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CITY AND COUNTY
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City and County of San Francisco Ordinance Amending the Administrative Code with respect to Short-Term Residential Rentals

DEPARTMENT OF ELECTIONS

Preamble:

At a time when San Francisco faces a severe affordable housing crisis, an increasing number of existing apartments, condominiums and houses, are being illegally offered and advertised as short-term rentals on websites, such as AirBNB and VRBO. Laws meant to regulate this practice are being ignored. These hotel uses contribute to the disappearance of affordable housing in San Francisco, hurt everyday San Franciscans and transform our neighborhoods for the worse. To date, not a single online travel agency that advertises short-term residential rentals has been required to meet our local laws. This ordinance is intended to stop the proliferation of short-term rentals through online travel agencies by requiring the registration prior to listing with an online travel agency; the verification of registration by the agencies prior to accepting listings; and allowing citizens to enforce the requirements of this ordinance through a complaint process.

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

Section 1. The Administrative Code is hereby amended by revising Sections 41A.4 and 41A.5 to read as follows:

SEC. 41.A.4. DEFINITIONS.

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

Accessory Dwelling Unit or ADU. A separate dwelling unit within a single-family dwelling or a separate structure associated with a single-family dwelling which is incidental and subordinate to the primary residential use of the property. Accessory dwelling units are further defined as follows:

(a) Detached. Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary residential dwelling unit. ADUs that are connected to a primary residential structure only by a covered breezeway or similar appurtenant structure shall be considered detached.

(b) Attached. Those accessory dwelling units that share a common wall or

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floor/ceiling with the primary dwelling unit and do not meet the definition of detached accessory dwelling unit.

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Business Entity. A corporation, partnership, or other legal entity that is not a natural person that owns or leases one or more ~~residential units~~ Residential Units.

Complaint. A complaint submitted to the Department and/or the City Attorney alleging a violation of this Chapter 41A and that includes the Residential Unit's address, including unit number, date(s) and nature of alleged violation(s), and any available contact information for the Owner and/or resident of the Residential Unit at issue.

Conversion or Convert. A change of use from Residential Use to Tourist or Transient Use, including, but not limited to, renting a Residential Unit as a Tourist or Transient Use.

Department. The Planning Department.

Director. The Director of the Planning Department.

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.

Interested Party. A Permanent Resident of the building in which the Tourist or Transient Use is alleged to occur, a Permanent Resident living within 100 feet of the building

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in which the Tourist or Transient Use is proposed to occur, any homeowner association associated with the Residential Unit in which the Tourist or Transient Use is alleged to occur, the Owner of the Residential Unit in which the Tourist or Transient Use is alleged to occur, the City and County of San Francisco, or any non-profit organization exempt from taxation pursuant to Title 26, Section 501 of the United States Code, which has the preservation or improvement of housing as a stated purpose in its articles of incorporation or bylaws.

Owner. Owner includes any person who is the owner of record of the real property. As used in this Chapter 41A, the term "Owner" includes a lessee where the lessee is offering a Residential Unit for Tourist or Transient use.

Permanent Resident. 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. A Permanent Resident may be an owner or a lessee.

Primary Residence. The Permanent Resident's usual place of return for housing as documented by at least two of the following: motor vehicle registration; driver's license; voter registration; tax documents showing the Residential Unit as the Permanent Resident's residence for the purposes of a home owner's tax exemption; or a utility bill. A person may have only one Primary Residence.

Registration Number. An identifying number issued by the Department for each Short-Term Residential Rental unit.

Residential Unit. Room or rooms, including a condominium or a room or dwelling unit that forms part of a tenancy-in-common arrangement, in any building, or

portion thereof, which is designed, built, rented, leased, let or hired out to be occupied for Residential Use as defined in the San Francisco Housing Code.

Residential Use. Any use for occupancy of a Residential Unit by a Permanent Resident.

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 Resident of the Residential Unit;
- (b) the Permanent Resident is a natural person;
- (c) the Permanent Resident has registered the Residential Unit and maintains good standing on the Department's Short-Term Residential Rental Registry; and
- (d) the Residential Unit: is not subject to the Inclusionary Affordable Housing Program set forth in Planning Code Section 415 et seq.; is not a residential hotel unit subject to the provisions of Chapter 41, unless such unit has been issued a Permit to Convert under Section 41.12; is not otherwise designated as a below market rate or income-restricted Residential Unit under City, state, or federal law; and no other requirement of federal or state law, this Municipal Code, or any other applicable law or regulation prohibits the permanent resident from subleasing, renting, or otherwise allowing Short-Term Residential Rental of the Residential Unit.

Short-Term Residential Rental Registry or Registry. A database of information maintained by the Department that includes a unique Registration Number for each Short-Term Residential Rental, and information regarding Permanent Residents who are permitted to offer Residential Units for Short-Term Residential Rental. Only one

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Permanent Resident per Residential Unit may be included on the Registry at any given time. The Registry shall be available for public review to the extent required by law, except that, to the extent permitted by law, the Department shall redact any Permanent Resident names from the records available for public review.

Tourist or Transient Use. Any use of a Residential Unit for occupancy for less than a 30-day term of tenancy, or occupancy for less than 30 days of a Residential Unit leased or owned by a Business Entity, whether on a short-term or long-term basis, including any occupancy by employees or guests of a Business Entity for less than 30 days where payment for the Residential Unit is contracted for or paid by the Business Entity.

SEC. 41A.5 UNLAWFUL CONVERSION; REMEDIES.

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

(1) any Permanent Resident, person or entity to offer, or to assist anyone to offer, a Residential Unit for rent for Tourist or Transient Use;

(2) any Permanent Resident, Owner, person or entity to offer, or to assist anyone to offer, a Residential Unit for rent to a Business Entity that will allow the use of a Residential Unit for Tourist or Transient Use. ~~;~~ or

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

(b) **Records Required.** The Owner and Business Entity, if any, shall retain and make available to the Department records to demonstrate compliance with this Chapter 41A upon written request as provided herein. Any Permanent Resident offering

his or her Primary Residence as a Short-Term Residential Rental shall *(1)* retain and make available to the Department records to demonstrate compliance with this Chapter 41A, including but not limited to records demonstrating Primary Residency, *and (2) submit quarterly reports to the Department setting forth* the number of days per calendar year he or she has occupied the Residential Unit, and the number of days per *such quarter* calendar year, with dates and duration of each stay, the Residential Unit has been rented for Short-Term Residential Rental Use.

~~(c) — **Determination of Violation.** Upon the filing of a written Complaint that an Owner or Business Entity has engaged in an alleged unlawful Conversion or that a Hosting Platform is not complying with the requirements of subsection (g)(4)(A), the Director shall take reasonable steps necessary to determine the validity of the Complaint. The Director may independently determine whether an Owner or Business Entity may be renting a Residential Unit for Tourist or Transient Use in violation of this Chapter 41A or whether a Hosting Platform has failed to comply with the requirements of subsection (g)(4)(A). To determine if there is a violation of this Chapter 41A, the Director may initiate an investigation of the subject property or Hosting Platform's allegedly unlawful activities. This investigation may include, but is not limited to, an inspection of the subject property and/or a request for any pertinent information from the Owner, Business Entity, or Hosting Platform, such as leases, business records, or other documents. The Director shall have discretion to determine whether there is a potential violation of this Chapter 41A and whether to conduct an administrative review hearing as set forth below. Notwithstanding any other provision of this Chapter 41A, any alleged violation related to failure to comply with the requirements of the Business and Tax~~

~~Regulations Code shall be enforced by the Treasurer/Tax Collector under the provisions of that Code.~~

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~~(d) **Civil Action.** Following the filing of a Complaint and the determination of a violation by the Director through an administrative review hearing as set forth in this Chapter 41A, the City may institute civil proceedings for injunctive and monetary relief against a Hosting Platform for violation of subsection (g)(4)(A) or the City or any other Interested Party may institute civil proceedings for injunctive and monetary relief against an Owner or Business Entity. In addition, an Owner or Business Entity in violation of this Chapter or a Hosting Platform in violation of subsection (g)(4)(A) may be liable for civil penalties of not more than \$1,000 per day for the period of the unlawful activity. If the City or the Interested Party is the prevailing party, the City or the Interested Party shall be entitled to the costs of enforcing this Chapter 41A, including reasonable attorneys' fees pursuant to an order of the Court. Any monetary award obtained by the City and County of San Francisco in such a civil action shall be deposited in the Department to be used for enforcement of Chapter 41A. The Department, through the use of these funds, shall reimburse City departments and agencies, including the City Attorney's Office, for all costs and fees incurred in the enforcement of this Chapter 41A.~~

(c) **Civil Action.**

(1) Any person or entity that believes a violation of this Chapter has occurred may file a complaint with the Department within one year after the occurrence of the violation. The one year period may be extended by the Director for good cause. The complaint shall be investigated by the Department in accordance with this Chapter.

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Notwithstanding anything to the contrary in this Chapter, the City Attorney may institute suit against an Owner, Permanent Resident, Business Entity and/or Housing Platform for injunctive and monetary relief without regard to whether a complaint has been filed or the Director has made a determination of a violation as set forth herein.

(2) The Director shall establish procedures for the investigation of complaints. A summary of the procedures shall be provided to each complainant and respondent at the time of initial contact. The Director shall inform complainants charging a violation of this Chapter, at the time of initial contact, of his or her right to file a separate, concurrent complaint with the City Attorney.

(d) **Process.** Each complaint shall be assigned to a complaint investigator who shall prepare no later than sixty (60) days following receipt of the complaint and submit a report to the Department and the City Attorney based on an investigation of the complaint. The investigation shall include, where appropriate, interviews with the complainant, respondent, and any witnesses who may have information concerning the alleged violation, and a review of any documents that may be relevant to the disposition of the complaint. The identity of a witness shall remain confidential unless the identification of the witness becomes necessary to proceed with the investigation or to prosecute an action to enforce a determination. The investigation report submitted to the Department shall include the statements and documents obtained in the investigation, and the findings of the investigator concerning whether a violation occurred. The Director may hold an investigative hearing whenever s/he determines, after review of the investigation report, that a hearing is necessary to fully establish the facts. In the hearing the investigation report shall be made a part of the record and the complainant and respondent shall

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have the opportunity to present further evidence. The Director shall issue, serve, and enforce any necessary subpoenas.

(e) **Determination; Private Right of Action.** If the Director determines a violation has occurred, s/he shall, after consultation with the City Attorney, notify the complainant and respondent and direct the respondent to cease and desist from the violation and take any action deemed necessary to remedy the violation, including, where appropriate, payment of all costs and reasonable attorney's fees associated with any hearing held by the Director in investigating the complaint. If the respondent does not comply with the order within 10 calendar days following notification of the Director's determination, the City Attorney shall have 30 calendar days after issuance of the Department's report to bring an action in an appropriate court against the respondent and shall be entitled to actual damages, payment of reasonable attorney fees, and special damages of not less than \$250 and not more than \$1,000 per violation per day.

If the City Attorney does not bring an action in court within 30 calendar days after issuance of the Department's report, the Interested Party that filed the complaint with the Department, regardless of the Department's determination, may bring an action in court against the respondent or any person or any entity that assisted the respondent. If the Interested Party prevails in his or her action, the court shall award the complainant court costs, reasonable attorney's fees, actual damages, and special damages of not less than \$250 and not more than \$1,000 per violation per day.

(f) If the Director determines no violation has occurred, the Director shall, after consultation with the City Attorney, notify the complainant/Interested Party and respondent and shall dismiss the complaint. The complainant/Interested Party may, after notification of the Director's determination to dismiss a complaint, bring a civil action in an appropriate court

against the respondent or any person or any entity that assisted the respondent. A prevailing complainant/Interested Party shall be entitled to an award of actual damages, attorneys fees and costs and special damages of not less than \$250 and not more than \$1,000 per violation per day. Additionally, the court shall have the authority to restrain the violation and order any other relief that will remedy the violation including, but not limited to, equitable relief as is appropriate under the circumstances of the case.

When dismissing a complaint, the Director shall advise the complainant of his or her right to bring a civil action against the respondent in an appropriate court if he or she disagrees with the determination of the Director.

(g) The Director shall notify in writing the City Attorney, complainant and respondent of his or her determination not later than 90 days after the filing of the complaint.

(h) The rights and remedies provided by this Chapter shall be cumulative and shall not preclude a complainant from pursuing any other rights and remedies under any other law.

(i) In the enforcement of this section, there is no requirement that an individual exhaust administrative remedies or procedures.

(j) Criminal Penalties. Any Owner or Business Entity who rents a Residential Unit for Tourist or Transient Use and/or any Hosting Platform that lists a Residential Unit for Tourist or Transient Use in violation of this Chapter 41A without correcting or remedying the violation as provided for in subsection 41A.6(b)(7) shall be guilty of a misdemeanor. Any person convicted of a misdemeanor hereunder shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both. Each Residential Unit rented for Tourist or Transient Use shall constitute a separate offense.

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

(gl) **Exception for Short-Term Residential Rental.**

(1) Notwithstanding the restrictions set forth in this Section 41A.5, a Permanent Resident may offer his or her Primary Residence as a Short-Term Residential Rental *for no more than 75 days per calendar year* if:

(A) The Permanent Resident occupies the Residential Unit for no less than 275 days out of the calendar year in which the Residential Unit is rented as a Short-Term Residential Rental or, if the Permanent Resident has not rented or owned the Residential Unit for the full preceding calendar year, for no less than 75% of the days he or she has owned or rented the Residential Unit;

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

(C) The Permanent Resident complies with any and all applicable provisions of state and federal law and the San Francisco Municipal Code, including but not limited to the requirements of the Business and Tax Regulations Code

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by, among any other applicable requirements, collecting and remitting all required transient occupancy taxes, and the occupancy requirements of the Housing Code;

(D) The Permanent Resident maintains liability insurance appropriate to cover the Short-Term Residential Rental Use in the aggregate of not less than \$500,000 or conducts each Short-Term Residential Rental transaction through a Hosting Platform that provides equal or greater coverage. Such coverage shall defend and indemnify the Owner(s), as named additional insured, and any tenant(s) in the building for their bodily injury and property damage arising from the Short-Term Residential Use;

(E) The Residential Unit is registered on the Short-Term Residential Rental Registry;

(F) The Permanent Resident includes the Department-issued ~~registration number~~ Registration Number on any Hosting Platform listing or other listing offering the Residential Unit for use as a Short-Term Residential Rental;

(G) For units subject to the rent control provisions of Section 37.3, the Permanent Resident complies with the initial rent limitation for subtenants and charges no more rent than the rent the Permanent Resident is paying to any landlord per month; provided, however, that any housing that restricts occupancy to persons of very-low, -low or -moderate income and is developed, acquired or rehabilitated with financial assistance by the City and County of San Francisco or by an entity controlled by the City and County of San Francisco, or is an Accessory Dwelling Unit, or is a secondary unit may not be listed or rented as a Short-Term Residential Rental;

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(H) The Permanent Resident can demonstrate to the satisfaction of the Department that the Residential Unit and the property on which it is located is not subject to any outstanding Building, Electrical, Plumbing, Mechanical, Fire, Health, Housing, Police, or Planning Code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders, or correction notices. The Department shall not include a property that is subject to any such outstanding violations in the Registry. If such a violation occurs once a Residential Unit has been included in the Registry, the Department shall suspend the Residential Unit's registration and registration number until the violation has been cured; *and*

(I) Any Permanent Resident that desires to rent a Residential Unit as a Short-Term Rental for more than 75 days shall first obtain a Conditional Use authorization from the Department to operate as a bed and breakfast establishment.

(2) Additional Requirements.

(A) Offering a Residential Unit for Short-Term Residential Rental, including but not limited to advertising the Residential Unit's availability, while not maintaining good standing on the Registry shall constitute an unlawful conversion in violation of this Chapter 41A and shall subject the person or entity offering the unit in such a manner to the administrative penalties and enforcement procedures, including civil penalties, of this Chapter.

(B) Only one Permanent Resident may be associated with a Residential Unit on the Registry, and it shall be unlawful for any other person, even if that person meets the qualifications of a "Permanent Resident," to offer a Residential Unit for Short-Term Residential Rental.

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(C) A Permanent Resident offering a Residential Unit for Short-Term Residential Rental shall maintain a valid business registration certificate.

(D) A Permanent Resident offering a Residential Unit for Short-Term Residential Rental shall post a clearly printed sign inside his or her Residential Unit on the inside of the front door that provides information regarding the location of all fire extinguishers in the unit and building, gas shut off valves, fire exits, and pull fire alarms.

(3) Short-Term Residential Rental Registry Applications, Fee, and Reporting Requirement.

(A) Application. Registration shall be for a two-year term, which may be renewed by the Permanent Resident by filing a completed renewal application. Initial and renewal applications shall be in a form prescribed by the Department. The Department shall determine, in its sole discretion, the completeness of an application. Upon receipt of a complete initial application, the Department shall send mailed notice to the owner of record of the Residential Unit, informing the owner that an application to the Registry for the unit has been received and shall issue a Registration Number for said Residential Unit. Said Registration Number shall be used on all correspondence by the Department. If the Residential Unit is in a RH-1(D) zoning district, the Department shall also send mailed notice to any directly associated homeowner association that has previously requested such notice.

The Permanent Resident shall also submit with the initial application (and any renewal application) proof, satisfactory to the Department, that the owner of the residence has authorized the use of his or her unit as a Short-Term Residential Rental.

Both the initial application and any renewal application shall contain information sufficient to show that the Residential Unit is the Primary Residence of the applicant, that the applicant is the unit's Permanent Resident, and that the applicant has the required insurance coverage and business registration certificate. In addition to the information set forth here, the Department may require any other additional information necessary to show the Permanent Resident's compliance with this Chapter 41A. Primary Residency shall be established by showing the Residential Unit is listed as the applicant's residence on at least two of the following: motor vehicle registration; driver's license; voter registration; tax documents showing the Residential Unit as the Permanent Resident's Primary Residence for home owner's tax exemption purposes; or utility bill. A renewal application shall contain sufficient information to show that the applicant is the Permanent Resident and has occupied the unit for at least 275 days of each of the two preceding calendar years. Upon the Department's determination that an application is complete, the unit shall be entered into the Short-Term Residential Rental Registry and assigned an individual registration number.

(B) Fee. The fee for the initial application and for each renewal shall be \$50, payable to the Director. The application fee shall be due at the time of application. Beginning with fiscal year 2014-2015, fees set forth in this Section may be adjusted each year, without further action by the Board of Supervisors, as set forth in this Section. Within six months of the operative date of this ordinance and after holding a duly noticed informational hearing at the Planning Commission, the Director shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of establishing and maintaining the registry and enforcing the

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requirements of this Chapter 41A, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Chapter. After the hearing by the Planning Commission, but not later than August 1, 2015, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of establishing and maintaining the registry, enforcing the requirements of this Chapter 41A and any other services set forth in this Chapter and that the fees will not produce revenue that is significantly more than the costs of providing such services. The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue that is significantly more than such costs. The adjusted rates shall become operative on July 1.

(C) Reporting Requirement. To maintain good standing on the Registry, the Permanent Resident shall submit a report to the Department on January 1 of each year regarding the number of days the Residential Unit or any portion thereof has been rented as a Short-Term Residential Rental since either initial registration or the last report, whichever is more recent, and any additional information the Department may require to demonstrate compliance with this Chapter 41A.

(D) Notice by Department. No later than 5 days after issuance of each Registration Number, the Department shall cause a notice to be posted on the site of the Short-Term Residential Rental for 30 days and shall cause a written notice to be sent in the manner described below. This notice shall have a format and content determined by the Director and shall state that a Short-Term Residential Rental has been approved by the Department. The notice shall describe the complaint process and shall set forth the mailing date of the notice.

Written notice shall be mailed to the applicant, Tenants, Permanent Residents and

homeowner's association (if any) in the same building of the Short-Term Residential Rental,

relevant neighborhood organizations as described in clause (3) below, all individuals having

made a written request for notification for a specific parcel or parcels pursuant to Planning

Code Section 351, all owners and, to the extent practical, occupants, of properties in the

notification area.

(1) The notification area shall be all properties within 100 feet of the Short-Term Residential Rental in the same assessor's block and on the block face across from the Short-Term Residential Rental. When the Short-Term Residential Rental is located on a corner lot, the notification area shall further include all property on both block faces across from the Short-Term Residential Rental, and the corner property diagonally across the street.

(2) The latest City-wide Assessor's roll for names and addresses of owners shall be used for said notice.

(3) The Department shall maintain a list, available for public review, of neighborhood organizations which have indicated an interest in specific properties or areas. The organizations having indicated an interest in the Short-Term Residential Rental or its area shall be included in the notification group for the proposed project.

(4) Requirements for Hosting Platforms.

(A) Notice to Users of Hosting Platform. All Hosting Platforms shall provide the following information in a notice to any user listing a Residential Unit located within the City and County of San Francisco through the Hosting Platform's service. The notice shall be provided prior to the user listing the Residential Unit and shall include the following information: that Administrative Code Chapters 37 and 41A

regulate Short-Term Rental of Residential Units; the requirements for Permanent Residency and registration of the unit with the Department; and the transient occupancy tax obligations to the City.

(B) Every Hosting Platform that lists a Residential Unit located within the City and County of San Francisco as a Short-Term Residential Rental; (1) must include the Registration Number in each listing; (2) must immediately cease listing in any calendar year any Residential Unit after said unit has been rented as a Short-Term Residential Rental for 75 days during such calendar year; and (3) shall comply with the requirements of the Business and Tax Regulations Code by, among any other applicable requirements, collecting and remitting all required Transient Occupancy Taxes, and this provision shall not relieve a Hosting Platform of liability related to an occupant's, resident's, Business Entity's, or Owner's failure to comply with the requirements of the Business and Tax Regulations Code. A Hosting Platform shall maintain a record demonstrating that the taxes have been remitted to the Tax Collector and shall make this record available to the Tax Collector upon request. A Hosting Platform shall also submit a quarterly report to the Department setting forth by Registration Number the number of nights each listed Residential Unit is rented for said period.

(C) Any violation of a Hosting Platform's responsibilities under subsection (g)(5)(A)1, including failure to include the Registration Number in any listing, shall subject the Hosting Platform to the administrative penalties and enforcement provisions of this Chapter, including but not limited to payment of civil penalties of up to \$1,000 per day for the period of the failure to comply, with the exception that any

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violation related to failure to comply with the requirements of the Business and Tax Regulations Code shall be enforced by the Treasurer/Tax Collector under that Code.

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

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

(7) Notwithstanding any other provision of this Chapter, nothing in this Chapter shall relieve an individual, Business Entity, or Hosting Platform of the obligations imposed by any and all applicable provisions of state law and the San Francisco Municipal Code including but not limited to those obligations imposed by the

Business and Tax Regulations Code. Further, nothing in this Chapter shall be construed to limit any remedies available under any and all applicable provisions of state law and the San Francisco Municipal Code including but not limited to the Business and Tax Regulations Code.

(8) Annual Department Reporting Requirement. Within one year of the effective date of this ordinance and annually thereafter, the Department shall provide a report to the Board of Supervisors regarding the Department's administration and enforcement of the Short-Term Residential Rental program. The study shall make recommendations regarding proposed amendments to this Chapter 41A necessary to reduce any adverse effects of the Short-Term Residential Rental program.

Section 2. Other Uncodified Provisions.

(a) Operative Date. This ordinance shall become operative on January 1, 2016.

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

(c) Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance.

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