

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Maureen Conefrey, Fire Commission

FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services Committee, Board of Supervisors

DATE: May 2, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation introduced by Supervisor Campos on April 26, 2016:

File No. 160422

Ordinance amending the Fire Code and the Housing Code to require building owners provide tenants with an annual written notice of smoke alarm requirements and require building owners file a statement of compliance with annual fire alarm testing and inspection requirements every two years; amending the Fire Code and Building Code to require building owners to upgrade existing fire alarm systems by July 1, 2021, or upon completion of \$50,000 or more of construction work, whichever occurs earlier; amending the Building Code to require owners of Apartment Houses damaged by fire to submit an Action Plan to the City within 30 days of the fire and requiring owners of buildings in Group R occupancies with six or more units to install fire blocks in open accessible attics when performing \$50,000 or more of construction work; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage as required by State law.

The proposed ordinance is being transmitted pursuant to the attached legislation, Board of Supervisors File No. 160422, for public hearing and consideration. It is pending before the Public Safety and Neighborhood Services Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

1 [Fire, Housing, Building Codes - Fire Safety Requirements for Existing Buildings]

2
3 **Ordinance amending the Fire Code and the Housing Code to require building owners**
4 **provide tenants with an annual written notice of smoke alarm requirements and require**
5 **building owners file a statement of compliance with annual fire alarm testing and**
6 **inspection requirements every two years; amending the Fire Code and Building Code**
7 **to require building owners to upgrade existing fire alarm systems by July 1, 2021, or**
8 **upon completion of \$50,000 or more of construction work, whichever occurs earlier;**
9 **amending the Building Code to require owners of Apartment Houses damaged by fire**
10 **to submit an Action Plan to the City within 30 days of the fire and requiring owners of**
11 **buildings in Group R occupancies with six or more units to install fire blocks in open**
12 **accessible attics when performing \$50,000 or more of construction work; affirming the**
13 **Planning Department's determination under the California Environmental Quality Act;**
14 **making findings under the California Health and Safety Code; and directing the Clerk of**
15 **the Board of Supervisors to forward this ordinance to the California Building Standards**
16 **Commission upon final passage as required by State law.**

17 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
18 **Additions to Codes** are in *single-underline italics Times New Roman font*.
19 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
20 **Board amendment additions** are in double-underlined Arial font.
21 **Board amendment deletions** are in ~~strikethrough Arial font~~.
22 **Asterisks (* * * *)** indicate the omission of unchanged Code
23 subsections or parts of tables.

24 Be it ordained by the People of the City and County of San Francisco:

25 Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources

1 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
2 Supervisors in File No. _____ and is incorporated herein by reference. The Board
3 affirms this determination.

4 (b) On _____, the Building Inspection Commission considered this ordinance
5 at a duly noticed public hearing pursuant to Charter Section D3.750.5.

6 (c) On _____, the Fire Commission considered this ordinance at a duly
7 noticed public hearing.

8
9 Section 2. Findings under California Health and Safety Code. The Board of
10 Supervisors hereby finds that the following local conditions apply to the amendments to the
11 Fire, Building, and Housing Codes enacted by this ordinance:

12 (1) The City and County of San Francisco is unique among California communities
13 with respect to the possible causes and effects of fires, including fires in residential multi-unit
14 buildings. Among other things, San Francisco is located on an active seismic zone; certain
15 buildings in San Francisco are at an increased risk for earthquake-induced failure and
16 consequent fire because of local hazardous microzones, slide areas, and local liquefaction
17 hazards; enhanced fire, structural, and other protections are required due to high building
18 density and high occupancy in many buildings.

19 (2) San Francisco has narrow and crowded sidewalks due to building and
20 population density and unusual topography; and San Francisco has numerous high-rise
21 buildings, including residential buildings with large numbers of people living therein. For these
22 reasons, fires in San Francisco can be especially devastating, and the need for extra
23 measures to prepare for and cope with fires is especially pressing, particularly regarding
24 people who live in multi-unit residential buildings, and who may face fire dangers any day of
25 the week and any hour of the day or night.

1 (3) California Health and Safety Code Sections 17958 and 17958.5 allow the City to
2 make changes or modifications in the requirements contained in the provisions published by
3 the California Building Standards Commission, including the California Fire Code, when those
4 changes or modifications are reasonably necessary because of local climatic, geological, or
5 topographical conditions. California Health and Safety Code Section 17958.7 provides that
6 before making any such changes or modifications, the governing body must make express
7 findings that such changes or modifications are reasonably necessary because of the
8 specified local conditions, and those findings shall be filed with the California Building
9 Standards Commission.

10 (4) Pursuant to the applicable California Health and Safety Code sections, the
11 Board of Supervisors finds and determines that the conditions described above constitute a
12 general summary of the most significant local conditions giving rise to the need for variance
13 from the California Fire and Building Codes and any other applicable provisions published by
14 the California Building Standards Commission. Further, the Board of Supervisors finds and
15 determines that the proposed variances are reasonably necessary based on these local
16 conditions, and that these conditions justify more restrictive standards applicable to the
17 provision of fire safety information to persons living in multi-unit residential buildings in San
18 Francisco.

19
20 Section 3. The Fire Code is hereby amended by adding Sections 907.2.11.6 and
21 1103.7.6.1, and revising Section 907.8.5, to read as follows:

22 **907.2.11.6. [For SF] Smoke Alarm Information Disclosure.**

23 **(a) Annual Smoke Alarm Information Notice. On or before January 1, 2017, and on or**
24 **before January 1 of each year thereafter, owners of a dwelling unit intended for human occupancy in**
25 **which one or more units is rented or leased shall provide each tenant with a written notice regarding**

1 smoke alarm requirements on a form provided by the Fire Department. The Fire Department shall
2 develop the notice in consultation with the Department of Building Inspection and shall make the notice
3 available on its website in English, Spanish, and Chinese. The Fire Department shall update the notice
4 as necessary from time to time to reflect changes in the law, and the owner shall provide the most
5 recent notice to tenants. The notice shall include, but not be limited to, the following information:

6 (1) information regarding the importance of maintaining smoke alarms in working
7 condition for life safety;

8 (2) a brief summary of legal requirements for smoke alarms in dwelling units;

9 (3) a statement that the landlord is obligated to provide operable smoke alarms in good
10 working condition in the dwelling unit in accordance with the Housing Code and Fire Code and the
11 landlord must promptly repair or replace inoperable smoke alarms upon request; and

12 (4) attached as a separate appendix to the notice, a list, to be prepared by the Rent
13 Board, of tenants' rights organizations that provide counseling to tenants on issues related to fires, and
14 contact information for those organizations.

15 (b) **Posting Requirement.** For all Apartment Houses as defined in the Housing Code, the
16 building owner shall post the notice referenced in subsection (a) in at least one conspicuous location in
17 a common area of each floor of the building.

18 * * * *

19 **907.8.5. [For SF] Maintenance, Inspection, and Testing.**

20 (a) **Testing, Inspection and Filing Requirements.** The building owner is responsible to
21 maintain the fire and life safety systems in an operable condition at all times. *The building*
22 *owner must have the system(s) tested and inspected every year by ~~S~~service personnel ~~shall~~ who* meet
23 the qualification requirements of NFPA 72, *as amended from time to time*, for maintaining,
24 inspecting, and testing of the systems. *With regard to fire alarm systems, the building owner shall*
25 *file a Statement of Compliance with this annual testing and inspection requirement with the*

1 Department of Building Inspection, on a form provided by the Department of Building Inspection, in
2 accordance with the following schedule: (1) for buildings with nine or more units, on or before
3 January 1, 2017, and thereafter on or before January 1 of each odd-numbered year, and (2) for
4 buildings with less than nine units, on or before January 1, 2018, and thereafter on or before January 1
5 of each even-numbered year. The Department of Building Inspection shall consult with the Fire
6 Department in developing the Statement of Compliance form. The Department of Building Inspection
7 shall post all Statements of Compliance it receives on a City website maintained by the Department of
8 Building Inspection no later than 60 days from the date of receipt of the Statement of Compliance as
9 provided in subsection (c) of Section 908 of the Housing Code. For purposes of enforcement of this
10 subsection (a), the Department of Building Inspection shall be responsible only for posting the
11 Statement of Compliance forms on the City website, and the Fire Department and/or the Department of
12 Building Inspection shall respond to any complaint received by the respective department pertaining to
13 compliance with this subsection. The Departments may also enforce this subsection pursuant to
14 periodic health and safety inspections required by code.

15 (b) **Recordkeeping.** The building owner shall maintain ~~W~~written records of inspection and
16 testing, as specified in NFPA 72, ~~, as amended from time to time,~~ shall be provided to the fire code
17 official upon request. Records shall be maintained until the next test and for ~~one~~ year thereafter.

18 (c) **Sticker.** The building owner shall place, or shall cause ~~S~~service personnel ~~shall to~~ place,
19 a sticker on the fire alarm control panel cover that includes the company name, phone
20 number, and the date of the last inspection or testing.

21 * * * *

22 **1103.7.6.1. [For SF] Sleeping Area Requirements.**

23 For all buildings that are required to have a fire alarm system under this Code, the Building
24 Code, the Housing Code or any other law, the building owner shall upgrade the fire alarm system, if
25 necessary, to comply with the sound level requirement for sleeping areas set forth in Section 18.4.5.1 of

1 NFPA 72, as amended from time to time, upon either (a) completion of work under a building permit
2 with a cost of construction of \$50,000 or more or (b) July 1, 2021, whichever occurs first.

3
4 Section 4. The Building Code is hereby amended by adding Sections 106A.1.14
5 (including Sections 106A.1.14.1, 106A.1.14.2, 106A.1.14.3, and 106A.1.14.4), 3401.8.2, and
6 3401.8.3, to read as follows:

7 **106A.1.14. Damaged apartment houses where residential occupants have been displaced;**
8 **preliminary information and Action Plan required. Whenever an Apartment House, as defined in the**
9 **Housing Code, has been damaged by fire or other emergency that results in the displacement of**
10 **residential occupants, the property owner shall submit to the Department's Building Inspection**
11 **Division, with a copy to the Housing Inspection Division, the following information and an Action Plan**
12 **within the timeframe specified. The Department shall include a statement in all applicable Notices of**
13 **Violation issued pursuant to this Section that allowing the residential occupants to retrieve their**
14 **personal property in a safe manner through a visit supervised by the property owner's engineer,**
15 **general contractor, or other industry professional for a short duration is not in conflict with the issued**
16 **Notice of Violation.**

17 **106A.1.14.1. Information submittal. Within 72 hours of the posting of a Notice of**
18 **Violation on the subject site, the property owner shall provide the following information in writing:**

19 **(a) a description of the steps taken and the methods used to stabilize and secure the subject**
20 **building and premises, including but not limited to the following, as appropriate: (1) fencing the**
21 **building perimeter, (2) securely barricading all windows, openings, and other points of entry to the**
22 **building from the outside, (3) assessing the property at least weekly to ensure that no unauthorized**
23 **entry is occurring and that any fencing and barricades are secure and remain in place, and (4)**
24 **providing 24-hour security;**
25

1 **(b) if the City has determined that the subject building, or portions thereof, is unsafe for**
2 **occupancy, a description of the steps taken and the methods used to either secure the personal property**
3 **of the residential occupants or allow them to retrieve their personal property, including but not limited**
4 **to the following: (1) fencing the building perimeter, barricading all points of entry, or taking the other**
5 **steps listed in Section 106A.1.14.1(a) above, and (2) obtaining the recommendations of a structural**
6 **engineer or other appropriate consultant for allowing the residential occupants access to the building**
7 **or undamaged portions thereof for the purpose of obtaining their personal belongings; and**

8 **(c) the name and contact information of the owner or an agent of the owner who is able to**
9 **respond to questions and concerns from the residential occupants and others.**

10 **106A.1.14.2. Action Plan submittal. Within 30 days from release of the scene by the**
11 **Fire Department and other emergency responders, the property owner shall submit an Action Plan in**
12 **the form required by the Department that contains the following elements:**

13 **(a) a description of the steps taken and the methods used to stabilize and secure the subject**
14 **building and premises, including supporting documentation by a structural engineer or other industry**
15 **professional as specified in the Notice of Violation, including but not limited to the following, as**
16 **appropriate: (1) fencing the building perimeter, (2) securely barricading all windows, openings, and**
17 **other points of entry to the building from the outside, (3) assessing the property at least weekly to**
18 **ensure that no unauthorized entry is occurring and that any fencing and barricades are secure and**
19 **remain in place, and (4) providing 24-hour security:**

20 **(b) a summary of the extent of fire or water damage to the building, describing with**
21 **specificity the damage to individual dwelling units that were occupied prior to the damage by fire or**
22 **other emergency:**

23 **(c) a description of the repairs necessary to bring the building into compliance with any**
24 **Notices of Violation issued by the Department of Building Inspection, Fire Department, or Health**
25 **Department:**

1 (d) a general schedule and description of the permits that will be filed to comply with (3)
2 above;

3 (e) the contact information of the individuals who will perform the work under (3) above,
4 which information shall be updated as necessary and kept current;

5 (f) an estimated date (month and year) when the displaced residential occupants can
6 reoccupy the building. The estimated date shall be within a time reasonably necessary to accomplish
7 the required repairs;

8 (g) proof that the owner has complied with the notice requirements of Section 106A.1.14.3;
9 and

10 (h) information about prior complaints, notices of violation, and the status of their
11 abatement or compliance with code requirements.

12 **106A.1.14.3. Updating information.** Within 90 days from the submission of the Action
13 Plan to the Department required by Section 106A.1.14.2, and every 90 days thereafter, the property
14 owner shall provide to the Department any new or corrected information concerning items (a) through
15 (h) in Section 106A.1.14.2 above, including but not limited to any change to the estimated date by
16 which the displaced residential occupants can reoccupy the building.

17 **106A.1.14.4. Notice of filing of Action Plan.** Within 72 hours of the filing of the
18 required Action Plan with the Department, the property owner shall (a) post a notice of the filing in a
19 prominent location at the building site and (b) mail or personally deliver a notice of the filing to each
20 displaced residential occupant at their last known location.

21
22 **3401.8.2. Fire alarm systems.** For all buildings that are required to have a fire alarm system
23 under this Code, the Fire Code, the Housing Code or any other law, the building owner shall upgrade
24 the fire alarm system, if necessary, to comply with the sound level requirement for sleeping areas set
25 forth in Section 18.4.5.1 of NFPA 72, as amended from time to time, upon either (a) completion of work

1 under a building permit with a cost of construction of \$50,000 or more, or (b) July 1, 2021, whichever
2 occurs first.

3
4 **3401.8.3. Open, accessible attics.** When performing additions, alterations, or repairs in Group
5 R occupancies of six units or more under a building permit with a cost of construction of \$50,000 or
6 more, fire blocks, draftstops, or fire safing insulation (approved noncombustible material used as a fire
7 barrier) shall be installed in open attics of 30 inches in height or greater that are accessible from other
8 than an occupied residential unit.

9
10 Section 5. The Housing Code is hereby amended by revising Sections 908 and 911 to
11 read as follows:

12 **SEC. 908. MAINTENANCE AND REPAIR.**

13 All safety systems, devices, or equipment provided for in this eChapter 9 or in the Fire
14 Code shall be maintained in good repair at all times.

15 (a) Fire escapes. Fire escapes shall be kept clear and unobstructed and be readily
16 accessible at all times. Upon inspection, the property owner, or authorized agent, shall
17 demonstrate to the Director or designated personnel, that all existing fire escapes are fully
18 operational and properly maintained. Upon completion of the inspection, all existing fire
19 escapes shall be secured pursuant to Section 1110.3.1- of the ~~San Francisco~~ Fire Code.

20 (b) Fire and life safety systems. The building owner shall maintain the fire and life safety
21 systems required by this Code, the Building Code, or the Fire Code in an operable condition at all
22 times. The building owner must meet the requirements of Section 907.8.5 of the Fire Code and have the
23 system tested and inspected every year by service personnel that meet the qualification requirements of
24 NFPA 72 for maintaining, inspecting, and testing of the systems. The building owner shall maintain

1 written records of inspection and testing, as specified in NFPA 72, until the next test and for one year
2 thereafter.

3 (c) **Annual statement of compliance with the testing and inspection requirement.** With
4 regard to fire alarm systems, the building owner shall file a Statement of Compliance with this annual
5 testing and inspection requirement with the Department of Building Inspection, on a form provided by
6 the Department of Building Inspection, in accordance with the following schedule: (1) for buildings
7 with nine or more units, on or before January 1, 2017, and thereafter on or before January 1 of each
8 odd-numbered year, and (2) for buildings with less than nine units, on or before January 1, 2018, and
9 thereafter on or before January 1 of each even-numbered year. The Department of Building Inspection
10 shall consult with the Fire Department in developing the Statement of Compliance form. The
11 Department of Building Inspection shall post all Statements of Compliance it receives on a City website
12 maintained by the Department of Building Inspection no later than 60 days from the date of receipt of
13 the Statement of Compliance. For purposes of enforcement of this subsection (c), the Department of
14 Building Inspection shall be responsible only for posting the Statement of Compliance forms on the City
15 website, and the Fire Department and/or the Department of Building Inspection shall respond to any
16 complaint received by the respective department pertaining to compliance with this subsection. The
17 Departments may also enforce this subsection pursuant to periodic health and safety inspections
18 required by code.

19 (d) The building owner shall place, or shall cause service personnel to place, a sticker on
20 the fire alarm control panel cover that includes the company name, phone number, and the date of the
21 last inspection or testing.

22 * * * *

23 **SEC. 911. SINGLE-STATION SMOKE DETECTOR WITH ALARM REQUIRED.**

24 * * * *

25 (d) **Smoke Detector Information Disclosure.**

1 *(1) Annual Smoke Detector Information Notice. On or before January 1, 2017, and*
2 *on or before January 1 of each year thereafter, owners of a dwelling unit intended for human*
3 *occupancy in which one or more units is rented or leased shall provide each tenant with a written*
4 *notice regarding smoke alarm requirements on a form provided by the Fire Department as described in*
5 *Section 907.2.11.6 of the Fire Code.*

6 *(2) Posting Requirement. For all Apartment Houses as defined in this Code, the*
7 *building owner shall post the notice referenced in subsection (d)(1) in at least one conspicuous location*
8 *in a common area of each floor of the building.*

9
10 Section 6. Effective and Operative Dates.

11 (a) Effective Date. This ordinance shall become effective 30 days after enactment.
12 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
13 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
14 Supervisors overrides the Mayor's veto of the ordinance.

15 (b) Operative Date. Pursuant to Section 17958.7 of the California Health and Safety
16 Code, this ordinance is not operative until the Clerk of the Board has filed it with the California
17 Building Standards Commission, as directed in Section 9.

18
19 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
23 additions, and Board amendment deletions in accordance with the "Note" that appears under
24 the official title of the ordinance.

1 Section 8. Undertaking for the General Welfare. In enacting and implementing this
2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
3 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
4 is liable in money damages to any person who claims that such breach proximately caused
5 injury.

6
7 Section 9. Directions to Clerk. The Clerk of the Board of Supervisors is hereby directed
8 to forward a copy of this ordinance to the California Building Standards Commission upon final
9 passage as required by State law.

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: 
14 FRANCESCA GESSNER
15 Deputy City Attorney

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