1	[Emergency Ordinance - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings]		
2			
3	Emergency ordinance to establish cleaning and disease prevention standards in touris		
4	hotels and large commercial office buildings to help contain COVID-19; to require		
5	training related to these standards for employees on paid time and to provide certain		
6	protections to employees as they perform cleaning duties; to prohibit retaliation		
7	against employees for refusing to perform work under conditions they believe may be		
8	unsafe or for reporting such conditions or exercising rights protected by the		
9	ordinance; and providing for administrative enforcement by the Department of Public		
10	Health and financial penalties as authorized by state law.		
11	NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font.		
12	Deletions to Codes are in <u>strikethrough italics Times New Roman font</u> . Board amendment additions are in <u>double-underlined Arial font</u> .		
13	Board amendment additions are in <u>additions</u> . Board amendment deletions are in strikethrough Arial font. Asterisks (* * * *) indicate the omission of unchanged Code		
14	subsections or parts of tables.		
15			
16	Be it ordained by the People of the City and County of San Francisco:		
17			
18	Section 1. Name of Ordinance.		
19	This emergency ordinance shall be known as the "Healthy Buildings Ordinance."		
20			
21	Section 2. Declaration of Emergency under Charter Section 2.107, and Related		
22	Findings.		
23	(a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in		
24	cases of public emergency affecting life, health, or property, or for the uninterrupted operation		
25	of any City or County department or office required to comply with time limitations established		

by law. The Board of Supervisors hereby finds and declares that an actual emergency exists that requires the passage of this emergency ordinance.

- (b) On February 25, 2020, Mayor London Breed proclaimed a state of emergency in response to the COVID-19 pandemic. On March 3, 2020, the Board of Supervisors concurred in the February 25 Proclamation.
- (c) On March 16, 2020, the County Health Officer issued Order No. C19-07, replaced by Order No. C19-07b on March 31, 2020, extended and replaced by Order No. C19-07c on April 29, 2020, extended and replaced by Order No.C19-07d on May17, 2020, and extended and replaced by Order No. C19-07e on June 1, 2020, directing San Franciscans to stay in their homes except under certain conditions and follow social distancing requirements when outside the home, and to close many businesses. Order No. C19-07e also allowed a limited number of previously closed businesses to reopen and permitted certain other activities to resume, while the County Health Officer continues to assess the transmissibility and clinical severity of COVID-19.
- (d) 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. Employment in tourist hotels and in commercial office buildings was especially hard-hit, with a large majority of these workplaces closed or operating at minimal capacity due to the public health measures necessary to contain the pandemic.
- (e) It is a top priority of the Board of Supervisors that hotels and commercial office buildings reopen in the safest manner possible, and as quickly as possible. Key to accomplishing these twin goals is ensuring that these facilities implement cleaning standards that minimize the risks of contracting highly contagious diseases, especially a deadly disease like COVID-19.

(f) With Health Officer Order No. C19-04, issued on March 10, 2020, the City has already set a precedent in establishing minimum cleaning standards in environments conducive to the transmission of COVID-19 and other viral pathogens. That order requires operators of Single Resident Occupancy hotels to clean and disinfect frequently touched surfaces, lobbies, bathrooms, kitchens, and other communal areas often throughout the day; to maintain a compliance log of such cleanings; to provide hand sanitizers in all common areas; and to provide soap dispensers at all communal sinks. Health Officer Order No. C19-04 was accompanied with a list of cleaning supplies approved by the Centers for Disease Control (CDC) that are effective against COVID-19 and other viral pathogens.

- (g) On May 28, 2020, Mayor London Breed announced a phased-in plan for reopening San Francisco's economy over the coming weeks and months, aligned with the State's guidelines and based on San Francisco's risk-modelling to protect the public health and control the spread of COVID-19 (the "Plan"). Under Phase 2b of the Plan, targeted for June 15, offices where workers are not telecommuting may reopen. Under Phase 3, targeted for mid-August, hotels, hospitality services, and short-term rentals may reopen.
- (h) 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 " to provide guidance for the hotel and lodging industry to support a safe and clean environment for employees and guests in light of the COVID-19 pandemic. The guidance emphasizes that thorough cleaning and disinfecting of sleeping spaces, bathrooms, linens, public areas, and employee work and break areas are key to preventing the spread of COVID-19, keeping employees and guests safe, and building confidence in both employees and guests that their health is of utmost concern to the hospitality industry, which is key to restoring public confidence in the industry. Such public confidence in turn will contribute to the hospitality industry's economic recovery.

1	(i) The Board of Supervisors seeks not only to reduce the spread of COVID-19 in
2	congregate areas where workers and tourists risk exposure to contagious diseases, but also
3	to demonstrate to visitors, residents and workers, that San Francisco hotels and commercial
4	office buildings are, and will remain, among the cleanest and safest facilities in the world.
5	(j) This emergency ordinance is necessary to reduce the spread of COVID-19, while
6	preparing for and aiding in the reopening of large commercial office buildings and the
7	hospitality industry in order to hasten and enhance San Francisco's economic recovery.
8	
9	Section 3. Definitions.
10	As used in this ordinance, the following terms shall have the following meanings:
1	"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
14	proximate threat to public health, and includes SARS-CoV-2, the novel coronavirus that
15	causes COVID-19.
16	"Covered Establishment" means a Tourist Hotel or Large Commercial Office Building
17	within the geographic boundaries of the City.
18	"COVID-19" means the Coronavirus Disease 2019.
19	"Department" means the San Francisco Department of Public Health.
20	"Disinfectant" means an Environmental Protection Agency (EPA)-registered product
21	that is qualified for use against Contagious Public Health Threats.
22	"Employee Dining and Break Rooms" mean any space designated by the Operator for
23	Employees to take legally or contractually mandated breaks.
24	"Employee" or "Employees" means full-time and part-time employees, casual or on-call

employees, or independent contractors and their employees, who perform work at the

1	Covered Establishment, whether employed or hired directly by the operator of the
2	establishment or by another entity.

"Large Commercial Office Building" means any building or Set of Buildings containing more than 50,000 square feet of Office Space. "Large Commercial Office Building" does not include a building or Set of Buildings owned by the City or by any other unit of government, whether local, state, or federal.

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

"Operator" means any person or business entity that employs or hires Employees directly or indirectly at a Covered Establishment.

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

"Tourist Hotel" means any building or Set of Buildings containing guest rooms or suites of rooms intended or designated to be used for commercial tourist use by providing accommodation to transient guests on a nightly basis or longer, as defined in Adminisitrative Code Section 41.4.

Section 4. Cleaning Standards for Covered Establishments

- (a) Each Operator shall establish, implement, and maintain written cleaning standards designed to reduce the transmission of COVID-19 and other Contagious Public Health Threats. Hand washing stations shall be provided on every floor of the Covered Establishment.
- (b) Disinfectant. The <u>cleaning</u> standards <u>established</u> under this Section 4 shall provide for disinfection of porous and non-porous surfaces using appropriate Disinfectants-. Disinfectants used must be labeled to be effective against viral pathogens. <u>Bleach and</u>

alcohol solutions must meet standards approved by the Department for effective use. Use of
diluted bleach solutions must consist of five tablespoons per gallon of water. Alcohol
solutions must contain a minimum of 70% alcohol. If no Disinfectant exists that may be used
on non-porous surfaces effectively or without causing damage to the material, the Operator
shall use such other cleaning agent as is appropriate for the material while using a
Disinfectant on all other surfaces. Each Operator shall follow the manufacturer's instructions
for all cleaning and disinfection products for concentration, application method, and contact
time for safe and effective use. Additionally, Employees shall be trained in the proper use of
cleaning and disinfection products per the product manufacturer's guidelines and Cal/OSHA
safety requirements.

- (c) High-contact areas, items, and fixtures. The <u>cleaning</u> standards <u>established</u> under this Section 4 shall identify "high-contact" areas, items, and fixtures with which Employees or guests may be expected to have regular physical contact. These shall include, at a minimum, those areas, items, and fiextures identified in subsections (d) and (e), but shall also include any other high-contact areas, items, and fixtures.
- (d) Regular cleaning and disinfection. The following <u>high-contact areas, items, and fixtures</u> shall be cleaned and disinfected <u>multiple times dailyat least every 30 minutes</u>, and more frequently where appropriate. For some of the matters addressed in subsections (1)-(9), additional requirements apply as stated.
- (1) Public <u>and Employee</u> areas. All surfaces in lobbies, lounges, waiting areas, hallways, handwashing facilities, other public areas or other areas designated for Employees, such as break and locker rooms, including as surfaces without limitation, walls, floors, windows and glass surfaces, desks, table tops and furniture, countertops, door handles, and light switches. Use of shared beverage and food equipment, for example, micowave ovens and refrigerators shall be discontinued. Porous surfaces such as carpeted

floors, rugs, and drapes, shall be disinfected using Disinfectant identified for the item, or where not, using appropriate cleaners indicated for use on these surfaces.

- (2) Elevators. All surfaces, internal and external, for elevators, including without limitation elevator buttons and controls, walls, floors, and handrails.
- (3) Stairways, stairwells, and escalators. All surfaces on stairways, stairwells, and escalators, including without limitation handrails.
- (4) Restrooms. All surfaces, fixtures, and facilities in public and non-public restrooms, including without limitation sinks, faucets, mirrors, soap dispensers, dryers, paper towel dispensers, toilets, doors, walls and floors of bathroom stalls, toilet paper and paper towel dispensers, door handles, walls and floors. Hand sanitizer <u>or soap</u> shall be available in all public restrooms.
- (5) Meeting rooms. All surfaces in meeting rooms and convention spaces, including without limitation table tops, chairs, dry erase boards, markers, staplers, tape dispensers, remote controls, table projectors, charging ports, podiums, and microphones and other equipment used for transmitting information to attendees. Regular cleaning and disinfecting shall occur, among other times, during meeting breaks.
- (6) Multi-use instruments and items. Instruments and other items used by multiple individuals such as computer keyboards, touch screens, credit card readers, printers, telephones, light switches, restaurant menus, and ice and vending machines. Use of shared beverage and food equipment, for example coffee machines, microwave ovens and refrigerators in public areas and Employee breakrooms shall be discontinued. Nothwithstaning the forgoing, designated refrigerators may be used for the purpose of storing breast milk.
- (7) Doors. Doors and door handles at all exterior entrances, and door handles at interior entrances regularly accessed by multiple Employees and guests. In addition, each Operator shall have dedicated personnel responsible for regularly disenfecting

exterior doors, and at any time that such doors cannot open automatically or <u>arebe</u> propped open, the Operator shall assign a <u>gloved</u> employee to open them.

- (8) Dining and bar facilities. All surfaces in dining areas, including without limitation dining rooms, lunch areas, restaurants or cafes on the premises that are defined as "Food Facilities" under California Health and Safety Code Section 113789(a), shall be maintained in compliance with the Caifornia Health and Code Sections 113700, et seq., or any successor provisions.
- (9) Shipping and receiving areas. All shipping and receiving areas, including without limitation waste management areas and loading docks.
- (10) All Operators shall maintain a compliance log of all cleaning and sanitation performed in compliance with Section 4 of this ordinance, and shall make it available to the Department upon request.
- (e) Tourist Hotels. In addition to the requirements of subsection (d), these requirements apply to Tourist Hotels:
- (1) All surfaces in Tourist Hotel guest rooms that have been occupied in the preceding 24 hours shall be cleaned and disinfected on a daily basis, unless the guest requests otherwise. Such surfaces include, without limitation, walls, windows, mirrors, desks, table tops, furniture, minibars, interior and exterior door handles, interior door locks, faucets, toilets, bed headboards and footboards, light switches, TV remote controls, telephones, keyboards, and touch screens. Porous surfaces such as carpeted floor, rugs, and drapes, shall be disinfected using Disinfectant where available for the item, or where not, appropriate cleaners indicated for use on these surfaces.
- (2) Bed linens and towels shall be changed no less than daily, unless the guest requests otherwise. Bedscarves and bedspreads shall be changed upon each guest departure. All dirty linens shall be removed and placed in sealed, single-use bags within the

1	guest room before being transported. All dirty linens and laundry shall be cleaned at high
2	temperatures and according to the CDC Guidelines for Environmental Infection Control in
3	Health-Care Facilities.

- (3) Hand sanitizer dispensers shall be installed in main entrances and exits utilized by Employees and guests and other high-contact public areas, including without limitation fitness centers, pools, salons, check-in and check-out counters, lobbies and lounges, and near elavators and multi-use instruments.
- (4) Restrooms in occupied Tourist Hotel guest rooms shall be cleaned and disinfected once per day, absent special circumstances requiring more frequent cleaning, unless the guest requests otherwise.
- (5) All local tourist attraction pamphlets, magazines, notepads, and other papers and books customarily left in guest rooms and used by multiple guests over time, shall be removed from guest rooms. Written information of importance to the Tourist Hotel may be provided to guests on a single-use basis or in electronic form; information of importance to guests may similarly be provided by the Tourist Hotel upon request.
- (56) If there is a reasonable basis to believe that a specific guest room was occupied by an individual infected with a presumptive case of a Contagious Public Health Threat-occurs, the Operator guest room must be quarantined and removed the guest room from use until the case is cleared or confirmed as a non-threat Department confirms that it is safe for re-use. If the Department confirms that the room was exposed to a positive case of a Contagious Public Health Threat-occurs, the guest room must undergo a more stringent sanitization protocol per the CDC "Cleaning and Disinfection for Community Facilities" recommendations, or other protocols as may be deemed appropriate by the Department.

1	(67) No Covered Establishment may offer any incentive to any guest to decline
2	guest room cleaning on a daily basis. Guests are presumed to elect daily guest room
3	cleaning unless the guest affirmatively indicates preference not to receive daily room cleaning.
4	(f) Employee protections.
5	(1) Employees directly assisting customers, guests, or members of the public
6	shall be provided with personal hand sanitizers, at no cost to the Employee.
7	(2) Employees shall be provided with all Personal Protective Equipment
8	(PPE) necessary to comply with this $\Theta \underline{o}$ rdinance, at no cost to Employees. Such PPE shall
9	be replaced, cleaned, and used in conformance with manufacturer directions. Medical waste
10	disposal containers shall be provided where needed.
11	(3) Items, clothing, and equipment that have been used by an Employee but
12	are to be transferred to a new Employee, or used by an Employee on one shift and to be
13	transferred to another Employee on a subsequent shift, shall be cleaned and disinfected
14	before being transferred.
15	(4) Employees shall be given adequate time during their work hours to
16	perform the cleaning and disinfecting duties imposed by this ordinance, and the other
17	requirements imposed by this ordinance.
18	(5) If the Department recommends that Employees undergo testing for a
19	Contagious Public Health Threat, Operators shall ensure that such Employees may receive
20	testing as recommended by the Department. Such testing shall be at no cost to the
21	Employee, and shall occur on paid time, including time required to travel to and from testing
22	<u>sites.</u>

Posting of cleaning standards. Copies of the cleaning standards shall be posted

at areas where Employees regularly receive daily instruction regarding work duties and on

bulletin boards where the operator regularly posts official communications with employees.

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(g)

- Copies of the cleaning standards shall be made available to guests, to Employees, and to
 Employee bargaining representatives upon request, and shall be translated into any language
 spoken by 20% or more of Employees at the Covered Establishment. Copies of the cleaning
 standards shall be submitted electronically to the Department upon request.
 - (h) Guidance of public health authorities. Any other relevant guidance regarding cleaning standards issued by the Department, the California Department of Public Health, Cal/OSHA, and/or other regulatory agencies, or established pursuant to Executive Order of the Mayor, County Health Officer, Governor, State Health Officer, or President shall be followed by the Covered Establishment. In the event that such guidance recommends providing employees with a notice related to any Contagious Public Health Threat (for example, a general exposure advisory or a recommendation of quarantine), each Operator shall ensure that all applicable Employees and their bargaining representatives, if any, receive such notice as expeditiously as possible. In the event of a confict between this ordinance and cleaning standards adopted by one or more of the authorities named in this paragraphthe prior sentence, the most stringent standards shall apply.

Section 5. Employee Training.

For all Employees assigned cleaning duties pursuant to this ordinance, each Operator shall provide comprehensive and ongoing training for all its Employees in the following subjects: Contagious Public Health Threat symptoms, how Contagious Public Health Threats are spread, prevention of the spread of Contagious Public Health Threats, the requirements of this ordinance, and Employee rights and responsibilities under this ordinance. Such training shall be performed on paid time and shall be conducted in a language in which the Employee is fluent.

- Section 6. No Retaliation or Interference with Protected Rights.
- (a) No person shall discharge, suspend, or fail to promote any Employee; reduce the compensation, increase the workload, or change the duties of any Employee; impose fees or charges on any Employee; or otherwise take adverse action against any Employee, for opposing any practice proscribed by this ordinance, participating in proceedings related to this ordinance, seeking to enforce the Employee's rights or the rights of another Employee under this ordinance by any lawful means, or otherwise asserting rights under this ordinance.
- (b) No person shall take any adverse action as described in subsection (a) against any Employee for refusing to perform work that the Employee believes poses a personal health risk or a health risk to others because of a failure to adhere to the requirements of this ordinance.
- (c) No person shall take any adverse action as described in subsection (a) against any Employee for reporting or disclosing work conditions the Employee believes pose a personal health risk or a health risk to others because of a failure to adhere to the requirements of this ordinance.
- (d) No person shall interfere with any Employee's exercise of rights protected under this ordinance, including but not limited to rights protected under this Section 6.

Section 7. Enforcement.

- (a) <u>Violations of the standards set forth in Section 4 of this ordinance shall be</u> <u>considered a nuisance under Health Code Section 581</u>.
- (<u>ba</u>) The Department shall have authority to enforce these standards under Health Code Sections 594, 595, 596, and 596.5, <u>599</u> and 600, including by issuance of an order of closure as provided by Health Code Section 596(i)(6), or any successor provisions.

1	(<u>c</u> b)	Any E	Employee or former Employee may bring a civil action in the San Francisco	
2	Superior Co	urt for	violations of this ordinance, and may be awarded:	
3		(1)	All actual damages (including, but not limited to, lost pay and benefits)	
4	suffered by	the Em	ployee, or statutory damages in the sum of \$1,000, for each violation	
5	whichever is	greate	er; and	
6		(2)	Exemplary damages, as authorized under California Civil Code Section	
7	3294, or any successor provisions; and			
8		(3)	The court shall award reasonable attorneys' fees and costs to an	
9	e <u>E</u> mployee	who pr	evails in any such enforcement action.	
10	(<u>d</u> e)	Nothi	ng in this ordinance shall preclude any person from bringing a civil action	
11	based on an	ıy requ	irements set forth in this ordinance, or facts and circumstances that may	
12	constitute a	violatio	on of this ordinance, where such civil action is otherwise recognized under	
13	the law.			
14				
15	Section	on 8.	Report to the Board of Supervisors.	
16	On o	before	e six months following enactment of this emergency ordinance, the	
17	Department	shall r	eport to the Board of Supervisors on the initial implementation and	
18	effectivenes	s of the	e ordinance in promoting public health and shall advise the Board on the	
19	need for furt	her act	tion. The Department shall make a second report to the Board on or before	
20	a date 12 months following enactment, and annually thereafter, on the effectiveness of this			
21	ordinance in	promo	ting public health and on the continuing need for the ordinance.	
22				
23	Section	on 9. l	Indertaking for the General Welfare.	
24	In en	acting a	and implementing this emergency ordinance, the City is assuming an	

undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its

officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. This emergency ordinance does not create a legally enforceable right by any member of the public against the City.

Section 10. Severability.

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

Section 11. Effective Date; Expiration.

Consistent with Charter Section 2.107, this emergency ordinance shall become effective immediately upon enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance. Once enacted, this ordinance shall remain in effect for 60 days, unless reenacted as provided by Section 2.107. If not reenacted, it shall expire on the 61st day after enactment.

Section 12. Supermajority Vote Required.

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

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2	APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney
3	Dec. /a/Minninia Decis Elimonda
4	By: /s/ Virginia Dario Elizondo VIRGINIA DARIO ELIZONDO
5	Deputy City Attorney n:\legana\as2020\2000570\01460384.docx
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City and County of San Francisco Tails

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Ordinance

File Number: 200638 Date Passed: July 07, 2020

Emergency ordinance to establish cleaning and disease prevention standards in tourist hotels and large commercial office buildings to help contain COVID-19; to require training related to these standards for employees on paid time and to provide certain protections to employees as they perform cleaning duties; to 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; and providing for administrative enforcement by the Department of Public Health and financial penalties as authorized by state law.

June 29, 2020 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 29, 2020 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 29, 2020 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

July 07, 2020 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

July 07, 2020 Board of Supervisors - FINALLY PASSED AS AMENDED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED AS AMENDED on 7/7/2020 by the Board of Supervisors of the City and County of San Francisco.

Ana Calialo

(Angela Calvillo Clerk of the Board

London N. Breed Mayor 1.17.20

Date Approved