

EXHIBIT A

COMPARISON OF PROPOSED 2002 SAN FRANCISCO HOUSING CODE WITH THE STATE HOUSING CODE PURSUANT TO SECTION 17958.5 OF THE CALIFORNIA HEALTH AND SAFETY CODE

As required in Section 17958.5 of the California Health and Safety Code, when there are differences between the locally adopted Housing Code and the State Housing Code (Title 25 California Code of Regulations), the governing body must consider the reasons for these differences based upon local conditions. A copy of the findings must be filed with the State Building Standards Commission.

In accordance with these requirements, the attached listing was prepared. Incorporated into the list by reference are those findings approved at the time San Francisco Housing Code Sections were specifically enacted by separate ordinance.

The reasons (findings) listed are referred to by the corresponding number in the left margin. The differences noted are only those of substantive content and do not contain administrative or procedural amendments or items in the State Housing Code not enforced by the State.

REASONS FOR MODIFICATION OF THE STATE HOUSING CODE IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTION 17958.5

1. San Francisco residential hotel guest rooms can often contain unapproved cooking facilities due to the large number of persons of low and moderate income living in residential hotels without community kitchen amenities. These residential guest rooms do not contain approved food and cooking utensil storage cabinets, or the installation of approve heating elements with requisite back flashing, or the appropriate separation from combustible materials such as curtains, beds, etc., as required by the State Health and Safety Code Section 1792.1.1. Therefore, the local jurisdiction finds that it is necessary to prohibit non-approved cooking or food preparation in hotel guest rooms.
2. Existing San Francisco residential hotels have a limited number of sanitary facilities, and little flexibility to add such facilities due to existing architectural design and configuration, without reducing residential guest rooms need for low income, disable and elderly persons. Having the required sanitary facilities allocated on the basis of gender, instead of on the number of occupants and guest rooms per floor, has previously resulted in the loss of some available residential guest rooms to one gender instead of another when entire floors have been designated “men” or “women” only. Therefore, imposition of the State requirement to allocate sanitary facilities in hotels on the basis of gender would create an unnecessary hardship on low income, disable and elderly, given the demographics of the local jurisdiction and the housing needs for the aforementioned group.
3. The need for fair and uniform code interpretation and enforcement has required this jurisdiction to codify additional housing standards not explicit in the State housing provisions. In San Francisco, a uniform standard of quality housing has to complete with local conditions such as high housing densities, numerous residential buildings constructed on steep, or small narrow lots, minimal light and ventilation in abutting buildings, a majority of buildings built to the property lines, a large number of wood frame buildings; and an aging housing stock which presents jurisdictional challenges to preserve, space and occupancy standards, maintenance, fire protection, exiting requirements, sanitation, and energy conservation. While providing these regulations the jurisdiction is also required to create incentives for new housing.
4. The san Francisco Housing Code heat requirement for new construction or alteration to R-1 Occupancy, where the occupant does not control the heat source, is less restrictive that that set forth in State Code of Regulations Title 25, Chapter 1, Subchapter 1, Article 5, Section 34 because of exceptions cited in Section 34(b) of Title 25. Chapter 1, Subchapter 1, Article 5 and Section 17912, 17920.3(f), and 17958.8 of California Health and Safety Code (State Housing Law) and, the following local conditions:

- a) This jurisdiction's architecture contains features which allow heat energy to escape faster than in housing stock elsewhere in the state because of the narrow lot dimensions and steep topography.
 - b) San Francisco is subject to more varied, fluctuating, severe climatic changes, and micro climates than the rest of the state. Maintaining 70 degrees F. for 24 hours per day would be difficult to maintain and waste valuable energy.
5. The San Francisco Housing Code contains provisions for the location of the off-street parking requirements in garages. This requirement is not specified in the State Housing Code. The local provisions are necessary to maintain safe conditions in residential buildings and maintain conformity with local zoning controls given the fact that most buildings in the jurisdiction occupy the entire width of a lot and greatly restrict off-street parking options.
6. Additional smoke control, smoke detection, and heat detection provisions are required by this jurisdiction due to the number of older residential buildings that are not fire rated. These buildings typically have interior courtyards and are built abutting adjacent structures where the danger of fire spreading through interior corridors and courts throughout the building and onto adjacent structures is great.
7. The existence of a large amount of older residential buildings with less efficient, and accurate hot water systems requires this jurisdiction to provide a minimum range for hot water at 105 to 120 degrees F. rather than the state requirement of not less than 110 degrees F. Requiring residential property owners to reset their hot water systems to a range beginning at 110 degrees F. rather than 105 degrees F. would increase the danger of possible hot water burns.
8. In those buildings constructed or converted to R-1 Occupancy, in which the Building Code, Fire Code, or regulations of the State Fire Marshall in effect at the time of construction or alteration require provisions other than the San Francisco Housing Code, the San Francisco Building Code, Fire Code or provisions of the State Fire Marshall shall prevail.
9. The San Francisco Housing Code applies some local housing regulations to existing buildings retroactively to insure that minimum standards for existing buildings be retained regarding space and occupancy, light and ventilation, sanitation, heating, fire protection, weather protection, maintenance, security, exiting, and energy conservation. It is necessary to apply these provisions retroactively given the age of the San Francisco housing stock, building and population density, and the close proximity of residential buildings.

10. Former additions to the San Francisco Housing Code made on the basis on past changes to the State Housing regulations have been retained for consistency, and retroactive applicability to existing buildings where appropriate to insure minimum standards of maintenance.
11. Children under the age of six are not counted for purposes of determining sleeping room superficial floor area given San Francisco's high density, large number or extended families, and large number of state licensed in-home family day care facilities.

2001 San Francisco Housing Code Findings

Section #	Findings #	Section #	Findings #
Chapter 4, Section 401. Definitions:		Required	3
Apartment House	1	Roof Structure	3
Basement	3	Rooming House	3
Bathroom	3	Service Room	3
Bay Windows	3	Shaft	3
Building	3	Stairwell	3
Building, Existing	3	Story	3
Building Official	3	Substandard Building	3
Ceiling Height	3	Superficial Floor Area	3, 11
Closet	3	Toilet Room	3
Deterioration	3	Unsafe Building	3
Dormitory	3	Unusable Space	3
Dwelling	3	Use	3
Dwelling Unit	3	Ventilating Area	3
Equivalent Public Way	3	Water Closet Compartment	3
Exit	3	Weathering	3
Family	3	Window	3
Fire hazard or Nuisance	3		3
Garage	3	Chapter 5	
Garage, Private	3	502	3, 9
Guest Room	3	503(a)	3, 9
Habitable Space	1, 3	503(b)	1, 3, 9
Handrail	3	503(c)	1, 3, 9
Height of Building	3	504(a)	3, 9
Hotel	3	504(c)	3, 9
Kitchen	3	504(d)	3, 9
Life Hazard	3	504(e)	3, 9
Lodging House	3	504(f)	3, 9
Main Entrance and Exit	3	504(g)	3, 9
Mechanical Ventilation	3	505(a)	3, 9
Mold and Mildew	3, 9, 10	505(b)	2, 3, 9
Motel	3	505(c)	3, 9
Nuisance	3	505(d)	3, 7, 9
Openable Window	3	505(e)	3, 9
Overcrowding	3	505(f)	3, 9

Owner	3	505(h)	3, 9
Pantry	3	505(i)	3, 9
Partition	3		
Person	3		
Porch	3		
Premises	3		
Repairs	3		
Chapter 6		908	3, 9
601	3, 9	909	3, 6, 9
602	3, 9	910	3, 6, 9
603	3, 5, 9	911	3, 6, 9
604	3, 8, 9, 10	912	3, 6, 9
Chapter 7		Chapter 10	
701(a)	3, 4, 9	1001	3, 9, 10
701(b)	3, 4, 9		
701(c)	3, 4, 9	Chapter 11	
701(d)	3, 4, 9	Chapter 11	3, 9
701(e)	3, 9		
702	3, 9	Chapter 12	
703	3, 9	Chapter 12	3, 9
704	3, 9	Chapter 12 A	3, 9
705	3, 9		
706(a)	3, 9	Chapter 13	
707	3, 9	Chapter 13	3, 10
708	3		
709(a)	1, 3, 9		
709(b)	1, 3, 9		
709(c)	3, 9		
710	3, 9		
711	3, 9		
Chapter 8			
800	3, 8, 9		
801	3, 9		
802	3, 9		
803	3, 9		
804	3		
805	3, 9		
806	3, 9		
807	3, 9		

808	3, 9		
809	3, 9		
810	3, 8, 9, 10		
Chapter 9			
900	3, 8, 9		
901	3, 9		
902	3, 9		
903	3, 9		
904	3, 9		
905	3, 9		
906	3, 6, 9		
907	3, 6, 9		

CHAPTER 1

TITLE AND SCOPE

Sec. 100.	Policy.
Sec. 101.	Title.
Sec. 102.	Purpose.
Sec. 103.	Scope.
Sec. 104.	Application to Existing Buildings and Structures.
Sec. 105.	Alternate Materials.

SEC. 100. POLICY. It is found and declared that there exist in the City and County of San Francisco substandard and unsanitary residential buildings and dwelling units whose physical conditions and characteristics render them unfit or unsafe for human occupancy and habitation, and which conditions and characteristics are such as to be detrimental to or jeopardize the health, safety and welfare of their occupants and of the public.

It is further found and declared that there exist in the City and County of San Francisco residential buildings and dwelling units which were legally constructed according to standards now generally recognized to be obsolete and deficient in terms of current, modern housing standards for construction, use, occupancy, light and ventilation and sanitary facilities. The continued existence of these obsolete and deficient residential buildings and dwelling units is detrimental to or jeopardizes the health, safety and welfare of their occupants and of the public.

It is further found and declared that the existence of such substandard buildings by reason of being unsanitary, obsolete and deficient as dwelling units threatens the physical, social and economic stability of sound residential buildings and areas, and of their supporting neighborhood facilities and institutions; necessitates disproportionate expenditures of public funds for remedial action; impairs the efficient and economical exercise of governmental powers and functions; and destroys the amenity of residential areas and neighborhoods and of the community as a whole.

For these reasons it is hereby declared to be the policy of the City and County of San Francisco:

(1) That it is in the public interest of the people of San Francisco to protect and promote the existence of sound and wholesome residential buildings, dwelling units and neighborhoods by the adoption and enforcement of

such standards, regulations and procedures as will remedy the existence or prevent the development or creation of dangerous, substandard, unsanitary or obsolete and deficient residential buildings and dwelling units.

(2) That the adoption and enforcement of a Housing Code is a necessary municipal governmental function in the interest of health, safety and welfare of the people of San Francisco. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 101. TITLE. This Code, known as the AHousing Code,@ is a portion of the San Francisco Municipal Code, and is referred to herein as Athis Code.@ (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 102. PURPOSE. The purpose of this Code is to provide for the maintenance of the minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings in San Francisco. In case of any conflict between the provisions of this Code and other provisions of the Municipal Code, the most restrictive shall govern except as set forth in Section 104(a). (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 103. SCOPE. The provisions of this Code shall apply to all existing buildings or portions thereof used, designed or intended for residential use, except that said provisions shall apply to homeless shelters only to the extent provided by subsection (7) below.

Buildings in existence at the time of the passage of this Code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the passage of this Code, provided the building construction met the code requirements in effect at the time of construction and alteration, and such continued use is not dangerous to life and is not substandard, or that such use or occupancy does not now need additional Code requirements applied by adoption of a retroactive provision such as those referenced in Section 206 of this Code. All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code shall be maintained in conformance with the Code edition under which installed, unless otherwise required by the Building Code or other adopted ordinance applied retroactively. The owner or the owner=s designated agent shall be responsible for the maintenance of the buildings and structures.

Wherever used in this Code, the terms *residential use*, *dwelling*, *hotel* and *apartment house* shall be considered to include the additional terms as follows:

Dwelling shall include lodging houses, nursing homes for not more than five persons, and the other occupancies referred to in Section 310 of the Building Code.

Apartment house or *hotel* shall include dormitories designed for more than five persons and occupancies referred to in Section 310 of the Building Code. Such occupancies in existing buildings may be continued except when such structures are found to be substandard as defined in this Code.

(1) Any building or structure not erected as an apartment house, hotel or dwelling, which is converted to or altered for such use, shall conform to all the provisions of the Building Code for such use.

(2) In any building erected as a combined apartment house and hotel, or any building altered or converted into a combined apartment house and hotel, every portion thereof used for apartment house purposes, including each apartment, shall comply with all apartment house requirements of the Building Code or this Code; and every portion thereof used for hotel purposes, including each guest room, guest room suite, and dormitory shall comply with all the hotel requirements of the Building Code or this Code.

(3) It is unlawful to increase the percentage of the lot occupied or in any manner, whether by sale, conveyance or otherwise, to diminish the required size of yards, courts, passageways, shafts, windows or skylights, or to remove any required sanitary facility, fire protection equipment, device, safeguard, installation, stairway or fire escape, or to obstruct the egress from any building or from the hallways, passageways or stairways.

(4) If it is reconstructed, any building which has been damaged by fire or the elements shall conform to all applicable provisions of the Building code.

(5) Except as otherwise specifically provided in this Code, all applicable provisions of the San Francisco Municipal Code shall be complied with in the construction, alteration or repair of residential buildings.

(6) It is further provided that the Director of the Department of Building Inspection may adopt and promulgate rules and regulations supplemental to this Code and not in conflict therewith, provided they are the most generally accepted or approved methods and practices for public welfare and safety of life and property. Such rules and regulations shall be subject

to reexamination and change if at any time such rules and regulations are found by any enforcement agency not to be in conformance with the intent or requirements of the Municipal Code.

(7) Notwithstanding Section 206 or any other provision of this Code, use of any building or portion thereof by an organization exempt from federal income tax under Internal Revenue Code Sections 501(c) (3) or 501(d), as approved by an authorized government agency, to shelter otherwise homeless persons, or construction, alteration or repair of any building to initiate, expand or continue such a shelter, shall be subject to only those provisions of this Code which are determined by the Director of the Department of Building Inspection pursuant to an administrative bulletin to be published by him, after consultation with the Building Inspection Commission and the Fire Department, to be necessary or appropriate to prevent the building from being or becoming a nuisance as defined in this Code. Any provision waived by said bulletin shall be applied when homeless shelter use ceases, and may be applied when homeless shelter use is reduced.

(8) Rooming houses, congregate residences or lodging houses shall comply with all requirements of this Code for dwellings. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 104. APPLICATION TO EXISTING BUILDINGS AND STRUCTURES. (a)

Existing Buildings. All buildings erected after July 26, 1958 shall comply either with the codes in effect at the time of construction or the present Building, Electrical and Plumbing Codes at the discretion of the owner.

All buildings altered or converted prior to July 26, 1958 which do not conform to the codes in effect at the time of the alteration or conversion and the provisions of this Code shall be reconverted back to the original approved state and brought into compliance with the retroactive requirements applicable to the original structure, or conform to all the applicable requirements outlined in the present codes.

Pursuant to Section 102 of this Code regarding the maintenance of all buildings constructed, altered or converted to Group R, Division 1 and 3 occupancy prior to January 1, 1984, said buildings shall comply with the 1979 San Francisco Building Code. Pursuant to Section 102 of this Code regarding the maintenance of all buildings constructed, altered or converted to Group R, Division 1 and 3 occupancy after January 1, 1984, said buildings shall comply with the codes that are in effect at that time.

(b) **Relocation.** Buildings or structures moved into or within this jurisdiction shall comply with the requirements in the Building Code for new buildings and structures. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 105. ALTERNATE MATERIALS. See Section 104.2.8 of the Building Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

CHAPTER 2

ENFORCEMENT

Sec. 201.	General.
Sec. 202.	Reserved.
Sec. 203.	Housing Advisory and Appeals Board
Sec. 204.	Violations.
Sec. 205.	Posted Notices, Interference With.
Sec. 206.	Retroactive Provisions.
Sec. 207.	Assuming Responsibility for the Mobile homes Park Act.

Sec. 201. GENERAL. (a) **Authority.** The Director of the Department of Building Inspection shall administer and enforce all of the provisions of this Code. The Director is hereby designated as the authorized representative of the Building Inspection commission in such enforcement. The Director is hereby authorized to call upon the Director of City Planning, the Director of Public Health, the Chief of the Fire Department, the Chief of Police and all other City officers, employees, departments and bureaus to aid and assist him in such enforcement, and it shall then be their duty to enforce the provisions of this Code and to perform such duties as may come within their respective jurisdictions.

Upon completion of an inspection of a structure or portion of a structure, the owner or occupant thereof shall be furnished by the Department of Building Inspection with a standard form which clearly and simply indicates the violations found and the sections of this Code which are not complied with. Copies of all forms used to enforce this code shall be furnished the Clerk of the Board of Supervisors, to be held on file with the Board of Supervisors.

(b) **Right of Entry.** Upon showing proper credentials, which shall include a statement apprising an owner or occupant of his rights and obligations, authorized employees of City departments, when necessary for the performance of their duties, shall have the right to enter at reasonable times any new or unoccupied building and any building under construction, repair, alteration or removal and any other building when there is reasonable ground for believing said building or any part thereof to be illegal, unsafe or a menace to life or limb; or in making their routine inspections as required under the License Code.

The procedures provided by the general laws of the State of California, presently codified as Sections 1822.50 to 1822.57, inclusive, of the Code of Civil Procedure, shall govern the issuance, execution and enforcement of an inspection warrant in the event the owner or occupant of a building refuses to permit an inspection thereof by an authorized employee of a City department.

(c) Reserved.

(d) **Order of Vacation.** The Director of the Department of Building Inspection shall give written notification of any order to vacate to the Chief of Police who shall thereupon cause the same to be executed and enforced.

(e) **Abatement.** For abatement procedures, see Chapter 1 of the Building Code.

(f) **Designation of Code Enforcement Areas.** Whenever it is found to be in the interests of the people of San Francisco to engage in concentrated code enforcement on an area-wide basis, the following procedure shall be followed:

(1) The area to be designated for code enforcement activity shall be selected by the Director of the Department of City Planning and recommended to the Chief Administrative Officer.

(2) The Chief Administrative Officer, if that person approves said area as being acceptable for concentrated code enforcement, shall submit same to the Board of Supervisors requesting the Board to designate the area for concentrated code enforcement.

(3) Upon the Board of supervisor designating the area and unless Federal or State funds are to be utilized which would necessitate filing an application for same, the Bureau of Building Inspection shall commence the inspection of every building and structure in the designated area to determine the condition of the buildings and to bring about compliance with the applicable codes.

(4) In the event the Federal government or the State government is involved in the financial assistance or funding of the program the first action by the Board will be to approve the filing of an application to the Federal or State agency for funding or assistance. Upon approval of the application by the Federal or State agency, the final contractual arrangements between that agency and the City shall require the approval by the Board of Supervisors. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 202. RESERVED.

SEC. 203. HOUSING ADVISORY AND APPEALS BOARD. (a) General.
Abatement Appeals Board. See Section 105.2 of the Building Code.

(b) Reserved. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 204. VIOLATIONS. (a) Criminal Penalty for Violation; Citations.

(1) Any person or entity who violates, disobeys, omits, fails, neglects or refuses to comply with, or who resists or opposes the execution of any of the provisions of this Code, or any notice or order of the Director of the Department of Building Inspection made pursuant to this Code, relating to fire safety, the provision of heat or hot water, or the existence of conditions that endanger the life, limb, health or safety of any person or the public may be charged with a misdemeanor pursuant to Section 204(b). The penalty upon conviction thereof shall be a fine of not less than \$500 or more than \$1,000, or imprisonment, no part of which may be suspended. A person convicted of violating this Code shall be deemed guilty of a separate offense for every day such violation, disobedience, omission, failure, neglect or refusal shall continue. Any person who shall do any work in violation of any of the provisions of this Code, or any order of the Director of the Department of Building Inspection made pursuant to this Code, and any person having charge of such work who shall permit it to be done, shall be liable for the penalty provided.

(2) Any person or entity who violates, disobeys, omits, fails, neglects or refuses to comply with any provision of this Code, or any notice or order of the Director of the Department of Building Inspection made pursuant to this Code which is not chargeable under Section 204(a) (1) may be charged with an infraction, and a citation may be issued pursuant to Section 204(b). Pursuant to California Government Code Section 36900 and 36901, the fine for infractions shall be as follows:

- (i) A fine not exceeding \$100 for the initial violation;
- (ii) A fine not exceeding \$200 for the second violation of the same section of the Code within one year of the first violation;
- (iii) A fine not exceeding \$500 for each additional violation of the same section of the Code within one year of the first violation.

(b) **Department Members as Public Officers.** In the performance of their duties of monitoring and enforcing compliance with the provisions of this Code, all persons authorized by the Housing Inspection Division of the Department of Building Inspection to conduct on-site inspections shall have

the power, authority and immunity of a public officer and employee as set forth in California Penal Code Section 836.5, to make arrests without a warrant whenever such employees have reasonable cause to believe that a violation of this Code has taken place in their presence; provided, however, that no such arrest shall be made until the time period for compliance provided in the initial notice of violation has expired. In any case in which a person is arrested pursuant to this authority and the person arrested does not demand to be taken before a magistrate, the public officer or employee making the arrest shall prepare a written notice to appear and shall release the person on their promise to appear as prescribed by Chapter 5C (commencing with Section 853.6) of the California Penal Code.

The Director of the Department of Building Inspection, in coordination with the Chief of Police, shall establish and cause to be administered an enforcement training program designed to instruct each employee so authorized by this Section to exercise arrest and citation authority. Such training shall include guidance and instruction regarding the evidentiary prerequisites to proper prosecution of violations thereof; the appropriate procedures for making arrests or otherwise prudently exercising such arrest and citation authority; and the legal and practical ramifications and limitations relevant to exercising enforcement authority.

(c) Presumption of Noncompliance with Order; Civil Penalty for Violation of Code.

(1) Notwithstanding any other provision of this Code, any person or entity served, in any manner permitted for service of process under the provisions of the Code of Civil Procedure, with a notice or order by the Director of the Department of Building Inspection setting forth the nature of the violation of this Code, demanding correction of such violation, and specifying the time within which such violation must be corrected, shall be presumed, in civil proceedings, to have failed to comply with said notice or order at and after the time given in said notice or order for correction of such violation has expired without correction of said violation.

(2) Any person or entity violating this Code shall be liable for a civil penalty of up to \$1,000 for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City and County of San Francisco by the City Attorney in any court of competent jurisdiction. There shall be no more than one violation per building per day. In assessing the amount of the

civil penalty, the court shall consider any one or more of the relevant circumstances presented by any of the parties to the case, but not limited to, the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant=s misconduct, and the defendant=s asset=s, liabilities and net worth. Any penalty assessed and recovered in an action brought pursuant to this paragraph shall be paid to the City Treasurer and credited to the Department of Building Inspection=s Special Fund.

(3) The remedies in this Section are in addition to any other remedies provided by law. No provision in this Section shall preclude prosecution of actions for civil criminal penalties concurrently, sequentially or individually.

(d) **Civil Remedies for Violation of Section 503(d).** In addition to the penalties specified in Subsection (a) of this Section, Section 503(d) of this Code may also be enforced by a civil action authorized under this subsection.

(1) Any aggrieved person may enforce Section 503(d) of this Code by means of a civil action.

(2) Any person who violates Section 503(d) of this Code or who aids in the violation of Section 503(d) of this Code shall be liable for three times the amount of special and general damages, or three times the amount of one month=s rent that the landlord charges for the unit in question. The court may award in addition thereto, not less than \$200 but not more than \$400, together with punitive damages. The interested party instituting a civil proceeding, or the City suing to enforce Section 503(d), if prevailing parties, shall be entitled to the costs of enforcing Section 503(d), including reasonable attorney=s fees, pursuant to a court order.

(3) Any person who commits, or proposes to commit, an action in violation of Section 503(d) may be enjoined therefrom by any court of competent jurisdiction.

(4) Any action under this subsection may be brought by any aggrieved person, by the District Attorney, by the City Attorney, or by any interested party on behalf of the aggrieved person.

(5) Any action brought under this subsection shall be filed within one year of the alleged violation.

(e) **Special Assessment Lien to Recover Fees or Costs.** Any person, the owner or their authorized agent, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists or opposes the execution of any order

of the provisions of this Code or any order of the Director of the Department of Building Inspection made pursuant to this Code, will be subject to the placement of a special assessment lien in the amount of the fee owed or delinquent, plus accrued interest, against the real property regulated under this Chapter, for failure to pay items, including but not limited to: (1) required annual apartment/hotel license fees per Section 302 of this Code; (2) reinspection fees; and, (3) assessment of costs, pursuant to Sections 102, 108 and 110 of the San Francisco Building Code.

(f) **Annual Report to Board of Supervisors.**

(1) Six months from the effective date of this ordinance, the Director of the Department of Building Inspection shall provide the Board of Supervisors with information on the implementation of this Section.

(2) Each annual report of the Department of Building Inspection transmitted to the Board of Supervisors shall contain a statistical report detailing the number of citations issued during the preceding year, correlated with a general description of the types of violations for which they were issued.

(g) **Partial Appropriation of Fines Collected.** Up to 25 percent of the monies collected pursuant to Section 204(a), other than monies mandated by State law to be appropriated for specific purposes, shall be deposited directly to the Department of Building Inspection=s Special Fund to partially offset the costs incurred by the Department of Building Inspection in issuing citations pursuant to this Section. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 123-93, App. 4/29/93; Ord. 355-93, App. 11/12/93; Ord. 350-95, App. 11/3/95; Ord. 382-96, App. 10/3/96; Ord. 418-97, App. 10/31/97)

SEC. 205. POSTED NOTICES, INTERFERENCE WITH. It shall be unlawful for any person to interfere with the posting of any notice provided for in this Code, or to tear down or mutilate any such notice so posted in or upon any building or premises by the Department of Building Inspection, or any other interested department or bureau. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 206. RETROACTIVE PROVISIONS. The sections and subsections listed herein are retroactive and shall apply to and include existing buildings as defined in Section 401 of this Code:

351 to 353 inclusive:

- Section 351. Report of Residential Building Record Required
- Section 352. Application for Report of Residential Building Record
- Section 353. Inspection of Residential Building and Fee Therefor
- 501 to 505 inclusive:
 - Section 501. Space and Occupancy Standards, General
 - Section 502. Yards and Courts
 - Section 503. Room Dimensions
 - Section 504. Light and Ventilation
 - Section 505. Sanitation
- 601 to 603 inclusive:
 - Section 601. Construction, Existing Apartment Houses and Hotels
 - Section 602. Foundation Ventilation
 - Section 603. Garages
- 701 to 707 inclusive:
 - Section 701. Heating and Ventilation
 - Section 702. Fire Protective Devices and Facilities
 - Section 703. Weather Protection
 - Section 704. Roof Decks and Drying Platforms
 - Section 705. Security; Purpose
 - Section 706. Security; Standards
 - Section 707. Garbage Receptacle Compartments
- 709 to 712 inclusive:
 - Section 709. Prohibited Uses
 - Section 710. Paints or Volatile Liquids
 - Section 711. Machine Shop, etc.
 - Section 712. Identification of Utility Shutoff Devices
- 801 to 803 inclusive:
 - Section 801. Exits, Stairs and Occupant Load
 - Section 802. Stairways and Exit Corridors
 - Section 803. Basement Stairways
- 805 to 808 inclusive:
 - Section 805. Stairway to Roof
 - Section 806. Stairway Enclosures
 - Section 807. Smoke Barriers
 - Section 808. Elevator Enclosures
- 901 to 912 inclusive:
 - Section 901. Fire Alarms
 - Section 902. Fire Alarm Systems

- Section 903. Wet Standpipes
- Section 904. Automatic Sprinkler System
- Section 905. Portable Fire extinguishers
- Section 906. Automatic Sprinklers
- Section 907. Location of Equipment
- Section 908. Maintenance and Repair
- Section 909. Smoke Detection and Alarm Systems
- Section 910. Heat Detectors
- Section 911. Single-Station Smoke Detector with Alarm Required
- Section 912. Self-Closing Doors
- 1001: Section 1001. Substandard Buildings, Definitions
- 1102: Section 1102. Apartment House/Hotel License
- 1103: Section 1103. Records
- 1201 to 1212 inclusive:
 - Section 1201. Residential Energy Conservation, Title
 - Section 1202. Findings
 - Section 1203. Intent
 - Section 1204. Definitions
 - Section 1205. Energy Inspections
 - Section 1206. Qualified Energy Inspectors
 - Section 1207. Proof of Compliance with Minimum Energy Conservation Measures
 - Section 1208. Exemptions and Postponement
 - Section 1209. Limitation of Expenditure
 - Section 1210. Energy Conservation Requirements Upon Major Improvement, etc.
 - Section 1211. Energy Inspection Requirement at Transfer of Title
 - Section 1212. Required Energy Conservation Measures
- 1214 to 1219 inclusive:
 - Section 1214. Amortization in Rental Property
 - Section 1215. Civil Remedies
 - Section 1216. Fees
 - Section 1217. Rules
 - Section 1218. Interim Rules
 - Section 1219. Ordinance Review
- 12A01 to 12A14 inclusive:
 - Section 12A01. Title
 - Section 12A02. Findings

- Section 12A03. Intent
 - Section 12A04. Definitions
 - Section 12A05. Water Conservation Inspections
 - Section 12A06. Proof of Compliance with Minimum Water Conservation Measures
 - Section 12A07. Postponement of Requirements
 - Section 12A08. Water Conservation Inspection Requirements Upon Major Improvements, etc.
 - Section 12A09. Water Conservation Inspection Requirements at Transfer of Title
 - Section 12A10. Required Water Conservation Measures
 - Section 12A11. Residential Buildings (R-1 and R-3 Occupancies), etc.
 - Section 12A12. Appeal from Results of a Water Conservation Inspection
 - Section 12A13. Civil Remedies
 - Section 12A14. Severability
- 1301 to 1311 inclusive:
- Section 1301. Painting
 - Section 1302. Courts and Shafts
 - Section 1303. Wallpaper
 - Section 1304. Garbage Receptacles
 - Section 1305. Garbage Receptacle Compartment
 - Section 1306. Sanitation
 - Section 1307. Deposit of Rubbish, etc.
 - Section 1308. Bedding
 - Section 1309. Towels
 - Section 1310. Dangerous Articles
 - Section 1311. Caretaker

Exceptions to the provisions of Sections 904(a) (2) and 911 of this Code may be made with respect to any Qualified Historical Building or Structure (as defined in California Code of Regulations, Title 24, Part 2, Section 218). For such buildings and structures, the Director and the Bureau of Fire Prevention and Public Safety may provide for a suitable system of fire prevention and life safety as an alternative to the provisions of Sections 904(a) (2) and 911.

For purposes of Sections 904(a) (2), 911 and 912, an existing hotel shall be deemed to be any hotel as to which a building permit application for

construction of the hotel was approved as of the date of the adoption of the ordinance which adds Sections 904(a)(2) and 912 to this Code. All such existing hotels shall be conformed to the requirements of Sections 904(a)(2), 911 and 912 within three years from the date of the adoption of the ordinance which adds Sections 904(a)(2), 911 and 912 to this Code. As to such existing hotels only, the period for compliance with the requirements of Sections 904(a)(2), 911 and 912 may be extended upon showing of good cause for such extension if a systematic and progressive plan of compliance is submitted to the Director and to the Bureau of Fire Prevention and Public Safety. Such extension shall not exceed two years from the date of approval of such plan, and any plan of compliance submitted pursuant to this subdivision shall be submitted and approved within three years from the date of the adoption of the ordinance which adds Sections 904(a)(2) and 912 to this Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 381-90, App. 10/24/90; Ord. 160-92, App. 6/4/92; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 207. ASSUMING RESPONSIBILITY FOR THE MOBILE HOMES PARK ACT. The City and County of San Francisco hereby assumes responsibility for the enforcement of the Health and Safety Code, Division 13, Part 2.1 (Mobile homes Park Act) and related regulations of Title 25, California Code of Regulations within the City and County of San Francisco.

The Department of Building Inspection is hereby designated as the enforcing agency.

The fees as required to be charged by Chapter 5, Title 25, California Administrative Code shall be those collected by the City and County of San Francisco for the enforcement of such regulations.

The effective date of enforcement by the City and County of San Francisco shall be November 1, 1977. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

CHAPTER 3

PERMITS AND INSPECTIONS

Sec. 301.	General.
Sec. 302.	Fees.
Sec. 303.	Inspection.

SEC. 301. GENERAL. For permits to do any work, see Section 106 of the Building Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 302. FEES. (a) **Apartment House License Fees.** Every individual entity which owns or operates an apartment house, including a residential condominium, as defined by Section 401 of this Code, shall pay an annual license fee. The Tax Collector shall bill the annual Apartment House License Fee as a special assessment lien on the property tax bill mailed to all owners and operators of apartment houses, as defined by this Code. All laws pertaining to the collection and enforcement of ad valorem property taxes, including the date such fees are due and payable, shall apply to the collection and enforcement of the Apartment House License Fee.

The license fee will be used to defray the cost of health and safety inspection and regulation of the apartment houses by the Department of Building Inspection. This inspection will be made by the Department of Building Inspection on a periodic basis as determined by the Director of the Department of Building Inspection. However an inspection shall be made not less than once every five years. Additional inspections within any year may be required, including responding to occupant complaints. See Building Code, Chapter 1, Schedule 1-P. (Apartment House License Fee Schedule) for the applicable fees.

(b) **Hotel License Fees.** Every individual entity which owns or operates a hotel, shall pay an annual license fee. The Tax Collector shall bill the annual Hotel License Fee as a special assessment lien on the property tax bill mailed to all owners and operators of hotels, as defined by this Code. All laws pertaining to the collection and enforcement of ad valorem property taxes, including the date such fees are due and payable, shall apply to the collection and enforcement of the Hotel License Fee.

The license fee will be used to defray the cost of health and safety inspection and regulation of the hotels by the Department of Building Inspection. This inspection will be made by the Department of Building Inspection on a periodic basis as determined by the Director of the Department of Building Inspection. However an inspection shall be made not less than every five years. Additional inspections within any year may be required including responding to occupant complaints. See Building Code, Chapter 1, Schedule 1-P. (Hotel License Fee Schedule) for the applicable fees.

(c) **Responsibility for Payment of Fee.** Only one license fee is required to be paid per apartment or hotel subject to this Section, consistent with the timelines established herein. In the event that more than one entity receives notice of the obligation for the fee, responsibility for payment of the fee in its entirety is a matter to be resolved by the individual entities.

(d) **Special Assessment Lien.** Any person or entity, which fails to pay the required license fees as described in this Section will be subject to the placement of a special assessment lien in the amount of the fee owed or delinquent, plus accrued interest, against the real property regulated under this Chapter pursuant to the procedure set forth in Chapter 10, Article XX of the San Francisco Administrative Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 129-93, App. 5/7/93; Ord. 350-95, App. 11/3/95; Ord. 382-96, App. 10/3/96)

SEC. 303. INSPECTION. (a) **Inspection by City.** All work for which a permit of any kind is required shall be subject to inspection by authorized representatives of Department of City Planning, Department of Public Health, Department of Building Inspection, Bureau of Fire Prevention and Public Safety and other interested departments and bureaus, and all construction work shall be subject to all of the provisions of Chapter 1 of the Building Code.

(b) **Inspection and Entry by Owner.** The owner, or the authorized agent of any owner of any building or premises may enter, during normal business hours, the building or premises whenever necessary to carry out any instructions or perform any work required to be done by this Code, pursuant to California Civil Code Section 1954. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

CHAPTER 3.5

REPORT OF RESIDENTIAL BUILDING RECORD

- Sec. 351. Report.
Sec. 352. Application.
Sec. 353. Inspection of Residential Building and Fee Therefor.

SEC. 351. REPORT. (a) **Report of Residential Building Record Required.** Prior to the sale or exchange of any residential building, except the first sale or exchange, if this occurs within one year of the date of the Certificate of Final Completion of the construction of the building, the owner thereof, or their authorized agent, shall obtain from the Department of Building Inspection, a Report of Residential Building Record. Said report shall set forth the existing authorized occupancy or use of said residential building and the other information prescribed in Section 351(c) herein below.

Such Report of Residential Building Record shall be delivered by the owner, or the authorized agent of said owner, to the buyer or transferee of said residential building prior to the consummation of the sale or exchange thereof, and the buyer shall file with the Department of Building Inspection, a receipt therefor, on a form furnished by said Department.

It shall be unlawful for the owner of such residential building to sell or exchange same without first having obtained and delivered to the buyer the Report of Residential Building Record herein provided for.

In addition to the foregoing, any person licensed by the State of California to sell property shall provide upon request, to any prospective buyer a copy of the Report of Residential Building Record issued in the manner herein above required for any residential property which the real estate broker has listed for sale.

(b) **Residential Building Defined.** A residential building, as used in this Chapter, is a building or a portion thereof containing one or more dwelling units but not including hotels containing 30 or more guest rooms, or motels.

(c) **Contents of Report of Residential Building Record.** The Department of Building Inspection shall, upon application in the manner hereinafter provided, issue a Report of Residential Building Record to the owner which shall contain, in respect to said residential building, the following information, insofar as ascertainable from City records:

- (1) Present authorized occupancy or use.
- (2) Zoning district in which located.
- (3) Do records of Department of City Planning reveal an expiration date for any nonconforming use of this property?

Yes _____ No _____ If yes, what date? _____

- (4) Has an Apartment House/Hotel License been issued?
- (5) Occupancy classification.
- (6) Building construction date.
- (7) Original occupancy or use.
- (8) Construction, conversion, street tree permits or alteration permits issued, if _____ any.
- (9) (a) Is this property a Conservation Area?

Yes _____ No _____

- (b) Is this property within a project area for which a redevelopment plan has _____ been approved by the Board of Supervisors?

Yes _____ No _____

- (c) Is this property within or does it abut upon the right-of-way of a freeway route _____ which has been adopted by the California State Highway Commission and _____ approved by the Board of Supervisors?

Yes _____ No _____

- (d) Does this property abut upon a street which is to be widened pursuant to _____ action of the Board of Supervisors?

Yes _____ No _____

- (10) (a) Has this property been declared condemned or abated?

Yes _____ No _____

of (b) Have there been condemnation or abatement hearings held, disposition which is still pending?

Yes _____ No _____

(11) Number of structures on property.

(12) Building in Fire Zones?

Yes _____ No _____

(13) (a) Has an energy inspection been completed?

Yes _____ No _____

(b) If yes, has a proof of compliance been issued?

Yes _____ No _____

(14) Has there been a notice of noncompliance sent to the State Franchise Tax Board?

Yes _____ No _____

On the face of the report shall appear the following note in bold 10-point type:

Beware. This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Department of City Planning and the Department of Building Inspection.

(Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 165-95, App. 5/19/95; Ord. 350-95, app. 11/3/95)

SEC. 352. APPLICATION. (a) **Application for Report of Residential Building Record.** Any owner, or their authorized agent required by Section 351 herein above to obtain a Report of Residential Building Record, shall make written application therefor to the Department of Building Inspection, on forms provided by the said department, and such application shall contain the following information:

- (1) Name and address of owner.
- (2) Name and address of applicant if other than owner.
- (3) Location of existing residential building for which the report is sought.

(b) **Expiration Date of Report of Residential Building Record.** Any Report of Residential Building Record issued pursuant to the provisions of this Chapter shall be effective for a period of one year from the date of issuance, and shall contain therein the dates of issuance and expiration.

(c) **Report of Residential Record.** The fee for supplying a Report of Residential Building Record shall be payable in advance to the Central Permit Bureau. See Building Code Chapter 1, Schedule 1-G.5 (Report of Residential Building Records) for applicable fees. (Added by Ord. 399-8, Appl. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 353. INSPECTION OF RESIDENTIAL BUILDING AND FEE THEREFOR. If the owner or the owner=s agent desires a physical inspection of the property, the Department shall make an inspection of the property and shall furnish to the owner or the owner=s agent a list of the violations, if any, of the law disclosed by the inspection. Fees for this service are payable in advance at the Central Permit Bureau. See Building Code Chapter 1, Schedule 1-G.7 (Survey of Residential Building) for the applicable fee. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

CHAPTER 4

DEFINITIONS

Sec. 400. General.
Sec. 401. Definitions.

SEC. 400. GENERAL. (a) **General.** For the purposes of this Code, certain words and terms used herein are defined as set forth in this and the

following sections of this Chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster=s Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinary accepted meanings. All words used in the present tense shall include the future. All words in the plural number shall include the singular and all words in the singular number shall include the plural unless the natural construction of the wording indicated otherwise. The word **shall** is mandatory and not permissive. For definitions not indicated herein, see Chapter 2 of the Building Code.

(b) **Administrative.** Whenever any one of the following terms is used it shall mean the corresponding officer, department, board or commission, or agency or authority of the City and County of San Francisco, State of California, hereinafter referred to as the **City**: Board of Supervisors, Department of Building Inspection, Police Department and Fire Department. In each case the term shall be deemed to include an employee of any such office or department of the City who is lawfully authorized to perform any duty or exercise any power as their or its representative or agent.

Whenever the words **dwelling**, **dwelling unit**, **apartment**, **apartment house**, **hotel**, **guest room**, **guest room suite**, **premises** or **building** are used in this Code, they shall be construed as though they were followed by the words **or any portion thereof**.

APPROVED. **Approved**, when used in connection with any material, type of construction or appliance means meeting the approval of the Director as a result of investigation and tests conducted by an approved agency, or by reason of accepted principles or tests by national authorities, technical, health or scientific organizations or agencies.

APPROVED AGENCY. **Approved agency** means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, and approved by the Director. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 401. DEFINITIONS.

Apartment. **Apartment** means a dwelling unit as defined in this Code.

Apartment House. **Apartment house** is any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums.

Basement. A **Basement** is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Bathroom. A room containing a bathtub, tub or shower compartment; water closet and lavatory or other similar approved facilities provided immediately adjacent thereto.

Bay Window. A rectangular, curved or polygonal window, projecting beyond the exterior wall of the building.

Building. A **Building** shall mean any building or structure, or portion thereof, which is used, designed or intended for residential use, for living, sleeping, cooking or eating purposes or any combination thereof.

Building Code. The San Francisco Building Code, Part II, Chapter I, of the San Francisco Municipal Code.

Building (Existing). A building erected prior to the adoption of this Code, or one for which a legal building permit and a **Certificate of Final Completion** has been issued.

Building Official. A **Building Official** is the Director of the Department of Building Inspection, City and County of San Francisco. The Director is the authorized representative in the enforcement of this Code.

Ceiling Height. The distance between the finished floor and the finished ceiling.

City. The City and County of San Francisco.

Congregate Residence. A **Congregate Residence** is any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by this Code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

Deterioration. The condition of a building or a portion of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, or lack of maintenance, or excessive use.

Director of the Department of Building Inspection. The Director of the Department of Building Inspection, City and County of San Francisco, sometimes referred to as the Director, who shall herein have charge and control of all matters set forth in this Code.

Dormitory. A room occupied by more than two guests.

Dwelling. Any building or portion thereof which contains not more than two dwelling units.

Dwelling Unit. A dwelling unit is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Code, for not more than one family.

Electrical Code. The San Francisco Electrical Code, Part II, Chapter III of the San Francisco Municipal Code.

Equivalent Public Way. A Equivalent public way is approved space on private property complying with all of the following:

(1) Connects with boundary street or streets.

(2) Is at least 40 feet in width, open to the sky, ~~unless reduced pursuant to Section 503.1 of the Building Code~~ when the structures served by the equivalent public way are protected throughout with an approved automatic fire-extinguishing system installed in conformance with Chapter 9 of the Building Code.

(3) Is accessible to Fire Department vehicles and equipment.

(4) Access is recorded as being irrevocable for the life of the structure for which access is required, stating this is a requirement of the City.

Exit. See Section 1002 of the Building Code.

Family. One or more persons related or unrelated, living together as a single integrated household in a dwelling unit.

Fire Code. The San Francisco Fire Code Part II, Chapter IV, of the San Francisco Municipal Code.

Fire Hazard or Nuisance. A Fire hazard shall mean anything or the lack of any equipment or any act, which increases or may cause an increase of the hazard or menace to life or property from fire, explosion or panic to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay or hinder the saving of life from fire, explosion or panic or may have become the cause of any obstruction, delay, suppression or hindrance, to the prevention or extinguishment of fire.

Garage. A building or portion thereof in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired or kept.

Garage, Private. A building or a portion of a building, not more than 1,000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

Guest Room. A room occupied, or intended, arranged or designed for occupation by one or more guests. Every 100 square feet of superficial floor area in a dormitory is a guest room. A guest is any person paying in money, goods or services for the use of a sleeping facility. Guest rooms with cooking shall have approved kitchen units as set forth in Section 310.2.4.2 of the Building Code.

Guest Room Suite. A contiguous group of two or more habitable rooms, not part of a dwelling unit, having one entry door. Each habitable room within a guest room suite shall individually conform to the requirements set forth in Section 503(b) of this Code.

Habitable Space (Room). Any room or space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space areas are not considered habitable space.

Handrail. A rail capable of being readily grasped by the hand to provide support on ramps or stairs.

Height of Building. Height of building shall be determined in accordance with Section 209 of the Building Code.

Hotel. AHotel@ is any building containing six or more guest rooms, or guest room suites, intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Guest rooms with cooking facilities as defined in Section 310.2.4.2 of the Building Code located therein are permitted. Hotel does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home or other institution in which human beings are housed and detained under legal restraint.

Housekeeping Room/Unit with Cooking Facilities. Housekeeping unit or room containing one guestroom with electric cooking facilities, in existence and legalized by permit prior to 1969 in a residential building built before 1960.

Kitchen. Any room used, or intended or designed to be used, for cooking, preserving and preparing food.

Kitchen, Community. See Section 310.2.4 of the Building Code.

Life Hazard. ALife hazard@ is any act, condition, or omission or lack of construction, equipment, material or maintenance, that increases or may cause an increase in the menace to life to occupants within a building or structure from fire, explosion, earthquake, panic or structural failure above the level of safety established in this Code.

Lodging House. A Lodging house@ is any building or portion thereof, containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

Main Entrance or Exit. A Main entrance or exit@ is that entrance from a street, alley or other open space serving as a way of approach to a building to which is apportioned the greater aggregate of the required outside exit width.

Mechanical Code. The San Francisco Mechanical Code Part II, Chapter XIV, of the San Francisco Municipal Code.

Mechanical Ventilation. The ventilation of any area or space by mechanical means.

Mold and Mildew. *Any visible or otherwise demonstrable growth of microscopic organisms or fungi (mold or mildew) that feeds on damp conditions in the interior of a residential building, sufficiently chronic or severe to cause a health hazard or damage a residential structure or part thereof, excluding the presence of mold or mildew which is minor in nature caused by inappropriate house keeping practices or the improper use of natural or mechanical ventilation.*

Motel. A Motel@ shall mean A hotel@ as defined in this Code.

Municipal Code. The Municipal Code of the City and County of San Francisco.

Nuisance. The following shall be defined as nuisances:

- (1) Any public nuisance known at common law or in equity jurisprudence;
- (2) Any attractive nuisance which may prove detrimental to children, whether in a building or on the premises of a building. This includes open wells, abandoned basements, or excavations; abandoned iceboxes, refrigerators and motor vehicles, or any structurally unsound fences or structures, or lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors;
- (3) Whatever is dangerous to human life or is detrimental to health;
- (4) Overcrowding a room with occupants;
- (5) Insufficient ventilation or illumination;
- (6) Inadequate or insanitary sewage or plumbing facilities;
- (7) Insanitary conditions or anything offensive to the senses or dangerous to health;
- (8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings;
- (9) Fire hazard;
- (10) Substandard building.

(11) Any **Apartment**, **dwelling unit**, **habitable space** or **building** as defined in this Code, which is the subject of a final hazard reduction order under Section 1628 of the San Francisco Health Code, or an emergency order under Section 1630 of the San Francisco Health Code.
(12) Mold and Mildew as defined by this Chapter.

Openable Window Area. That portion of a window opening left clear and unobstructed when the window is in an open position.

Overcrowding. Use of occupancy of a room, dwelling unit, guest room or guestroom suite in excess of that permitted by this Code.

Owner. The owner or owners of the freehold of the premises or a lesser estate therein, a vendee in possession, or the lessee or joint lessees of the whole thereof.

Pantry. A space accessible to a dining room or kitchen for the storage of food, dishes or utensils.

Partition. An interior vertical separation running from floor to ceiling and dividing one part of an enclosed area from another.

Person. Any person, firm, association, organization, partnership, business trust, corporation, company, municipal, state or federal agency, executors, administrators, successors, assigns or agents or their heirs.

Plumbing Code. The San Francisco Plumbing Code Part II, Chapter VII, of the San Francisco Municipal Code.

Porch. A porch is a projection of appendage on the exterior of a building, which has a roof the ceiling height of which cannot be less than seven feet. Where one balcony is placed one story above another balcony, the balconies shall be considered as porches.

Premises. Land including improvements or appurtenances or any part thereof.

Repairs. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

Required. As required in this Code.

Roof Structure. A **Roof structure** is any building or structure erected upon the roof of a building, designed to protect machinery or mechanical devices located on such roof and not used for any of the occupancies set forth in Chapter 3 of the Building Code.

Rooming House. Same as **lodging house**.

Service Room. AService room@ shall mean any room used for storage, bath or utility purposes, and not included in the definition of Ahabitable rooms. @

Shaft. Any shaft used for air, light or ventilation, or for vertical openings withing a building. A vent shaft is one used solely to ventilate a water-closet compartment, bathroom, toilet, utility room or other service room.

Stairwell. A volume formed by the enclosure of any stair, or that would have been formed if the stairs were enclosed.

Story. AStory@ is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered a story.

Story, first, is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

Substandard Building. See Chapter 10 of this Code.

Superficial Floor Area. ASuperficial floor area is the net floor area within the enclosing walls of the room in which the ceiling height is not less than seven feet six inches, excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures which are not readily removable.

Toilet Room. A room containing one or more water closets or urinals.

Unsafe Building. See Section 102 of the building Code.

Unusable Space. A space or area which is not readily accessible and which has not more than three feet vertical clearance at any point.

Use. AUse@ shall mean as used or designed or intended to be used.

Ventilating Area. The net area of an opening for the unobstructed passage of air. An approved screen is not considered as obstructing the area provided that the required ventilating area is maintained.

Water Closet Compartment. Same as Atoilet room. @

Weathering. Deterioration, decay or damage caused by exposure to the elements.

Window. A Window@ shall mean a glazed opening, including glazed doors, which open upon a yard, court, or recess from a court, or a vent shaft open and unobstructed to the sky. Clerestory windows shall be included in this definition. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95; Ord. 320-99, App. 11/22/99)

CHAPTER 5

SPACE AND OCCUPANCY STANDARDS

Sec. 501.	General.
Sec. 502.	Yards and Courts.
Sec. 503.	Room Dimensions.
Sec. 504.	Light and Ventilation.
Sec. 505	Sanitation.
Sec. 506.	Habitable Basement Rooms.

SEC. 501. GENERAL. See Chapter 1 of this Code and Chapter 3, Section 310 of the Building Code. Buildings erected, altered or converted prior to July 26, 1958, shall comply with the minimum requirements as set forth in Sections 501 through 506 of this Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 502. YARDS AND COURTS. See Chapter 1 of this Code and Section 1203.4 of the Building Code and the City Planning Code.

Yards, courts, vent shafts, and required unoccupied space for buildings constructed, converted or altered prior to July 26, 1958, need not be provided or increased in size if the habitable rooms and required windows opening thereon were installed under permit, or would have been permitted under the codes in effect at the time installed. (Amended by Ord. 161-92, App. 6/4/92)

SEC. 503. ROOM DIMENSIONS. (a) **Ceiling Heights.** Unless legally constructed as such, no habitable room shall have a ceiling height less than seven feet six inches. Any room, other than a habitable room, shall have a ceiling height of not less than seven feet.

(b) **Superficial Floor Area.** Every dwelling unit and congregate residence shall have at least one room which shall have not less than 120 square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than 144 square feet of superficial floor area. Every room used for sleeping purposes shall have not less than 70 square feet of superficial floor area. When more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at the rate of 50 square feet for each occupant in excess of two. Guest rooms with cooking shall contain the combined required superficial areas of a sleeping and a kitchen, but not less than 144 square feet. Other habitable rooms shall be not less than 70 square feet.

Notwithstanding any provision of this Section, children under the age of six shall not be counted for purposes of determining whether a family with minor children complies with the provisions of this Code.

(c) **Width.** No habitable room except a kitchen shall be less than seven feet in width. Rooms used as guest rooms with cooking shall have a 10-foot minimum width.

(d) **Housing Access.** To promote access to housing by families, it shall be unlawful for the owner, lessor, lessee, sublessee, real estate broker, assignee, or other person having the rights of ownership, the right of possession, or other right to rent or lease any dwelling unit or any agent or employee of such person to refuse to rent or lease, or otherwise deny, a dwelling unit to a family, as defined in Section 401 of this Code, on the basis of the actual or potential number of occupants if the total number of persons occupying a room for sleeping purposes does not violate the minimum superficial floor area standards prescribed in Subsection (b) of this Section.

(e) **Remedies.** A violation of Subsection (d) of this Section shall be subject to the civil remedies specified in Section 204 (e) of this Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 123-93, App. 4/29/93; Ord. 350-95, App. 11/3/95)

SEC. 504. LIGHT AND VENTILATION. General. For the purpose of determining the light or ventilation required by this Section, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than

one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

Exterior openings for natural light or ventilation required by this Section shall open directly onto a public way or a yard or court located on the same lot as the building.

EXCEPTIONS: 1. Required windows may open into a roof porch where the porch:

- a. Abuts a public way, yard or court; and
 - b. Has a ceiling height of not less than seven feet; and
 - c. Has a longer side at least 65 percent open and unobstructed.
2. Skylights.

(a) **Natural Light and Ventilation c Habitable Room.** Guest rooms and habitable rooms within a dwelling unit or congregate residence shall have an aggregate window area of not less than one-twelfth of the floor area or 10 square feet, whichever is greater. In one-family and two-family dwellings not more than one story and basement in height, a skylight is permitted over a required court or side yard if the skylight ventilating area equals the minimum required window area for rooms ventilated by such court and where another source of ventilation to the court exists or is provided, e.g., a tunnel entrance. In no case shall a skylight be permitted when a sleeping room opens into an enclosed court or sideyard.

Openable Window Area. In guest rooms and habitable rooms within a dwelling unit or congregate residence one-half of the required window area in all rooms and hallways shall be openable.

Clerestory windows are permitted, provided they meet the requirements for ventilation as set forth in this Code.

(b) Reserved.

(c) **Mechanical Ventilation.** An approved system of mechanical ventilation or air conditioning may be used in lieu of openable windows in other than habitable rooms. Such system shall provide not less than two air changes per hour, except that in bathrooms, toilet compartments, laundry rooms and similar rooms such system shall provide five air changes per hour. A minimum of 15 cubic feet per occupant of the air supply shall be taken from the outside per Section 1203.3 of the building Code. The point of discharge of exhaust air shall be at least three feet from any opening into the building.

In single-family dwellings, separate switches for the light and ventilation are permissible.

Any person in charge of a building in which an exhaust fan system of ventilation is installed and used pursuant to this Chapter, who fails, neglects or refuses to operate and maintain the system in good order and repair so that the air in each for which it is provided is not completely changed within the specie intervals, is guilty of a misdemeanor.

(d) **Exit Corridors.** Every exit corridor in all apartment houses or hotels shall be ventilated as follows:

(1) **Windows Required.** In an apartment house or hotel, every exit corridor shall have at least one window unless it is lighted and ventilated by a skylight, a ventilated connecting hallway, or a mechanical ventilation system pursuant to the provisions of this Section.

(2) **Window Area and Location.** Each required window shall be 10 square feet in area, at least 50 percent of which shall be openable.

(3) Existing transoms in corridor walls shall be removed and the openings covered or closed with incombustible materials fastened so as to prevent the opening of the transoms. A transom is defined as a window above a door or any other window in a hallway, corridor or passageway, other than exterior windows.

(4) Doors opening to corridors from guest rooms or dwelling units shall be maintained in a normally closed position except when used for entrance or egress to the room or dwelling unit.

(5) **Skylight Permitted.** Skylights shall be permitted in lieu of the required windows in exit corridors in the topmost story of apartment houses and hotels.

(6) **Skylight Area and Location.**

(i) Each skylight shall have an effective horizontal area of glass of at least eight square feet.

(ii) Each skylight shall be so arranged that its entire ventilating area may be readily opened, or its ventilators may be fixed permanently in an open position providing not less than 400 square inches of ventilating area.

(7) **Mechanical Ventilation.** An exit corridor of an apartment house or hotel may, in lieu of any window, be:

(i) Lighted and ventilated by a connecting exit corridor equipped with a window or skylight meeting the requirements of this Chapter; or

(ii) Ventilated by an approved mechanical system of ventilation designed and operated to produce not less than two complete changes of air per hour.

(8) **Stairway Ventilation.**

(i) Each enclosed stairway shall be vented at the top by means of a skylight or other approved means of ventilation. If by other approved means, the net ventilating area shall be not less than five percent of the cross-sectional area of the stairwell.

(ii) Construction of skylights shall conform to the Building Code.

(e) **Electrical Convenience Outlets.** Every habitable room shall have at least one electrical convenience outlet and every kitchen shall have at least two electrical convenience outlets; or in a kitchen in which all major appliances such as range, refrigerator, stove, oven, disposal unit and/or dishwasher are built into the wall or cabinets of said kitchen, or in which there is no major electrical appliance or in which the major appliance is operated from a central unit in the building, one electrical convenience outlet shall be furnished for each 12 feet of continuous counter and for each separate counter area. Ceiling and wall lighting fixture outlets shall not be included in the required number of the required outlets.

Rooms with running water shall require wall switches for control of the lighting outlets.

All new outlets, fixtures and wiring shall comply with the Electrical Code.

(f) **Dormitories c Capacity.** No dormitory shall contain sleeping accommodations for more than 15 persons, nor shall any dormitory be so overcrowded as to be inconsistent with the requirement of this Chapter for rooms used for sleeping purposes, or for the amount of sleeping room floor area per occupant.

The bed frames shall be made of hard, smooth, incombustible, nonabsorbent material; the beds to be arranged as follows:

(1) Not less than three feet of horizontal space between beds.

(2) Not less than one foot of clear space between the floor of the dormitory and the underside of the lower bed.

(g) **Artificial Light.** In every apartment house and in every hotel there shall be installed ~~and kept burning throughout the year~~ artificial light sufficient in volume to illuminate properly every exit corridor, passageway, public stairway, fire escape egress, elevator, public water closet compartment, or toilet room to prevent safety hazard.

***EXCEPTION:** In apartment buildings containing not more than six apartments, artificial lighting shall not be required in passageways and on exterior stairways unless the layout presents a hazard during the daylight hours due to lack of light. Artificial lighting when required for this purpose may be operated by a three-way switch. (Added by Ord. 399-89,*

App. 11/6/89; amended by Ord. 160-92, App. 6/4/92; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 505. SANITATION. (a) **Dwelling Units, Lodging Houses and Congregate Residences.** Dwelling unit, lodging houses and congregate residence shall be provided with a water-closet, a lavatory, and a bathtub or shower, within the unit, except that one facility for the exclusive use of a single dwelling unit may be situated off the exit corridor on the same floor.

(b) **Hotels.** Hotel guestrooms shall be provided with a water-closet, a lavatory, and a bathtub or shower, within the guest room or said facilities may be situated off the exit corridor on the same floor pursuant to the table indicated below.

The following table will be used in determining the minimum number of public sanitary facilities required per floor when guest rooms do not contain the requisite sanitary facilities:

**Total Number of Public Sanitary Facilities
Required for Guest Rooms (per Floor)**

*Existing Number of Guest Rooms per Floor	Public Sanitary Facilities Required
2 B20	2
21 B30	3
31 B40	4
41 B50	5
51 B60	6
61 B70	7
etc.	

***NOTE:** Existing guest rooms with private sanitation facilities are not part of the guest room floor total for purposes of this requirement.

(c) **Kitchen.** Every dwelling unit shall be provided with a kitchen having adequate and clean facilities for the preparation, storage and preservation of food and every kitchen shall be provided with a kitchen sink constructed of approved nonabsorbent and impervious materials. No wooden sink or sink of similar absorbent material will be permitted. The space underneath

the sink or wash tray shall be constructed so as to provide for its ventilation and inspection.

All appliances provided by the owner shall be *maintained in a clean, good working condition, excluding minor damage caused by inappropriate house keeping practices or improper use, at the time that a tenant takes possession of the rental unit.*

Community kitchens and kitchens in guest rooms shall comply with Section 310.2.4.2 of the Building Code.

(d) **Fixtures.**

(1) All plumbing fixtures shall be connected to a sanitary sewer. All plumbing fixtures shall be connected to an approved system of water supply and required fixtures shall be provided with hot and cold running water, except water closets shall be provided with cold water only.

(2) All plumbing fixtures shall be of an approved nonabsorbent material.

(3) For the purposes of this Section, water heated to a minimum temperature of 105 degrees Fahrenheit (41 degrees Centigrade) and a maximum of 120 degrees Fahrenheit (49 degrees Centigrade) at the tap shall be furnished to hotels and apartment houses.

(4) Each building shall provide four gallons of hot water storage capacity per guest room and eight gallons of hot water storage capacity per dwelling unit.

(5) Shower heads with no more than a three-gallon-per-minute flow shall be required. Showerheads of the ball-joint type that cannot easily be removed from the wall without structural alteration are exempt from this requirement.

(e) **Water Closet Compartment.** See Sections 302.6, 807 and 2904 in the Building Code.

(f) **Room Separations.** No room used for the preparation of food shall be used for sleeping purposes except as otherwise provided in the Building Code. See also Section 310 of the Building Code.

Every kitchen or room in which food is stored or prepared shall be separated from any water closet or urinal compartment by at least a tight-fitting door.

EXCEPTIONS:

(1) No change is required in apartment houses and hotels constructed prior to August 17, 1923.

(2) No change is required in dwellings constructed prior to January 1, 1929.

Every partition in a building separating a kitchen with gas appliances from a room used for sleeping purposes shall extend to the ceiling or, if

there is no ceiling, to the roof. An opening in the partition shall be provided with a door; provided, however, that in a wall or partition an opening not exceeding three feet in width and seven feet in height may be permitted.

Every water closet, bathtub or shower required by this Code shall be installed in a room which will afford privacy to the occupant.

(g) **Installation and Maintenance.** All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws.

All plumbing fixtures, gas appliances and appurtenances thereto and their installation, maintenance, repair or alteration shall comply with the requirements of the Plumbing Code and all other applicable sections of the Municipal Code.

(h) **Waterproofing of Basements.** The walls and floor of every basement which is below the ground level shall be waterproofed and dampproof, and, whenever necessary in the opinion of the Director, the walls and floor shall be provided with approved waterproofing protection.

(i) **Drainage.** See Section 3315.6 of the Building Code. One-family and two-family dwellings, other than those buildings constructed or converted to an R-3 Occupancy in which the Plumbing Code and/or Building Code in effect at the time of construction or alteration, require other provisions, are exempt from the drainage requirements for balconies and other projections, provided the drainage from the projection or balcony falls within the property lines and does not adversely affect adjacent property. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 160-92, App. 6/4/92; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 506. HABITABLE BASEMENT ROOMS. All habitable basement rooms shall comply with Sections 503, and 504 of this Code. (Added by Ord. 350-95, App. 11/3/95)

CHAPTER 6

STRUCTURAL REQUIREMENTS

- Sec. 601. Construction, Existing Apartment Houses and Hotels.
Sec. 602. Foundation Ventilation.
Sec. 603. Garages.

SEC. 601. CONSTRUCTION, EXISTING APARTMENT HOUSES AND HOTELS. See Chapter 1 of this Code and Chapter 34 of the Building Code, which defines current types of building construction.

Wood frame buildings three stories or more in height, constructed, altered or converted for use as an apartment house or hotel after September 1, 1947 shall be constructed of materials providing the entire building with a fire-resistive rating of one hour, as defined by the Building Code in effect at time of construction.

Wood frame buildings constructed, altered or converted for use as an apartment house or hotel prior to September 1, 1947 need not be constructed of fire-resistive materials except for the public exit corridors, the soffits of stair and landings, and any new construction added since September 1, 1947, except that in buildings not over two stories in height public exit corridors and stairways may be of unrated materials if each apartment or guest room has direct access to a way of departure from within the unit or room without entering a common corridor. An approved automatic sprinkler system may be substituted for required fire-resistive construction for exit corridors of buildings altered or converted prior to July 26, 1958.

Public exit corridor for this purpose is defined as those corridors which serve more than one apartment or guest room and which are not connected with any other exit corridor or stairway.

Interior wood construction of Type III and IV buildings shall conform to the same fire-resistive requirements as for Type V buildings. Type III buildings five or more stories in height shall be of fire-resistive construction if constructed, altered or converted for use as an apartment house or hotel after August 17, 1923.

All wood shall be protected against termite damage and decay as provided in the Building Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 602. FOUNDATION VENTILATION. The space between the bottom of floor joists and the ground of any building (except space that is occupied by a basement or cellar) shall be provided with a sufficient number of ventilating openings through foundation walls or exterior walls to ensue ample ventilation. The minimum total area of ventilating opening shall be proportioned on the basis of 12 square feet for each 50 linear feet, or major fraction thereof, of exterior wall, so located as to provide adequate cross-ventilation.

The air space shall be kept clean and free from any accumulation of rubbish, debris or filth. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 603. GARAGES. (a) No automobile or other motor vehicle shall occupy any portion of an apartment house or hotel except in a garage which meets the requirements of the Building Code and other provisions of the Municipal Code.

(b) **Use.** Private and public storage garages in apartment houses and hotels shall be used only for storage of automobiles.

(c) **Separation.** See Section 302 of the Building Code. When approved, existing separations in existing buildings may be acceptable. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 604. STRUCTURAL MAINTENANCE. Add the following section:

(a) Affidavit Required. All wood and metal decks, balconies, landings, exit corridors, stairway systems, guard rails, hand rails, fire escapes, or any parts thereof in weather-exposed areas of apartment buildings and hotels shall be inspected by a licensed general contractor, or a structural pest control licensee, or a licensed professional architect or engineer, verifying that the exit system, corridor, balcony, deck or any part thereof is in general safe condition, in adequate working order, and free from hazardous dry rot, fungus, deterioration, decay, or improper alteration. Property owners shall provide proof of compliance with this section by submitting an affidavit form (provided by the Department) signed by the responsible inspector to the Housing Inspection Services Division every five years. For purposes of this section, weather-exposed areas means those areas which are not interior building areas. The affidavit process shall commence on January 1, 2004.

CHAPTER 7

MECHANICAL REQUIREMENTS

Sec. 701.	Heating and Ventilation.
Sec. 702.	Fire Protective Devices and Facilities.
Sec. 703.	Weather Protection.
Sec. 704.	Roof Decks and Drying Platforms.
Sec. 705.	Security; Purpose.
Sec. 706.	Security; Standards.
Sec. 707.	Garbage Receptacle Compartments.
Sec. 708.	Weatherstripping of Windows.
Sec. 709.	Prohibited Uses.
Sec. 710.	Paints or Volatile Liquids.
Sec. 711.	Machine Shop, etc.
Sec. 712.	Identification of Utility Shutoff Devices.
Sec. 713.	Elevators.

SEC. 701. HEATING AND VENTILATION. (a) Minimum Heat Requirements.

(1) Dwelling units, guest rooms and congregate residences of one habitable room other than the kitchen, heat capable of maintaining a room temperature of 70 degrees Fahrenheit at a point midway between the heating unit and the farthest wall and which point is four feet six inches above the floor, shall be made available to such habitable room for 11 hours between the hours of 6:00 a.m. and 12:00 midnight.

(2) Dwelling units, guest rooms and congregate residences containing two or more habitable rooms, heat capable of maintaining a room temperature of 70 degrees Fahrenheit at a point midway between the heating unit and the furthest wall and which point is four feet six inches above the floor in the habitable rooms, shall be made available to the main room which is the room to which the other habitable rooms circulate for 11 hours between the hours of 6:00 a.m. and 12:00 midnight.

(3) In every guest room except as specified in Section 707(c), heat shall be provided as herein above required for a dwelling unit with only one habitable room.

(4) Heat shall be furnished, within the guest room, congregate residence or dwelling unit by heating units located within the guest room, congregate residence or dwelling unit or from ductwork openings in the walls, floor or

ceiling of said guest rooms, congregate residences or dwelling units. No direct openings for the entrance of heat shall be permitted between the exit corridor and the guest room, congregate residences or dwelling unit.

(5) The cost of maintaining heat as herein above required shall be a matter of agreement between the landlord and tenant thereof.

(6) Such facilities shall be installed and maintained in a safe condition and in accordance with the Building Code and all other applicable laws.

(b) **Portable Heaters.** All individual heaters installed in dwelling units, guest rooms and guest room suites must be permanently attached and properly wired. Wiring for heaters shall conform to the San Francisco Electrical Code.

(c) **Heat Requirements in Apartment Houses and Hotels.**

(1) Apartment houses and hotels shall comply with the requirements set forth in Section 701 above except that heat capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Centigrade) at a point midway between the heating unit and the furthest wall and which point is three feet above the floor, shall be made available to each occupied habitable room for 13 hours between the hours of 5:00 a.m. and 11:00 a.m. and 3:00 p.m. and 10:00 p.m.

(2) In every building in which the heating system is not under the control of the tenant or occupant, a locking or non-tamperable temperature-sensing device with a ∇ 12-degree Fahrenheit (.8 degree Centigrade) tolerance shall be centrally located within the building in a habitable room to which heat is provided, whether occupied or unoccupied. The non-tamperable device shall not be installed in a manager=s unit or an owner=s unit (except in an owner occupied residential condominium). This device shall cause the heating system to cease heat production when the habitable room temperature exceeds 68 degrees Fahrenheit (20 degrees Centigrade) and reactivate the system when the temperature drops below 68 degrees Fahrenheit (20 degrees Centigrade).

(3) A timeclock set to provide the amount and hours of heat required in this Section shall be installed at or near the heating source (boiler, furnace, etc.) to control the heating system. A thermostat bypass switch wired in parallel with the thermostat shall be provided to allow testing of the boiler operation. This switch shall be located at or near the heating source.

(4) Except as otherwise provided in this Section, remotely located switches which override timeclock operation shall be prohibited.

(d) **Electrical Equipment.** All electrical fixtures, wiring and appurtenances hereto and their maintenance shall comply with the San Francisco Electrical Code and all other applicable sections of the laws of the State of California and the Municipal Code.

(e) **Mechanical Ventilation.** The provisions and requirements of the San Francisco Mechanical Code shall govern the installation and operation of mechanical ventilation systems and equipment. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 702. FIRE PROTECTIVE DEVICES AND FACILITIES. The provision, installation and maintenance of standpipes, water supplies, automatic sprinkler systems and automatic alarm systems and any other required fire protective device or facility in any building shall be governed by Chapter 9 of the Building Code and applicable sections of the Fire Code, where said Codes are retroactive. See also Chapter 9 of this Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 703. WEATHER PROTECTION. Every building shall be weather protected to provide shelter for the occupants and protection against the elements in accordance with the Building Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 704. ROOF DECKS AND DRYING PLATFORMS. The floors of roof decks and drying platforms on roofs of existing apartment houses or hotels shall conform to the applicable provisions of Section 1511.5 of the Building Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 705. SECURITY; PURPOSE. The purpose of this Section and Section 706 is to provide minimum standards to ensure the security of existing hotels, motels and apartment houses (including condominiums) particularly regarding point of entry into buildings. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 706. SECURITY; STANDARDS. (a) **Hotels and Motels.**

(1) **Exterior Doors.** All exterior swinging door assemblies and related hardware directly accessible from the ground level or by stairs, or ramps, or parking lots, or garage areas shall conform to the following:

(i) Doors shall be tight-fitting, in good condition, and self-closing.

(ii) Doors except those defined in Subsection (a) (2) of this Section shall be continuously locked but openable from the interior with no special effort or knowledge or key or otherwise secured in an approved manner. (Refer to Section 1003A.2 of the San Francisco Building Code.)

(iii) All exposed hinges, bolts, screws and similar fasteners holding the door in place shall be of the nonremovable type.

(iv) Replacement of any glazing in exterior doors or any area within 40 inches of the lock mechanism shall be with approved burglar-resistant glazing or laminated safety glass as defined in Section 1002A, San Francisco Building Code, and shall include one-quarter-inch-thick wire glass or iron grates or grills as an acceptable substitute.

(2) **Main Entrances.** All main entry doors, including electrically operated doors, shall be provided with an approved primary locking device. Main entry doors shall be defined as exterior doors leading directly to the lobby or registration areas or employee entrances.

(i) Exterior lobby entrances shall have doors and related hardware in good condition.

(ii) Nonremovable hardware B See Subsection (a) (1) (iii) of this Section.

(iii) Replacement glazing B See Subsection (a) (1) (iv) of this Section.

(3) **Entry Doors.**

EXCEPTION: Residential care facilities licensed by the State of California under Title 22 of the California Code of Regulations shall not be required to comply with the requirements of this Subsection.

(i) Entry doors to guest rooms from corridors, or accessible by stairs, or ramps, or parking lot, or garage areas shall be a minimum one-and-three-eighths-inch solid bonded wood core or approved equal, unless required by Section 17.33, Title 19, California Code of Regulations to conform to retroactive high-rise requirements; in which case there shall be compliance with Title 19 retroactive high-rise requirements or the requirements of this Section, whichever is the more restrictive. Panels in panel-type doors shall be a minimum three-eighths-inch. Interior glass panel doors to guest rooms or tenant=s unit shall have a minimum one-and-three-eighths-inch wood framing and shall be reinforced with one-quarter-inch plastic glazing sheet, minimum three-eighths-inch plywood sheet, or laminated safety glass, installed on the exterior or interior, or an approved equal, such as one-quarter-inch-thick wire glass or iron grates or grills installed on either side of an approved

door. Other glass panel doors shall only comply with the aforementioned requirements upon replacement of glazing.

(ii) New locks shall be minimum one-inch deadbolt and shall be openable from the interior with no key, special effort or knowledge.

(iii) Existing locks with minimum five-eighths-inch deadbolt openable from the interior with no key, special effort or knowledge shall be deemed to comply with the minimum standards of this Code, or a surface-mounted horizontal-throw or vertical-throw deadbolt.

(iv) All locks in transient hotel rooms shall be capable of locking out all keys, except the emergency keys, for guest privacy while inside the room.

(v) Strike plates, when attached to wood jambs, shall be secured with not less than two number eight steel screws, which will penetrate at least two inches of solid framing. Strike plates, when attached to metal jambs, shall be blind bolted, welded, riveted or by approved means.

(vi) All doors shall be provided with a minimum 135-degree viewer which does not have sighting capability when viewed from the outside. Mounting height shall not exceed 58 inches.

(vii) Secondary entry doors (rear doors, doors from secondary rooms to corridors, etc.) shall require at least a deadlatch or deadbolt, or a surface-mounted horizontal-throw or vertical-throw deadbolt. Secondary doors to corridors shall meet the requirements of Subsection (a) (3) (i) of this Section.

(4) **Communicating Doors Between Guest Rooms.** See Section 1004A.2 of the San Francisco Building Code.

(i) Communicating doors between guest rooms if not required to be fire-rated shall be of one-and-three-eighths-inch solid, bonded, wood core or approved equal, and shall have a lock, bolt or other device capable of securing doors in a closed position against forced entry.

(5) Sliding glass doors ^B See Section ~~1002A.6~~ 1003A.6 of the San Francisco Building Code.

(6) Sliding Glass windows ^B See Section ~~1002A.7~~ 1003A.7 of the San Francisco Building Code.

(7) **Roof Openings.** Replacement of all skylights leading directly to dwelling rooms, guest rooms, utility rooms, office and enclosed commercial space shall be provided with burglary-resistant glazing as defined in Section 1004A.3 of the San Francisco Building Code and shall include one-quarter-inch-thick wire glass or iron grates or grills as an acceptable substitute. However, if the roof is sloping at an angle of at least four in 12, the above requirements are inapplicable.

(8) **Parking Areas (Self Parking).** See Section ~~1002A.8~~ 1003A.8 of the San Francisco Building Code.

(9) **Building Address Identification.** See Section 107.10 of the San Francisco Building Code.

(b) **Apartment Houses (Includes Condominiums).**

(1) **Exterior Doors.** See Subsection (a) (1) of this Section.

(i) Fire rating of exterior doors B See Subsection (a) (1) (i) of this Section.

(ii) Locking of exterior doors B See Subsection (a) (1) (ii) of this Section.

(iii) Nonremovable hardware B See Subsection (a) (1) (iii) of this Section.

(iv) Replacement glazing B See Subsection (a) (1) (iv) this Section.

(v) Strike plate B See Subsection (a) (3) (v) of this Section.

(2) **Main Entrance.** All exterior main entrance doors shall conform to the standards of Subsection (a) (1) of this Section for exterior doors.

(i) Exterior and main entrance door locks shall not be on any master key system.

(ii) Lighting shall be a minimum of one-half footcandle of light on the ground surface from the street to the entry door. Lighting devices shall be protected by weather-resistant and vandalism-resistant covers.

(3) **Entry Doors.** Entry doors to dwelling units shall be in accordance with Subsection (a) (3) (i) of this Section. Said Subsection shall also apply upon conversion of units to condominiums.

(i) Existing locks: Same as Subsection (a) (3) (iii) of this Section.

(ii) New locks: Same as Subsection (a) (3) (ii) of this Section.

(iii) Installation of new doors shall be with a primary locking device with minimum one-inch single-cylinder deadbolt.

(iv) All such doors, frames and jambs shall be in good condition and tight-fitting.

(v) Strike plate B See Subsection (a) (3) (v) of this Section.

(vi) All exposed hinges, bolts, screws and similar fasteners, holding the door in place if facing the exterior shall be of the nonremovable type.

(vii) Door view B See Subsection (a) (3) (vi) of this Section.

(viii) Secondary doors B See Subsection (a) (3) (vii) of this Section.

(4) **Exit Doors.** All exit doors from corridors to exit stairways and from interior stairwells and interior fire escapes and roof doors, if not

required to be fire-rated, shall be a minimum of one-and-three-eighths-inch solid, bonded, wood core or approved equal. EXCEPTION: Doors leading to areas not accessible from the outside.

(i) Primary locking devices as defined in Section 1002A of the San Francisco Building Code shall be provided and have a minimum half-inch deadlatch. Locks shall be self-latching or locking and openable from the interior with no key, special effort or knowledge.

(ii) Nonremovable hardware B See Subsection (b) (3) (vi) of this Section.

(iii) Strike plate B See Subsection (a) (3) (iii) of this Section.

(5) Sliding llass doors – See Section ~~1002A.6~~ 1003A.6 of the San Francisco Building Code.

(6) Sliding glass windows B See Subsection ~~1002A.7~~ 1003A.7 of the San Francisco Building Code.

(7) Glazed openings into the units shall include, but not be limited to, areas accessible by permanent straight ladders from ground to fire escape balcony, inner courts and fire escapes through public area window or door, and rear yard areas not totally enclosed with a minimum eight-foot-high barrier.

Ⓐ Accessible@ is defined as within eight feet vertical and four feet horizontally.

(i) Replacement of glazed openings accessible from the ground level, by stairs, ramps, parking lots, or garage area, shall be with approved laminated safety glass, one-quarter-inch-thick wire glass, or burglar-resistant glazing as defined in Section 1002A of the San Francisco Building Code. Protective iron grillwork may only be installed where it does not interfere with the required means of egress. Moreover, when iron grillwork is or has been installed over an exterior window or other opening to a sleeping room, the grillwork over at least one opening in each sleeping room must be equipped with an approved quick-release device capable of being operated without a key or special knowledge from within the room, which device must not be accessible from the exterior even if the glass is broken.

(ii) The requirements set forth in Subsection (i) shall also apply to existing glazed openings upon conversion of units to condominiums.

(8) Roof openings -- See Subsection (a) (7) of this Section. Said section shall also apply upon conversion of units to condominiums.

(9) **Garage Doors.** All garage doors shall conform to the following standards:

(i) Wood panel doors shall have panels a minimum of one-quarter inch in thickness.

(ii) Aluminum doors shall be of a substantial thickness riveted together along the outside seams. There shall be a full-width horizontal beam attached to the main door structure.

(iii) Fiberglass doors shall have panels of substantial density.

(iv) Steel doors shall have steel sheets of substantial thickness.

(v) Doors operated by electrical means shall be provided with manual release capability from the interior, requiring no special effort or knowledge.

(vi) Manually operated chain-driven garage doors shall require the Director's approval.

(10) Parking areas ^B See Section ~~1002A.8~~ 1003A.8 of the San Francisco Building Code.

(11) Building address identification ^B See Section 107.10 of the San Francisco Building Code.

(12) Metal gates ^B See Section 1003A.5 of the San Francisco Building Code.

(13) **Replacement Installation.** Any person or entity selling or installing glazing which is to be inserted in a glazed opening subject to this ordinance shall conform to the provisions of this ordinance. Said Section shall also apply to conversion of units to condominiums. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 18-92, App. 1/21/92; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 707. GARBAGE RECEPTACLE COMPARTMENTS. All areas which are used, designed or intended for the storage of garbage or rubbish shall meet the following requirements:

(1) Shall, where provided or required to be provided, be large enough to permit storage and easy handling of all garbage cans. No can shall be placed within six inches of any wall or post.

(2) Shall be lined on all its sides and the ceiling with galvanized iron of not less than No. 26 gauge U.S. Standard. All seams and joints shall be interlocking and tight. As an alternate, the walls and ceilings shall be one-inch-thick Portland cement on an approved backing, steel troweled to a smooth finish; similarly, concrete blocks finished with smooth trowel stucco, or smooth concrete utilizing plywood forms is acceptable.

(3) Shall have floors of concrete or quarry tile; no wooden platforms shall be permitted.

(4) Shall have doors and trim that are metal lined on the inside with not less than 26 gauge U.S. Standard galvanized sheet metal. Seams shall be interlocking and tight.

(5) Shall be provided with self-closing tight-fitting door or doors.

(6) Shall be adequately ventilated as required. Openings or ducts as existing or required shall be screened at the outside to prevent ingress of flies and other vermin.

(7) Shall be maintained in good repair and in a clean condition at all times.

(8) Shall be provided with automatic sprinklers, except as required by the Building Code for new construction, and conversion to R-1 Occupancy.

(Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 708. WEATHERSTRIPPING OF WINDOWS. Upon repair or alteration of any window in a residential building which leads to an unheated area, such window shall be weatherstripped so as to effectively and reliably limit air infiltration. Any window which is fire-rated is specifically exempted from this requirement. In determining which types of weatherstripping are acceptable, the Director shall consider, among other matters, whether the weatherstripping meets the energy conservation goals of this Code and is cost-effective. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 709. PROHIBITED USES. (a) **Cooking.** It shall be unlawful for any person to cook or prepare food in any bathroom, toilet room water closet compartment, or any other portion of a residential building in which the cooking or preparation of food is detrimental to the health of the occupant or the proper sanitation of the building. Community kitchens are prohibited in one-family and two-family dwellings and apartment buildings. One in-residence manager=s apartment in any hotel may contain a kitchen, provided that this kitchen shall conform to all the requirements of a kitchen in an apartment house, and provided further that the apartment itself shall conform in its entirety to all other requirements for a dwelling unit in an apartment house. See also Section 310.2.4 of the Building Code.

(b) **Sleeping.** It shall be unlawful for any person to use or permit another person to use any of the following portions of a building for sleeping purposes:

(1) A hallway, water closet or bath or shower compartment, slop sink room, or any room containing a gas appliance used or intended to be used for cooking purposes or containing an improperly vented gas appliance;

(2) Any other room or place which does not comply with the provisions of this Code for a sleeping room, or in which sleeping is dangerous, or prejudicial to life or health by reason of an overcrowded condition; a lack of light, windows, ventilation or drainage; fire hazard, dampness or offensive, obnoxious or poisonous odors in the room or place.

(c) **Amusement Rooms.** No amusement, entertainment, Arumpus, @ reception, public dining, or similar room in any residential building shall be used for sleeping purposes unless it meets all of the requirements of this Code for sleeping rooms and the applicable requirements of the Building Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 710. PAINTS OR VOLATILE LIQUIDS. (a) The storage, processing or use of hazardous materials shall comply with all of the applicable provisions of the Fire Code.

(b) **Paint Shop, etc.** No portion of any apartment house or hotel shall be used as a paint shop, as a gasoline or oil service station or for storage of any hazardous material, or as a vulcanizing shop.

EXCEPTION: The provisions of this Section shall not apply to any room or area in any portion of any apartment house or hotel building devoted to the retail storage, sale or use of any of the volatile flammable liquids referred to in this Section for pharmaceutical, medicinal, tonsorial or similar purposes; provided, that such volatile flammable liquids are used or dispensed from sealed containers not exceeding one gallon in capacity.

The provisions of this Section shall not apply to the storage or use of an amount of liquid mixing components as would be necessary for maintenance purposes of the building in which they are kept; provided, that if the enforcement agency determines that such storage or use of such materials creates a fire hazard or other condition detrimental to health or safety the enforcement agency may require that such materials be stored in cabinets constructed of incombustible material satisfactory to the agency or may require compliance with the applicable provisions of this Section.

(c) **Vertical Opening.** No stairway, elevator shaft or other vertical opening shall directly connect any occupancy referred to in this Section with any other portion of an apartment house or hotel.

(d) **Skylight.** No skylight in any special use referred to in this Section shall open into a court or vent shaft. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 711. MACHINE SHOP, ETC. No portion of an apartment house or hotel shall be used as a machine shop, automobile or motor vehicle repair shop or a battery shop. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 712. IDENTIFICATION OF UTILITY SHUTOFF DEVICES. Existing apartment houses shall have directions showing the location of utility shutoff devices, and instructions for operating such devices, prominently posted in a public area of the building.

All utility services shall have their location and shutoff devices identified as required by the San Francisco Building, Plumbing and Electrical Codes.

The following diagram and instructions, printed on paper at least eight and one-half inches wide by 11 inches long, shall comply with the requirement to post instructions for operating shutoff devices imposed by this section. (See Figure 712 at the end of this Chapter.)

Notices required by this section shall be posted not later than April 1, 1991.

Any tools necessary for shutoff shall be located in close proximity to the shutoff valve in a secure location that is accessible to tenants but is not susceptible to unauthorized tampering. (Added by Ord. 361-90, App. 10/24/90; amended by Ord. 161-92, App. 6/4/92)

SEC. 713. ELEVATORS. In all R-1 Occupancies, with building heights exceeding 50 feet, which are required to have an operable elevator per the Fire Code, said buildings shall have at least one operating elevator for the residential occupants' use. (Added by Ord. 350-95, App. 11/3/95)

Figure 712

CHAPTER 8

EXITS

Sec. 800.	General.
Sec. 801.	Exits, Stairs and Occupant Load.
Sec. 802.	Stairways and Exit Corridors.
Sec. 803.	Basement Stairways.
Sec. 804.	Stairway Location.
Sec. 805.	Stairway to Roof.
Sec. 806.	Stairway Enclosures.
Sec. 807.	Smoke Barriers.
Sec. 808.	Elevator Enclosures.
Sec. 809.	Exit Connection from Rear Yard to Street.

SEC. 800. GENERAL. In those buildings constructed or converted to R-1 Occupancy, in which the Building Code, Fire Code, or regulations of the State Fire Marshal in effect at the time of construction or alteration require provisions other than this Code, the Building Code, Fire Code, and State Fire Marshal provisions shall prevail. (Added by Ord. 350-95, App. 11/3/95)

SEC. 801. EXITS, STAIRS AND OCCUPANT LOAD. (a) See Chapters 1, 3 and 10 of the Building Code.

Exit facilities for buildings constructed, altered or converted after July 26, 1958 shall comply with the codes in effect at the time of construction, alteration or conversion, or the provisions of Section 1004.2.3 and 310.4 of the Building Code, whichever is the less restrictive, as is applicable to that occupancy.

Exit facilities for buildings constructed, altered or converted prior to July 26, 1958 shall meet the following minimum requirements listed below, or where less than two exits are required shall comply with the provisions of Sections 1004.2.3 and 310.4 of the Building Code, including all requirements of the current Building Code for fire resistance and exits, whichever is the less restrictive:

Each of the following buildings now in existence shall be provided with access for each dwelling unit or guest room to two exits which shall be accessible either directly or through a public hallway and shall be so located that if access to one be denied, the other shall be available:

(1) In apartment houses, hotels (and two-family dwellings per Section 310.4 of the Building Code).

Where exits are arranged so that one exit must be passed to get to the other, intervening doorways between any exit doorway on a dead-end corridor more than 20 feet in depth and the main exit corridor shall be provided with a three-quarter-hour opening protector or a sprinkler head located on the room side of the doorways as well as in the dead-end corridor.

(2) Every single-family dwelling having more than two stories in which there are rental units shall have not less than two exits from the uppermost stories to a floor of occupancy below which has two exits to the exterior of the building.

(3) Every building or usable portion thereof shall have at least one exit and shall have not less than two exits where the occupant load exceeds the number set forth in Table 10A. In all occupancies floors above the first story having an occupant load of more than 10 shall have not less than two exits.

(4) In all buildings, in basements, dwelling units, and sleeping units below the fourth story, said sleeping rooms shall have an emergency egress of 5.7 square feet with minimum of 20-inch width and 24-inch height and a finished height sill not more than 44 inches above the floor. See Building Code Section 310.4.

(5) Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools. Buildings with additional stories shall provide egress per Chapter 10 of the Building Code.

EXCEPTIONS:

(i) Except as provided in Table No. 10A of the Building Code, only one exit shall be required from the second floor within an individual unit.

(ii) Two or more dwelling units on the second story may have access to only one common exit when the total occupant load does not exceed 10. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

(b) **Exit Doors Require Manual Release.** In all one and two-family dwellings, apartment houses, and hotels, required means of egress doors, including security gates, must be equipped with an approved manual release mechanism that shall be operable from the inside without the use of a key, tool or any special knowledge or effort.

(c) **Security Bars Require Manual Release.** In all one and two-family dwellings, apartment houses, and hotels, security bars installed over an exterior window or door required for emergency rescue from a sleeping room, must be equipped with an approved manual release mechanism that shall be operable from the inside without the use of a key, tool or any special knowledge or effort.

SEC. 802. STAIRWAYS AND EXIT CORRIDORS. (a) **Exit Corridors.** Exit corridors in buildings constructed, altered or converted prior to July 26, 1958 shall have a minimum width of 30 inches.

(b) **Stairways.** Stairways in buildings altered or converted for use as an apartment house or hotel prior to July 26, 1958 shall have a minimum width of 30 inches. The rise and run of stairways need not be changed if part of the original building construction, except that in such buildings constructed, altered or converted after May 31, 1917 winding stairways are prohibited unless only used as a means of egress.

(c) **Stairway Handrails.** Every stairway shall have at least one handrail. All stairways more than 44 inches in width shall have handrails for each side, and every stairway required to be more than 88 inches in width shall have intermediate handrails dividing the stairway into portions not more than 66 inches in width. See also Chapter 10 of the San Francisco Building Code.

EXCEPTION: Existing stairways in one-family and two-family dwellings shall have at least one handrail.

(d) **Closets and Storage Areas Under Stairs.** Closets and storage areas under stairs in Group R, Division 1 Occupancies shall conform to Section 1003.3.3.9, 1005.3.3.6 and 1006.3.3.2 of the Building Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 803. BASEMENT STAIRWAYS. See Section 1005.3.3.4 except as follows:

Every stairway to a basement in existing apartment houses and hotels three or more stories in height shall be enclosed.

Unrated doors on existing enclosures may be covered in an approved manner with 24 gauge galvanized iron and be made self-closing in lieu of the required opening protectors.

Basements having direct access to a street need only be provided with an enclosure at the top of the stairs. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 804. STAIRWAY LOCATION. See Sections 1003.3.3.9, 1005.3.3.6 and 1006.3.3.2 of the Building Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 805. STAIRWAY TO ROOF. See Section 1003.3.3.11 of the Building Code, except as otherwise approved.

Stairway Penthouse Doors. See Section 1003.3.1 of the Building Code for installation of new doors and their construction requirements. The door to the roof from the penthouse or roof structure shall be self-closing, shall open outward, and shall be covered on the roof side and edges with tin or other approved metal. No stair penthouse door in any hotel or apartment house shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 806. STAIRWAY ENCLOSURES. (a) **Required.** Every existing interior public stairway in an apartment house or hotel three or more stories in height shall be enclosed as set forth in this Section or with smoke barriers or shall be provided with sprinklers as set forth in Section 807. See also Section 504, Subsection (d).

(b) **Accessibility.** Access to the stairway shall be available at each story level served by the stairway through a doorway. When opening from an exit corridor, the door shall swing in the direction of exit travel. (Added by Ord. 399-89, app. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 807. SMOKE BARRIERS. In buildings in which an existing Group R, Division 1 Occupancy is located on three or more stories and which does not have exit directly accessible from within each apartment or guest room without entering an exit corridor, every interior public stairway shall be enclosed as set forth in Section 806 of this Code or shall be provided with a smoke barrier and smoke stop door, as hereinafter described, to prevent fire and smoke from spreading, thereby cutting off the exit.

When a hotel room or apartment opens directly upon the stairway so that the smoke barrier does not afford said room or apartment protection, said hotel room or apartment shall have a one-and-three-eighths-inch solid core wood door, an incombustible surfaced door or other similar approved door construction. Doors shall be equipped with an approved self-closing device.

The smoke barrier and smoke stop door shall be located where directed by the Director and shall be constructed as follows:

(1) In Type IV and V buildings, the smoke barrier may consist of partitions containing wire glass with solid core wood smoke stop doors. The doors shall be not less than one and three-eighths-inch thick, three feet wide, and six feet eight inches high equipped with an approved self-closing device. The smoke barrier may be of any approved similar construction except that wood panels and similar combustible materials shall not be permitted.

(2) In other than Type IV and V buildings, the smoke barrier partitions shall be entirely of incombustible construction except for the smoke stop door and the trim and except that wire glass lights in the partition shall be permitted. The smoke stop door may be an unrated, solid-core wood door not less than one and three-eighths inch thick, three feet in width and six feet eight inches in height equipped with an approved self-closing device and may have wire glass lights therein.

Smoke barrier doors may be held in an open position to allow for the necessary corridor ventilation, provided the means of holding the doors open include a smoke detection device and a heat activated device or a product of combustion detector connected to the restraining mechanism so that the doors are released upon the detection of smoke in the area or upon failure of the mechanism. There shall be no other means of preventing the doors from closing. The system shall be approved by the Director of the Department of Building Inspection. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 808. ELEVATOR ENCLOSURES. In existing apartment houses and hotels, all elevator shafts shall be completely enclosed by walls and partitions of incombustible surface construction with doors constructed of one-and-three-eighths-inch solid-core wood, wire-glass set in steel frames, steel-clad hollow-core wood or similar approved materials. Elevator shafts shall be ventilated as set forth in Section 3004 of the Building Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 809. EXIT CONNECTION FROM REAR YARD TO STREET. See Chapter 1 of this Code.

A rear yard to street passageway shall be provided for any building constructed or converted for use as an apartment house after 1909 in which there is an exit or means of egress terminating in the rear yard. Such passageways may be unprotected if constructed prior to September 1, 1917. For buildings constructed or converted after September 1, 1917 and prior to July 26, 1958, existing plaster on wood lath, existing galvanized metal over solid sheathing, or an approved automatic sprinkler system will be acceptable in lieu of the one-hour fire-resistive construction required. Openings into passageways shall be protected by covering wood doors with 24 gauge galvanized metal, installing wire glass in windows, or providing automatic sprinkler heads over each opening on the side opposite the passageway. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 810. UNOBSTRUCTED MEANS OF EGRESS.

(a) Required. Obstructions, including storage, shall not be placed in the required width of a means of egress, except projections as allowed by the Building Code. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous.

CHAPTER 9

FIRE PROTECTION

- Sec. 900. General.
- Sec. 901. Fire Alarms.
- Sec. 902. Fire Alarm Systems.
- Sec. 903. Wet Standpipes.
- Sec. 904. Automatic Sprinkler System.
- Sec. 905. Portable Fire Extinguishers.
- Sec. 906. Automatic Sprinklers.
- Sec. 907. Location of Equipment.
- Sec. 908. Maintenance and Repair.
- Sec. 909. Smoke Detection and Alarm Systems.
- Sec. 910. Heat Detectors.
- Sec. 911. Single-station Smoke Detector with Alarm Required.
- Sec. 912. Self-closing Doors.

SEC. 900. GENERAL. In those buildings constructed or converted to R-1 Occupancy, in which the Building Code, Fire Code, or regulations of the State Fire Marshal in effect at the time of construction or alteration require provisions other than this Code, the Building Code, Fire Code, and State Fire Marshal provisions shall prevail. (Added by Ord. 350-95, App. 11/3/95)

SEC. 901. FIRE ALARMS. (a) **Fire Alarms.** See Sections 1211 and 1216 of the Building Code.

(b) **Exclusive Use.** No signal system or intercommunicating system used for any purpose other than fire warning meets with the requirements of this Chapter.

(c) **Installation.** Installation, inspection and maintenance of the fire alarm system shall be according to the standards of the National Fire Protection Association as set forth in Section 310.9.1.1 of the Building Code.

(d) **Locations.** Stations for operating any manually operated fire alarm system shall be placed immediately adjacent to the telephone switchboard, if there is a switchboard, and at such other location as may be approved.

(e) Fire alarm systems in existing buildings shall be extended or altered to provide adequate warning of fire to all habitable areas of the building when new construction or the addition of stair enclosures or smoke barriers render the alarm system inadequate. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 902. FIRE ALARM SYSTEMS. Except in those buildings constructed or converted to R-1 Occupancy in which the Building Code and/or Fire Code in effect at the time of construction or alteration require other provisions, a manual and automatic approved fire alarm system shall be installed in apartment houses that were constructed after December 31, 1988 that are three or more stories in height or contain six or more units and in hotels three or more stories in height or containing six or more guest rooms, in accordance with the Fire Code and the Electrical Code.

EXCEPTIONS:

(1) Fire alarm systems need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from public or common areas by at least one-hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit direct to a public way, exit court or yard, exterior stairway or exterior exit balcony.

(2) A separate fire alarm system need not be installed in buildings which are protected throughout by an approved supervised fire sprinkler system installed in accordance with Chapter 9 of the Building Code and having a local alarm to notify all occupants.

NOTE: See Health and Safety Code Section 13113.7 and 13113.8 for other fire alarm requirements. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 903. WET STANDPIPES. See Chapter 9 of the Building Code for wet and dry standpipe requirements.

Buildings constructed, altered or converted prior to July 26, 1958, required to have wet standpipes may be provided with dry standpipes in lieu of the wet standpipes when approved by the Director and the Bureau of Fire Prevention and Public Safety. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 904. AUTOMATIC SPRINKLER SYSTEM. (a) **Where Required.** In any apartment house or hotel, any compartment or room in the basement containing more than 1,800 square feet of floor area, or any compartment or room in such a building used for storing or using combustible or flammable materials, shall be equipped with an automatic sprinkler system of a type designed and installed according to the provisions of Chapter 9 of the Building Code. Automatic sprinkler systems designed and installed according to the provisions of Chapter 9 of the Building Code shall be furnished and installed in all hotels as required by this Code.

EXCEPTIONS:

(1) Any automatic sprinkler system required by this Section to be installed in an existing hotel pursuant to this Code shall not be required to have an on-site water supply.

(2) Any automatic sprinkler system required by this Section to be installed in an existing hotel pursuant to this Code may utilize existing standpipes as approved by the Director and the Bureau of Fire Prevention and Public Safety.

(3) Any automatic sprinkler system required by this Section to be installed in a maid=s closet, or similar area, or a floor containing guest rooms in a hotel shall meet the following criteria: (a) Such system may be connected to a domestic water system, regardless of the number of maids= closets, or similar areas, in the hotel, as long as there is a minimum pressure of 15 p. s. i. at each sprinkler head; (b) only one sprinkler head need be installed in each such maid=s closet, or similar area; and (c) no such system need be connected to the building=s sprinkler alarm system.

(4) Any automatic sprinkler system required by this Section to be installed in an existing hotel pursuant to this Code (a) shall, in the event that such existing hotel is already equipped with a supervised automatic sprinkler system, be connected to such existing other system for purposes of supervision only, or (b) shall, in the event that such existing hotel is not already equipped with

a supervised automatic sprinkler system, be connected to a local alarm located at the front desk or other approved location.

(b) **Domestic Water System.** The sprinkler system in an area having less than 1,800 square feet may be connected to a domestic water system if the water supply and pressure conform to the provisions of Chapter 9 of the Building Code.

(c) **Exceptions.** (1) Boiler rooms, central heating rooms and bank vaults are excluded from this Chapter. (2) Compartments or rooms in the basement of apartment houses containing four or less dwelling units, provided that there are no mattresses, upholstered furniture, or loose storage contained therein, are excluded from this Chapter.

(d) In existing Group R, Division 1 Occupancies with enclosed stairways in which an approved partial automatic sprinkler system is to be installed to satisfy the requirements of the Housing Code, the design of the system shall be based on all the following additional design criteria:

(1) The computations shall be based upon the most remote locations of sprinkler heads.

(2) The sprinkler water service size and riser size shall be determined by adding the total number of sprinkler heads on the floor requiring the greatest number of heads, plus one-half of the total number on the floor with the same or next greatest number of heads, plus the total number of all heads in all open stairwells.

(3) The maximum water supply required will be that necessary to supply 13 sprinkler heads.

(4) There shall be a minimum pressure of 15 p. s. i. at each sprinkler head and delivery shall be a minimum of 22 g. p. m. from each head.

(5) Piping and spacing of sprinkler heads shall be based on ordinary Hazard Schedule of NFPA 13, in accordance with the Building Code. (Added by Order 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 905. PORTABLE FIRE EXTINGUISHERS. For distribution requirements see the San Francisco Fire Code.

Every extinguisher shall be kept in a serviceable condition at all times.

A foam type of extinguisher shall be recharged at least once each year, and the date of recharge shall be placed on an attached tag. (Added by Ord.

399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 906. AUTOMATIC SPRINKLERS. Automatic sprinklers shall be installed in:

(1) All existing garbage chutes within buildings ~~with~~ four stories or less, except in dwellings, at the discharge end of the chute and immediately above the top of the highest hopper inlet, not to exceed 35 feet between heads;

(2) All existing garbage chutes within buildings five or more stories in addition to the requirements in item 1 of this section, ~~above~~ at every hopper inlet. If the hopper inlet opens directly into a public hall without an intervening door, a sprinkler head is to be installed on every floor above each hopper inlet;

(3) All laundry chutes except for dwellings;

(4) All garbage, trash and soiled linen rooms or compartments except in dwellings. Total number to be determined by area. The sprinkler head is to be set for 135 degrees;

(5) In all public areas of hotels not otherwise required to be sprinklered by this code. For purposes of this Section, the term public areas shall be defined to include only the following types of areas:

(i) Lobby areas,

(ii) Ballrooms,

(iii) Meeting rooms (excepting, however, those rooms which are used as meeting rooms on a temporary basis),

(iv) Restaurants and other areas generally used for the purpose of serving food to the public,

(v) Bars and cocktail lounges,

(vi) Night clubs and similar areas,

(vii) Retail shops and similar areas (excepting, however, those retail shops and similar areas which are separated from the rest of the hotel by a fire-rated wall (such wall may contain openings as long as each opening is the equivalent of a one-hour fire-rate assembly) and which (a) opens directly to the exterior of the building through a sprinkler protected corridor not more than 25 feet from the street and having a token sprinkler head on the retail shop side of the opening into such corridor), and

(viii) Corridors connecting any two or more public areas as defined in this Section. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 907. LOCATION OF EQUIPMENT. Standpipes, automatic sprinkler systems, automatic fire alarm systems, fire escapes and all fire protective equipment shall be constructed, located and installed as required by Chapter 9 of the Building Code and as approved by the Director, and location of standpipes shall be approved by the Bureau of Fire Prevention and Public Safety. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 908. MAINTENANCE AND REPAIR. All safety devices or equipment provided for in this Chapter shall be maintained in good repair at all times. Fire Escapes shall be kept clear and unobstructed and be readily accessible at all times. Upon inspection, the property owner, or authorized agent, shall demonstrate to the Director or designated personnel, that all existing fire escapes are fully operational and properly maintained. Upon completion of the inspection, all existing fire escapes shall be secured pursuant to Section 1110.3.1. of the San Francisco Fire code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 909. SMOKE DETECTION AND ALARM SYSTEMS. [Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92; Ord. 350-95, App. 11/3/95; Ord. 320-99, App. 11/22/99]

(a) All occupancies in buildings which are three or more stories in height or in buildings having five or more dwelling units, or six or more guest rooms, or a combination of dwelling units and guest rooms six or more in number, shall be provided with a smoke detection and alarm system as provided herein.

EXCEPTIONS:

- (1) Buildings of Type I or Type II construction.
- (2) Buildings having a sprinkler system conforming as a minimum with the requirements of Section 807 of the San Francisco Housing Code.
- (3) Existing buildings having smoke detectors in all individual dwelling units which are installed prior to March 1, 1977, in conformity with the requirements for fire-warning systems in effect on that date, and maintained in conformity with applicable provisions of the Fire Code.

(4) Buildings in which all individual dwelling units and guest rooms have access to the exterior at ground level without use of any interior public hallway or any interior public stairway. Access to a fire escape shall not qualify for this exception.

(b) All required smoke detection and alarm systems shall be installed and maintained in conformity with the following requirements:

(1) All smoke detectors shall be located in accordance with an approved plan in all public corridors and public stairways. Such detectors shall be located not more than 30 feet apart and shall be located within 15 feet of a corridor wall or the end of the corridor. There shall be one detector at the top of each public stairway and an additional detector in such stairway at every third floor below the top of such stairway. All required smoke detector and alarm systems shall be approved by the Director and the Fire Department.

All required smoke detector and alarm systems installed prior to January 1, 1989 shall conform to applicable requirements of the National Fire Protection Association Standards 72-A, 1981 Edition and 72-E, 1981 Edition, except that where there is a conflict between the provisions and this Section, the provisions of this Section shall prevail. As an alternate, smoke detector and alarm systems may comply with the 1988 San Francisco Building and Electrical Codes.

(2) All audible devices activated by the operation of any required smoke detector shall be installed in an approved location and shall emit a loud continuous alarm clearly audible in all occupied areas of the building.

All required heat detectors shall be connected to the audible devices of all required smoke detection and alarm systems located and supervised as required under this Code, and such heat detectors shall be operationally interconnected to such systems.

EXCEPTION: Heat detectors are not required in:

- (i) Buildings of Type I or Type II construction;
- (ii) Buildings having a sprinkler system conforming as a minimum with the requirements of Section 807 of the Housing Code;
- (iii) Existing buildings having smoke detectors in all individual dwelling units which were installed prior to March 1, 1977, in conformity with the requirements for smoke detectors in effect on that date, and maintained in conformity with applicable provisions of the Fire Code;
- (iv) Buildings in which all individual dwelling units and guest rooms have access to the exterior at ground level without use of any interior public

hallway or any interior public stairway access to a fire escape which shall not qualify for this exception;

(v) Buildings having three-quarter-hour opening protectors in each inner court or having a sprinkler head at each window of such inner court.

Notwithstanding the provisions of Section 104, nothing in this Section is intended to authorize heat detectors as an alternative material or method to any required sprinkler, fire alarm, or other fire safety device.

(3) Where there is no fire alarm system as required under Section 310.10 of the San Francisco Building Code, a manual fire alarm pull box capable of activating audible devices of required smoke detectors shall be installed in an approved location near the main entrance of the building.

(4) All required smoke detectors and alarm systems shall receive their power supply from the building electrical system. All such systems shall be electrically supervised locally for system malfunction and power supply interruption. ASupervision@ shall consist of the following elements, or those Asupervision@ provisions provided by standard industry supervision panel boxes as approved by the State Fire Marshal:

(i) A green indicator light to indicate that the system is in a functional condition.

(ii) A blinking red indicator light and an audible device to provide a warning when there is a malfunction or power supply interruption. Such audible device shall be provided with a silencing switch which shall automatically reset when function of the system or power supply to the system is reestablished.

(iii) A sign located in the interior of the building near the main entrance. Such sign shall be readily visible. Indicator lights required under this Subparagraph (b) (4) shall be located in the center of such sign, the top of which shall announce, AFIRE ALARM SYSTEM,@ and the bottom of which shall announce, AOPERATING,@ and ATROUBLE@ below the green and red lights, respectively. All letters forming such announcements shall be at least one-half inch in height.

(5) Similar supervisory indicating devices existing at the time of adoption of this ordinance shall be deemed in compliance with this Section if approved by the Director and the San Francisco Fire Department.

(c) Upon completion of the installation of any system required under this Section the installer of such system shall provide to the Director, in a form acceptable, a certification that the system is operational and functioning.

(d) All required smoke detection and alarm systems shall be maintained as required by the Fire Code.

(e) Where an approved fire alarm system is required under Section 310.14.12 of the San Francisco Building Code, such fire alarm system shall be operationally interconnected with any required smoke detection and alarm system such that the fire alarm bells shall be activated by either system. All audible devices of any approved fire alarm system shall conform to the requirements of this Section.

(f) Where a sprinkler alarm bell is required under Chapter 9, the sprinkler shall also be interconnected to both the fire alarm system and the smoke detection and alarm system.

(g) Notwithstanding the provisions of Section 104, nothing in this Section is intended to authorize smoke detection and alarm systems as an alternative material or method to any required sprinkler, fire alarm or other fire safety device.

SEC. 910. HEAT DETECTORS. [Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95; Ord. 320-99, App. 11/22/99]

(a) Except for those buildings constructed or converted to R-1 Occupancy in which the Building and/or Fire Code in effect at the time of construction or alteration require other provisions, all Division 1 occupancies in buildings having inner courts and which are three or more stories in height or have five or more dwelling units, or more than six guest rooms, or a combination of dwelling units and guest rooms six or more in number, shall be provided with fixed temperature rate-compensation or rate-anticipated type heat detectors located in accordance with an approved plan. There shall be at least one such heat detector located near the top of a wall of the inner court and an additional heat detector at every third floor below the top of such wall. Such detectors shall be spaced horizontally along the length of the inner court so as not to be located more than 15 feet apart in such inner court nor more than seven and one-half feet from the end wall or edge of the building. Where the width of the inner court exceeds 10 feet, such detectors shall be located along each wall.

All required heat detectors shall conform to applicable requirements of the National Fire Protection Association Standards 72-E, 1981 Edition, except

that where there is a conflict between the provisions of such standards and the provisions of this Section, the provisions of this Section shall prevail.

All required heat detectors shall be hermetically sealed to protect them from the weather and shall be shielded as approved by the Director to function properly on an exterior wall. Such detectors shall have a temperature rating of 135 to 174 degrees Fahrenheit. Such detectors shall be rated for spacing of 50 feet on centers.

(b) **Sprinkler Systems.** When required by other provisions of this Code, automatic sprinkler systems and standpipes shall be installed as specified in Chapter 9.

SEC. 911. SINGLE-STATION SMOKE DETECTOR WITH ALARM REQUIRED. (a) A single-station smoke detector with alarm shall be installed within each dwelling unit and guest room in all Group R, Division 1 and 3 Occupancies within three years of the date of adoption of this ordinance. The detector with alarm shall be furnished and installed as required by Section 310.10 of the San Francisco Building Code. Buildings which are certified by the Director as having installed the smoke and heat detection and alarm systems required under Section 909 and 910 of this Code and Section 310.9.1.1 and 310.9.1.2 of the San Francisco Building Code, and buildings which are equipped with an approved automatic sprinkler system installed throughout in accordance with Chapter 9 of the San Francisco Building Code are exempt from the requirements of this Section. Except as noted below, battery-operated detectors are not acceptable. Buildings built prior to July 17, 1977, which have an approved smoke detector connected to the dwelling unit or guest room wiring, may be accepted provided that a licensed electrical contractor certifies that such detector and alarm in each unit complies with this Section.

EXCEPTIONS:

(1) In single-family dwellings and two-family dwellings, a single-station smoke detector with alarm, energized either by the electrical system of the dwelling unit or by battery power, shall comply with this Section.

(2) No smoke detector shall be required in a hotel pursuant to this Section or Section 310.9.1 (or any subsection thereof) of the Building Code with respect to any hotel that is fully sprinklered in accordance with NFPA Recommended Standard No. 101, Life Safety Code. For purposes of this exception, a fully sprinklered hotel may include unsprinklered guest room bathrooms which are in excess of 55 square feet in area but which do not

contain permanently installed combustible plastic vanity table or bath-shower fixtures.

(b) Property owners shall supply proof of compliance by following the procedures set forth in Section 310.9.1 of the Building Code.

(c) The building owner shall be responsible for the installation, testing and maintenance of the detector after installation. All such testing and maintenance shall be performed in accordance with the manufacturer=s recommendations. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 912. SELF-CLOSING DOORS. Every door between hotel guest room, community kitchen, or community toilet room and the immediately adjacent corridor on floors containing guest rooms shall be equipped with an approved self-closing, or equivalent, device which may consist of a spring-loaded hinge. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

CHAPTER 10

SUBSTANDARD BUILDINGS

Sec. 1001. General

Sec. 1002. Additional Substandard Conditions: Electrical Outlets, Elevators, and Illegal Conversion of Residential Hotels.

SEC. 1001. (a) Any residential building or portion thereof, as defined by California Health and Safety Code, Division 13, Part 1.5, State Housing Law, Sections 17920.3 et seq., including any dwelling units, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions enumerated in this Chapter to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building.

(b) **Inadequate Sanitation and Safety.** Inadequate sanitation and safety, including:

(1) Lack of, or improper water closet, lavatory, and bath tub or shower in a dwelling unit;

(2) Lack of, or improper water closets, lavatories, and bath tubs or showers per number of guests in a hotel;

(3) Lack of, or improper kitchen sink. in a dwelling unit;

(4) Lack of hot and cold running water to plumbing fixtures in a hotel or lodging house;

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit;

(6) Lack of adequate heating facilities or improper operation thereof;

(7) Lack of, or improper operation of required ventilating equipment;

(8) Lack of minimum amounts of natural light and ventilation required by this Code;

(9) Room and space dimensions less than required by this Code;

(10) Lack of required electrical illumination;

(11) Dampness of habitable rooms.

(12) Infestation of insects, vermin or rodents;

(13) General dilapidation or improper maintenance.

(14) Lack of connection to required sewage disposal system;

(15) Lack of adequate garbage and rubbish storage and removal facilities;

(c) **Structural Hazards.** Structural hazards shall include, but not be limited to the following:

(1) Deteriorated or inadequate foundations;

(2) Defective or deteriorated flooring or floor supports;

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety;

(4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety;

(6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

(7) Members of ceiling, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

(8) Fireplaces or chimney which list, bulge, or settle due to defective material or deterioration;

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;

(d) **Nuisance.** Any nuisance as defined in this Code. See Section 401.

(e) **Hazardous Wiring.**

(1) All wiring except that which conformed with all applicable laws in effect at the time of installation or the laws in effect at the time of any subsequent alterations and which has been maintained in good and safe condition and working properly.

(f) **Hazardous Plumbing.** All plumbing except that which conformed with all applicable laws in effect at the time of installation or the laws in effect at the time of any subsequent alterations and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures.

(g) **Hazardous Mechanical Equipment.** All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation or the laws in effect at the time of any subsequent alterations and which has been maintained in good and safe condition.

(h) **Faulty Weather Protection.**

(1) Deteriorated, crumbling or loose plaster;

(2) Deteriorated or ineffective waterproofing or weather protection of exterior walls, roof, foundations or floors, including broken windows or doors;

(3) Defective or lack of weather protection for exterior wall coverings including lack of paint, or weathering due to lack of paint or other approved protective covering.

(4) Broken, rotted, split or buckled exterior wall or roof covering.

(i) **Fire Hazard.** Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(j) **Faulty Materials of Construction.** All materials of construction except those which are specifically allowed or approved by the Building Code, and which have been adequately maintained in good and safe condition.

(k) **Hazardous or Insanitary Premises.** Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health, life or safety hazards.

(l) **Inadequate Maintenance.** Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building Code.

(m) **Inadequate Exit.** All buildings or portions thereof not provided with adequate exits as defined in Section 1004.2.3 of the Building Code. When it is determined by the Director that an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

(n) **Inadequate Fire Protection Equipment.** All buildings or portions thereof which are not provided with the fire-resistive construction or fire-protection systems or equipment required by this Code.

(o) **Improper Occupancy.** All buildings or portions thereof occupied for living, sleeping, cooking or eating purposes which were not designed or intended to be used for such occupancies.

(p) Inadequate structural resistance to horizontal forces.

SEC. 1002. In addition to the provisions set forth in Section 1001 of this Chapter prescribed by California Health and Safety Code, Division 13,

Part 1.5, State Housing Law, Sections 17920.3 et seq., the following conditions are considered substandard:

(a) **Electrical Outlets.** Habitable rooms and kitchens with insufficient number of electrical convenience outlets as required by Section 504 of this Code.

(b) **Elevators.** Lack of elevator service as required by Section 713 of this Code.

(c) **Illegal Conversion of Residential Hotels.** Illegal conversion of any residential unit of a residential hotel, or improper record keeping as defined and required by Chapter 41 of the San Francisco Administrative Code.

(d) Mold and Mildew. The existence of mold and mildew which is chronic or severe as defined by Chapter 4 of this code.

CHAPTER 11

FINAL COMPLETION AND OCCUPANCY

- Sec. 1101. Certificate of Final Completion.
Sec. 1102. Apartment House/Hotel License.
Sec. 1103. Records.

SEC. 1101. CERTIFICATE OF FINAL COMPLETION. See Sections 109.1, 109.2 and 109.3 of the Building Code.

EXCEPTIONS: Certificates of Final Completion are not required for installation of equipment or appliances other than fire protection devices. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1102. APARTMENT HOUSE/HOTEL LICENSE. See Section 109.8 of the Building Code.

(a) A License shall be required for every apartment house and hotel. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1103. RECORDS. The owner, agent, lessee or other person in control of an apartment house or hotel shall file with the Department of Building Inspection a notice containing the information required in Subsection (a) of this Section.

(a) **Information Required:**

- (1) Their name and address;
- (2) A description of the property, by street and number together with the block and lot number;
- (3) If an apartment house:
 - (i) The number of apartments,
 - (ii) The number of rooms in each apartment,
 - (iii) The number of families occupying the apartments;
- (4) If a hotel, the number of guest rooms and apartments.

(b) **Ownership Transfer.** Within 30 days after the ownership of any apartment house or hotel is transferred, the transferee shall file with the Department of Building Inspection a notice of the transfer and pay the office of the Tax Collector the necessary License and change of ownership fees set

forth in Chapter 1, Schedule 1-P (Apartment and Hotel License Fees) and Schedule 1-Q (Hotel Conversion Ordinance Fees) of the Building Code.

(c) **Death of Owner.** If the owner of an apartment house or hotel dies leaving the property by will, within 30 days after the probate of the will, the executor of the will, or any person to whom they leave the property, if over the age of 21 years, shall file with the Department of building Inspection a notice stating the fact of the owner=s death and the name of the person, or persons, who has succeeded to the property.

If the owner of an apartment house or hotel dies without a will, within 30 days after their death their heirs, or if all their heirs are under the age of 21 years, the administrator of their estate, shall file with the Department of Building Inspection the notice mentioned in this Subsection.

(d) **Indices.** The Department of building Inspection shall index the notices required to be filed with it pursuant to this Section so that all of those relating to a particular apartment house or hotel will be indexed together and readily accessible. The indices are public records, and shall be open to public inspection during normal business hours. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

CHAPTER 12

RESIDENTIAL ENERGY CONSERVATION

Sec. 1201.	Title.
Sec. 1202.	Findings.
Sec. 1203.	Intent.
Sec. 1204.	Definitions.
Sec. 1205.	Energy Inspections.
Sec. 1206.	Qualified Energy Inspectors.
Sec. 1207.	Proof of Compliance with Minimum Energy Conservation Measures.
Sec. 1208.	Exemptions and Postponement.
Sec. 1209.	Limitation of Expenditure.
Sec. 1210.	Energy Conservation Requirements Upon Major Improvement, Metering Conversion, Residential Condominium Conversion or Complete Inspection.
Sec. 1211.	Energy Inspection Requirement at Transfer of Title.
Sec. 1212.	Required Energy Conservation Measures.
Sec. 1213.	Appeal from Results of an Energy Inspection.
Sec. 1214.	Amortization in Rental Property.
Sec. 1215.	Civil Remedies.
Sec. 1216.	Fees.
Sec. 1217.	Rules.
Sec. 1218.	Interim Rules.
Sec. 1219.	Ordinance Review.
Sec. 1220.	Severability.

SEC. 1201. TITLE. This Chapter shall be known as the Residential Energy Conservation Ordinance. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1202. FINDINGS. The Board of Supervisors finds that:

(a) As a result of dependence upon conventional sources of energy, the citizens of San Francisco will continue to experience rapid increases in the cost of home energy and uncertainty as to the availability of future home energy supplies.

(b) Significant opportunities exist for the citizens of San Francisco to reduce energy consumption and become less dependent on the supply of conventional energy for home use, through the installation of proven energy conservation technologies in existing homes.

(c) Conservation of electricity and natural gas is essential to the economic security and well-being of the people of San Francisco. Conservation reduces overall demand for electricity and natural gas and therefor helps reduce both the cost of energy and the rate of inflation. Benefits to the community as a whole can be realized through reduced energy costs as a direct result of conservation. These benefits include the lowering of housing costs, stimulation of the local economy and creation of local jobs.

(d) While the increasing burden of utility costs has stimulated some conservation investment in owner-occupied housing, little progress has been made in improving energy efficiency in rental housing where owners do not pay utility bills or where utility costs are included in the rent. Rental housing comprises approximately two-thirds of all San Francisco housing. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1203. INTENT. It is the intent of this ordinance to contribute to the affordability of San Francisco housing by promoting the wise and efficient use of energy through cost-effective energy conservation standards for residential housing. It is also the intent to overcome the current barriers to energy conservation in rental housing and to reduce the impact of rising energy costs upon renters. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1204. DEFINITIONS. In addition to the definitions contained in Chapter 4 of this Code, for the purposes of this ordinance the following words and phrases shall have the meanings ascribed to them by this Section.

(a) **Accessible.** There is insufficient space in which to install the specified energy conservation measure without significant alteration to the structure.

(b) **Accessible Attic Space.** A space between a ceiling joist and roof rafter where the vertical clear height from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge is 18 inches or greater.

(c) **California Plan for the Residential Conservation Service.** The plan adopted by the California State Energy resources Conservation and Development

Commission and filed with the U.S. Department of Energy on June 4, 1980, as amended in January 1981, to meet the requirements of the National Energy Conservation Policy Act of 1978 (Public Law 95-619, Title II, Part 1).

(d) **Complete Inspection.** An inspection of the entire building done by the Department of Building Inspection, including but not limited to: inspection of all buildings with $\Delta R1$ " and $\Delta R3$ " occupancies as defined in the Building Code pursuant to the Department's code enforcement program, inspections for RAP loans and inspections for condominium conversion. An inspection of only the public areas of a building does not constitute a complete inspection.

(e) **Cost-effective.** That the contractor installed cost of any energy conservation measure amortized over its useful life will be equal to or less than the amount of money saved by consumers. In figuring the cost of an energy conservation measure, the interest rate charged at the time of installation is included.

(f) **Escrow.** As used herein, an escrow opened for the sale and purchase of real residential property situated in the City and County of San Francisco.

(g) **Energy Inspection.** An inspection of a dwelling to determine which energy conservation measures required under this ordinance are needed.

(h) **Meter Conversion.** The replacement of a master meter for electricity or natural gas that serves more than one dwelling unit with individual meters that serve each dwelling unit separately.

(i) **Residential Building.** Any privately owned single or multiple unit dwelling, apartment house, condominium or other building used for $\Delta R1$ " or $\Delta R3$ " occupancy as defined in the Building Code, excluding mobile homes, tourist hotels and motels.

The residential portion of any residential building occupied as mixed residential commercial use shall be considered a residential building within the meaning of this Chapter.

(j) **R-value.** The measure of the resistance of a material or building component to the passage of heat. R-value is measured in the United States customary units based upon square feet per hour per degree Fahrenheit divided by Btu.

(k) **Simple Economic Payback.** The time needed to recover a conservation investment on the basis of expected energy savings at current energy costs. Simple economic payback is expressed in years, and is calculated by dividing the estimated contractor-installed cost of a conservation measure by the

estimated dollar savings in the first year. Available tax credits and future energy costs are not considered in the calculation.

(l) **Transfer of Title.** The conveyance of title to real property by one or more persons as a result of sale or exchange, and including the execution of a real property sales contract as defined in Section 2985 of the California Civil Code and any change of ownership described in Subdivisions (c) and (h) of Section 61 and Subdivision (c) of Section 64 of the Revenue and Taxation Code.

(m) **Unheated Areas.** Any space exposed to ambient temperatures and not provided with a heat supply capable of maintaining a minimum temperature of 50 degrees Fahrenheit. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1205. ENERGY INSPECTIONS. An energy inspection which satisfies the requirements of this Chapter may be either:

(a) Any complete inspection by the Department of Building Inspection for a residential building;

(b) Any energy inspection or energy audit conducted according to standards established by the California Plan for the Residential Conservation Service for a residential building containing one or two dwelling units.

(c) Any energy inspection or energy audit by a utility whose energy inspection or audit program meets the requirements of this Chapter as determined by the Director; or

(d) Any inspection by an inspector authorized by Section 1206(a) (2) of this Chapter for compliance or noncompliance with the energy conservation requirements of this Chapter. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1206. QUALIFIED ENERGY INSPECTORS. (a) Energy inspections required pursuant to this ordinance may only be conducted by one of the following:

(1) A utility energy auditor, or contracting representative of a utility, certified by the State under the California Plan for the Residential Conservation Service;

(2) A private energy inspector authorized by the City and County of San Francisco; or

(3) An authorized inspector of the Department of Building Inspection.

(b) In addition, private energy inspections may be conducted on a contractual basis with the Department of Building Inspection under terms and fees to be recommended by the Department of Building Inspection and established by the Board of Supervisors.

(c) In reviewing an application for authorization to conduct private energy inspections, the Director must determine that the applicant has a high level of technical competence and objectivity relative to the application of this Chapter and other provisions of this Code and the Building Code relating to energy conservation.

(d) No authorized energy inspector may have a direct financial interest in the sale or installation of an energy conservation device required under this ordinance when inspecting residential buildings containing three or more dwelling units. Nor may an authorized energy inspector conduct an energy inspection on any building in which that inspector has an interest.

(e) The Director shall publish written standards and guidelines which shall govern the review of applications for authorization to conduct private energy inspections. These guidelines shall contain procedures for revocation of an authorization to conduct private energy inspections where the Director determines that the inspector is incompetent or non-objective. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1207. PROOF OF COMPLIANCE WITH MINIMUM ENERGY CONSERVATION MEASURES.

(a) **Contents.** The Department of Building Inspection shall provide a standardized form suitable for conducting a valid energy inspection and certifying compliance with the requirements of this ordinance. Said form shall contain both an inspection form listing energy conservation measures required by the Chapter and a compliance certificate.

(b) **Inspection Form.** The inspection form shall be completed and signed by any qualified inspector and furnished to the building owner or the owner=s authorized agent. The building owner or the owner=s authorized agent shall file a copy of the signed form with the Department of Building Inspection within 15 days from the date of completing the inspection.

(c) **Certificate of Compliance.** When all of the energy conservation requirements have been met, the certificate of compliance shall be signed by the building owner, or the building owner=s authorized agent, and one of the following:

- (1) A qualified energy inspector pursuant to Section 1206; or

(2) For a residential building containing one or two dwelling units only: the state licensed contractor who installed the energy conservation measures required as a result of the energy inspection; or

(3) An authorized agent of the Department of Building Inspection.

(d) **Filing and Recording.** Proof of compliance with the requirements of this Section shall be effected by returning a copy of the completed certificate of compliance to the Department of Building Inspection which shall be maintained in their files. A copy of the completed form shall be recorded by the building owner, or the building owner's authorized agent, with the San Francisco County Recorder's Office. In the event of a title transfer, it shall be recorded prior to or concurrent with transfer of title.

(e) **Public Record.** Completed energy inspection forms and certificates of compliance shall be public record and shall be available for inspection by any interested person during regular business hours at the Department of Building Inspection.

(f) **Limitation of Utility Inspections.** Nothing in this Section nor in any other provision of this Chapter shall impose any obligation on a utility to perform more than one visit to a dwelling unit for any purpose. Nothing in this Section nor in any other provision of this Chapter shall impose any obligation on a utility energy auditor to visit a dwelling unit solely for certification of compliance purposes. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1208. EXEMPTIONS AND POSTPONEMENT. (a) No energy inspection and consequent installation of energy conservation measures shall be required for:

(1) Any residential building for which proof of compliance with the energy conservation requirements of this ordinance has been recorded with the Department of Building Inspection and the Recorder's Office of the City and County of San Francisco;

(2) Any portion of a residential building for which a building permit for its construction was granted after July 1, 1978;

(3) Any residential building which is occupied as a mobile home;

(4) Any residential building, or portion thereof, which is occupied as a hotel, motel or inn and which has a certificate of use for tourist occupancy; or

(5) Any portion of a residential building which is converted to tourist hotel use pursuant to the Residential Hotel Conversion Ordinance (Administrative Code, Article 41).

(b) **Postponement of Requirements.** Application of inspection and energy conservation requirements for any residential building shall be postponed for one year from the date of application for a demolition permit for said building. If the residential building is demolished and a Certificate of Completion issued by the Department of Building Inspection before the end of the one-year postponement, the requirements of this Chapter shall not apply. If the residential building is not demolished after the expiration of one year, the provisions of this Chapter shall apply even though the demolition permit is still in effect or a new demolition permit has been issued. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1209. LIMITATION OF EXPENDITURE. In no case shall any building owner be required to spend more than one percent of the purchase price indicated on the real estate sales contract (in cases where the energy inspection was conducted in connection with transfers to title to residential building), or one percent of the assessed value of the building, whichever is greater, to comply with the requirements of this ordinance, nor in the case of a building of two units or less, shall the cost exceed \$1,300; provided, however, that the building owner must install any combination of required energy conservation measures for which the sum of all expenditures most closely equals but does not exceed the aforementioned cost limitation. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 31-94, App. 01/14/94)

SEC. 1210. ENERGY CONSERVATION REQUIREMENTS UPON MAJOR IMPROVEMENT, METERING CONVERSION, RESIDENTIAL CONDOMINIUM CONVERSION OR COMPLETE INSPECTION. A valid energy inspection pursuant to Section 1205 and subsequent compliance with required energy conservation measures pursuant to Section 1212 shall be required of a residential building as follows:

(a) **Metering Conversion.** As a condition for issuance of a Certificate of Inspection and Approval for a metering conversion by the Department of Building Inspection;

(b) **Major Improvements.** As a condition for issuance of a Certificate of Inspection and Approval upon completion of improvements having an estimated valuation as follows:

(1) Buildings containing one or two dwelling units B in excess or \$20,000,

(2) Buildings containing three or more dwelling units, excluding residential hotels B in excess of \$6,000 per unit.

(3) Residential hotels B in excess of \$1,000 per unit.

(c) **Condominium Conversion.** As a condition of approval of a Certificate of Final Completion and Occupancy;

(d) **Complete Inspection.** Within 180 days after a complete inspection is performed by the Department of Building Inspection. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1211. ENERGY INSPECTION REQUIREMENT AT TRANSFER OF TITLE. (a)

Prior to any transfer of title of any residential building subject to the provisions of this Chapter as a result of sale or exchange, the seller, or the seller=s authorized agent, shall obtain a valid energy inspection and shall install all applicable energy conservation measures required by Section 1212 as enumerated in the energy inspection form. The seller, or the seller=s authorized agent, must furnish a copy of the completed inspection from showing compliance with this Chapter to the buyer prior to transfer of title.

(b) **Title Transfer Exemption.** A transfer of a residential building by operation of law rather than by purchase is exempt from the provision of this Chapter. This exemption includes, but is not limited to:

(1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by a trustee in bankruptcy, transfers by eminent domain, or transfers resulting from a decree for specific performance;

(2) Transfers to a mortgagee by a mortgagor in default, transfers to a beneficiary of a deed of trust by a trustor in default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, or transfer by a sale under a power of sale after a default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale;

(3) Transfers by a fiduciary in the course of the administration of a guardianship, conservatorship, or trust;

(4) Transfers from one co-owner to one or more co-owners;

(5) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors;

(6) Transfers between spouses resulting from a decree of dissolution of a marriage or a decree of legal separation or from a property settlement agreement incidental to such decrees;

(7) Transfers by the State Controller in the course of administering the Unclaimed Property Law, Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure;

(8) Transfers under the provisions of Chapter 7 (commencing with Section 3691) and Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code;

(9) Transfers resulting by operation of law;

(10) Transfers by which title to real property is reconveyed pursuant to a deed of trust;

(11) Transfers for which a transfer agreement was entered into prior to the effective date of this ordinance.

(c) **Energy Conservation Escrow Account.** The seller, or the seller=s authorized agent, may transfer responsibility for compliance with the minimum energy conservation measures of Section 1212 to the buyer of the building if at the time of transfer of title:

(1) A valid energy inspection, within the meaning of Section 1205, has been made and the inspection form filed with the Department of Building Inspection along with notification indicating that an escrow account has been set up pursuant to this Section and giving the escrow holder=s name and address and the escrow number;

(2) A written agreement signed by the buyer and seller is deposited into the escrow containing the following:

(i) The buyer=s agreement that the required energy conservation measures will be installed within 180 days of transfer of title,

(ii) The seller=s agreement that funds equal to one percent of the purchase price indicated on the accepted purchase offer shall be retained by the escrow holder and disbursed as follow:

(A) Upon delivery to the escrow holder of a copy of the completed certificate of compliance as filed with the Department of Building Inspection within 180 days after the close of escrow, the escrow holder shall, upon written instructions of the buyer, disburse so much of these funds as are required to pay the provider(s) of the materials and labor used to bring the property into compliance with the provisions of this chapter and shall disburse any surplus thereafter remaining to the seller;

(B) If such certificate of compliance is not delivered to the escrow holder within 180 days after the close of escrow, all said funds shall be deposited into the Residential Energy Conservation Account of the Repair and Demolition Fund of the City and County of San Francisco established pursuant to Section 102.13 of the San Francisco Building Code (Part II, Chapter I of the San Francisco Municipal Code) to be used exclusively to bring the building into compliance with the provisions of this Chapter, with any surplus funds to be returned to the seller once compliance is achieved. No funds shall be deposited in the Residential Energy Conservation Account under this Subsection so long as, in the case of the subject building, an appeal is pending or an extension has been granted pursuant to Section 1214 of this Chapter.

(d) **Notice of the Requirements of This Ordinance.** The seller, or the seller's agent involved in the sale or exchange of residential building subject to the provisions of this ordinance shall give written notice of the requirements of this ordinance to the buyers. Prior to the effective date of this ordinance an informational brochure specifying the energy conservation requirements shall be made available by the Department of Building Inspection. Delivery of this brochure to the buyer shall satisfy the notice requirements of this Section. Failure to give notice as required by this Section shall not excuse or exempt the seller or buyer of a residential building from compliance with the requirements of this Chapter. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1212. REQUIRED ENERGY CONSERVATION MEASURES. The following energy conservation measures are required by this ordinance for a residential building; provided, however, that if the owner proves, pursuant to Section 1213, that the application of any energy conservation measure is not cost-effective, that measure shall not be required.

(a) Building containing one or two dwelling units:

(1) Ceiling insulation to a minimum resistance level of R-19 over the entire accessible attic space, provided that the existing ceiling insulation is less than R-11. Before insulation is installed in a building not meeting this standard, dropped spaces in attic floors, such as those above stairwells, shall be sealed effectively to limit air infiltration. Installation of ceiling insulation shall be required to conform to Section 707 of the Building Code (Part II, Chapter I of the San Francisco Municipal Code).

(2) Weatherstripping of all doors, unless fire-rated, which lead to unheated areas so as effectively and reliably to limit air infiltration.

Doors which cannot be weatherstripped without the replacement of the entire door or doorframe are exempted from this requirement, unless the door is, for other reasons, being repaired or replaced. The Director, in the guidelines, shall specify those types of weatherstripping which are acceptable. In determining which types of weatherstripping are acceptable, the Director shall consider, among other matters, whether the weatherstripping meets the energy conservation goals of this Chapter and is cost-effective.

(3) An external water heater insulation blanket with a minimum installed thermal resistance of R-6 on accessible water heaters. Installation of external water heater insulation blankets shall meet any safety standards set by the Director in the guidelines. In addition, the first four feet of accessible hot water pipe leading from the heater shall be insulated to a minimum resistance value of R-4. If foam is used to meet the R-4 standard, it shall be a closed-cell type with a minimum wall thickness of three-quarters of an inch.

(4) Low-flow devices on all accessible showerheads having a maximum rated flow of not more than 3.0 gallons per minute. Showerheads of the ball-joint type that cannot easily be removed from the wall without structural alteration are exempt from this requirement.

(5) Caulking or sealing of all accessible major cracks and joints and other openings in building exterior to reduce the loss of heated air or the entry of outside air where feasible. Sealing of all accessible major openings from the conditioned living space into unheated areas, including, but not limited to, those found around plumbing vent pipes, electrical wiring, or furnace flue pipes.

(6) Insulating all accessible supply and return heating and cooling system ducts and plenums, which are located in unheated areas, to a minimum resistance value of R-3 and sealing of all accessible duct and plenum joints with pressure-sensitive tape or mastic.

(b) Building containing three or more dwelling units:

(1) All measures specified in Subsection (a) of this Section to the extent applicable to the structure.

(2) Insulation of all accessible recirculating hot water, steam, or steam condensate return piping throughout the structure to a minimum resistance value of R-4 and all hot water storage tanks to a minimum resistance value of R-6;

(3) Cleaning and tuning of boiler units to improve combustion efficiency. Unless the boiler has been cleaned and tuned to ensure peak

combustion efficiency within the last five years and bears a tag so certifying issued by a utility inspector or contractor regularly engaged in the field of combustion efficiency, the boiler shall be cleaned and tested for combustion efficiency and appropriate adjustments made to ensure peak combustion efficiency by such a utility inspector or a contractor, who shall post a tag on or near the boiler stating that a combustion efficiency test has been performed and peak efficiency has been obtained through adjustment of the boiler=s controls and cleaning where needed, and the date the test was performed. In addition, all boilers shall have the permit required by Chapter 1, Schedule 1-M of the Building Code;

(4) Repair of all hot water and steam leaks on boiler units, including replacement of defective steam traps and valves;

(5) Time clock control of burner; and

(6) Any interim measures adopted by the Director pursuant to Section 1217 or 1218 of this Chapter. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1213. APPEAL FROM RESULTS OF AN ENERGY INSPECTION. (a) **Appeal from Results of an Energy Inspection.** Any person with an interest in the property subject to an energy inspection, who contests the determination of an energy inspector regarding required energy conservation measures or who claims that the application of a required energy conservation measure is not cost-effective may appeal said decision to the Director within 10 working days from the date the completed inspection form was filed with the Department of Building Inspection. The notice of appeal shall state, clearly and concisely, the grounds upon which the appeal is based. The burden of proof shall be on the appellant to demonstrate that the energy conservation measure is not required under this Chapter or that it is not cost-effective. The determination of the Director shall be final and the issues decided by this determination may not be heard by the Abatement Appeals Board pursuant to the provisions of Section 1216 of this Chapter.

(b) **Filing Fee.** Any appeal pursuant to Section 1214 shall be accompanied by payment of a filing fee. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1214. AMORTIZATION IN RENTAL PROPERTY. (a) Whenever amortization of capital improvements is required pursuant to the Residential Rent Stabilization and Arbitration Ordinance (Chapter 37, Section 37.7 of the

Administrative Code), installation of energy conservation measures shall be deemed to be capital improvements within the meaning of Section 37.7 of the Residential Rent Stabilization and Arbitration Ordinance so long as such ordinance remains in effect.

(b) When required energy conservation expenditures form part of a RAP loan, expenditures shall be amortized over the term of the loan and rent increase will be subject to the RAP loan rent limits. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1215. CIVIL REMEDIES. (a) **Abatement.** Whenever the installation of an energy conservation measure in a residential building is required pursuant to this Chapter and the energy conservation measure has not been installed within 180 days from the date of the energy inspection or, if there has been no energy inspection, within 180 days from the date the residential building was first required to comply with the provisions of this Chapter, that residential building shall constitute a nuisance under the terms of Chapter 4 of this Code. The nuisance shall be abated by civil action pursuant to Section 201(e) of this Code, provided further that in no event shall any violation constitute a misdemeanor.

(b) **Title Transfer.** In addition, when an inspection and installation of conservation measures was required pursuant to this Chapter as a result of a title transfer, civil action may be instituted by a buyer to require compliance with the requirements of this ordinance.

(c) **Exceptions.** In undertaking this program of energy inspections, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers or employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

No civil liability, based on this ordinance, shall ensue from claims that the performance of, nonperformance of, negligent performance of, untimely performance of, or failure to perform in a proper manner, an energy inspection or energy audit caused injury to any person where that inspection or audit is conducted by a utility, or representative of a utility, which offers an energy inspection or audit service for which no charge is made to the homeowner. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1216. FEES. (a) **Fees.** Reasonable fees shall be required to pay for, but not exceed, the costs of implementing this ordinance. Such fees shall be established by the Board of Supervisors upon recommendation of the Director of the Department of Building Inspection and shall include:

(1) The cost of inspections performed by the Department of Building Inspection;

(2) The cost of the appeal process;

(3) The cost of filing and processing documents at the Department of Building Inspection;

(4) The cost of printing forms and informational brochures by the Department of Building Inspection;

(5) Other expenses incurred by the City and County of San Francisco in implementing this ordinance.

(b) **Fee Schedule.** See Building Code Section 110, Table 1-N, for the applicable fees.

(c) **Fee Review.** The Director of the Department of Building Inspection shall cause an annual report of fees to be made and filed with the Controller as set forth in Section 3.17-2 of the San Francisco Administrative Code. The Controller shall review the report and file it with the Board of Supervisors along with proposed ordinance readjusting the fee rates as necessary. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1217. RULES. (a) The Director of the Department of Building Inspection shall adopt and, from time to time, may amend reasonable rules and guidelines implementing the provisions and intent of this ordinance. A public hearing shall be held prior to the adoption, or any amendment of the rules and guidelines. In addition to notices required by law, the Director shall send written notice, at least 15 days prior to the hearing, to any utility servicing San Francisco who participates in the California Plan for Residential Conservation Service and to any interested party who sends a written request to the Department for notice of hearings on energy conservation requirements.

(b) In developing such rules and guidelines, the Director shall consider, inter alia, the standards of the California Plan for the Residential Conservation Service with the purpose of coordinating with local utilities the types of products, installation standards, and inspection procedures which

will satisfy the requirements of this Article. Such rules may relate, but are not limited to:

- (1) Acceptable energy conservation materials and devices;
- (2) Acceptable installation practices;
- (3) Processing of appeals;
- (4) Payment of fees; and
- (5) Inspection procedures. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1218. INTERIM RULES. The Board of Supervisors finds that, currently, the information available as to what additional energy-conservation measures are cost-effective in buildings containing three or more dwelling units is incomplete. The Board of Supervisors therefore authorizes the Director of the Department of Building Inspection to adopt additional interim requirements for the installation of energy conservation measures in residential buildings containing three or more dwelling units in the following manner:

(a) The Director shall hold a public hearing at which testimony may be given regarding the proposed interim requirement, prior to making a determination. Notice of the hearing shall be sent as provided in Section 1217(a).

(b) The Director shall then adopt the proposed interim requirement if he or she determines that the measure is cost-effective within the meaning of this Chapter and has a simple economic payback not exceeding five years, according to the best information available. In developing such requirements, the Director shall closely coordinate with ongoing utility programs and the California Energy Commission.

(c) Within two years of adoption of any interim requirement, the Director shall make a final determination as to whether the interim requirement is cost-effective. If the Director determines that the interim requirement is not cost-effective, then the requirement shall be canceled. If the Director determines that the interim requirement is cost-effective, the Director shall present a report on the interim requirement and proposed legislation to implement the requirement to the Board of Supervisors prior to the expiration of the two-year period. A public hearing shall be held on the proposed legislation and the Board of Supervisors shall give notice in the same manner as provided in Section 1217(a).

(d) The interim requirement shall remain in effect for 90 days beyond the expiration of the two-year period. If the Board of Supervisors does not pass the proposed legislation, the interim requirement will expire at the end of the 90-day period. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1219. ORDINANCE REVIEW. A public hearing shall be held one year after all provisions of this ordinance have become effective for the purpose of reviewing the provisions and operation of this ordinance. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1220. SEVERABILITY. If any provisions or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions, and clauses of this ordinance are declared to be severable. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

CHAPTER 12A

RESIDENTIAL WATER CONSERVATION

- Sec. 12A01. Title.
- Sec. 12A02. Findings.
- Sec. 12A03. Intent.
- Sec. 12A04. Definitions.
- Sec. 12A05. Water Conservation Inspections.
- Sec. ~~12A10.~~12A06 Required Water Conservation Measures.
- Sec. ~~12A11.~~12A07 Residential Buildings (R-1 and R-3 Occupancies) Except for Tourist
Hotels and Motels Required to Comply With Water
Conservation Requirements Within ~~Three~~ Ten Years.
- Sec. 12A08. Water Conservation Requirements Upon Major Improvement, Metering Conversion, Residential Condominium Conversion, or Complete Inspection.
- Sec. 12A09. Water Conservation Inspection Requirements at Transfer of Title.
- Sec. ~~12A06.~~12A10. Proof of Compliance With Minimum Water Conservation Measures.
- Sec. ~~12A07.~~12A11. ~~Postponement~~ Deferral of Requirements.
- Sec. 12A12. Appeal ~~From Results~~ of a Water Conservation Inspection.
- Sec. 12A13. Civil Remedies.
- Sec. 12A14. Severability.

SEC. 12A01. TITLE. This Chapter shall be known as the Residential Water Conservation Ordinance. (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92)

SEC. 12A02. FINDINGS. The Board of Supervisors finds that:

~~(a) The entire State of California is suffering from the effects of a fifth consecutive drought year. These effects include the reduction of available water supplies to extremely limited levels. Rationing Water conservation. programs have been established in most areas of the State, including the City and County of San Francisco. Although recent rainstorms have lessened the severity of the drought, existing water supplies remain at extremely low levels.~~

~~(b) (a) The use of water conservation devices such as including but not limited to low-flow showerheads, faucet aerators, and ultra low-flow toilets, and water volume reduction appliances for toilets in residential buildings will~~

significantly reduce the overall demand for water and therefore help conserve existing water supplies.

~~(e)(b)~~ This ordinance is intended to be ~~one phase part~~ of a ~~comprehensive continuing~~ legislative program to achieve ~~the City's San Francisco's~~ goal of reducing water consumption in all residential, commercial, industrial and public buildings. ~~in the City and County of San Francisco. It is the intent of the Board to introduce future legislation to achieve this goal.~~ (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92)

SEC. 12A03. INTENT. It is the intent of this ordinance to conserve existing water supplies by reducing the overall demand for water in residential buildings (R-1 and R-3 buildings) by requiring the installation of water conservation devices upon the occurrence of specific events and, in any event, no later than ~~three~~ ten years from the effective date of this Ordinance for all residential buildings ~~except for tourist hotels and motels.~~ (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92)

SEC. 12A04. DEFINITIONS. In addition to the definitions contained in Chapters 4 and 12 of this Code, for the purposes of this ~~ordinance~~ Chapter the following words and phrases shall have the meanings ascribed to them by this Section.

(a) **Qualified Inspector.** A qualified inspector is an inspector defined in ~~Chapter 12~~, Section 1206 of this Code, who is authorized to perform a water conservation inspection.

(b) **Water Conservation Inspection.** Inspection of a residential building for compliance with the requirements of this ~~ordinance~~ Chapter. (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92)

SEC. 12A05. WATER CONSERVATION INSPECTIONS. A water conservation inspection which satisfies the requirements of this Chapter ~~shall be performed concurrently with the energy inspection required by Chapter 12 of this Code and~~ must be performed by a qualified inspector. (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92)

SEC. 12A10-6. REQUIRED WATER CONSERVATION MEASURES. The following water conservation measures are required within the time limits prescribed by this Chapter for residential buildings ~~as defined in Section 1204(i) of this Code:~~

(a) Low-flow ~~devices on all accessible~~ showerheads having a maximum rated flow of not more than 2.5 gallons per minute. Showerheads ~~of the ball-joint type~~ that cannot easily be removed from the wall without structural alteration are exempt from this requirement.

(b) Aerators with flow restrictors attached to kitchen, vanity and sink faucets which faucets are designed to accept such devices. These aerators ~~and shall include a~~ flow restrictors ~~and~~ shall be of a type approved by the Director of the Department of Building Inspection.

(c) ~~Low-flow toilets (3.5 gallons per flush or less) or approved devices in toilets designed to reduce the total volume of water in each toilet flush, including but limited to (1) flush reducers, (2) flow restrictors and (3) volume reducers. Installation of a retrofit device will not be required when its installation will impede the designed functioning and/or flushing of the toilet. Ultra low-flow toilets (1.6 gallons per flush or less.)~~

(d) An individual shall be entitled to an exemption from the requirement of installing showerheads listed in Paragraph subsection (a) of this Section in that person=s residence upon filing with the City Retail Water Conservation Section of the San Francisco Public Utilities Commission ~~Water Department a letter from a licensed physician notice stating that specifying the individual resident has~~ a valid medical reason that prevents the use of a low-flow showerhead by the individual seeking the exemption. An exemption under this Section shall continue in force until the individual qualifying for the exemption no longer resides at the exempted property, or until the medical condition qualifying the individual for the exemption terminates. Within one following the departure of the individual qualifying for the exemption from the exempted residence or termination of the medical condition qualifying the individual for the exemption, an affidavit shall be filed with the Retail Water Conservation Section of the San Francisco Public Utilities Commission ~~City Water Department~~ for the exempted property pursuant to Section ~~12A11~~ 12A07(a).

Upon transfer of title of any building subject to an exemption in whole or in part under this Section, the provisions of Section 12A09 shall apply; provided however, that proof of an exemption under this Section shall be sufficient to show compliance with the requirements of this Chapter as to low-flow showerhead and/or an exempted residence within a multiple-family residential building. An exemption for a single residence under this Section

shall not constitute an exemption for an entire multiple-family building wherein the single residence is located.

(e) These regulations do not apply to Qualified Historic Buildings under San Francisco Planning Code Article 10 or 11, or under the State Historic Building Code. Documentation of the exception shall be recorded at the office of the General Manager of the San Francisco Public Utilities Commission.

If the owner wishes to appeal the Retail Water Conservation Administrator=s decision denying the exemption, a written appeal may be submitted to the San Francisco Public Utilities Commission=s General Manager or his/her designee within a period of ten days from the Retail Water Conservation Administrator=s written denial. The General Manager=s decision shall be based solely on the documentation submitted to the Administrator by the owner at the time of the request for an exemption and the findings of the Administrator in denying the request for exemption.

(Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 361-94, App. 10/19/94; Ord. 350-95, App. 11/3/95)

SEC. ~~12A11~~ 12A07. RESIDENTIAL BUILDINGS (R-1 AND R-3 OCCUPANCIES) EXCEPT FOR TOURIST HOTELS AND MOTELS REQUIRED TO COMPLY WITH WATER CONSERVATION REQUIREMENTS WITHIN THREE TEN YEARS. All residential buildings, except for tourist hotels and motels, must comply with the requirements listed in Section ~~12A10~~ 12A06 within ~~three ten~~ years. R-1 occupancies must comply within ~~three ten~~ years from the effective date of this Ordinance No. 185-91; R-3 occupancies must comply within ~~three ten~~ years of the effective date of this ordinance.

(a) **Affidavit.** In lieu of compliance with ~~the provisions of~~ Section 12A06, within a period of ~~three ten~~ years from the effective date of ~~either this Ordinance No. 185-91 for R-1 occupancies or this ordinance and~~ for R-3 occupancies, the owner or owner=s authorized agent shall file with the City Water Department Retail Water Conservation Section of the San Francisco Public Utilities Commission an affidavit signed by the owner affirming that ~~the water conservation devices required by Section 12A10~~ showerheads using not more than 2.5 gallons per minute and aerators with flow restrictors on all faucets either have been installed or an exemption under Section 12A06 is applicable and that all toilets using more than 1.6 gallons per flush have been replaced with ultra low flow toilets using not more than 1.6 gallons per flush. The affidavit shall be on a form

provided by the ~~City Water Department. Retail Water Conservation Section of the San Francisco Public Utilities Commission.~~

(b) **Public Record.** The affidavits required by Subsection (a) above shall be public record and shall be available for inspection by any interested person during regular business hours at the ~~City Water Department. Retail Water Conservation Section of the San Francisco Public Utilities Commission.~~ (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92)

SEC. 12A08. WATER CONSERVATION REQUIREMENTS UPON MAJOR IMPROVEMENT, METERING CONVERSION, RESIDENTIAL CONDOMINIUM CONVERSION, OR COMPLETE INSPECTION. A valid water conservation inspection pursuant to Section 12A05 and subsequent compliance with required water conservation measures pursuant to Section ~~12A11~~ 12A07 shall be required of all residential buildings ~~concurrently with the energy conservation inspection and compliance requirements as~~ set forth in Section ~~1210~~ 12A06 and ~~1211~~ 12A07 of this Code within ten years of the effective date of this Ordinance. (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92)

SEC. 12A09. WATER CONSERVATION INSPECTION REQUIREMENTS AT TRANSFER OF TITLE.

All residential buildings in which title is transferred later than six months from the effective date of this ordinance are required to meet the requirements of Section 12A05 and 12A06.

Prior to any transfer of title as a result of sale or exchange of any residential building subject to the provisions of this Chapter, the seller or the seller=s authorized agent shall obtain a valid water conservation inspection pursuant to Section 12A05 and shall install all applicable water conservation measures required by Section ~~12A10~~ 12A06 as enumerated in the water conservation inspection form no later than ten (10) years from the effective date of this Ordinance. Compliance with ~~the~~ this Section ~~shall~~ may be concurrent with the energy conservation inspection required by Section 1211 of this Code ~~and shall be in accordance with the provisions set forth in said Section.~~ (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92)

SEC. ~~12A10~~ 12A06. PROOF OF COMPLIANCE WITH MINIMUM WATER CONSERVATION MEASURES.

(a) **Inspection Form.** The Department of Building Inspection shall provide a standardized form suitable for conducting a valid water conservation inspection and certifying compliance with the requirements of this ordinance. *Said form may be combined with the energy inspection form required by Section 1207 of this Code. The inspection shall affirm by way of a checklist compliance with all of the water conservation measures required by Section 12A06.* The inspection form shall be completed and signed by ~~any~~ the qualified inspector who performed the inspection, furnished to the building owner or the owner=s authorized agent, and filed with the Department of Building Inspection ~~per Section 1207~~.

(b) **Certificate of Compliance.** When all of the water conservation requirements have been met as required by this Chapter, a certificate of compliance shall be signed, filed and recorded ~~per Section 1207 of this Code~~. The ~~Department of Building Inspection~~ owner shall provide a copy of the Certificate to the ~~City Water Department~~ Retail Water Conservation Section of the San Francisco Public Utilities Commission. The recording shall be accompanied by an affidavit stating that the owner is aware of all water conservation measures required by this Chapter and installed in her or his residence and will use all feasible and reasonable means to maintain the water conservation measures in sound operating condition for the duration of her or his ownership of the subject residence.

(c) **Public Record.** Completed water conservation inspection forms and certificates of compliance shall be public record and shall be available for inspection by any interested person during regular business hours at the Department of Building Inspection. (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. ~~12A07~~ 12A11. POSTPONEMENT DEFERRAL OF REQUIREMENTS.

Application of inspection and water conservation requirements for any residential building shall be ~~postponed~~ deferred for one year from the date of application for a demolition permit for said building. If the residential building is demolished and a Certificate of Completion issued by the Department of building Inspection before the end of the one-year ~~postponement~~ deferral period, the requirements of this Chapter shall not apply. If the residential building is not demolished after the expiration of the one year period, the provisions of this Chapter shall apply, even though the demolition permit is still in effect or a new demolition permit has been issued. (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 12A12. APPEAL ~~FROM RESULTS~~ OF A WATER CONSERVATION INSPECTION.

Any person with an interest in the property subject to a water conservation inspection who contests the determination of a qualified inspector regarding required water conservation measures may appeal said decision to the Director of the Department of Building Inspection within 10 working days from the date the completed inspection form was filed with the Department of Building Inspection. ~~Notice and appeal procedures shall be as set forth in Section 1213 of this Code.~~ This notice of appeal shall state, clearly and concisely, the grounds upon which the appeal is based. The burden of proof shall be on the appellant to demonstrate that the water conservation measures are not required under this Chapter or that they are not cost-effective. The determination of the Director shall be final and the issues decided by this determination may not be heard by the Abatement Appeals Board. (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 12A13. CIVIL REMEDIES.

(a) **Remedies.** The remedies for failure to comply with the requirements of Section 12A08 and 12A09 of this Chapter shall be as follows: set forth in Subsections (a) and (b) of Section 1215 of this Code for violations of the Residential Energy Conservation Ordinance. Failure to comply with the requirements of Section 12A11 of this Chapter shall result in an enforcement action pursuant to Chapter 1 of the San Francisco Building Code.

(b) Abatement. Whenever the installation of water conservation measure in a residential building is required pursuant to this Chapter and the water conservation measure has not been installed within 180 days from the date the residential building was first required to comply with the provisions of this Chapter, that residential building shall constitute a nuisance under Chapter 4 of this Code. The nuisance shall be abated by civil action pursuant to Section 201 (e) of this Code, provided further that in no event shall any violation constitute a misdemeanor.

(c) Title Transfer. When an inspection and installation of water conservation measures was required pursuant to this Chapter as a result of a title transfer, civil action may be instituted by a bona fide buyer to compel compliance with the requirement of this Chapter.

~~(b)~~ (d) Exceptions. In undertaking this program of water conservation inspections, the City and County of San Francisco 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.

No civil liability, based on this ordinance, shall ensue from claims that the performance of, nonperformance of, negligent performance of, untimely performance of, or failure to perform in a proper manner, a water conservation inspection or audit shall cause injury to any person where that inspection or audit is conducted by a utility, or representative of a utility, which offers inspection ,water-use survey or audit service for which no charge is made to the ~~home~~owner. (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92)

SEC. 12A14. SEVERABILITY. If any provision or clause of this ~~ordinance~~ Chapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions, and clauses of this ordinance are declared to be severable. (Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92)

CHAPTER 13

MAINTENANCE, SANITATION AND REPAIR

Sec. 1301.	Painting.
Sec. 1302.	Courts and Shafts.
Sec. 1303.	Wallpaper.
Sec. 1304.	Garbage Receptacles.
Sec. 1305.	Garbage Receptacle Compartment.
Sec. 1306.	Sanitation.
Sec. 1307.	Deposit of Rubbish, etc.
Sec. 1308.	Bedding.
Sec. 1309.	Towels.
Sec. 1310.	Dangerous Articles.
Sec. 1311.	Caretaker.

SEC. 1301. PAINTING. The walls and ceiling of every ~~sleeping room,~~ *lobby, entryway or hallway,* in an apartment house or hotel shall be ~~Painted or papered and~~ well maintained. ~~The Repairs,~~ paint or paper shall be applied as often as may be necessary to maintain clean and sanitary walls and ceilings free from mildew, dampness and vermin. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1302. COURTS AND SHAFTS. The walls of courts and shafts shall be painted as often as may be necessary to maintain weatherproofing, free from dampness and mildew. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1303. WALLPAPER. All thicknesses of wallpaper placed upon any wall, partition or ceiling of any room in any apartment house or hotel shall be well maintained, free of dampness and mildew. If any wall, partition or ceiling with two thicknesses of wallpaper in any such room is to be repapered, the old wallpaper shall be removed. Painting over wallpaper shall be permissible. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1304. GARBAGE RECEPTACLES. (a) A sufficient number of receptacles with close-fitting covers for garbage refuse, ashes and rubbish as

may be considered necessary by the Director or the Department of Public Health, or an approved garbage chute or shaft, shall be kept in a clean condition by the following persons:

(1) In the case of a receptacle in a hotel, by the owner or person in charge of the hotel;

(2) In the case of a receptacle in an apartment house or dwelling, by the person in charge of the building, occupants or tenants of the building;

(3) In the case of a chute or shaft in any building, by the person in charge of the building.

(b) Garbage cans in apartment houses and hotels shall be of noncombustible construction. Plastic garbage cans will be acceptable when the following conditions have been met:

(1) The room in which the can(s) are contained is fully sprinklered;

(2) The garbage chute, if any, is sprinklered in accordance with the Building Code;

(3) The garbage can storage room is constructed in accordance with Section 711.5 of the Building Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1305. GARBAGE RECEPTACLE COMPARTMENT. Every closet or compartment in a building used for storing a garbage receptacle shall be lined on all its sides and on the inside of all its doors with galvanized steel, with all joints made tight.

For garbage chute shaft construction, see Section 711 of the Building Code.

For garbage room construction, see Section 707 of this Code. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95)

SEC. 1306. SANITATION. Each room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass windows, door, carpet, rug, matting, window curtain, water closet compartment or room, toilet room, bathroom, slop-sink room, wash room, plumbing fixture, drain, roof, closet, basement, yard, court, lot, and the premises of every building shall be kept in every part clean, sanitary, and free from all accumulation of debris, filth, rubbish, garbage, vermin, mold and mildew, and offensive matter. Those portions of the residential building identified by this Section that can no longer by

cleaned or made sanitary shall be replaced in an appropriate manner. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1307. DEPOSIT OF RUBBISH, ETC. No person shall do, or permit or cause another person to do, any of the following:

(a) Deposit any swell, garbage, bottles, ashes, cans, or other improper substance in, or in any way obstruct, any water-closet, sink, slop hopper, bathtub, shower, catchbasin, or plumbing fixture connection or drain;

(b) Put any filth, urine or other foul matter in any place other than the place provided; or

(c) Keep any filth, urine or other foul matter in any room, or elsewhere in or about the premises, of any building for such length of time as will result in the creation of a nuisance. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1308. BEDDING. In every apartment house or hotel every part of every bed, including the mattresses, sheets, blankets and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matter, and from the infestation of lice, bedbugs or other insects. The bed linen of a bed in a hotel shall be changed as often as a new guest occupies the bed. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1309. TOWELS. No roller or public towel shall be kept or maintained in a hotel for common use. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1310. DANGEROUS ARTICLES. Neither any article that is dangerous or detrimental to life or to the health of the occupants; or any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any material that may create a fire hazard, shall be kept, stored or handled in any part of an apartment house or hotel, or the lot on which such building is situated, except upon a written permit obtained from the officer or agency authorized by law to issue the permit. Every permit shall be made in duplicate, and a copy shall remain on file in the office of the officer or agency issuing it. Every filed copy constitutes a public record. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

SEC. 1311. CARETAKER. A janitor, housekeeper or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments and of every hotel in which there are 12 or more guestrooms, in the event that the owner of any such apartment house or hotel does not reside upon said premises. If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating his name and address, or the name and address of his agent in charge of the apartment house, shall be posted in a conspicuous place on the premises. (Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92)

Lou Aurea - Sr. Admin. Analyst 6-28-02