

1 [San Francisco Housing Code.]

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3 **Ordinance repealing the San Francisco Housing Code in its entirety and replacing that**  
4 **code with a new 2007 San Francisco Housing Code to conform to the new numbering**  
5 **system of the 2007 California Building Code and to re-enact San Francisco's local**  
6 **amendments to the State Housing Code with minor changes; adopting findings of local**  
7 **conditions pursuant to California Health and Safety Code Section 17958.7 and directing**  
8 **the Clerk of the Board to forward San Francisco's amendments to the California**  
9 **Building Standards Commission; and making environmental findings.**

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Note: This material is entirely new.

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

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Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

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Section 2. Findings. Generally, every three years the State of California adopts a new California Building Standards Code that goes into effect throughout the State 180 days after publication. The California Building Standards Code consists of several parts based upon model codes with amendments made by various State agencies with jurisdiction. The California Building Standards Commission recently published the 2007 editions of the various parts of the California Building Standards Code. They will go into effect on January 1, 2008.

1 Local jurisdictions are required to enforce the various parts of the California Building  
2 Standards Code. In addition, local jurisdictions may enact more restrictive building standards  
3 than those set in the California Building Standards Code where those more restrictive  
4 standards are reasonably necessary because of local conditions caused by climate, geology  
5 or topography. San Francisco, as a city and county, may make changes to California housing  
6 regulations on the basis of any reasonable necessary local condition. For San Francisco to  
7 modify State requirements, the Board of Supervisors must make express findings regarding  
8 the local conditions to support the deviations from State law. Local amendments are not  
9 effective until the required findings are adopted and sent to the California Building Standards  
10 Commission.  
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12 As in past State code adoption cycles, San Francisco will repeal its existing San  
13 Francisco Housing Code and enact a new 2007 San Francisco Housing Code. The proposed  
14 2007 San Francisco Housing Code brings forward intact the substantive provisions of the  
15 2001 San Francisco Housing Code with minor revisions.  
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17 Section 3. Findings regarding Local Conditions and Directions to Clerk. California  
18 Health and Safety Code Section 17958.7 provides that before making any changes or  
19 modifications to the State Housing Code and any other applicable provisions published by the  
20 California Building Standards Commission, the governing body of the city and county must  
21 make an express finding that each such change or modification is reasonably necessary  
22 because of specified local conditions, and the findings must be filed with the California  
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1 Building Standards Commission before the local changes or modifications can become  
2 effective.

3 The City and County of San Francisco is unique among California communities with  
4 respect to local climatic, geological, topographical and other conditions. A specific list of  
5 findings that support San Francisco's modifications to the State Housing Code and a section-  
6 by-section correlation of each modification with a specific numbered finding are contained in  
7 Exhibit A entitled "Comparison of Proposed 2007 San Francisco Housing Code With the State  
8 Housing Code Pursuant to Section 17958.5 of the California Health and Safety Code."  
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10 Pursuant to the applicable California Health and Safety Code Sections, the Board of  
11 Supervisors finds and determines that the local conditions described in Exhibit A constitute a  
12 general summary of the most significant local conditions giving rise to the need for  
13 modification of the State Housing Code. Further, the Board of Supervisors finds and  
14 determines that, as set forth in Exhibit A, the proposed modifications are reasonably  
15 necessary based on these local conditions.  
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17 Upon final passage of this ordinance, the Clerk of the Board of Supervisors is hereby  
18 directed to transmit this ordinance, the San Francisco modifications to the State Housing  
19 Code, and Exhibit A to the California Building Standards Commission pursuant to the  
20 applicable provisions of California law.

21 Section 4. 2007 San Francisco Housing Code. The San Francisco Housing Code  
22 provides for the maintenance of the minimum requirements for the protection of life, limb,  
23 health, property, safety and welfare of the general public and the owners and occupants of  
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1 residential buildings in San Francisco. The San Francisco Housing Code is hereby repealed  
2 in its entirety and replaced with a new 2007 San Francisco Housing Code that brings forward  
3 intact the substantive provisions of the 2001 San Francisco Housing Code with minor  
4 revisions.

5 Section 5. Nothing contained in this ordinance shall be construed as abating any  
6 action now pending under or by virtue of any ordinance of the City herein repealed; or as  
7 discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as  
8 waiving any right of the City under any ordinance in force at the time of passage of this  
9 ordinance providing for the maintenance of the minimum requirements for the protection of  
10 life, limb, health, property, safety and welfare of the general public and the owners and  
11 occupants of residential buildings in San Francisco.  
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13 Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is,  
14 for any reason, held to be unconstitutional, such decision shall not affect the validity of the  
15 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would  
16 have passed this ordinance, and each section, subsection, sentence, clause or phrase of this  
17 ordinance, irrespective of the fact that any one or more sections, subsections, sentences,  
18 clauses or phrases be declared unconstitutional.  
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1 Section 7. This ordinance shall take effect and be in full force from and after the later  
2 of its effective date or January 1, 2008.

3 APPROVED AS TO FORM:  
4 DENNIS J. HERRERA, City Attorney

5 By: \_\_\_\_\_  
6 JUDITH A. BOYAJIAN  
7 Deputy City Attorney  
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