

BOARD of SUPERVISORS



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MEMORANDUM

TO: Joanne Hayes-White, Chief, Fire Department
John Rahaim, Director, Planning Department
Adrienne Pon, Executive Director, Office of Civic Engagement &
Immigrant Affairs
Tom Hui, Director, Department of Building Inspection

FROM: *el*
er Erica Major, Assistant Clerk
Land Use and Transportation Committee

DATE: May 31, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Tang on May 23, 2017:

File No. 170626

Ordinance amending the Fire Code requirements for fire safety disclosure, posting, and training; making findings as to local conditions pursuant to the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to transmit the ordinance to appropriate State officials.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Kelly Alves, Fire Department
Scott Sanchez, Planning Department
Lisa Gibson, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Jeanie Poling, Planning Department
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

1 [Fire Code - Fire Safety Disclosure, Posting, and Training Requirements]

2
3 **Ordinance amending the Fire Code requirements for fire safety disclosure, posting, and**
4 **training; making findings as to local conditions pursuant to the California Health and**
5 **Safety Code; and directing the Clerk of the Board of Supervisors to transmit the**
6 **ordinance to appropriate State officials.**

7
8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

16 Section 1. Findings.

17 The Board of Supervisors hereby finds that the following local conditions apply to the
18 amendments to the Fire Code enacted by this ordinance:

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

1 Francisco can be especially devastating, and the need for extra measures to prepare for and
2 cope with fires is especially pressing, particularly regarding people who live in multi-unit
3 residential buildings, and who may face fire dangers any day of the week and any hour of the
4 day or night.

5 (b) California Health and Safety Code Sections 17958 and 17958.5 allow the City to
6 make changes or modifications in the requirements contained in the provisions published by
7 the 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 (c) 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 purposes of protecting persons
19 who live in multi-unit residential buildings, some of which are high-rise buildings, as well as
20 the general public, and minimizing building and other property damage caused by fire.

21 (d) Pursuant to the applicable California Health and Safety Code sections, the
22 Board of Supervisors finds and determines that the conditions described above constitute a
23 general summary of the most significant local conditions giving rise to the need for variance
24 from the California Fire Code and California Building Code and any other applicable
25 provisions 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 revising Sections 409.1 through
7 409.6, including deleting existing Section 409.4 and renumbering existing Sections 409.5 and
8 409.6 as Sections 409.4 and 409.5 respectively, to read as follows:

9 **409.1. [For SF] Purpose.**

10 It is the purpose of ~~this~~ Section 409 to reduce the risk of fires to residents ~~and of~~
11 ~~damage from fires~~ by requiring owners of buildings with three or more dwelling units to disclose
12 fire safety information to new residents on or before they begin to live in the building and once
13 a year thereafter, ~~post fire safety information in a place that is accessible to all residents, and also to~~
14 ~~require owners of buildings with 16 or more dwelling units to offer an annual fire safety training to all~~
15 ~~residents.~~

16 **409.2. [For SF] Disclosure Requirements.**

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

- 19 (1) The location of all fire extinguishers in the building, and the dates of last
20 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 inspection;
- 24 (4) The location of the building fire alarm ~~system~~ control panel and manual pull
25 stations, the date when the building fire alarm system was last inspected and tested as

1 required by Section 907.8.5 of this Code, and confirmation that the building fire alarm system
2 is certificated under Section 907.7.4 of this Code, if applicable;

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

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

9 (7) The phone number of the appropriate contact within the ~~San Francisco~~ Fire
10 Department for reporting suspected violations of ~~this~~ Section 409.2;

11 (8) Instructions and website link to access the fire safety training video that the Fire
12 Department shall post and maintain on the Internet; and

13 (9) Instructions in English, Spanish, Chinese, and Filipino directing persons who wish to
14 view general fire safety guidance in any of these languages to do so on the Fire Department's official
15 website and providing a link to this website. The Fire Department shall post such general fire safety
16 guidance on its official website not only in English but also in Spanish, Chinese, and Filipino. Further,
17 to assist owners with providing the required instruction in their Disclosure Information, the Fire
18 Department shall post on its website sample instructions in Spanish, Chinese, and Filipino, that owners
19 may copy and include in their Disclosure Information.

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

22 (b) The owner of the Apartment House or the owner's agent shall provide an oral
23 explanation of the Disclosure Information to new residents before the new residents
24 commence occupancy in the building, a written copy of the Disclosure Information to new
25

1 residents on or before the commencement of occupancy, and a written copy, updated as
2 appropriate, to all building residents on or before January 31 of each year.

3 (c) The owner of the Apartment House shall maintain a record of its compliance with
4 this Section 409.2 by ~~retaining a copy of the Disclosure Information requesting that a resident from~~
5 ~~each dwelling unit execute a statement (the "Resident's Statement") and transmit the Resident's~~
6 ~~Statement to the owner within 20 business days after the resident has received the Disclosure~~
7 ~~Information, both upon commencement of occupancy and in each subsequent year. The Resident's~~
8 ~~Statement shall identify the date that the resident received the Disclosure Information. If the resident~~
9 ~~fails to complete and transmit a Resident's Statement as requested, the owner shall execute a written~~
10 ~~statement (the "Owner's Statement") which confirms the date that the owner provided the resident the~~
11 ~~Disclosure Information, and which states that the resident did not execute the statement as requested.~~
12 ~~The owner shall provide the resident a copy of the Owner's Statement within five business days after it~~
13 ~~is executed. The owner shall retain copies of all Resident's Statements and Owner's Statements for at~~
14 least two years. An owner's failure to maintain such records shall create a rebuttable
15 presumption that the owner has violated this Section 409.2.

16 ~~(d) A resident's failure to complete and transmit a Resident's Statement shall not constitute just~~
17 ~~cause under Administrative Code Section 37.9(a).~~

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

21 ~~(df) This Section 409.2 shall become operative March 10, 2017. The amendments to this~~
22 ~~Section 409.2 contained in the ordinance in Board of Supervisors File No. shall become operative~~
23 ~~on January 1, 2018, six months after the effective date of this Section 409.~~

24 **409.3. [For SF] Posting Requirements.**

25

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

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

7 (ae) A sign or sticker shall be affixed at the main point of entry to the Apartment
8 House, or at such other location that the Fire Marshal approves in writing, that contains the
9 phone number of the owner, property manager, or other person who can give the Fire
10 Marshal Department or other building inspector prompt access to the building to conduct safety
11 inspections.

12 (bd) The Department of Building Inspection shall enforce this Section 409.3
13 pursuant to periodic health and safety inspections required by code.

14 (ce) This Section 409.3 shall become operative six months after the effective date of
15 this Section 409.

16 **409.4. [For SF] Training Requirements.**

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

19 ~~—(1) The Disclosure Information;~~

20 ~~—(2) Best practices for how to prevent and escape from building fires; and~~

21 ~~—(3) Any other fire safety information that the building owner deems appropriate.~~

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

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

4 ~~—(c) The owner shall maintain a record going back at least two years that shows the notice~~
5 ~~provided to residents before each training, confirmation that each training occurred, a list of attendees~~
6 ~~at each training, and confirmation that the owner provided a written summary of the training to each~~
7 ~~dwelling unit that did not send at least one resident to attend. An owner's failure to maintain such~~
8 ~~records shall create a rebuttable presumption that the owner has violated this Section 409.4.~~

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

11 ~~—(e) This Section 409.4 shall become operative one year after the effective date of this~~
12 ~~Chapter.~~

13 **409.45. [For SF] Printing Requirements.**

14 ~~(a) The Posted Information, Disclosure Information, and training materials if applicable~~
15 ~~shall be printed, and posted in the case of Posted Information, in compliance with Section 11B-703.5 of~~
16 ~~the California Building Code, as it may be amended from time to time, shall be printed on white paper,~~
17 ~~8.5" x 11" (216mm x 279mm), or larger, in no smaller than 10-point font.~~

18 **409.56. [For SF] Penalties and Enforcement.**

19 The Chief of the Fire Department ~~(which includes, for purposes of this Section 409.5, the~~
20 ~~Chief's designee)~~ shall be responsible for enforcement of the provisions of Section 409.

21 ~~(a) The Fire Chief shall issue a written notice of violation to an owner the Chief determines is~~
22 ~~in violation of Section 409. Violators shall have 30 days from the date of such warnings to correct~~
23 ~~violation(s).~~

24 ~~(b) Where a violation has not been corrected after 30 days from the date of issuance of a~~
25 ~~warning, the Fire Chief may assess and collect administrative penalties from the owner for any~~

1 violation of ~~this~~ Section 409 in accordance with Administrative Code Chapter 100, "Procedures
2 Governing the Imposition of Administrative Fines," as may be amended from time to time.
3 Chapter 100, which is incorporated herein in its entirety, shall govern the amount of fees and
4 the procedures for imposition, enforcement, collection, and administrative review of
5 administrative citations. Each ~~day a~~ violation of ~~one of the aforementioned sections occurs a~~
6 provision of Section 409 shall constitute a separate violation ~~of that section for purposes of Chapter~~
7 100.

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

14
15 Section 4. Effective and Operative Dates.

16 (a) This ordinance shall become effective 30 days after enactment, or upon filing with
17 the California Building Standards Commission pursuant to Section 17958.7 of the California
18 Health and Safety Code and as directed in Section 6 of this ordinance, whichever occurs later.
19 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
20 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
21 Supervisors overrides the Mayor's veto of the ordinance.

22 (b) This ordinance shall become operative on its effective date, except the
23 amendments to Section 409.2 shall become operative on January 1, 2018.
24
25

1 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7
8 Section 6. Transmittal to State Officials. The Clerk of the Board of Supervisors is
9 hereby directed to transmit this ordinance, upon its enactment, to the California Building
10 Standards Commission and the State Fire Marshal for filing, pursuant to the applicable
11 provisions of California law.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: 
16 NEHA GUPTA
Deputy City Attorney

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LEGISLATIVE DIGEST

[Fire Code - Fire Safety Disclosure, Posting, and Training Requirements]

Ordinance amending the Fire Code requirements for fire safety disclosure, posting, and training; making findings as to local conditions pursuant to the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to transmit the ordinance to appropriate State officials.

Existing Law

Section 409 of the San Francisco Fire Code requires owners of buildings with three or more dwelling units to disclose certain fire safety information to residents upon move-in and on an annual basis, to post the information in the building, and, for owners of buildings with 16 or more dwelling units, to offer annual fire safety training to all residents.

Amendments to Current Law

This proposal adds to the disclosures owners of buildings with three or more dwelling units must make to residents requirements in the following way. The written disclosures must include information on accessing a fire safety video the San Francisco Fire Department shall post online; and instructions in English, Spanish, Chinese, and Filipino directing persons who wish to view general fire safety guidance in these languages to view such guidance on the Fire Department's website. Accordingly, the proposal requires the Fire Department to post such general fire safety guidance in these languages on its website. Further, to assist owners with meeting this instruction requirement, the proposal requires the Fire Department to post sample instructions in Spanish, Chinese, and Filipino on its website, that building owners may copy and include in their written disclosures to residents.

This proposal deletes the current requirement that owners demonstrate compliance with Section 409 by requesting each resident to execute a statement confirming receipt of the required disclosures. Instead, under the proposal, owners must merely maintain a copy of the written disclosures to demonstrate compliance with Section 409. This proposal also deletes the requirement that owners post the written disclosure information in a common area on each floor of the building.

In addition, the proposal deletes the requirement that owners of buildings with 16 or more dwelling units offer fire safety training to all residents.