doors, walls and floors of bathroom stalls, toilet paper and paper towel  
19 dispensers, door handles, walls, and floors. In addition, hand sanitizer and soap shall be available in  
20 all public restrooms.

21           (5) Meeting rooms. All Frequently Touched surfaces and objects in meeting  
22 rooms and convention spaces, including without limitation walls, floors, table tops, chairs, dry erase  
23 boards; also, markers, staplers, tape dispensers, remote controls, table projectors, charging ports,  
24 podiums, and microphones and other equipment used for transmitting information to attendees.  
25 Regular cleaning and disinfecting shall occur, among other times, during meeting breaks.



1                   (6) Multi-use instruments and items. Instruments and other items used by multiple  
2 individuals such as computer keyboards, touch screens, credit card readers, printers, telephones, light  
3 switches, ~~non-disposable~~ restaurant menus, and ice and vending machines.

4                   (7) Doors. Doors and door handles at all exterior entrances, and door handles at  
5 interior entrances regularly accessed by multiple Employees and guests. In addition, each Operator  
6 shall have ~~dedicated~~ personnel responsible for regularly disinfecting exterior doors, ~~and a~~ At any  
7 time that ~~such~~ doors used as a primary public entrance in a Tourist Hotel of 100 rooms or more  
8 cannot open automatically or be propped open, the Operator shall assign a gloved employee to open  
9 them.

10                  (8) Dining and bar facilities. All ~~Frequently Touched~~ surfaces and objects in  
11 dining areas, including without limitation dining rooms, lunch areas, and restaurants or cafes on the  
12 premises that are defined as “Food Facilities” under California Health and Safety Code Section  
13 113789(a), shall be maintained in compliance with the California Health and Code Sections 113700, et  
14 seq., or any successor provision.

15                  (9) Shipping and receiving areas. All ~~Frequently Touched~~ surfaces and objects  
16 in shipping and receiving areas, including without limitation waste management areas and loading  
17 docks.

18                  (f) Tourist Hotels. In addition to the requirements of subsection (e), these requirements  
19 also apply to Tourist Hotels:

20                  (1) All surfaces, items, and furnishings in Tourist Hotel guest rooms (including suite  
21 areas) that have been occupied in the preceding 24 hours shall be cleaned and disinfected on a daily  
22 basis, unless the guest requests otherwise. Such surfaces include, without limitation, ~~walls, windows,~~  
23 mirrors, desks, table tops, furniture, minibars, interior and exterior door handles, interior door locks,  
24 faucets, toilets, ~~bed headboards and footboards,~~ light switches, TV remote controls, telephones,  
25 keyboards, and touch screens. Porous surfaces such as carpeted floor, rugs, and drapes, shall be

1 disinfected using Disinfectant where available for the item, or where not, appropriate cleaners  
2 indicated for use on these surfaces.

3 (2) ~~Bed linens and towels shall be changed no less than daily, unless the~~  
4 ~~guest requests that they be changed less frequently.~~ Towels, bed linens, Bbed scarves, and  
5 bedspreads shall be changed upon the end of each guest's stay in the Tourist Hotel. All dirty linens  
6 and laundry shall be cleaned at high temperatures and according to the CDC Guidelines for  
7 Environmental Infection Control in Health-Care Facilities.

8 (3) Hand sanitizer dispensers shall be installed in main entrances and exits utilized  
9 by Employees and guests and in other open high-contact public areas, including without limitation  
10 fitness centers, pools, salons, check-in and check-out counters, lobbies, and lounges, and near elevators  
11 and multi-use instruments.

12 (4) Restrooms in occupied Tourist Hotel guest rooms shall be cleaned and  
13 disinfected once per day, absent special circumstances requiring more frequent cleaning, unless the  
14 guest requests less frequent cleaning/disinfecting.

15 (5) If there is a reasonable basis to believe that a specific guest room was occupied  
16 by an individual infected with COVID-19 or any other Contagious Public Health Threat, the Operator  
17 must remove the guest room from use for seven days or until the Department confirms that it is safe  
18 for re-use. If the Department confirms that the room was exposed to a positive case of COVID-19 or  
19 other Contagious Public Health Threat, the guest room must undergo a more stringent sanitization  
20 protocol per the CDC "Cleaning and Disinfection for Community Facilities" recommendations, or  
21 other protocols as may be deemed appropriate by the Department.

22 (6) ~~No A~~ A Tourist Hotel may not advise, nor may it offer any incentive, of a  
23 financial nature or any other nature, to, any guest to decline guest room cleaning on a daily basis or  
24 otherwise relax the standards set forth in this subsection (f). Guests are presumed to elect daily guest  
25 room cleaning unless the guest affirmatively indicates a preference not to receive daily room cleaning.

1           (g) Posting of cleaning and disease prevention standards. Copies of the cleaning and  
2 disease prevention standards referenced in subsection (a) shall be posted in areas where Employees  
3 regularly receive daily instruction regarding work duties and on bulletin boards where the Operator  
4 regularly posts official communications with Employees. Copies of the cleaning and disease prevention  
5 standards shall be made available to guests, to Employees, and to Employee bargaining representatives  
6 upon request, and shall be translated into any language spoken by 20% or more of Employees at the  
7 Covered Establishment. Copies of the cleaning and disease prevention standards shall be submitted  
8 electronically to the Department upon request.

9           (h) All Operators shall maintain a compliance log of all cleaning and sanitation performed  
10 in compliance with this Section 625.3, and shall make it available to the Department upon request.

11           (i) Guidance of public health authorities. Any other relevant guidance regarding cleaning  
12 and disease prevention standards issued by the Department, the California Department of Public  
13 Health, Cal/OSHA, the Centers for Disease Control, and/or other regulatory agencies, or established  
14 pursuant to Executive Order of the Mayor, County Health Officer, Governor, State Health Officer, or  
15 President shall be followed by the Covered Establishment. In the event that such guidance  
16 recommends providing employees with a notice related to COVID-19 or other Contagious Public  
17 Health Threat (for example, a general exposure advisory or a recommendation of quarantine), each  
18 Operator shall ensure that all Employees to which such recommendations relate and their bargaining  
19 representatives, if any, receive such notice as expeditiously as possible. In the event of a conflict  
20 between this Section 625.3 and cleaning and disease prevention standards adopted by one or more of  
21 the public health authorities encompassed within this subsection (i), the most stringent standard shall  
22 apply.

23  
24           **SEC. 625.4. EMPLOYEE PROTECTIONS, TRAINING, AND NON-INTERFERENCE**  
25 **WITH PROTECTED EMPLOYEE RIGHTS.**

1           (a) Employee protections.

2                   (1) Employees shall be provided with personal hand sanitizers effective against  
3 Contagious Public Health Threats including COVID-19, at no cost to the Employee.

4                   (2) Employees shall be provided with face coverings, gloves, and all Personal  
5 Protective Equipment (PPE) necessary to safely perform the work required to comply with this Article  
6 11B, at no cost to Employees. Such PPE shall be replaced, cleaned, and used in conformance with  
7 manufacturer directions. Medical waste disposal containers shall be provided where needed  
8 Employees are required to collect, clean, or dispose of medical waste such as syringes.

9                   (3) Items, clothing, and equipment that have been used by an Employee but are to be  
10 transferred to another Employee, or used by an Employee on one shift and to be transferred to another  
11 Employee on a subsequent shift, shall be cleaned and disinfected before being transferred.

12                   (4) Employees shall be given adequate time during their work hours to perform the  
13 cleaning, disinfecting, and disease prevention duties imposed by this Article 11B.

14                   (5) If the Department recommends that Employees undergo testing for COVID-19 or  
15 any other Contagious Public Health Threat, Operators shall ensure that such Employees may receive  
16 testing as recommended by the Department. Such testing shall be at no cost to the Employee, and shall  
17 occur on paid time, including time required to travel to and from testing sites.

18           (b) Employee Training. For all Employees assigned cleaning and/or disinfecting duties  
19 pursuant to Section 625.3, each Operator shall provide comprehensive and ongoing training in the  
20 following subjects: COVID-19 or, as applicable, other Contagious Public Health Threat symptoms,  
21 how COVID-19 or other Contagious Public Health Threats are spread, prevention of the spread of  
22 COVID-19 or other Contagious Public Health Threats, the requirements of this Article 11B, and  
23 Employee rights and responsibilities under this Article. Such training shall be performed on paid time  
24 and shall be conducted in all languages in which the Employee is fluent spoken by 20% or more  
25 of the Employees at a Covered Establishment.

1           (c) No Operator or Covered Establishment or other person shall discharge, demote,  
2 suspend, or fail to promote any Employee, or threaten to do any of the foregoing; reduce the  
3 compensation, increase the workload, or change the duties of any Employee, or threaten to do any of  
4 the foregoing; impose fees or charges on any Employee, or threaten to do either; or in any manner  
5 discriminate or otherwise take adverse action against any Employee, or threaten to do so, for opposing  
6 any practice proscribed by this Article 11B, participating in investigations or proceedings related to  
7 this Article, seeking to enforce the Employee's rights or the rights of another Employee under this  
8 Article by any lawful means, or otherwise asserting rights under this Article.

9           (d) No Operator, Covered Establishment, or any other person shall take any adverse action  
10 as described in subsection (c) against any Employee for refusing to perform work that the Employee  
11 reasonably believes poses a personal health risk or a health risk to others because of a failure to  
12 adhere to the requirements of this Article 11B.

13           (e) No Operator, Covered Establishment, or other person shall take any adverse action as  
14 described in subsection (c) against any Employee for reporting or disclosing work conditions the  
15 Employee reasonably believes pose a personal health risk or a health risk to others because of a failure  
16 to adhere to the requirements of this Article 11B.

17           (f) No Operator, Covered Establishment, or other person shall interfere with any  
18 Employee's exercise of rights protected under this Article 11B, including but not limited to rights  
19 protected under this Section 625.4.

20           (g) Protections of this Section 625.4 shall apply to any Employee or other person who  
21 mistakenly, but in good faith, alleges noncompliance with this Article 11B. Taking adverse action  
22 against an Employee or other person within 90 days of their having exercised rights protected under  
23 this Article shall raise a rebuttable presumption that the party taking the adverse action did so in  
24 retaliation for the exercise of such rights.

1            (h) This Section 625.4 shall be implemented and enforced by the Office of Labor Standards  
2 Enforcement, which may promulgate regulations and guidelines for such purposes.

3  
4            **SEC. 625.5. ENFORCEMENT.**

5            (a) As stated in Health Code Section 58I, a violation of the cleaning or disinfecting  
6 standards established under Section 625.3 shall be considered a nuisance under Section 58I, or any  
7 successor provision.

8            (b) The Department shall have authority to enforce Section 625.3 under Health Code  
9 Sections 594, 595, 596, 596.5, 599, 600, and 610, including by issuance of an order of closure as  
10 provided by Health Code Section 596(i)(6), or any successor provision.

11           (c) Any Employee or former Employee may bring a civil action in the San Francisco  
12 Superior Court for a violation of Section 625.4, and may be awarded:

13           (1) All actual damages (including, but not limited to, lost pay and benefits) suffered  
14 by the Employee, or statutory damages in the sum of \$1,000, for each violation whichever is greater;  
15 and

16           (2) Exemplary damages, as authorized under California Civil Code Section 3294, or  
17 any successor provision; and

18           (3) The court shall award reasonable attorneys' fees and costs to an Employee who  
19 prevails in any such enforcement action.

20           (d) Nothing in this Article 11B shall preclude ~~any person~~ an employee from bringing a  
21 civil action ~~based on any requirements set forth in this article, or facts and circumstances that~~  
22 ~~may constitute for an alleged~~ violation of this Article, where such civil action is otherwise recognized  
23 under the law.

24  
25           **SEC. 625.6. UNDERTAKING FOR THE GENERAL WELFARE.**

1           In enacting and implementing this Article 11B, the City is assuming an undertaking only to  
2 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an  
3 obligation for breach of which it is liable in money damages to any person who claims that such breach  
4 proximately caused injury.

5  
6           **SEC. 625.7. SEVERABILITY.**

7           If any section, subsection, sentence, clause, phrase, or word of this Article 11B, or any  
8 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a  
9 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining  
10 portions or applications of the Article. The Board of Supervisors hereby declares that it would have  
11 passed this Article and each and every section, subsection, sentence, clause, phrase, and word not  
12 declared invalid or unconstitutional without regard to whether any other portion of this Article or  
13 application thereof would be subsequently declared invalid or unconstitutional.

14  
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.

1           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the “Note” that appears under  
6 the official title of the ordinance.

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By: /s/ Virginia Dario Elizondo  
11 VIRGINIA DARIO ELIZONDO  
12 Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(9/22/2020, Amended in Board)

[Health Code - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings]

**Ordinance amending the Health Code to establish cleaning and disease prevention standards and practices in tourist hotels and large commercial office buildings to help contain COVID-19, or other contagious public health threats; to require training related to these standards for employees, provide certain protections to employees as they perform cleaning duties, and prohibit retaliation against employees for refusing to perform work under conditions they believe may be unsafe or for reporting such conditions or exercising rights protected by the Ordinance; authorizing the Office of Labor Standards Enforcement to enforce the employee rights and protections under the ordinance; and to provide for administrative enforcement by the Department of Public Health, and for financial penalties and civil actions as authorized by City and state law.**

Existing Law

Health Code Article 11 defines prohibited public health nuisances, establishes enforcement and due process procedures, and sets forth penalties for failure to eliminate or abate such nuisances.

Amendments to Current Law

This ordinance adds Article 11B to require tourist hotels and large commercial office buildings to establish, implement, and maintain specific, written regular cleaning, disinfecting and disease prevention standards consistent with those established by the California Departments of Public Health (CDPH) and Industrial Relations (Cal/OSHA division) issued “COVID-19 Industry Guidance: Hotels and Lodging” and other applicable local, state and federal orders and guidance.

The cleaning and disinfection requirements apply to public and employee high contact areas of tourist hotels and commercial office buildings, including, but not limited to, lobbies, lounges, waiting areas, hallways, restrooms, handwashing facilities, elevators, stairwells, meeting rooms, multi-use instruments and items, doors and handles, bed linens and towels, employee break and locker rooms, loading and shipping docks. Guests in tourist hotels may request that their room not be cleaned and sanitized on a daily basis.

The proposed ordinance will require tourist hotels and large commercial office buildings to provide paid-time training for employees tasked with performing such cleaning, disinfecting and disease prevention methods, along with other employee protections to prevent retaliation

or interference with an employee's protected rights. These employee rights and protections will be enforced by the Office of Labor Standards Enforcement.

The proposed ordinance provides for enforcement by the Department of Public Health under Health Code Sections 594, 595, 596, 596.5, 600 and 610, including closure by issuance of an order per Health Code Section 596(i)(6), and by civil action for actual and punitive damages.

### Background Information

The COVID-19 pandemic precipitated an economic crisis in San Francisco, resulting in tens of thousands of workers being laid off without access to healthcare benefits or income to support their families. A majority of tourist hotels and large commercial office buildings closed or are operating at minimal capacity due to the public health measures necessary to contain the pandemic.

On May 12, 2020, the California Departments of Public Health (CDPH) and Industrial Relations (Cal/OSHA division) issued "COVID-19 Industry Guidance: Hotels and Lodging" providing guidance for the hotel and lodging industry to support a clean and safe environment for employees and guests in light of the COVID-19 pandemic.

It is the top priority of the Board of Supervisors for tourist hotels and large commercial office buildings to reopen in the safest and quickest manner possible to aid in San Francisco's economic recovery. To reach these goals it is imperative to ensure that tourist hotels and large commercial office buildings implement cleaning and disease prevention standards to minimize the spread of COVID-19 and other Contagious Public Health Threats. The Board in its efforts to reduce the spread of COVID-19 also seeks to demonstrate to visitors, residents, and workers that San Francisco's Covered Establishments are and will remain among the cleanest and safest facilities in the world.

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Member, Board of Supervisors  
District 3



City and County of San Francisco

**AARON PESKIN**

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DATE: August 27, 2020

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Aaron Peskin, Chair, Land Use and Transportation  
Committee

RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

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Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, September 1, 2020, as Committee Reports:

**200762      Emergency Ordinance - Protections for Occupants of  
Residential Hotels During COVID-19 Pandemic**

**Reenactment of emergency ordinance (Ordinance No. 84-20) 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.**

## COMMITTEE REPORT MEMORANDUM

Land Use and Transportation Committee

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**200764      Health Code - Cleaning and Disease Prevention Standards in  
Tourist Hotels and Large Commercial Office Buildings**

**Ordinance amending the Health Code to establish cleaning and disease prevention standards and practices in tourist hotels and large commercial office buildings to help contain COVID-19, or other contagious public health threats; to require training related to these standards for employees, provide certain protections to employees as they perform cleaning duties, and prohibit retaliation against employees for refusing to perform work under conditions they believe may be unsafe or for reporting such conditions or exercising rights protected by the Ordinance; authorizing the Office of Labor Standards Enforcement to enforce the employee rights and protections under the ordinance; and to provide for administrative enforcement by the Department of Public Health, and for financial penalties and civil actions as authorized by City and state law.**

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, August 31, 2020, at 1:30 p.m.

*/s/ Aaron Peskin*

BOARD of SUPERVISORS



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Dr. Carlton B. Goodlett Place, Room 244  
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Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

### LAND USE AND TRANSPORTATION COMMITTEE

### SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee

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

DATE: August 17, 2020

SUBJECT: **NO COMMITTEE REPORT, BOARD MEETING**  
Tuesday, August 18, 2020

The following file should not be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, August 18, 2020. This item was acted upon at the Committee Meeting on Monday, August 17, 2020, at 1:30 p.m., by the votes indicated.

**Item No. 36**

**File No. 200764**

Ordinance amending the Health Code to establish cleaning and disease prevention standards and practices in tourist hotels and large commercial office buildings to help contain COVID-19, or other contagious public health threats; to require training related to these standards for employees, provide certain protections to employees as they perform cleaning duties, and prohibit retaliation against employees for refusing to perform work under conditions they believe may be unsafe or for reporting such conditions or exercising rights protected by the Ordinance; authorizing the Office of Labor Standards Enforcement to enforce the employee rights and protections under the ordinance; and to provide for administrative enforcement by the Department of Public Health, and for financial penalties and civil actions as authorized by City and state law.

### CONTINUED TO THE CALL OF THE CHAIR

Vote: Supervisor Aaron Peskin - Aye  
Supervisor Ahsha Safai - Aye  
Supervisor Dean Preston - Aye

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Anne Pearson, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney

**Introduction Form**

By a Member of the Board of Supervisors or 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.
- ☐ 4. Request for letter beginning : "Supervisor [ ] inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No. [ ]
- ☐ 9. Reactivate File No. [ ]
- ☐ 10. Topic 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 the Imperative Form.**

Sponsor(s):

Supervisor Peskin

Subject:

[Health Code - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings]

The text is listed:

Ordinance amending the Health Code to establish cleaning and disease prevention standards and practices in tourist hotels and large commercial office buildings to help contain COVID-19, or other contagious public health threats; to require training related to these standards for employees, provide certain protections to employees as they perform cleaning duties, and prohibit retaliation against employees for refusing to perform work under conditions they believe may be unsafe or for reporting such conditions or exercising rights protected by the ordinance; authorizing the Office of Labor Standards Enforcement to enforce the employee rights and protections under the ordinance; and to provide for administrative enforcement by the Department of Public Health, and for financial penalties and civil actions as authorized by City and state law.

Signature of Sponsoring Supervisor: [ ]

