

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Patrick O'Riordan, Director, Department of Building Inspection

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

DATE: February 2, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Preston on January 26, 2021:

File No. 210076

Reenactment of an emergency ordinance (Ordinance No. 154-20) temporarily prohibiting construction projects in buildings with any residential rental units that require the suspension of water or utility service to residential tenants without providing alternative sources of water and power, or reaching agreement with tenants, due to the COVID-19 pandemic; and reaffirming the Planning Department's determination under the California Environmental Quality Act.

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.

cc: Patty Lee, Department of Building Inspection
John Murray, Department of Building Inspection

1 [Emergency Ordinance - Building Code - Construction During COVID-19 Pandemic That
2 Results in Temporary Suspension of Water or Utility Service or Excessive Noise]

3 **Reenactment of an emergency ordinance (Ordinance No. 154-20) temporarily**
4 **prohibiting construction projects in buildings with any residential rental units that**
5 **require the suspension of water or utility service to residential tenants without**
6 **providing alternative sources of water and power, or reaching agreement with tenants,**
7 **due to the COVID-19 pandemic; and reaffirming the Planning Department's**
8 **determination under the California Environmental Quality Act.**

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

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

17 Section 1. Declaration of Emergency Pursuant to Charter Section 2.107.

18 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
19 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
20 of any City or County department or office required to comply with time limitations established
21 by law. An emergency ordinance enacted under Charter Section 2.107 automatically
22 terminates on the 61st day after passage, but may be reenacted upon the same terms and
23 conditions applicable to its initial enactment.

24 (b) Pursuant to Charter Section 2.107, the City enacted an emergency ordinance
25 (Ordinance No. 154-20), which temporarily prohibited construction projects in buildings with
any residential rental units that required the suspension of water or utility service to residential

1 tenants without providing alternative sources of water and power or reaching an agreement
2 with tenants, required advance notice to tenants who would be impacted by water or utility
3 service disruption, and required mitigation of noise from loud instruments. A property owner
4 was exempt from these requirements if an agreement with all impacted tenants was reached
5 or if all impacted tenants reside in a 100% affordable housing building. That emergency
6 ordinance expired on October 27, 2020.

7 (c) The Board of Supervisors hereby finds that the findings declared in Section 1 of
8 Ordinance No. 154-20 remain valid and compelling, and declares further that an actual
9 emergency rooted in the COVID-19 pandemic continues to exist that requires the reenactment
10 of that emergency ordinance. The Board reaffirms the California Environmental Quality Act
11 findings in Ord. No. 154-20.

12
13 Section 2. Reenactment of Emergency Ordinance.

14 Consistent with Charter Section 2.107, this emergency ordinance reenacts for 60 days
15 the emergency ordinance (Ordinance No. 154-20) temporarily prohibiting construction projects
16 in buildings with any residential rental units that require the suspension of water or utility
17 service to residential tenants without providing alternative sources of water and power,
18 requiring advance notice to tenants who would be impacted by water or electricity service
19 disruption, and requiring mitigation of noise from loud instruments.

20
21 Section 3. Effective Date; Retroactive Application; Expiration.

22 (a) Consistent with Charter Section 2.107, this reenacted emergency ordinance shall
23 become effective immediately upon enactment. Enactment occurs when the Mayor signs the
24 ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within
25

1 ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the
2 ordinance.

3 (b) This reenacted ordinance shall be retroactive to January 26, 2021, the date of
4 introduction. The Board of Supervisors urges that the Department of Building Inspection
5 exercise administrative discretion to implement its provisions prior to the effective date
6 described in subsection (a).

7 (c) This emergency ordinance shall expire on the 61st day following enactment unless
8 reenacted as provided by Section 2.107.

9

10 Section 4. Directions to Clerk.

11 The Clerk of the Board of Supervisors is hereby directed to place a copy of this
12 reenacted emergency ordinance in File No. 200763 for Ordinance No. 154-20 and to make a
13 notation cross-referencing this emergency ordinance where Ordinance No. 154-20 appears
14 on the Board of Supervisors website as legislation passed.

15

16 Section 5. Supermajority Vote Required.

17 In accordance with Charter Section 2.107, passage of this reenacted emergency
18 ordinance by the Board of Supervisors requires an affirmative vote of two-thirds of the Board
19 of Supervisors.

20

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

23 By: /s/ Robb W. Kapla
24 ROBB W. KAPLA
Deputy City Attorney

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LEGISLATIVE DIGEST

[Emergency Ordinance - Building Code - Construction During COVID-19 Pandemic That Results in Temporary Suspension of Water or Electricity Service or Excessive Noise]

Reenactment of emergency ordinance (Ordinance No. 154-20) temporarily prohibiting construction projects in buildings with any residential rental units that require the suspension of water or utility service to residential tenants without providing alternative sources of water and power, or reaching agreement with tenants, due to the COVID-19 pandemic, and reaffirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Emergency Ordinance 154-20 was approved and became effective on August 28, 2020, and expired on October 27, 2020.

Amendments to Current Law

This ordinance reenacts Ordinance 154-20. Ordinance 154-20 prohibits construction activities that suspend water or electricity service in buildings with residential rental units exceeding two hours unless an alternative source is provided. In the event of a water shutoff, an alternative source could include, but not be limited to, water bottles or other containers of water. In the event of an electricity shutoff, a generator or alternative power source that allows internet use must be provided. Advance notice to tenants of a disruption in service or loud noise levels over specified limits is required and the name and contact information of a person who can respond to tenant concerns must be provided. The Department of Building Inspection may authorize the construction to continue without the advance notice if a pause in construction would create an imminent safety hazard. Property owners are exempt from the requirements of the ordinance if the owner and all impacted residential tenants agree to different terms. Also exempt are buildings with 100% affordable units.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only