

1 [Residential Water Conservation Ordinance Amendments.]

2
3 Ordinance amending Chapter 12A of the San Francisco Housing Code to achieve water
4 conservation by improving the water efficiency of residential buildings by amending
5 the standards for water closets, showerheads, and faucet aerators and requiring leak
6 repair in all residential buildings, except for tourist hotels and motels, required upon
7 the occurrence of specific events, amending Chapter 12A to allow an exemption to
8 preserve historical integrity, amending Chapter 12 and 12 A to allow paper and/or
9 electronic forms for compliance and providing that compliance records may be
10 available via the internet, amending Section 1211 to clarify that domestic partners are
11 entitled to the same exemptions from the definition of transfers as spouses, amending
12 the Section 1216 fee provision for energy conservation compliance to include water
13 conservation compliance, and providing that this ordinance shall be effective no earlier
14 than July 1, 2009.

15 NOTE: Additions are single-underline italics Times New Roman;
16 deletions are ~~strike-through italics Times New Roman~~.
17 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

19 Section 1. The San Francisco Housing Code is hereby amended by amending Section 12A,
20 to read as follows:

21 SEC. 12A01. TITLE.

22 This chapter shall be known as the Residential Water Conservation Ordinance.

23
24 SEC. 12A02. FINDINGS.

25 The Board of Supervisors finds that:

Supervisor Maxwell/Mayor Newsom
BOARD OF SUPERVISORS

1 (a)~~The entire State of California is suffering from the effects of a fifth consecutive drought year.~~
2 ~~These effects include the reduction of available water supplies to extremely limited levels. Rationing~~
3 ~~programs have been established in most areas of the State, including the City and County of San~~
4 ~~Francisco. Although recent rainstorms have lessened the severity of the drought, existing water~~
5 ~~supplies remain at extremely low levels. Demand management measures, including feasible, cost~~
6 ~~effective conservation, are a proven method of reducing water demand in urban areas.~~

7 (b)~~The use of water conservation devices such as low flow~~The application of proven water
8 conservation measures will allow San Francisco's economy and population to prosper without placing
9 additional demands on this valuable resource. Retrofitting water using devices such as water efficient
10 showerheads, faucet aerators, and water closetslow-flow toilets, and water volume reduction
11 appliances for toilets in residential buildings will significantly reduce the overall demand for water and
12 therefore help conserve existing water supplies is one of the most cost effective ways of reducing the
13 City's potable water use.

14 (c)~~This ordinance is intended to be one phase of a comprehensive legislative~~As a signatory to
15 the California Urban Water Conservation Council Memorandum of Understanding Regarding Urban
16 Water Conservation, the San Francisco Public Utilities Commission has agreed to actively promote the
17 replacement of high water volume water closets and showerheads, among other water using devices,
18 with more efficient models in San Francisco. The purpose of this section is to reduce demand for
19 potable water within the City and County of San Francisco by establishing water efficiency standards
20 for plumbing fixtures. Water saved from these programs will help to ensure a reliable water supply for
21 customers both within and outside of San Francisco. This ordinance is part of a continuing program
22 to achieve the City's goal of reducing water consumption in all residential, commercial,
23 industrial and ~~public~~ municipal buildings in the City and County of San Francisco. ~~It is the intent~~
24 of the Board to introduce future legislation to achieve this goal.

1 SEC. 12A03. INTENT.

2 It is the intent of this ordinance to conserve existing water supplies by reducing the
3 overall demand for water in residential buildings by requiring the installation of water
4 conservation devices in all residential buildings, except for tourist hotels and motels, upon the
5 occurrence of specific events such as when the building undergoes major improvements, when there
6 is a meter conversion, when there is a condominium conversion, and when there is a transfer of title
7 and, in any event, no later than three years for all residential buildings except for tourist hotels and
8 motels.

9
10 SEC. 12A04. DEFINITIONS.

11 In addition to the definitions contained in Chapters 4 and 12 of this Code, for the
12 purposes of this ~~ordinance chapter~~ the following words and phrases shall have the meanings
13 ascribed to them by this Section:

14 (a) Qualified Inspector. A qualified inspector is an inspector defined in Chapter ~~12 13A,~~
15 ~~Section 1314A, Section 1206 of this~~ the San Francisco Building Code, who is authorized to perform a
16 water conservation inspection.

17 (b) Water Conservation Inspection. Inspection of a residential building for compliance
18 with the requirements of this ordinance.

19 (c) Residential Building. A residential building is as defined in 1204(i) of this Code.

20
21 SEC. 12A05. WATER CONSERVATION INSPECTIONS.

22 A water conservation inspection which satisfies the requirements of this chapter shall
23 be performed concurrently with the energy inspection required by Chapter 12 of this Code and
24 must be performed by a qualified inspector.

1 SEC. 12A06. PROOF OF COMPLIANCE WITH MINIMUM WATER CONSERVATION
2 MEASURES.

3 (a) Inspection Form. The Department of Building Inspection shall provide a
4 standardized form, that may be paper and/or electronic, suitable for conducting a valid water
5 conservation inspection and certifying compliance with the requirements of this ordinance,
6 which forms may be paper and/or electronic. Said form may be combined with the energy
7 inspection form required by Section 1207 of this Code. The inspection form shall be
8 completed and signed by any qualified inspector, furnished to the building owner or the
9 owner's authorized representative, and submitted to filed with the Department of Building
10 Inspection ~~per Section 1207~~ within 15 days from the date of completing the inspection.

11 (b) Certificate of Compliance. When all of the water conservation requirements have
12 been met, a certificate of compliance shall be ~~signed~~, submitted to the Department of Building
13 Inspection filed and recorded ~~per Section 1207 of this Code~~. Proof of compliance with the
14 requirements of this chapter shall be accomplished by submitting the completed certificate of
15 compliance to the Department of Building Inspection, which shall maintain either a paper or electronic
16 copy. A copy of the completed certificate of compliance shall be recorded by the building owner, or the
17 building owner's authorized representative, with the San Francisco County Recorder's Office. In the
18 event of a title transfer, it shall be recorded prior to or concurrent with the transfer of title. The
19 Department of Building Inspection shall provide a copy of the Certificate to the City Water
20 Department.

21 (c) Public Record. ~~Completed w~~ Water conservation inspection forms results and
22 certificates of compliance shall be public information, record and shall be available for
23 inspection by any interested person during regular business hours at the Department of
24 Building Inspection, and may be made available electronically via the internet.

1 (d) Fees. Reasonable fees may be required to pay for, but not exceed, the cost of implementing
2 this chapter and shall be established pursuant to Section 1216.

3
4 SEC. 12A07. POSTPONEMENT OF REQUIREMENTS.

5 Application of inspection and water conservation requirements for any residential
6 building shall be postponed for one year from the date of application for a demolition permit
7 for said building. If the residential building is demolished and Certificate of Completion issued
8 by the Department of Building Inspection before the end of the one-year postponement, the
9 requirements of this chapter shall not apply. If the residential building is not demolished after
10 the expiration of one year, the provisions of this chapter shall apply, even though the
11 demolition permit is still in effect or a new demolition permit has been issued.

12
13 SEC. 12A08. WATER CONSERVATION REQUIREMENTS UPON MAJOR IMPROVEMENT,
14 METERING CONVERSION, RESIDENTIAL CONDOMINIUM CONVERSION, OR
15 COMPLETE INSPECTION.

16 A valid water conservation inspection pursuant to Section 12A05 and subsequent
17 compliance with required water conservation measures pursuant to Section ~~12A11~~ 12A10 shall
18 be required of a residential building concurrently with the energy conservation inspection and
19 compliance requirements set forth in Section 1210 and 1211 of this Code.

20
21 SEC. 12A09. WATER CONSERVATION INSPECTION REQUIREMENTS AT TRANSFER OF
22 TITLE.

23 Prior to any transfer of title as a result of sale or exchange of any residential building
24 subject to the provisions of this chapter, the seller or the seller's authorized agent-representative
25 shall obtain a valid water conservation inspection pursuant to Section 12A05 and shall install

1 all applicable water conservation measures required by Section 12A10 as enumerated in the
2 water conservation inspection form. Compliance with the Section shall be concurrent with the
3 energy conservation inspection required by Section 1211 of this Code and shall be in
4 accordance with the provisions set forth in said Section, including but not limited to the option to
5 transfer responsibility for compliance with applicable water conservation measures required by Section
6 12A10 to the buyer through an Energy Conservation Escrow Account pursuant to Section 1211(c).

7
8 SEC. 12A10. REQUIRED WATER CONSERVATION MEASURES.

9 The following water conservation measures are required for residential buildings as
10 defined in Section 1204(i) of this Code, notwithstanding Section 1209 of this Code:

11 (a) Low flow devices on all accessible ~~Replace all~~ showerheads having a maximum ~~rated~~
12 ~~flow rate of not more than~~ exceeding 2.5 gallons per minute, with showerheads not exceeding the
13 maximum flow rate established by the California Energy Commission, as set forth in the Appliance
14 Efficiency Regulations, California Code of Regulations, Title 20, Sections 1601 to 1608, as it may be
15 amended. Showers shall have no more than one showerhead per valve. For purposes of this
16 subsection, the term "showerheads" includes rain heads, rain tiles, or any other fitting that transmits
17 water for purposes of showering. Showerheads of the ball-joint type that cannot easily be removed from
18 the wall without structural alteration are exempt from this requirement.

19 (b) ~~Aerators attached to kitchen, vanity and sink faucets which faucets are designed to accept~~
20 ~~such devices. These aerators shall include a flow restrictor and shall be of a type approved by the~~
21 ~~Director of the Department of Building Inspection.~~ Replace all faucets and faucet aerators having a
22 maximum flow rate exceeding 2.2 gallons per minute at a water pressure of 60 pounds per square inch,
23 with plumbing fittings not exceeding the maximum flow rate established by the California Energy
24 Commission, as set forth in the Appliance Efficiency Regulations, California Code of Regulations, Title
25 20, Sections 1601 to 1608, as it may be amended.

1 (c) ~~Low-flow toilets (3.5 gallons per flush or less) or approved devices in toilets designed to~~
2 ~~reduce the total volume of water in each toilet flush, including but limited to (1) flush reducers, (2) flow~~
3 ~~restrictors and (3) volume reducers. Installation of a retrofit device will not be required when its~~
4 ~~installation will impede the designed functioning and/or flushing of the toilet. Replace all water closets~~
5 ~~that have a rated water consumption exceeding 1.6 gallons per flush with fixtures not exceeding the~~
6 ~~maximum rated water consumption established in the San Francisco Plumbing Code, Chapter 4,~~
7 ~~Section 402.2, as it may be amended. A seller of a residential building may request an exemption from~~
8 ~~replacing a water closet in the building if the replacement would detract from the historical integrity of~~
9 ~~the building, as determined by the Director of the Department of Building Inspection pursuant to the~~
10 ~~California Historical Building Code and Section 12A11(b).~~

11 (d) Leak repair: All water leaks shall be located and repaired.

12 (1) For residential buildings with one and two units, water meter registration shall be used to
13 determine the existence of leaks. Compliance is achieved if there is no meter movement for ten minutes
14 while all household fixtures are shut off.

15 (2) For residential buildings with three or more units, visual inspection or water meter
16 registration shall be used. If water meter registration is used, compliance is achieved if there is no
17 meter movement for ten minutes while all household fixtures are shut off.

18 (3) In all residential buildings, all tank type water closets shall be tested with leak detector
19 tablets or dye to detect slow valve leaks, and all flushometer type fixtures shall be visually checked for
20 proper operation with respect to timing and leaks.

21 (d) (e) ~~An individual shall be entitled to an exemption from the requirement of installing~~
22 ~~for showerheads listed in Paragraph (a) of this Section in that person's will be granted for a~~
23 ~~residence upon filing with the City Water Department Public Utilities Commission a letter from a~~
24 ~~licensed physician specifying a valid medical reason on the part of the occupant of that residence~~
25 ~~for non-compliance that prevents the use of a low-flow showerhead by the individual seeking the~~

1 *exemption.* An exemption under this Section shall continue in force until the individual
2 qualifying for the exemption no longer resides at the exempted property, or until the medical
3 condition qualifying for the exemption terminates. Within one year following the departure of
4 the individual qualifying for the exemption from the exempted residence or termination of the
5 medical condition, ~~an affidavit shall be filed with the City Water Department for the exempted~~
6 ~~property all showerheads in the property shall be replaced in compliance with Section 12A10(a)~~
7 ~~pursuant to Section 12A11(a).~~ Upon transfer of title of any building subject to an exemption in
8 whole or in part under this Section, the provisions of Section 12A09 shall apply; however,
9 proof of an exemption under this Section shall be sufficient to show compliance with the
10 requirements of this chapter as to low-flow showerhead and/or an exempted residence within
11 a multiple-family residential building. An exemption for a single residence under this Section
12 shall not constitute an exemption for an entire multiple-family building wherein the single
13 residence is located.

14
15 ~~SEC. 12A11. RESIDENTIAL BUILDINGS (R-1, R-2, AND R-3 OCCUPANCIES) EXCEPT FOR~~
16 ~~TOURIST HOTELS AND MOTELS REQUIRED TO COMPLY WITH WATER CONSERVATION~~
17 ~~REQUIREMENTS WITHIN THREE YEARS.~~

18 ~~All residential buildings, except for tourist hotels and motels, must comply with the~~
19 ~~requirements listed in Section 12A10 within three years. R-1 and R-2 occupancies must comply within~~
20 ~~three years from the effective date of Ordinance No. 185-91; R-3 occupancies must comply within three~~
21 ~~years of the effective date of this ordinance.~~

22 ~~(a) Affidavit. In lieu of compliance with the provisions of Section 12A06, within a period of three~~
23 ~~years from the effective date of either Ordinance No. 185-91 for R-1 occupancies or this ordinance for~~
24 ~~R-3 occupancies, the owner or owner's authorized agent shall file with the City Water Department an~~
25 ~~affidavit signed by the owner affirming that the water conservation devices required by Section 12A10~~

1 ~~either have been installed or an exemption is applicable. The affidavit shall be on a form provided by~~
2 ~~the City Water Department.~~

3 ~~(b) Public Record. The affidavits required by Subsection (a) above shall be public record and~~
4 ~~shall be available for inspection by any interested person during regular business hours at the City~~
5 ~~Water Department.~~

6
7 SEC. ~~12A12~~ 12A11. APPEAL FROM RESULTS OF A WATER CONSERVATION
8 INSPECTION, OR REQUEST FOR EXEMPTION.

9 ~~(a) Any person with an interest in the property subject to a water conservation inspection~~
10 ~~who contests the determination of a qualified inspector regarding required water conservation~~
11 ~~measures, may appeal said decision to the Director of the Department of Building Inspection~~
12 ~~within ~~ten~~ 10 working days from the date the completed inspection form was filed with the~~
13 ~~Department of Building Inspection. The notice of appeal shall state, clearly and concisely, the~~
14 ~~grounds upon which the appeal is based. The burden of proof shall be on the appellant to demonstrate~~
15 ~~that the water conservation measure is not required under this chapter. The determination of the~~
16 ~~Director may be appealed to the Building Inspection Commission pursuant to the notice and appeal~~
17 ~~procedures established in the Administrative Code Chapter 77. Notice and appeal procedures shall be~~
18 ~~as set forth in Section 1213 of this Code.~~

19 ~~(b) Any person with an interest in the property subject to a water conservation inspection who~~
20 ~~claims an exemption pursuant to Section 12A10 (c) of this Chapter may request a determination of~~
21 ~~exemption from the Director of the Department of Building Inspection by filing the request and stating~~
22 ~~the basis for the claim. The burden of proof shall be on the applicant to demonstrate the qualifications~~
23 ~~for the exemption. The determination of the Director may be appealed to the Building Inspection~~
24 ~~Commission pursuant to the procedures for notice and appeal established in the Administrative Code~~
25 ~~Chapter 77.~~

1 (c) Any appeal or request for exemption to the Director filed pursuant to this Section shall be
2 accompanied by payment of a filing fee, pursuant to Section 1216 of this Code.

3
4 SEC. ~~12A13~~ 12A12. CIVIL REMEDIES.

5 (a) Remedies. The remedies for failure to comply with the requirements of Section
6 12A08 and 12A09 of this chapter shall be as set forth in Subsections (a) and (b) of Section
7 1215 of this Code for violations of the Residential Energy Conservation Ordinance. ~~Failure to~~
8 ~~comply with the requirements of Section 12A11 of this chapter shall result in an enforcement action~~
9 ~~pursuant to Chapter 1A of the San Francisco Building Code.~~

10 (b) Exceptions. In undertaking this program of water conservation inspections, the City
11 and County of San Francisco is assuming an undertaking only to promote the general welfare.
12 It is not assuming, nor is it imposing on its offices and employees, an obligation for breach of
13 which it is liable in money damages to any person who claims that such breach proximately
14 caused injury. No civil liability, based on this ordinance, shall ensue from claims that the
15 performance of, nonperformance of, negligent performance of, untimely performance of, or
16 failure to perform in a proper manner, a water conservation inspection or audit shall cause
17 injury to any person where that inspection or audit is conducted by a utility, or representative
18 of a utility, which offers inspection, water-use survey or audit service for which no charge is
19 made to the homeowner.

20
21 SEC. ~~12A14~~ 12A13. SEVERABILITY.

22 If any provision or clause of this ordinance or the application thereof to any person or
23 circumstance is held to be unconstitutional or to be otherwise invalid by any court of
24 competent jurisdiction, such invalidity shall not affect other provisions, and clauses of this
25 ordinance are declared to be severable.

1
2 Section 2. The San Francisco Housing Code is hereby amended by amending Section
3 1207, to read as follows:

4 SEC. 1207. PROOF OF COMPLIANCE WITH MINIMUM ENERGY CONSERVATION
5 MEASURES.

6 (a) Contents. The Department of Building Inspection shall provide a standardized form,
7 that may be paper and/or electronic, suitable for conducting a valid energy inspection and
8 certifying compliance with the requirements of this ordinance. Said form shall contain both an
9 inspection form listing energy conservation measures required by the Chapter and a
10 compliance certificate.

11 (b) Inspection Form. The inspection form shall be completed and signed by any
12 qualified inspector, ~~and~~ furnished to the building owner or the owner's authorized ~~agent~~
13 representative, and submitted to ~~The building owner or the owner's authorized agent shall file a copy~~
14 ~~of the signed form with~~ the Department of Building Inspection within 15 days from the date of
15 completing the inspection.

16 (c) Certificate of Compliance. When all of the energy conservation requirements have
17 been met, the certificate of compliance shall be ~~signed by the building owner, or the building~~
18 ~~owner's authorized agent, submitted to the Department of Building Inspection by~~ one of the
19 following:

20 (1) A qualified energy inspector pursuant to Section 1206; or

21 (2) For a residential building containing one or two dwelling units only: the state
22 licensed contractor who installed the energy conservation measures required as a result of
23 the energy inspection; or

24 (3) An authorized agent of the Department of Building Inspection.
25

1 (d) Filing and Recording. Proof of compliance with the requirements of this Section
2 shall be ~~effected~~ accomplished by ~~returning a copy of~~ submitting the completed certificate of
3 compliance to the Department of Building Inspection which shall ~~be maintained in their files~~
4 maintain a paper and/or electronic copy. A copy of the completed ~~form~~ certificate of compliance
5 shall be recorded by the building owner, or the building owner's authorized ~~agent~~
6 representative, with the San Francisco County Recorder's Office. In the event of a title transfer,
7 it shall be recorded prior to or concurrent with transfer of title.

8 (e) Public Record. ~~Completed energy inspection forms~~ Energy inspection results and
9 certificates of compliance shall be public ~~record~~ information and shall be available for inspection
10 by any interested person during regular business hours at the Department of Building
11 Inspection.

12 (f) Limitation of Utility Inspections. Nothing in this Section nor in any other provision of
13 this chapter shall impose any obligation on a utility to perform more than one visit to a dwelling
14 unit for any purpose. Nothing in this Section nor in any other provision of this chapter shall
15 impose any obligation on a utility energy auditor to visit a dwelling unit solely for certification of
16 compliance purposes.

17
18 Section 3. The San Francisco Housing Code is hereby amended by amending Section
19 1211, to read as follows:

20 SEC. 1211. ENERGY INSPECTION REQUIREMENT AT TRANSFER OF TITLE.

21 (a) Prior to any transfer of title of any residential building subject to the provisions of
22 this chapter as a result of sale or exchange, the seller, or the seller's authorized
23 ~~agent~~ representative, shall obtain a valid energy inspection and shall install all applicable energy
24 conservation measures required by Section 1212 as enumerated in the energy inspection
25 form. The seller, or the seller's authorized ~~agent~~ representative, must furnish a copy of the

1 completed inspection from showing compliance with this chapter to the buyer prior to transfer
2 of title.

3 (b) Title Transfer Exemption. A transfer of a residential building by operation of law
4 rather than by purchase is exempt from the provision of this chapter. This exemption includes,
5 but is not limited to:

6 (1) Transfers pursuant to court order, including, but not limited to, transfers ordered by
7 a probate court in administration of an estate, transfers pursuant to a writ of execution,
8 transfers by a trustee in bankruptcy, transfers by eminent domain, or transfers resulting from a
9 decree for specific performance;

10 (2) Transfers to a mortgagee by a mortgagor in default, transfers to a beneficiary of a
11 deed of trust by a trustor in default, transfers by any foreclosure sale after default in an
12 obligation secured by a mortgage, or transfer by a sale under a power of sale after a default in
13 an obligation secured by a deed of trust or secured by any other instrument containing a
14 power of sale;

15 (3) Transfers by a fiduciary in the course of the administration of a guardianship,
16 conservatorship, or trust;

17 (4) Transfers from one co-owner to one or more co-owners;

18 (5) Transfers made to a spouse, or a domestic partner registered with the State of
19 California, or to a person or persons in the lineal line of consanguinity of one or more of the
20 transferors;

21 (6) Transfers between spouses or domestic partners resulting from a decree of
22 dissolution of a marriage or a domestic partnership or a decree of legal separation or from a
23 property settlement agreement incidental to such decrees;

1 (7) Transfers by the State Controller in the course of administering the Unclaimed
2 Property Law, Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of
3 Civil Procedure;

4 (8) Transfers under the provisions of Chapter 7 (commencing with Section 3691) and
5 Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and
6 Taxation Code;

7 (9) Transfers resulting by operation of law;

8 (10) Transfers by which title to real property is reconveyed pursuant to a deed of trust;

9 (11) Transfers for which a transfer agreement was entered into prior to the effective
10 date of this ordinance.

11 (c) Energy and Water Conservation Escrow Account. The seller, or the seller's
12 authorized agent representative, may transfer responsibility for compliance with the minimum
13 energy conservation measures of Section 1212 and the minimum water conservation measures of
14 Section 12A10 to the buyer of the building if at the time of transfer of title:

15 (1) A valid energy inspection, within the meaning of Section 1205, and a valid water
16 conservation inspection within the meaning of Section 12A09 have ~~has~~ been made and the
17 inspection form or forms filed with the Department of Building Inspection along with notification
18 indicating that an escrow account has been set up pursuant to this Section and giving the
19 escrow holder's name and address and the escrow number;

20 (2) A written agreement signed by the buyer and seller is deposited into the escrow
21 containing the following;

22 (i) The buyer's agreement that the required energy and water conservation
23 measures will be installed within 180 days of transfer of title,
24
25

1 (ii) The seller's agreement that funds equal to one percent of the purchase price
2 indicated on the accepted purchase offer shall be retained by the escrow holder and
3 disbursed as follow:

4 (a) Upon delivery to the escrow holder of a copy of the completed
5 certificate of compliance as filed with the Department of Building Inspection within 180 days
6 after the close of escrow, the escrow holder shall, upon written instructions of the buyer,
7 disburse so much of these funds as are required to pay the provider(s) of the materials and
8 labor used to bring the property into compliance with the provisions of this chapter and Chapter
9 12A and shall disburse any surplus thereafter remaining to the seller;

10 (b) If such certificate of compliance is not delivered to the escrow holder
11 within 180 days after the close of escrow, all said funds shall be deposited into the Residential
12 Energy Conservation Account of the Repair and Demolition Fund of the City and County of
13 San Francisco established pursuant to Section 102.13 of the San Francisco Building Code
14 (Part II, Chapter I of the San Francisco Municipal Code) to be used exclusively to bring the
15 building into compliance with the provisions of this chapter and Chapter 12A, with any surplus
16 funds to be returned to the seller once compliance is achieved. No funds shall be deposited in
17 the Residential Energy Conservation Account under this Subsection ~~so~~ as long as, in the case
18 of the subject building; (A) an appeal is pending or an extension has been granted pursuant
19 to Section 1214 1213 of this chapter; (B) an appeal is pending pursuant to Section 12A11 of this
20 Code; or (C) a complaint is pending in court on behalf of the buyer or seller, or an arbitration
21 proceeding is underway between the buyer and seller, with respect to the disposition of the escrow fund
22 for the purpose of completing energy or water conservation measures pursuant to this Code.

23 (d) Notice of the Requirements of This Ordinance. The seller, or the seller's authorized
24 agent representative involved in the sale or exchange of residential building subject to the
25 provisions of this ~~ordinance~~ chapter and Chapter 12A, shall give written notice of the

1 requirements of this ordinance to the buyers. Prior to the effective date of this ordinance an
2 informational brochure specifying the energy and water conservation requirements shall be
3 made available by the Department of Building Inspection. Delivery of this brochure to the
4 buyer shall satisfy the notice requirements of this Section. Failure to give notice as required by
5 this Section shall not excuse or exempt the seller or buyer of a residential building from
6 compliance with the requirements of this chapter and Chapter 12A.

7
8 Section 4. The San Francisco Housing Code is hereby amended by amending Section
9 1212, to read as follows:

10 **SEC. 1212. REQUIRED ENERGY CONSERVATION MEASURES.**

11 The following energy conservation measures are required by this ordinance for a
12 residential building; provided, however, that if the owner proves, pursuant to Section 1213,
13 that the application of any energy conservation measure is not cost-effective, that measure
14 shall not be required.

15 (a) Building containing one or two dwelling units:

16 (1) Ceiling insulation to a minimum resistance level of R-19 over the entire accessible
17 attic space, provided that the existing ceiling insulation is less than R-11. Before insulation is
18 installed in a building not meeting this standard, dropped spaces in attic floors, such as those
19 above stairwells, shall be sealed effectively to limit air infiltration. Installation of ceiling
20 insulation shall be required to conform to Section 719 of the Building Code (Part II, Chapter I
21 of the San Francisco Municipal Code).

22 (2) Weatherstripping of all doors, unless fire-rated, which lead to unheated areas as
23 effectively and reliably to limit air infiltration. Doors which cannot be weatherstripped without
24 the replacement of the entire door or doorframe are exempted from this requirement, unless
25 the door is, for other reasons, being repaired or replaced. The Director, in the guidelines, shall

1 specify those types of weatherstripping which are acceptable. In determining which types of
2 weatherstripping are acceptable, the Director shall consider, among other matters, whether
3 the weatherstripping meets the energy conservation goals of this chapter and is cost-effective.

4 (3) An external water heater insulation blanket with a minimum installed thermal
5 resistance of R-6 on accessible water heaters. Installation of external water heater insulation
6 blankets shall meet any safety standards set by the Director in the guidelines. In addition, the
7 first four feet of accessible hot water pipe leading from the heater shall be insulated to a
8 minimum resistance value of R-4. If foam is used to meet the R-4 standard, it shall be a
9 closed-cell type with a minimum wall thickness of three-quarters of an inch.

10 ~~(4) Low-flow devices on all accessible showerheads having a maximum rated flow of not more~~
11 ~~than 3.0. Showerheads of the ball-joint type that cannot easily be removed from the wall without~~
12 ~~structural alteration are exempt from this requirement.~~

13 (5) (4) Caulking or sealing of all accessible major cracks and joints and other openings
14 in building exterior to reduce the loss of heated air or the entry of outside air where feasible.
15 Sealing of all accessible major openings from the conditioned living space into unheated
16 areas, including, but not limited to, those found around plumbing vent pipes, electrical wiring,
17 or furnace flue pipes.

18 (6) (5) Insulating all accessible supply and return heating and cooling system ducts and
19 plenums, which are located in unheated areas, to a minimum resistance value of R-3 and
20 sealing of all accessible duct and plenum joints with pressure-sensitive tape or mastic.

21 (b) Building containing three or more dwelling units:

22 (1) All measures specified in Subsection (a) of this Section to the extent applicable to
23 the structure.
24
25

1 (2) Insulation of all accessible recirculating hot water, steam, or steam condensate
2 return piping throughout the structure to a minimum resistance value of R-4 and all hot water
3 storage tanks to a minimum resistance value of R-6;

4 (3) Cleaning and tuning of boiler units to improve combustion efficiency. Unless the
5 boiler has been cleaned and tuned to ensure peak combustion efficiency within the last five
6 years and bears a tag so certifying issued by a utility inspector or contractor regularly
7 engaged in the field of combustion efficiency, the boiler shall be cleaned and tested for
8 combustion efficiency and appropriate adjustments made to ensure peak combustion
9 efficiency by such a utility inspector or a contractor, who shall post a tag on or near the boiler
10 stating that a combustion efficiency test has been performed and peak efficiency has been
11 obtained through adjustment of the boiler's controls and cleaning where needed, and the date
12 the test was performed. In addition, all boilers shall have a permit required by Chapter 1,
13 Schedule 1-M of the Building Code;

14 (4) Repair of all hot water and steam leaks on boiler units, including replacement of
15 defective steam traps and valves;

16 (5) Time clock control burner; and

17 (6) Any interim measures adopted by the Director pursuant to Section 1217 or 1218 of
18 this chapter.

19 Section 5. The San Francisco Housing Code is hereby amended by amending Section
20 1216, to read as follows:

21 SEC. 1216. FEES.

22 (a) Fees. Reasonable fees shall be required to pay for, but not exceed, the costs of
23 implementing this ~~ordinance~~ chapter and Chapter 12A. Such fees shall be established by the
24 Board of Supervisors upon recommendation of the Director of the Department of Building
25 Inspection and shall include:


- 1 (1) The cost of inspections performed by the Department of Building Inspection;
2 (2) The cost of the appeal and request for exemption process;
3 (3) The cost of filing and processing documents at the Department of Building
4 Inspection;
5 (4) The cost of printing forms and informational brochures by the Department of
6 Building Inspection;
7 (5) Other expenses incurred by the City and County of San Francisco in implementing
8 this ordinance.

9 (b) Fee Schedule. See Building Code Section 110A, Table 1A-N, for the applicable
10 fees.

11 (c) Fee Review. The Director of the Department of Building Inspection shall cause an
12 annual report of fees to be made and filed with the Controller as set forth in Section 3.17-2 of
13 the San Francisco Administrative Code. The Controller shall review the report and file it with
14 the Board of Supervisors along with proposed ordinance readjusting the fee rates as
15 necessary.

16 Section 6. This Ordinance shall be effective no earlier than July 1, 2009.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: 
21 Noreen Ambrose
22 Deputy City Attorney
23
24
25



City and County of San Francisco

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

Tails Ordinance

File Number: 090225

Date Passed:

Ordinance amending Chapter 12A of the San Francisco Housing Code to achieve water conservation by improving the water efficiency of residential buildings by amending the standards for water closets, showerheads, and faucet aerators and requiring leak repair in all residential buildings, except for tourist hotels and motels, required upon the occurrence of specific events, amending Chapter 12A to allow an exemption to preserve historical integrity, amending Chapter 12 and 12 A to allow paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, amending Section 1211 to clarify that domestic partners are entitled to the same exemptions from the definition of transfers as spouses, amending the Section 1216 fee provision for energy conservation compliance to include water conservation compliance, and providing that this ordinance shall be effective no earlier than July 1, 2009.

April 14, 2009 Board of Supervisors — SUBSTITUTED

April 28, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

May 5, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090225

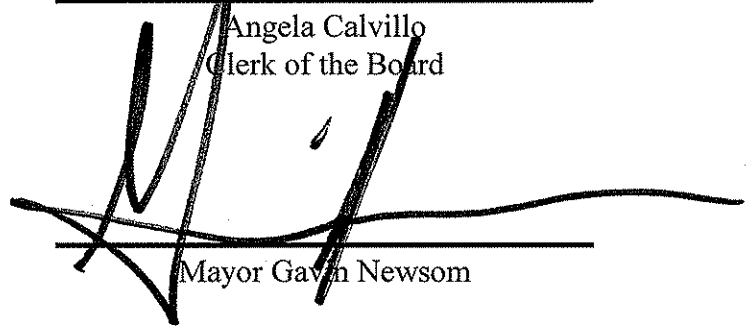
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on May 5, 2009 by
the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

5/14/09

Date Approved



Mayor Gavin Newsom