



**TENTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

WHEREAS, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

WHEREAS, On March 16, 2020, the City's Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the "Stay Safe At Home Order"), requiring most people to remain in their homes subject to certain exceptions including obtaining



essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses, through April 7, 2020, and on March 31, 2020, the Health Officer extended the Stay Safe At Home Order through May 3, 2020; and

WHEREAS, On March 19, 2020, the Governor issued Executive Order N-33-20 and the California Public Health Officer issued a corresponding order requiring people to stay home except as needed subject to certain exceptions; and

WHEREAS, There are currently 957 confirmed cases of COVID-19 within the City and there have been 15 COVID-19-related deaths in the City; there are more than 24,000 confirmed cases in California, and there have been 725 COVID-19-related deaths in California; and

WHEREAS, This order and the previous orders issued during this emergency have all been issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time; and

WHEREAS, A crucial means of controlling the spread of the virus is for individuals who have been exposed to the virus, who exhibit symptoms of the virus, or who have tested positive for the virus to isolate from others, and hotel rooms are ideal for this purpose; it is in the public interest and will protect the public health to prohibit hotels from removing guests who are self-isolating or quarantined; and

WHEREAS, The City's rapidly evolving response to the pandemic and the Stay Safe At Home Order have required the City to reallocate resources, temporarily modify some services including transportation services, and temporarily close some facilities including libraries; given how quickly these decisions must be made and the disruption the crisis has caused to government operations, it is not feasible to hold public hearings prior to implementing these changes, and it is in the public interest to waive the public hearing requirement for these temporary changes; and

WHEREAS, The emergency has impacted the City's ability to administer promotional tests including the test for the position of H-40 Battalion Chief in the Fire Department, and it is necessary to take action to ensure that vacant positions in that classification can continue to be filled using an eligibility list that recently expired; and



NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation dated March 11, March 13, March 17, March 18, March 23, March 27, March 31, and April 1, and April 10, 2020, it is further ordered that:

(1) The following restrictions shall apply to tourist hotels:

(a) It shall be unlawful for a tourist hotel to remove any guest staying in a tourist unit if the guest:

(i) requests to continue occupying the unit;

(ii) informs the tourist hotel that the guest either (A) has tested positive for, contracted, or is showing symptoms consistent with COVID-19, or (B) is self-isolating or quarantining, either voluntarily or under order, because of actual or potential exposure to the COVID-19 virus; and

(iii) agrees to pay the tourist hotel for the tourist unit at the same rate as the tourist hotel is charging for comparable units at the hotel.

(b) For purposes of this Order, "tourist hotel" and "tourist unit" shall have the meanings provided in Section 41.4 of the Administrative Code.

(c) This Order shall not prohibit the removal of a guest protected under subsection (a) who (i) has engaged in unlawful conduct, including violence or threats of violence, or (ii) poses a risk to the health and safety of staff or other guests by failing to comply with social distancing requirements imposed by the Health Officer. The tourist hotel shall notify the Department of Public Health prior to removing a guest under this exception unless the guest poses an immediate threat due to unlawful conduct, including violence or threats of violence, in which case the tourist hotel shall provide the notification as soon as practicable following the removal. The tourist hotel may seek the assistance of the Police Department, as necessary.



(d) This Order does not require a tourist hotel to provide a guest protected under subsection (a) food or medical care on terms or conditions different than it would provide any other guest. This Order does not require a tourist hotel to provide in-unit delivery of food or beverages.

(e) If a tourist hotel intends to temporarily or permanently close and has a guest or guests protected by subsection (a), the tourist hotel shall contact the Department of Public Health to develop a plan for transferring the affected guest or guests to other suitable locations prior to closure. A tourist hotel shall not close because it has a guest or guests protected by subsection (a).

(f) When subsection (a) prohibits a tourist hotel from removing a guest, the tourist unit in which the guest is staying shall not lose its designation as a tourist or transient use under the Planning Code or Administrative Code Chapter 41, and Administrative Code Chapter 37 shall not apply.

(g) The Director of the Mayor's Office of Housing and Community Development, or the Director's designee, is authorized to implement this Order and issue any necessary guidance or rules consistent with this Order, including but not limited to publishing guidance on how tourist hotels must provide notification to the Department of Public Health under subsection (c).

(h) This Order shall take effect on April 15, 2020, and shall remain in place during the local emergency unless terminated earlier by the Mayor.

(2) The requirement under Charter Section 16.112, subsections (a) and (b) to hold a public hearing prior to certain City actions including facility closures and service changes is suspended as to temporary closures or service changes that have occurred or may occur during the emergency. This Order shall remain in place until 120 days after termination or expiration of the Stay Safe At Home Order or any extension thereof. If any action subject to this Order, including any closure or service change implemented during the emergency, will extend beyond the termination date described in the previous sentence, the City shall hold a public hearing regarding the action at least 15 days before that termination date.



(3) The Human Resources Director is authorized to revive and extend the recently expired H-40 Battalion Chief Eligible List, for an additional year from the date of this Order, to ensure the Fire Department can continue to make appointments to this rank. Any provision of the Charter or Civil Service Rules that would prohibit this action or the use of the expired list is waived.

DATED: April 14, 2020

A handwritten signature in blue ink that reads "London Breed".

London N. Breed
Mayor of San Francisco