

1 [Housing Code - Timers and Devices Restricting Showerhead Water Flow]

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3 **Ordinance amending the Housing Code to prohibit the installation of timers or devices,**
4 **other than required water conservation fixtures, that restrict or interrupt the water flow**
5 **from showerheads in dwellings, apartment houses, dormitories, lodging houses, and**
6 **hotels, subject to an exception for owner-occupied dwelling units; requiring shower**
7 **heads to have a flow of no more than 2.5 gallons per minute; affirming the Planning**
8 **Department’s determination under the California Environmental Quality Act; making**
9 **findings under the California Health and Safety Code; and directing the Clerk of the**
10 **Board of Supervisors to forward this Ordinance to the California Building Standards**
11 **Commission upon final passage as required by State law.**

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

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

20

21 Section 1. Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 170159 and is incorporated herein by reference. The Board affirms
this determination.

1 (b) On May 17, 2017, the Building Inspection Commission considered this ordinance at
2 a duly noticed public hearing pursuant to Charter Section D3.750.5.

3 Section 2. Findings Under California Health and Safety Code. The Board of
4 Supervisors hereby finds that the following local conditions apply to the amendments to the
5 Housing Code enacted by this ordinance:

6 (a) The City and County of San Francisco is unique among California communities
7 with respect to its significant stock of over 500 single room occupancy hotels (“SROs”), which
8 house approximately 18,000 low-income San Franciscans. SROs are intended to house one
9 or two individuals and typically measure 8 feet by 10 feet and feature toilet and shower
10 facilities shared by other SRO occupants. The majority of SRO buildings in San Francisco
11 were built in the early 1900s, following the 1906 earthquake. SROs tend to be older, and
12 contain older plumbing, than most of the housing stock in San Francisco. SROs in San
13 Francisco were built as housing for low-wage workers, transient laborers, and recent
14 immigrants. However, with decreased demand for unskilled labor in the workforce and as
15 welfare policies changed and in the 1960s, SROs began to house more unemployed and
16 elderly people, and deinstitutionalized psychiatric patients.

17 (b) Today, SROs continue to house the most vulnerable populations, including the
18 indigent, the elderly, and mental health patients. The San Francisco Department of Public
19 Health has reported that SROs commonly suffer from plumbing issues, including lack of
20 running water, lack of hot or cold water, and non-functioning showers. In recognition of the
21 unique characteristics of SROs and other older housing stock in which the most vulnerable
22 populations reside, unique Housing Code provisions are required to prevent building owners
23 from exacerbating existing plumbing problems in SROs and other older housing stock.

24 (c) The San Francisco Housing Code (“Housing Code”) mandates minimum
25 requirements for the “protection of life, limb, health, property, safety and welfare of the general

1 public and the owners and occupants of residential buildings in San Francisco.” Pursuant to
2 Housing Code Section 1001, a building or portion thereof is “substandard” and a “nuisance” if
3 it contains inadequate sanitation and safety, such as “lack of, or improper water closet,
4 lavatory, and bath tub or shower in a dwelling unit”; “lack of, or improper water closets,
5 lavatories, bath tubs or showers per number of guests in a hotel”; or “lack of hot and cold
6 running water to plumbing fixtures in a hotel or lodging house.” The use of timers or other
7 devices that restrict or interrupt water flow from showerheads, other than any water
8 conservation fixtures required by Chapters 12 and 12A of the Housing Code, constitutes
9 “inadequate sanitation and safety” under Housing Code Section 1001.

10 (d) It is important to reduce residents’ water usage as part of a plan to address drought
11 and climate change. However, timers or devices that restrict or interrupt water flow from
12 showerheads may lead to serious inequities and hardships. Water conservation through the
13 use of such timers or devices disproportionately benefits landlords and disproportionately
14 targets tenants of buildings in which such timers and devices are installed. Often, these
15 buildings are large multi-unit residential buildings, such as SROs, housing the most vulnerable
16 populations -- including the indigent, the elderly, and mental health patients -- who suffer as a
17 result of showerheads being equipped with such timers and devices. There are superior
18 alternatives to address water conservation and regulation of water flow.

19 (e) The goals of both protecting residents’ welfare and reducing water use can be
20 achieved by regulating showerhead water flow instead of regulating the duration of a shower.
21 For example, conservation can be achieved by requiring the installation of updated plumbing
22 fixtures designed to improve efficiency without significantly decreasing performance. The
23 California Energy Commission anticipates that, once all showerheads and faucets have been
24 updated by 2029, the reduced flow will save 38 billion gallons of water, 20.2 billion cubic feet
25 of natural gas, and 1,322 gigawatt hours of electricity per year. This approach is more

1 effective and more equitable than installing timers or other devices that restrict water flow from
2 showerheads, particularly where such timers or devices are being used in below-market
3 housing. Property owners concerned about water usage should install low-flow showerheads,
4 faucets, toilets, and washing machines.

5 (f) 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 when those changes or modifications are
8 reasonably necessary because of local climatic, geological, or topographical conditions.
9 California Health and Safety Code Section 17958.7 provides that before making any such
10 changes or modifications, the governing body must make express findings that such changes
11 or modifications are reasonably necessary because of the specified local conditions, and
12 those findings shall be filed with the California Building Standards Commission.

13 (g) Pursuant to the applicable California Health and Safety Code sections, the Board
14 of Supervisors finds and determines that the conditions described above constitute a general
15 summary of the most significant local conditions giving rise to the need for variance from the
16 California Building and Plumbing Codes and any other applicable provisions published by the
17 California Building Standards Commission. Further, the Board of Supervisors finds and
18 determines that the proposed variances are reasonably necessary based on these local
19 conditions, and that these conditions justify more restrictive standards applicable to the
20 showerhead fixtures in residential buildings in San Francisco.

21 Section 3. The Housing Code is hereby amended by revising Section 505, to read as
22 follows:

23 **SEC. 505. SANITATION.**

24 * * * *

25 (d) Fixtures.

1 (1) All plumbing fixtures shall be connected to a sanitary sewer. All plumbing
2 fixtures shall be connected to an approved system of water supply and required fixtures shall
3 be provided with hot and cold running water, except water closets shall be provided with cold
4 water only.

5 (2) All plumbing fixtures shall be of an approved nonabsorbent material. No timers
6 or devices, other than water conservation fixtures required by Chapters 12 and 12A of this Code, shall
7 be permitted to restrict or interrupt the water flow from showerheads installed in any dwellings,
8 apartment houses, dormitories, lodging houses, and hotels, as defined in this Code; provided, however,
9 that the prohibition set forth in section 505(d)(2) shall not apply to owner-occupied dwelling units.

10 (3) For the purposes of this Section, water heated to a minimum temperature of
11 105 degrees Fahrenheit (41 degrees Centigrade) and a maximum of 120 degrees Fahrenheit
12 (49 degrees Centigrade) at the tap shall be furnished to hotels and apartment houses.

13 (4) Each building shall provide four gallons of hot water storage capacity per guest
14 room and eight gallons of hot water storage capacity per dwelling unit.

15 (5) Shower heads with no more than a ~~three-gallon-per-minute~~ 2.5-gallon-per-
16 minute flow shall be required. Showerheads of the ball-joint type that cannot easily be
17 removed from the wall without structural alteration are exempt from this requirement.

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20 Section 4. Effective Date. This ordinance shall become effective 30 days after
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
23 of Supervisors overrides the Mayor's veto of the ordinance.

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.

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8 Section 6. Undertaking for the General Welfare. In enacting and implementing this
9 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
10 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
11 is liable in money damages to any person who claims that such breach proximately caused
12 injury.

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

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18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 CHRISTOPHER T. TOM
22 Deputy City Attorney

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