

1 [Building and Housing Code – Code Enforcement Fees for One and Two-Family Rental Units.]

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3 **Ordinance amending the San Francisco Building Code Chapter 1A, Section 110A, Table**
4 **1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the**
5 **Department of Building Inspection to charge a fee of \$52.00 per unit to recover the cost**
6 **of on-going Housing Code enforcement services for one and two family rental**
7 **dwellings; and making environmental findings.**

8 NOTE: Additions are single-underline italics Times New Roman;
9 deletions are ~~strike-through italics Times New Roman~~.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings.

14 (a) (1) A fee study conducted for the Department of Building Inspection in 2008,
15 determined that the Department was under-funded 2.5 million dollars for code enforcement
16 services rendered by the Housing Inspection Services Division which included one and two
17 family dwellings.

18 (2) The Board of Supervisors finds that the code enforcement inspection fee of \$52.00
19 per unit for one and two family dwelling, rental units is necessary for the Department of
20 Building Inspection to recover costs for on-going complaint response, outreach, inspection,
21 and other code enforcement services.

22 (3) The Board of Supervisors finds that these code enforcement services are crucial in
23 preserving and sustaining safe, sanitary, and functional one and two family, rental housing in
24 San Francisco's neighborhoods where 49 percent of the current housing stock was built
25 before 1940 and over 90 percent was built prior to 1980.

1 (b) The Planning Department has determined that the actions contemplated in this
2 Ordinance are in compliance with the California Environmental Quality Act (California Public
3 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
4 Board of Supervisors in File No. 090473 and is incorporated herein by reference.

5 Section 2. The San Francisco Building Code is hereby amended by amending
6 Chapter 1A, Section 110.A, Table 1A-P to read as follows:

7 SEC 110. A SCHEDULE OF FEE TABLES

8 ~~TABLE 1A-P APARTMENT HOUSE AND HOTEL LICENSE FEES~~

9
10 TABLE 1A-P - RESIDENTIAL CODE ENFORCEMENT AND LICENSE FEES

11 1. One and Two family dwelling unit fees: \$ 52.00 per rental unit

12 ~~2.~~ Apartment house license fees:

13 Apartment houses of 3 units	\$111.85 per annum or \$122.85 per annum ¹
14 Apartment houses of 4 to 6 units	\$142.00 per annum or \$156.00 per annum
15 Apartment houses of 7 to 10 units	\$187.95 per annum or \$206.95 per annum
16 Apartment houses of 11 to 15 units	\$248.35 per annum or \$272.35 per annum
17 Apartment houses of 16 to 20 units	\$344.15 per annum or \$378.15 per annum
18 Apartment houses of 21 to 30 units	\$404.50 per annum or \$444.50 per annum
19 Apartment houses of more than 30	\$50.00 for each additional 10 units or \$55.00
20 units	for each additional 10 units

21 ~~3.~~ Hotel license fees:

22 Hotels of less than 20 rooms	\$171.15 per annum or \$182.15 per annum ¹
23 Hotels of 20 to 29 rooms	\$201.60 per annum or \$214.60 per annum
24 Hotels of 30 to 39 rooms	\$248.85 per annum or \$263.85 per annum
25 Hotels of 40 to 49 rooms	\$306.60 per annum or \$325.60 per annum

1	Hotels of 50 to 59 rooms	\$402.15 per annum or \$427.15 per annum
2	Hotels of 60 to 99 rooms	\$464.10 per annum or \$493.10 per annum
3	Hotels of 100 to 149 rooms	\$500.85 per annum or \$531.85 per annum
4	Hotels of 150 to 175 rooms	\$563.05 per annum or \$598.05 per annum
5	Hotels of more than 175 rooms	\$50.00 for each additional 25 rooms or
6		\$53.00 for each additional 25 rooms

7 NOTES:

8 1 All apartment houses and hotels which were constructed prior to 1979, except those
9 operating only as tourist hotels, shall pay the higher license fees listed to implement
10 the interior lead safe work practices provisions of Section 3423 et seq. of this code.

11 Section 3. The San Francisco Housing Code is hereby amended by amending Chapter
12 3, Section 302 to read as follows:

13 SEC. 302. FEES.

14 (a) One- and Two-Family Code Enforcement Fees. Every property owner of a one or two-family
15 dwelling rental unit, as defined by Chapter 37, Section 37.2 (r) of the Administrative Code and Section
16 401 of this Code, shall pay an annual fee to defray the cost of complaint response, outreach,
17 inspections, and other code enforcement services pertaining to blight, and substandard conditions as
18 defined by Section 1001 and 1002 of this Code. The Tax Collector shall bill this annual Fee as a
19 special assessment lien on the property tax bill mailed to all owners of one and two family dwelling,
20 rental units. All laws pertaining to the collection and enforcement of ad valorem property taxes,
21 including the date such fees are due and payable, shall apply to the collection and enforcement of this
22 Fee. The revenue collected by the Tax Collector shall be used exclusively to defray the costs incurred
23 in the education, outreach, and enforcement of this Code. See schedule See Building Code, Chapter
24 1A, Schedule 1A-P. Residential and Code Enforcement License Fees) for the applicable fees.

25 (ab) **Apartment House License Fees.** Every individual entity which owns or operates an

1 apartment house, including a residential condominium, as defined by Section 401 of this
2 Code, shall pay an annual license fee. The Tax Collector shall bill the annual Apartment
3 House License Fee as a special assessment lien on the property tax bill mailed to all owners
4 and operators of apartment houses, as defined by this Code. All laws pertaining to the
5 collection and enforcement of ad valorem property taxes, including the date such fees are due
6 and payable, shall apply to the collection and enforcement of the Apartment House License
7 Fee.

8 The license fee will be used to defray the cost of health and safety inspection and
9 regulation of the apartment houses by the Department of Building Inspection. This inspection
10 will be made by the Department of Building Inspection on a periodic basis as determined by
11 the Director of the Department of Building Inspection. However an inspection shall be made
12 not less than once every five years. Additional inspections within any year may be required,
13 including responding to occupant complaints. See Building Code, Chapter 1A, Schedule 1A-P.
14 (Apartment House License Fee Schedule) for the applicable fees.

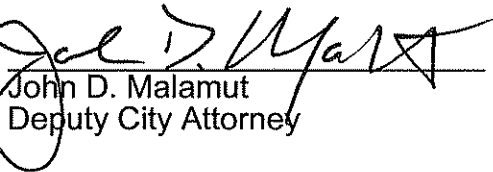
15 **(bc) Hotel License Fees.** Every individual entity which owns or operates a hotel, shall
16 pay an annual license fee. The Tax Collector shall bill the annual Hotel License Fee as a
17 special assessment lien on the property tax bill mailed to all owners and operators of hotels,
18 as defined by this Code. All laws pertaining to the collection and enforcement of ad valorem
19 property taxes, including the date such fees are due and payable, shall apply to the collection
20 and enforcement of the Hotel License Fee.

21 **(ed) Responsibility for Payment of Fee.** Only one license fee is required to be paid per
22 rental dwelling unit, apartment, or hotel subject to this Section, consistent with the timelines
23 established herein. In the event that more than one entity receives notice of the obligation for
24 the fee, responsibility for payment of the fee in its entirety is a matter to be resolved by the
25 individual entities.

1 (de) Special Assessment Lien. Any person or entity, which fails to pay the required
2 license fees as described in this Section will be subject to the placement of a special
3 assessment lien in the amount of the fee owed or delinquent, plus accrued interest, against
4 the real property regulated under this chapter pursuant to the procedure set forth in Chapter
5 10, Article XX of the San Francisco Administrative Code.
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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By:

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12 John D. Malamut
13 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 090473

Date Passed:

Ordinance amending the San Francisco Building Code Chapter 1A, Section 110A, Table 1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the Department of Building Inspection to charge a fee of \$52.00 per unit to recover the cost of on-going Housing Code enforcement services for one and two-family rental dwellings; and making environmental findings.

June 9, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

June 16, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier
Excused: 1 - Elsbernd

June 16, 2009 Board of Supervisors — PREVIOUS VOTE RESCINDED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell,
Mirkarimi
Excused: 1 - Elsbernd

June 16, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Chu
Excused: 1 - Elsbernd

File No. 090473

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on June 16, 2009 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

6-26-09

Date Approved

UNSIGNED

Mayor Gavin Newsom

Date: June 26, 2009

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Clerk of the Board

File No.
090473