



San Francisco SRO Task Force

1660 Mission Street, 6th Floor
San Francisco, CA 94102
(415)558-6220

Members:

Rosemary Bosque, J.D.,
Chair
Department of Building
Inspection

Pratibha Tekkey
Central City SRO
Collaborative

Bruce Burge
SRO Operator

Angela Chu
Chinatown SRO
Collaborative

Seth Katzman
Director, Supportive Housing
& Community Services,
Conard House

Joyce Lam
Families in SROs
Collaborative

Victor Nelson
Tenant Representative

Johnson Ojo
DPH Environmental Health
Services

Sam Patel
SRO Operator

Joshua Vining
Mission SRO Collaborative

Charles Siron
Tenant Representative

Wolfgang Stuwe
DPH Housing & Urban
Health

Alex Tse, J.D.
City Attorney's Office

Scott Walton
Human Services Agency

SRO HOTEL HEALTH & SAFETY TASK FORCE COMMITTEE

MINUTES –February 16, 2012

1650 Mission Street, Room 431

Chair: Rosemary Bosque

Members Present: Angela Chu (Chinatown SRO Collaborative); Seth Katzman (Conard House); Joyce Lam (Families in SRO's Collaborative); Victor Nelson(Tenant Representative); Sam Patel (SRO Operator); Charles Siron(Tenant Representative); Wolfgang Stuwe(DPH); Alex Tse (City Attorney's Office); Scott Walton(HSA-Housing & Homeless Programs);

Absent: Excused: Dr. Johnson Ojo, Environmental Health (DPH); Bruce Burge(SRO Operator).

Guests: Sari Bilick (Chinatown SRO Collaborative); Richard Lee (DPH);Thomas Picarello(SRO Tenant); Charles Pitts (SRO Tenant); Wolfgang Stuwe(DPH); Alma Synder; Pratibha Tekkey(Central City SRO Collaborative); Joshua Vining(Mission SRO Collaborative).

Minutes: May Pasion (DBI-HIS)

1. Call to Order

The meeting was called to order by Rosemary Bosque at 9:05 AM.

2. Roll call/Determination of Quorum

There was a quorum.

3. Approval of Minutes of January 19, 2012.

Scott Walton indicated on Page 4 (Agenda Item 6) that the statement attributed to him was not accurate. He recommended clarification

Sam Patel pointed out that Jeff Buckley is no longer on the Committee and it should be changed to vacant on the front page of the Minutes.

Rosemary Bosque responded that it will show as vacant in the future. Resignations do not come to fruition until the Rules Committee tenders in writing.

Public Comment on Agenda Item #3

Charles Pitts requested clarification of Community Housing Partnerships under Agenda Item #8.

Thomas Picarello indicated #5 needs to expand the Committees to include SRO's and operators rather than narrow the scope.

Scott Walton moved to approve the Minutes the

Motion seconded by Victor Nelson and Seth Katzman.

4. Administrative Announcements

Rosemary Bosque provided an explanation of handouts. She stated when guests are speaking during the public comments the Task Force is interested in what is said but, the Task Force cannot address specific cases, e.g., code enforcement relation to specific complaints, and notices of violations. Comments made on occasion are not within the jurisdiction of a Task Force response.

Public Comment on Agenda Item #4

There was no public comment.

5. Report on DBI/DPH Code Enforcement Process- *Discussion*

Rosemary Bosque presented the DBI Code Enforcement process using the SF Housing Code Enforcement Overview Board as a visual. During the presentation, Rosemary Bosque gave DBI's HIS counter number to report complaints. She explained that there is a delay in relaying information when complaints are made via 311, and encouraged calling HIS directly to prevent this from happening. Emergency order requires owners to act within 48 hours. Emergency order can be issued, and recorded without hearing because of the eminent hazard. If the owner does not conduct repairs that City will stabilize condition and owner will be bill for services. If the NOV work is done the case is abated, if not assessment of cost apply and begins to accrue from the NOV date, not necessarily after order is issued.

Hourly staff rates and \$52.00 monthly charge begin accruing over 30 days of compliance date. The Order of Abatement is issued; recorded clouding the title when work is not completed and approximately \$1,000.00 to \$2,000.00 in costs accrue. It can be referred to the Litigation Committee and then referred to City Attorney.

Rosemary Bosque deferred to Alex Tse to see if he would like to add anything.

Alex Tse opted to wait until Richard Lee spoke.

Richard Lee was representing DPH in place of Dr. Ojo.

Richard Lee stated that the Environmental Health code chart handout is similar to DBI in terms of complaints. He provided an explanation of how, and where complaints come in, and that DPH conducts regular SRO inspections. He mentioned that NOV's can be issue to tenants if they are responsible for the complaint rather than the owner. They will refer complaints to other departments if deemed necessary. As for Citations they are issued if NOV is not satisfied, it will be referred to an Abatement Hearing which Richard Lee attends.

Richard Lee further commented that the DPH Abatement Hearings are not quite formal as DBI Director's Hearings, and he will work with them in terms of time, and inspections. After 30 days have passed from the Abatement Hearing it is assigned to their Director's Hearing chaired by Dr. Aragon, the Health Department officer. Dr. Aragon decides if more time or more immediate action is necessary. Dr. Aragon has been given the ability to fine the responsible parties, but he is doubtful the tenant will be fined, it is usually the owner. If DPH finds a room that is uninhabitable they have the authority to say the room should be vacated. If no results occur then it is then referred to the City Attorney.

Wolfgang Stuwe asked if there is a fee charge.

Richard Lee stated there is a \$173 per hour re-inspection fee for violations. Property owners, not tenants are fined up to \$1,000.00 a day. That has not begun, but the process is in place, and there are not many cases that have gone to a Director's Hearing.

SRO HOTEL HEALTH & SAFETY TASK FORCE COMMITTEE
February 16, 2012 Meeting Minutes
Page 3

Rosemary Bosque asked if there were any questions.

Alex Tse stated other city agencies follow similar processes as DBI, and DPH. The City Attorney's office get complaints from the public and the BOA (or was that the BOS) which are then referred to the appropriate agencies. At the inspection phase if the agency cannot get into the property, and or inspect which happens at DBI and DPH, then an inspection warrant , abatement warrant is issued at the complaint level. If multiple agencies are involved the City Attorney's office will get involved at the complaint level as a Task Force inspection, and when an Order is issued it becomes more serious, and the court will support the Order of Abatement. The City Attorney involvement is that files are reviewed for compliance, and if not in compliance and evidence supports the City Attorney's office will approach the owner, and if the owner refuses to comply the case will go forward.

Alex Tse commented that the City Attorney's office does not act until the administrative process has been exhausted.

Rosemary Bosque asked if there were additional questions.

Scott Walton asked this to Alex Tse, Richard Lee, and Rosemary Bosque. He stated that the discussion did not speak to when inspections' are done rather inspectors speak to what needs to be done. What he observes is this is for specific violations. What happens if the same issue comes up over and over at a specific site.

Alex Tse responded that with repeat offenders there is no formula. The owners can incur costs up to \$1,000.00 a day, but there is discretion, and if the owner fails to comply and delay in complying this will warrant higher penalties.

Scott Walton asked if the same issue occurs continually will penalties be imposed on each of these violations.

Alex Tse stated no the department does not issue an NOV for the continuous complaint.

Rosemary Bosque stated if NOV's are documented correctly penalties will be imposed, and when violations continually occur, e.g., SRO's have repeat offenders, a judgement and injunction are obtained and the City Attorney monitors the case.

Rosemary Bosque mentioned that DBI does see recurring issues with the same property owner and those are referred to the City Attorney's which take a tremendous amount of time management. DBI currently has several cases at the City Attorney's office at this time.

Seth Katzman asked if these cases were public.

Alex Tse stated that they are public through the court system, however until the case is filed it is not public.

Rosemary Bosque offered the meeting of the Subcommittee for open session, but then closed to discuss litigation, and if someone wants to address the Subcommittee they are free to do so.

Alex Tse said that the property discussion includes the property owner's presentation, and that DBI has a process for Litigation, and has to refer the matter to the City Attorney's office.

Josh Vining or Wolfgang Stuwe asked can something be referred to the Litigation Committee.

Alex Tse commented that cases can be abated at anytime.

Rosemary Bosque stated that the property owner can satisfy the NOV and the case is closed out.

Alex Tse stated that if the case is referred and the owner has ignored the NOV, then the City Attorney can negotiate a resolution with the owner, and the owner can agree to reimburse the City for fees, and agree

SRO HOTEL HEALTH & SAFETY TASK FORCE COMMITTEE
February 16, 2012 Meeting Minutes
Page 4

to comply in the future with any NOV's he or she receives, and that the City Attorney can impose penalties high enough to discourage future violations. Repeat violators are treated more severely.

Rosemary Bosque stated that although this is on a future agenda regarding musical rooms, the Task Force can address topic at this time.

Alex Tse said the City Attorney's office can investigate because it is not very technical. Musical room violations will still have to build a record of violations, it must be reviewed, and does not have the whole administrative process. The owner/property manager will have the opportunity to present their case before the lawsuit is filed.

*

Richard Lee said it comes down to Dr. Aragon in making the decisions.

**

Richard Lee stated that 99.9% of DPH cases are abated, and it is very rare to have outstanding cases that go to Directors' Hearings.

Alex Tse said that he has never seen a fine imposed and awarded in court, and the \$1,000.00 a day fee is discretionary.

Richard Lee said that the penalty fee is only a threat.

Angela Chu responded that most of the cases would be abated in terms of repair issues, and problems only occur more often in cases where violations were covered up rather than fully abated.

Joyce Lam stated that penalties are not collected, and owners do not see it as a threat, and owners do not take it seriously.

**** _____ commented that he wished the City Attorney's Office were more involved with these cases. He remembered the Adhoc Bed Bug Committee had discussions of health violations.

Richard Lee responded that the DPH official is saying that they would rather abate cases, and DPH is making progress.

Rosemary Bosque cited Code ____ that tried to put in a set of criteria to try and make it easier and clear to avoid reducing civil penalties, and award higher numbers. The City Attorney is aggressive in going to trial, very comprehensive cases are given to the Judge, and this is an important issue.

Rosemary Bosque asked if there were any public comments.

Public Comment on Agenda Item #5

Thomas Picarello stated it would have been more helpful to track the complaint after a Notice has been issued, and is there a standard policy in terms of time to give the owner to correct the violations.

Richard Lee commented that it depends on the situation and what has to be done.

Thomas Picarello said that he liked the Litigation Committee DBI has, and it would be helpful if the case was referred to the City Attorney.

Richard Lee responded that those affected know about it and can ask the Health Officer to make a decision.

SRO HOTEL HEALTH & SAFETY TASK FORCE COMMITTEE
February 16, 2012 Meeting Minutes
Page 5

Thomas Picarello asked if the musical rooms are under the City Attorney's jurisdiction, and who is involved.

Alex Tse responded that DBI is involved, and has the documentation. The City Attorney's office receives the complaint about musical rooms, and will follow-up with DBI.

Rosemary Bosque stated that she would allow questions and public comment. Ms. Bosque further stated that a musical room violation which can be found in the Civil Code 1940.1 is not within the jurisdiction of DBI, but the City Attorney is the primary when alleged. DBI assists under Chapter 41 Administrative Code which falls under jurisdiction of DBI, and records of the operator must be per the HCO code, something that is usually useful when musical room investigation are being conducted.

Sari Bilick stated and cited the DPH chart and agreed with Joyce Lam's comment regarding the reinspection fine of \$173.00 which is not usually charged. She pointed out that there seems to be a difference between DPH and DBI, and there is no incentive for the owners' to comply with the notices of violation.

Richard Lee clarified that it is a fee not a fine.

Sari Bilick point out that 99.9% of cases abated is not true.

Richard Lee responded that DPH gets 500-1,000 complaints a year regarding hotels. He only sees one (1) to two (2) cases a week at the Abatement Hearings or one (1) at a Director's Hearing. In terms of re-inspection fees he will speak with his staff because they do have the right to charge the owner an inspection/re-inspection fee.

Joshua Vining stated that although not on the agenda he wanted to discuss the Musical Rooms issue, and that he is interested in a future meeting or outside of the Task Force have a larger conversation about looking at cases in the past and improving the process. He pointed out that it is an open secret in the City of what buildings are conducting musical rooms.

Rosemary Bosque encouraged musical room discussion when they arrive at Agenda #7 –Collaborative Reports.

Alma Sydner sated how much of high success rate landlords have intimidation of tenants. Tenants are complaining about rooms being sprayed, and most of us are familiar with bakshish can be incentive for officials to look the other way, and that she is not accusing officials, but fines are being wasted.

Pratibha Tekkey stated Bernedette Perez called her regarding the meeting, and she will have a presentation.

Rosemary Bosque responded that will take place on Agenda Item #7.

**6. Continuing Discussion of Challenges & Targe issues related to Bed Bug Infestation-
Discussion & Action**

Rosemary Bosque did not make any report only what you were given in January.

Seth Katzman moved to table Agenda Item #6 for next month's meeting.

Rosemary Bosque asked if everyone is in favor of tabling Agenda Item #6 for next month's meeting.

Motion passed unanimously.

Public Comment on Agenda Item #6

Thomas Picarello stated he has attended Task Force meeting for three years, and he feels that the Task Force should propose recommendations to the Board of Supervisors regarding Bed Bug issue.

SRO HOTEL HEALTH & SAFETY TASK FORCE COMMITTEE

February 16, 2012 Meeting Minutes

Page 6

Charles Pitts stated the need for a subcommittee that can get the proposed recommendations done, and move onto something else, and he feels that the Task Force is not moving forward.

7. Reports from SRO Collaborative- *Discussion & Possible Action*

Pratibha Tekkey gave a brief report, and stated that Sari Bilick will give a mini presentation, and stated last month the collaborative had a tenant convention on January 20, 2012 with 70 participants who are tenants/leaders/activists. The focus was on building code issues with private owners to resolve issues before they go to DBI.

Pratibha Tekkey also stated that they have been unsuccessful in working with private operators representing tenants. She also mentioned that on March 2, 2012 at 2:00PM they are inviting private hotel operators to attend a meeting at the SRO Collaborative, and she invited Sam Patel to help organize the workshop as a beginning of working together, and they also have a women's convention scheduled for March 8, 2012 as well. They are doing fire prevention, and the private hotels are not responding to their workshops. Each collaborative has their own program, but Chinatown SRO Collaborative offers a tenant leadership program, peer counseling, and a private outreach program where their leaders go out, and located at 48 Turk Street.

Sari Bilick stated there were a lot of musical room cases coming into their office. She polled about 16 hotels in the Tenderloin and SOMA, but not Chinatown or the Mission. She has noticed that these complaints are primarily from the Tenderloin and SOMA areas.

Sari Bilick also commented that there are habitability issues, and complaints are being made on tenants moving out within 30 days, people are cycling in and out of rooms. Ms. Bilick asked Alex Tse about the City Attorney's process, but stated that they never call because it is really hard to document, and that the City Attorney's process is they need solid documentation, and that receipts are not given for musical rooms. She requested the City Attorney and DBI meet with the Chinatown SRO Collaborative to discuss the issue.

Alex Tse stated that in addition to the lack of paper when the City Attorney speaks with tenants they are reluctant to testify, and in order for the City Attorney to process we need proof.

Sari Bilick said that one of the reasons why a person is in musical rooms is because they are not tenants and landlords cannot evict them, and if a tenant does file a complaint they are on the street the next day.

Pratibha Tekkey said that desk clerks/operators are not aware that it's illegal for them to have musical rooms, and to let the operators know that every 28 days operators needs to cycle people through, she is hoping that the March 3, 2012 meeting will be informative.

Angela Chu stated that they conduct fire prevention workshops and provide counseling services as part of the CEOP Program. They have building coordinators, peer organizers who stay in touch with tenants, and work with tenants regarding rent increases, non-repair issues, and maintenance are a large part of their complaints. She also mentioned that their recent cases were of no hot water, stoves not working properly.

Angela Chu expressed that they would like to work with owners to prepare buildings/rooms before occupancy and work with DPH & DBI on mold issues and habitability issues.

Rosemary Bosque thanked Angela Chu for her report, and pointed out due to time for other agenda items, she asked Joyce Lam if she would like to conclude with her comments.

Joyce Lam stated that they are the only collaborative not tied specifically to a neighborhood, but they are city-wide, and work in all four neighborhoods. They make sure rooms are habitable, assist families to move out of SROs. For example, DBI has been brought in to assist at 407 Broadway where there is a hole in the ceiling, and the building on Jackson St. regarding a large PG&E bill.

Rosemary Bosque asked for additional comments.

SRO HOTEL HEALTH & SAFETY TASK FORCE COMMITTEE
February 16, 2012 Meeting Minutes
Page 7

Public Comment on Agenda Item #7

Joshua Vining stated in the Mission they do the same as other collaborative, e.g., have presentations on pest management, IHSS, Tobacco Free environments working on information, and Housing in Health promotion. Also, they have developed a relationship with one of the owners at a 16th Street, and are hoping to use as a model for other hotels.

8. Prioritization of Future Meeting Topics-*Possible Action*

Bed Bug Item, Musical Room, Guest Speaker on Smoke Free Program.

Seth Katzman asked what is the mental health issue.

Rosemary Bosque responded it would be cluttering, and someone from the mental health would come and speak.

Rosemary Bosque commented that she can talk about the Smoke Free Program, and she could get a guest speaker.

Rosemary Bosque asked any other public comment

Public Comment on Agenda Item #8

Alma Synder commented on Seniors & SROs, it would be helpful to have social workers assigned, and have a social worker speak at the Task Force.

Charles Pitts is also interested in this topic, and he would like to see them cover issues with bipolarism, schizophrenia, OCD, and how it would affect housing, and how to handle violence in the SRO's, and other issues for future agenda items, and he would like to see a new policy and procedure change for musical rooms, and is requesting documentation from the City Attorney.

9. General Public Comment

Thomas Picarello stated that he felt there was a delay in the report from BOA. He thanked the Chair for allowing members of the Task Force to participate, and feels comfortable expressing his opinions.

Charles Pitts commented on the problems that he was having at the Essex Hotel regarding noise and the retaliatory eviction process against him, and stated that the Management is refusing to address maintenance issues since he contacted DBI regarding these issues.

10. Ajournment

The meeting adjourned at 10:35AM.