

1 [Fire Code - Disclosure of Fire Safety Information]

2

3 **Ordinance amending the San Francisco Fire Code to require building owners and**
4 **homeowners' associations to provide fire safety information to residents in buildings**
5 **with three or more dwelling units, and annual fire safety information and training to**
6 **residents in buildings with 16 or more units; making findings as to local conditions**
7 **pursuant to the California Health and Safety Code; and directing the Clerk of the Board**
8 **of Supervisors to transmit the ordinance to appropriate State officials.**

9

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

14

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

16

17 Section 1. Findings.

18 The City and County of San Francisco is unique among California communities with
19 respect to the possible causes and effects of fires, including fires in residential multi-unit
20 buildings. Among other things, San Francisco is located on an active seismic zone; certain
21 buildings in San Francisco are at an increased risk for earthquake-induced failure and
22 consequent fire because of local hazardous microzones, slide areas, and local liquefaction
23 hazards; enhanced fire, structural, and other protections are required due to high building
24 density and high occupancy in many buildings, including many high-rise buildings; and San
25 Francisco has narrow and crowded sidewalks due to building and population density and

1 unusual topography. For these reasons, fires in San Francisco can be especially devastating,
2 and the need for extra measures to prepare for and cope with fires is especially pressing,
3 particularly for the residents of multi-unit buildings, who may face fire dangers any day of the
4 week and any hour of the day or night.

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

14 In addition, California Health and Safety Code Section 13216 permits the City to
15 impose greater restrictions with respect to high-rise buildings than are imposed by the State
16 building standards related to fire or panic safety or the regulations of the State Fire Marshal.
17 Consistent with such authorization, and recognizing the above-stated unique concerns for fire
18 safety in San Francisco, this ordinance is enacted with the purpose of protecting persons who
19 live in multi-unit residential buildings, some of which are high-rise buildings, as well as the
20 general public, and minimizing building and other property damage caused by fire.

21 Pursuant to the applicable California Health and Safety Code sections, the Board of
22 Supervisors finds and determines that the conditions described above constitute a general
23 summary of the most significant local conditions giving rise to the need for variance from the
24 California Fire Code and California Building Code and any other applicable provisions
25 published by the California Building Standards Commission. Further, the Board of

1 Supervisors finds and determines that the proposed variances are reasonably necessary
2 based on these local conditions, and that these conditions justify more restrictive standards
3 applicable to the provision of fire safety information and training to persons living in multi-unit
4 residential buildings in San Francisco.

5
6 Section 2. The Fire Code is hereby amended by adding Section 915409, consisting of
7 Sections 915.1, 915.2, 915.3, 915.4, 915.5, and 915.6409.1, 409.2, 409.3, 409.4, 409.5, and
8 409.6, to read as follows:

9 **SEC. 915409. FIRE SAFETY INFORMATION DISCLOSURE**

10 **SEC. 915.1409.1. [For SF] Purpose.**

11 *It is the purpose of this Section 915409 to reduce the risk of fires and of damage from fires by*
12 *requiring owners of buildings with three or more dwelling units to post fire safety information in a*
13 *place that is accessible to all residents, and to disclose fire safety information to new residents on*
14 *or before they begin to live in the building and once a year thereafter, post fire safety information in*
15 *a place that is accessible to all residents, and also to require owners of buildings with 16 or more*
16 *dwelling units to offer an annual fire safety training to all residents.*

17
18 **SEC. 915.2 [For SF] Posting Requirements.**

19 (a) ~~A map or diagram shall be posted in a common area frequented by the residents in~~
20 ~~each Apartment House, as defined in the Housing Code., and shall contain the following~~
21 ~~information (the “Posted Information”):~~

22 ~~———— (1) The location of all fire extinguishers in the building, and the dates of last~~
23 ~~servicing;~~

24 ~~———— (2) The location of all emergency exits in the building, and a statement that they~~
25 ~~must remain unobstructed;~~

1 ~~_____ (3) The location of all fire escapes in the building, and the dates of last~~
2 ~~inspection; and~~

3 ~~_____ (4) The location of the building fire alarm system, the date when the building fire~~
4 ~~alarm system was last inspected and tested as required by Section 907.8.5 of this Code, and~~
5 ~~confirmation that the building fire alarm system is certificated under Section 907.7.4 of this~~
6 ~~Code if applicable.~~

7 ~~The Posted Information may also include any other information that would assist a~~
8 ~~Resident to escape or prevent a fire in the building.~~

9 ~~(b) The Posted Information shall be updated as appropriate on or before January 31 of~~
10 ~~each year.~~

11 ~~(c) A sign or sticker shall be affixed at the main point of entry to the Apartment House,~~
12 ~~or at such other location that the Fire Marshal approves in writing, that contains the phone~~
13 ~~number of the owner, property manager, or other person who can give the Fire Marshal~~
14 ~~prompt access to the building to conduct safety inspections.~~

15
16 **SEC. 915.3409.2. [For SF] Disclosure Requirements.**

17 *(a) The following information (the "Disclosure Information") shall be disclosed to each resident*
18 *of an Apartment House as defined in the Housing Code:*

19 ~~(1) The most recent Posted Information; The location of all fire extinguishers in~~
20 ~~the building, and the dates of last servicing;~~

21 ~~(2) The location of all emergency exits in the building, and a statement that they~~
22 ~~must remain unobstructed;~~

23 ~~(3) The location of all fire escapes in the building, and the dates of last~~
24 ~~inspection;~~

1 (4) The location of the building fire alarm system, the date when the building fire
2 alarm system was last inspected and tested as required by Section 907.8.5 of this Code, and
3 confirmation that the building fire alarm system is certificated under Section 907.7.4 of this
4 Code, if applicable;

5 (5) ~~(2)~~ The location of all smoke alarms in the resident's dwelling unit, instructions on
6 how to confirm that the smoke alarms are in working condition, and a statement of when the smoke
7 alarms were last replaced; and

8 (6) ~~(3)~~ The location of all carbon monoxide detectors in the resident's dwelling unit,
9 instructions on how to confirm that the carbon monoxide detectors are in working condition, and a
10 statement of when the carbon monoxide detectors were last replaced; and

11 (7) The phone number of the appropriate contact within the San Francisco Fire
12 Department for reporting suspected violations of this Section 409.

13 The Disclosure Information may also include any other information that would assist a resident
14 to escape or prevent a fire in the building.

15 (b) The owner of the Apartment House or the owner's agent shall provide an oral explanation
16 of the Disclosure Information to new residents before the new residents commence occupancy in the
17 building, a written copy of the Disclosure Information to new residents on or before the commencement
18 of occupancy, and a written copy, updated as appropriate, to all building residents on or before
19 January 31 of each year.

20 (c) The owner of the Apartment House shall maintain a record of its compliance with this
21 Section ~~915.3409.2~~ by requesting that a resident from each dwelling unit execute a statement (the
22 "Resident's Statement") and transmit the Resident's Statement to the owner within 20 ~~five~~ business
23 days after the resident has received the Disclosure Information, both upon commencement of
24 occupancy and in each subsequent year. The Resident's Statement shall identify the date that the
25 resident received the Disclosure Information. If the resident fails to complete and transmit a Resident's

1 Statement as requested, the owner shall execute a written statement (the “Owner’s Statement”) which
2 confirms the date that the owner provided the resident the Disclosure Information, and which states
3 that the resident did not execute the statement as requested. The owner shall provide the resident a
4 copy of the Owner’s Statement within five business days after it is executed. The owner shall retain
5 copies of all Resident’s Statements and Owner’s Statements for at least two years. An owner’s failure
6 to maintain such records shall create a rebuttable presumption that the owner has violated this Section
7 915.3409.2.

8 (d) A resident’s failure to complete and transmit a Resident’s Statement shall not
9 constitute just cause under Administrative Code Section 37.9(a).

10 (e) It is recommended that residents test the smoke alarms and carbon monoxide
11 detectors in their dwelling units on a monthly basis, and immediately report any problems or
12 needed repairs to the building owner.

13 (f) This Section 409.2 shall become operative six months after the effective date of this
14 Section 409.

15
16 SEC. 409.3 [For SF] Posting Requirements.

17 (a) The information required to be disclosed under Section 409.2, subdivisions (a)(1),
18 (a)(2), (a)(3), (a)(4), and (a)(7) (collectively, the “Posted Information”), shall be posted in a
19 common area frequented by the residents in each Apartment House, as defined in the
20 Housing Code.

21 (b) The Posted Information shall be updated as appropriate on or before January 31 of
22 each year.

23 (c) A sign or sticker shall be affixed at the main point of entry to the Apartment House,
24 or at such other location that the Fire Marshal approves in writing, that contains the phone
25

1 number of the owner, property manager, or other person who can give the Fire Marshal or
2 other building inspector prompt access to the building to conduct safety inspections.

3 (d) The Department of Building Inspection shall enforce this Section 409.3 pursuant to
4 periodic health and safety inspections required by code.

5 (e) This Section 409.3 shall become operative six months after the effective date of
6 this Section 409.

7
8 **SEC. 915.4409.4. [For SF] Training Requirements.**

9 (a) The owner of any building with 16 or more dwelling units must offer building residents an
10 annual fire safety training that covers the following information:

11 (1) The Disclosure Information;

12 (2) Best practices for how to prevent and escape from building fires; and

13 (3) Any other fire safety information that the building owner deems appropriate.

14 Owners are encouraged to walk through their buildings with residents to address the location of
15 fire extinguishers, emergency exits, and other fire safety information.

16 (b) The owner shall provide residents advance written notification of the training, and shall
17 provide a written summary of the training to each dwelling unit that did not send at least one resident
18 to attend.

19 (c) The owner shall maintain a record going back at least two years that shows the notice
20 provided to residents before each training, confirmation that each training occurred, a list of attendees
21 at each training, and confirmation that the owner provided a written summary of the training to each
22 dwelling unit that did not send at least one resident to attend. An owner's failure to maintain such
23 records shall create a rebuttable presumption that the owner has violated this Section 915409.4.

24 (d) A resident's failure to attend trainings required by this Section 409.4 shall not
25 constitute just cause under Administrative Code Section 37.9(a).

1 (e) This Section 409.4 shall become operative one year after the effective date of this
2 Chapter.

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5 **SEC. 915.5409.5. [For SF] Printing Requirements.**

6 (a) The Posted Information, Disclosure Information, and training materials if applicable shall
7 be printed, and posted in the case of Posted Information, in compliance with Section 11B-703.5 of the
8 California Building Code, as it may be amended from time to time.

9
10 **SEC. 915.6409.6. [For SF] Penalties and Enforcement.**

11 The Chief of the San Francisco Fire Department or his or her designee may assess and collect
12 administrative penalties from the owner for any violation of ~~this Section 409 Sections 915.2, 915.3,~~
13 ~~915.4, or 915.5~~ in accordance with Administrative Code Chapter 100, "Procedures Governing the
14 Imposition of Administrative Fines," as may be amended from time to time. Chapter 100, which is
15 incorporated herein in its entirety, shall govern the amount of fees and the procedures for imposition,
16 enforcement, collection, and administrative review of administrative citations. Each day a violation of
17 one of the aforementioned sections occurs shall constitute a separate violation of that section.

18
19 Section 3. Undertaking for the General Welfare. In enacting and implementing this
20 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
21 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
22 is liable in money damages to any person who claims that such breach proximately caused
23 injury.

1 Section 4. Effective and Operative Dates.

2 (a) Effective Date. This ordinance shall become effective 30 days after it is enacted.
3 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
4 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
5 Supervisors overrides the Mayor's veto of the ordinance.

6 (b) Operative Date. The portions of Section 2 of tThis ordinance that create Sections
7 409.1, 409.2, 409.3, 409.5, and 409.6 of the Fire Code shall become operative six months
8 after the Clerk of the Board of Supervisors has filed this ordinance with the California Building
9 Standards Commission pursuant to Section 17958.7 of the California Health and Safety Code
10 and as directed in Section 5. The remaining portion of Section 2, which creates Section 409.4
11 of the Fire Code, shall become operative one year after the Clerk of the Board of Supervisors
12 has filed this ordinance with the California Building Standards Commission pursuant to
13 Section 17958.7 of the California Health and Safety Code and as directed in Section 5 of this
14 ordinance.

15
16 Section 5. Transmittal to State Officials. The Clerk of the Board of Supervisors is
17 hereby directed to transmit this ordinance, upon its enactment~~final passage~~, to the California
18 Building Standards Commission and the State Fire Marshal for filing, pursuant to the
19 applicable provisions of California law.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 MANU PRADHAN
25 Deputy City Attorney

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