

LEGISLATIVE DIGEST

[Various Codes - Authority to Require New or Upgraded Fire Safety Systems in Multi-Unit Residential Buildings with Recurring or Continuing Fire Hazards]

Ordinance amending the Building, Housing, Fire, and Administrative Codes to authorize the Building and Fire Departments to require the installation of a new fire safety system or the improvement or upgrade of an existing system to current code requirements in a residential building of three or more dwelling units to remedy recurring or continuing fire hazards that substantially endanger the health and safety of the residents or the general public; amending the Rent Ordinance to prohibit landlords from increasing rents to cover the costs of compliance; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board to forward this Ordinance to the California Building Standards Commission upon final passage.

Existing Law

Building Code Section 106A.16 sets forth the process for the Building Official, who is the Director of the Department of Building Inspection, to issue an emergency order requiring the prompt correction of any condition existing in, on, or near any building, structure, property, or portion thereof that constitutes an imminent and substantial hazard to the life, health, or safety of the occupants or other persons, or to said building, structure, or property. Housing Code Section 204 sets forth the penalties for violation of the Housing Code. Section 109.3 of the Fire Code sets forth the remedies the fire code official, who is the local Fire Marshal, has to enforce the requirements of the Fire Code.

Section 37.7 of the Administrative Code sets forth the requirements for certification of rent increases for capital improvements, rehabilitation work, energy conservation improvements, and renewable energy improvements. It currently prohibits certification of rent increases for work required to correct a code violation where the violation has remained unabated for 90 days unless the landlord made timely good faith efforts within that 90-day period to commence and complete the work but was unable to do so because of the nature of the work or circumstances beyond the landlord’s control. Section 37.8 allows a landlord to petition the Rent Board for a rental increase that is higher than what would otherwise be allowed in order to cover increased operating and maintenance expenses.

Amendments to Current Law

Sections 106A.16.1, 106A.16.16.1, and 106A.16.1.2 are added to the Building Code, and language is added to Section 204 of the Housing Code and to Section 109.3 of the Fire Code, authorizing the Building Official and the fire code official to issue a Fire Life Safety Notice and Order that requires the owner of a residential building with three or more dwelling units to do one or more of the following:

- install a new fire sprinkler system;
- improve an existing fire sprinkler system or upgrade it to current code requirements;
- install a new fire alarm and/or detection system;
- improve an existing fire alarm and/or detection system or upgrade it to current code requirements.

A Fire Life Safety Notice and Order may be issued in cases where:

- continuing or repeated code violations constitute a serious fire hazard;
- the violations have not risen to the level of an imminent hazard that requires issuance of an emergency order but the violations are so extensive and of such a nature that the health and safety of the residents and/or the general public is substantially endangered; and
- the property owner has either failed to abate or mitigate the violations in a timely way despite prior notices of violation and abatement orders or the violations recur after abatement.

Examples of the types of hazardous situations in which a Fire Life Safety Notice and Order could issue are: (1) a nonworking fire alarm or sprinkler system, (2) a nonworking or chronically blocked fire escape, or (3) locked or chronically blocked exits or egress system. Such an order is subject to a shortened abatement process and a referral to the City Attorney for review and possible action.

Administrative Code Section 37.7(b)(6) is revised to prohibit the Rent Board's certification of the costs attributable to compliance with a Fire Life Safety Notice and Order as a pass-through to the tenants in the form of a rent increase. Section 37.8(e) is revised to expressly prohibit the Rent Board from including any such costs in a rental increase for increased operation and maintenance costs.

Background Information

Due to San Francisco's location in an active seismic zone, its narrow and crowded sidewalks, and its high building density, it is vulnerable to the risk of fires especially in larger multi-unit buildings. A report from the Board of Supervisors' Budget and Legislative Analyst's Office issued on November 21, 2016, found that there were 252 two-alarm or greater residential fires from 2004 to 2016. Wood-framed buildings, the most common building type in San Francisco, made up 87% of the fires. Recent fires in large apartment buildings in San Francisco have resulted in property damage, loss of housing, and in some instances loss of life. The need for extra measures to prepare for and cope with fires in residential buildings is pressing.

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