

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA
City Attorney

JOSHUA S. WHITE
Deputy City Attorney

DIRECT DIAL: (415) 554-4661
E-MAIL: joshua.white@sfgov.org

May 18, 2015

TO ALL INTERESTED PARTIES:

Attached is the City Attorney's title and summary for the measure regarding short-term residential rentals. In preparing this title and summary, the City Attorney makes no representation regarding the merits or legality of the proposed legislation. Nor does the City Attorney verify or confirm any factual or legal assertion made in the proposal. The title and summary is presented as a "true and impartial statement of the purpose of the proposed measure." Elections Code § 9203.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ Joshua S. White

Joshua S. White
Deputy City Attorney

SHORT-TERM RESIDENTIAL RENTALS

San Francisco limits short-term rentals of residential units. A rental is “short-term” if the term is less than 30 days. The purpose of these limits is to prohibit converting rental units from residential use to tourist use, and help preserve the availability of housing in San Francisco.

These limits, set forth in San Francisco’s short-term residential rental law, include requirements in effect as of May 21, 2015 that:

- Only “permanent residents” may offer a residential unit for short-term rent. A “permanent resident” is someone who has occupied the unit for at least 60 consecutive days. Before offering a unit for short-term rental, permanent residents must register the unit with the City’s Planning Department.
- A permanent resident may not rent a residential unit on a short-term basis for more than 90 days per year if the resident does not live there during the rental period (“unhosted rentals”). There is no limit on the number of days per year for short-term rentals if the resident lives in the unit during the rental period (“hosted rentals”).
- “Hosting platforms,” which are individuals or businesses that provide a means for a person to advertise their residential unit for short-term rental, must notify users of the City’s regulations on short-term rentals.

The City’s law allows “interested parties” to sue violators. “Interested parties” include residents of the building where the residential unit is located, the owner of the unit, and any housing non-profit organization. But interested parties cannot sue hosting platforms for violating the City’s law. The City may sue any violator.

Under the City’s law, it is a misdemeanor for an owner or tenant to unlawfully rent a unit as a short-term rental.

The San Francisco Board of Supervisors is considering various amendments to the City’s law to change these requirements and enforcement provisions.

This measure would limit allowed short-term rentals of a unit to 75 days per year, regardless of whether the rental is hosted or unhosted. Hosting platforms would have to stop listing a unit for short-term rental once that unit has been rented on a short-term basis for more than 75 days in a calendar year.

This measure would require that Planning Department applications for inclusion in the short-term rental registry contain proof that the unit’s owner authorizes using the unit as a short-term rental. After including a unit on the registry, the Planning Department would be required to post a notice on the site of the unit stating that it has been approved for use as a short-term rental. The Department would also be required to mail that notice to the owners and neighbors of the unit.

This measure would prohibit short-term rental of in-law units.

This measure would expand the definition of “interested parties” who can sue to enforce the City’s law to include people living within 100 feet of the unit. It would also allow interested parties to sue hosting platforms for violations.

This measure would make it a misdemeanor for a housing platform to unlawfully list a unit as a short-term rental.

WORD COUNT: 500 [Maximum: 500 words]