


BOARD of SUPERVISORS



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## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
Sonya Harris, Secretary, Building Inspection Commission

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

DATE: October 17, 2019

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Peskin on October 8, 2019:

**File No. 191017**

**Ordinance amending the Housing Code to revise the requirements for heating in residential rental units; and affirming the Planning Department's determination under the California Environmental Quality Act.**

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports 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](mailto:erica.major@sfgov.org).

c: William Strawn, Department of Building Inspection  
Patty Lee, Department of Building Inspection

1 [Housing Code - Heat Requirements in Residential Rental Units]

2  
3 **Ordinance amending the Housing Code to revise the requirements for heating in**  
4 **residential rental units; and affirming the Planning Department's determination under**  
5 **the California Environmental Quality Act.**

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

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

14 Section 1. Findings.

15 (a) The Planning Department has determined that the actions contemplated in this  
16 ordinance comply with the California Environmental Quality Act (California Public Resources  
17 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
18 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board  
19 affirms this determination.

20 (b) On \_\_\_\_\_, the Building Inspection Commission considered this ordinance at a  
21 duly noticed public hearing pursuant to Charter Section D3.750-5.

22 Section 2. The Housing Code is hereby amended by revising Chapter 7, Section 701,  
23 to read as follows:

24 **SEC. 701. HEATING AND VENTILATION.**

1 (a) **Minimum Heat Requirements in Residential Rental Units.**

2 ~~(1) Dwelling units, guest rooms and congregate residences of one habitable room other~~  
3 ~~than the kitchen, heat capable of maintaining a room temperature of 70 degrees Fahrenheit at a point~~  
4 ~~midway between the heating unit and the farthest wall and which point is four feet six inches above the~~  
5 ~~floor, shall be made available to such habitable room for 11 hours between the hours of 6:00 a.m. and~~  
6 ~~12:00 midnight.~~

7 ~~(2) Dwelling units, guest rooms and congregate residences containing two or more~~  
8 ~~habitable rooms, heat capable of maintaining a room temperature of 70 degrees Fahrenheit at a point~~  
9 ~~midway between the heating unit and the furthest wall and which point is four feet six inches above the~~  
10 ~~floor in the habitable rooms, shall be made available to the main room which is the room to which the~~  
11 ~~other habitable rooms circulate for 11 hours between the hours of 6:00 a.m. and 12:00 midnight.~~

12 ~~(13) In every guest room except as specified in Section 707(e), Except as provided in~~  
13 ~~Section 701(c), every dwelling unit, guest room, and congregate residence heat shall be provided with~~  
14 ~~heating facilities as herein above required for a dwelling unit with only one habitable room capable of~~  
15 ~~maintaining a minimum room temperature of 70 degrees Fahrenheit (21.1 degrees Centigrade) at a~~  
16 ~~point three feet above the floor in all habitable rooms.~~

17 (24) Heat shall be furnished, within the dwelling unit, guest room, or congregate  
18 residence ~~or dwelling unit~~ by heating units located within the dwelling unit, guest room, or  
19 congregate residence ~~or dwelling unit~~ or from ductwork openings in the walls, floor, or ceiling  
20 of said dwelling unit, guest rooms, or congregate residences ~~or dwelling units~~. No direct  
21 openings for the entrance of heat shall be permitted between the exit corridor and the dwelling  
22 unit, guest room, or congregate residences ~~or dwelling unit~~.

23 (35) The cost of maintaining heat as ~~herein above~~ required by this subsection (a)  
24 shall be a matter of agreement between the landlord and tenant ~~thereof~~.

1           (46) Such heating facilities shall be installed and maintained in a safe condition  
2 and in accordance with the Building Code and all other applicable laws.

3           (b) **No Portable Requirements for Heaters.** All individual heaters installed in dwelling  
4 units, guest rooms, and guest room suites must be permanently attached and properly wired.  
5 Wiring for heaters shall conform to the San Francisco Electrical Code.

6           (c) **Minimum Heat Requirements in for Apartment Houses and Hotels.**

7           (1) ~~Apartment houses and h~~Hotels shall comply with the requirements set forth in  
8 Section 701(a) and (b), ~~above~~ except that ~~heat~~ heating facilities capable of maintaining a room  
9 temperature of 68 degrees Fahrenheit (20 degrees Centigrade) at a point midway between  
10 the heating unit and the furthest wall and which point is three feet above the floor, shall be  
11 made available to each occupied habitable room for a total of 13 hours, between the hours of  
12 5:00 a.m. and 11:00 a.m. and 3:00 p.m. and 10:00 p.m.

13           (d) (2) **Buildings in Which the Heating System Is Not Under the Control of the Tenant**  
14 **or Occupant.** In every building in which the heating system is not under the control of the  
15 tenant or occupant, a locking or nontamperable temperature-sensing device with a  $\pm 1\frac{1}{2}$ -  
16 degree Fahrenheit (0.8 degree Centigrade) tolerance shall be centrally located within the  
17 building in a habitable room to which heat is provided, whether occupied or unoccupied. The  
18 nontamperable device shall not be installed in a manager's unit or an owner's unit (except in  
19 an owner-occupied residential condominium). This device shall cause the heating system to  
20 cease heat production when the habitable room temperature exceeds the temperature required  
21 by subsection (a) or (c), as applicable, 68 degrees Fahrenheit (20 degrees Centigrade) and reactivate  
22 the system when the habitable room temperature drops below the temperature required by  
23 subsection (a) or (c) 68 degrees Fahrenheit (20 degrees Centigrade).

24           (1-3) A timeclock set to provide the amount and hours of heat required in this  
25 Section 701 shall be installed at or near the heating source (boiler, furnace, etc.) to control the

1 heating system. A thermostat bypass switch wired in parallel with the thermostat shall be  
2 provided to allow testing of the boiler operation. This switch shall be located at or near the  
3 heating source.

4 (2-4) Except as otherwise provided in this ~~§~~sub~~section~~ (d), remotely located  
5 switches which override timeclock operation shall be prohibited.

6 (e-d) **Electrical Equipment.** All electrical fixtures, wiring, and appurtenances ~~h~~hereto  
7 and their maintenance shall comply with the San Francisco Electrical Code and all other  
8 applicable sections of the laws of the State of California and the Municipal Code.

9 (f-e) **Mechanical Ventilation.** The provisions and requirements of the San Francisco  
10 Mechanical Code shall govern the installation and operation of mechanical ventilation systems  
11 and equipment.

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13 Section 3. Effective Date. This ordinance shall become effective 30 days after  
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
16 of Supervisors overrides the Mayor's veto of the ordinance.

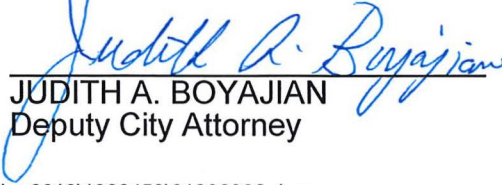
17  
18 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
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23  
24  
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1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

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

6 By:

  
7 JUDITH A. BOYAJIAN  
8 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Housing Code - Heat Requirements in Residential Hotel Units]

**Ordinance amending the Housing Code to revise the requirements for heating in residential rental units; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

Section 701 of the Housing Code establishes minimum heating and ventilation requirements for residential rental units and hotels.

Amendments to Current Law

Section 701 of the Housing Code is amended to conform the minimum heating requirements for residential rental units to existing state law.

Background Information

The state law's minimum heating requirements for residential rental units are contained in Title 25, Section 34, of the California Code of Regulations and Section 701 of the 1997 Uniform Housing Code. Title 25 and the Uniform Housing Code require that every dwelling unit, guest room, and congregate residence used or offered for rent or lease be provided with heating facilities capable of maintaining a minimum room temperature of 70 degrees Fahrenheit at a point three feet above the floor in all habitable rooms. When the heating facilities are not under the control of the tenant or occupant of the building, the building owner and/or manager must provide that heat 24 hours a day.

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