

BOARD of SUPERVISORS



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MEMORANDUM

TO: Joanne Hayes-White, Chief, Fire Department
John Rahaim, Director, Planning Department
Tom Hui, Director, Department of Building Inspection

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: June 1, 2016

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed substitute legislation, introduced by Supervisor Tang on May 24, 2016:

File No. 150792

Ordinance amending the San Francisco Fire Code to require building owners and homeowners' associations to provide fire safety information to residents in buildings with three or more dwelling units, and annual fire safety information and training to residents in buildings with 16 or more units; making findings as to local conditions pursuant to the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to transmit the Ordinance to appropriate State officials.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Referral from the Office of the Clerk of the Board
Public Safety and Neighborhood Services Committee
June 1, 2016
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C:

Kelly Alves, Fire Department

Scott Sanchez, Planning Department

Sarah Jones, Planning Department

AnMarie Rodgers, Planning Department

Aaron Starr, Planning Department

Joy Navarrete, Planning Department

Jeanie Poling, Planning Department

William Strawn, Department of Building Inspection

Carolyn Jayin, Department of Building Inspection

1 [Fire Code - Disclosure of Fire Safety Information]

2
3 **Ordinance amending the San Francisco Fire Code to require building owners and**
4 **homeowners' associations to provide fire safety information to residents in buildings**
5 **with three or more dwelling units, and annual fire safety information and training to**
6 **residents in buildings with 16 or more units; making findings as to local conditions**
7 **pursuant to the California Health and Safety Code; and directing the Clerk of the Board**
8 **of Supervisors to transmit the ordinance to appropriate State officials.**

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

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

18 Section 1. Findings.

19 The City and County of San Francisco is unique among California communities with
20 respect to the possible causes and effects of fires, including fires in residential multi-unit
21 buildings. Among other things, San Francisco is located on an active seismic zone; certain
22 buildings in San Francisco are at an increased risk for earthquake-induced failure and
23 consequent fire because of local hazardous microzones, slide areas, and local liquefaction
24 hazards; enhanced fire, structural, and other protections are required due to high building
25 density and high occupancy in many buildings, including many high-rise buildings; and San
Francisco has narrow and crowded sidewalks due to building and population density and

1 unusual topography. For these reasons, fires in San Francisco can be especially devastating,
2 and the need for extra measures to prepare for and cope with fires is especially pressing,
3 particularly for the residents of multi-unit buildings, who may face fire dangers any day of the
4 week and any hour of the day or night.

5 California Health and Safety Code Sections 17958 and 17958.5 allow the City to make
6 changes or modifications in the requirements contained in the provisions published by the
7 California Building Standards Commission, including the California Fire Code, when those
8 changes or modifications are reasonably necessary because of local climatic, geological, or
9 topographical conditions. California Health and Safety Code Section 17958.7 provides that
10 before making any such changes or modifications, the governing body must make express
11 findings that such changes or modifications are reasonably necessary because of the
12 specified local conditions, and those findings shall be filed with the California Building
13 Standards Commission.

14 In addition, California Health and Safety Code Section 13216 permits the City to
15 impose greater restrictions with respect to high-rise buildings than are imposed by the State
16 building standards related to fire or panic safety or the regulations of the State Fire Marshal.
17 Consistent with such authorization, and recognizing the above-stated unique concerns for fire
18 safety in San Francisco, this ordinance is enacted with the purpose of protecting persons who
19 live in multi-unit residential buildings, some of which are high-rise buildings, as well as the
20 general public, and minimizing building and other property damage caused by fire.

21 Pursuant to the applicable California Health and Safety Code sections, the Board of
22 Supervisors finds and determines that the conditions described above constitute a general
23 summary of the most significant local conditions giving rise to the need for variance from the
24 California Fire Code and California Building Code and any other applicable provisions
25 published by the California Building Standards Commission. Further, the Board of

1 Supervisors finds and determines that the proposed variances are reasonably necessary
2 based on these local conditions, and that these conditions justify more restrictive standards
3 applicable to the provision of fire safety information and training to persons living in multi-unit
4 residential buildings in San Francisco.

5
6 Section 2. The Fire Code is hereby amended by adding Section 915, consisting of
7 Sections 915.1, 915.2, 915.3, 915.4, 915.5, and 915.6, to read as follows:

8 **SEC. 915. FIRE SAFETY INFORMATION DISCLOSURE**

9 **SEC. 915.1. [For SF] Purpose.**

10 It is the purpose of this Section 915 to reduce the risk of fires and of damage from fires by
11 requiring owners of buildings with three or more dwelling units to post fire safety information in a
12 place that is accessible to all residents, and to disclose fire safety information to new residents on or
13 before they begin to live in the building and once a year thereafter, and to require owners of buildings
14 with 16 or more dwelling units to offer an annual fire safety training to all residents.

15
16 **SEC. 915.2 [For SF] Posting Requirements.**

17 (a) A map or diagram shall be posted in a common area frequented by the residents in each
18 Apartment House, as defined in the Housing Code., and shall contain the following information (the
19 “Posted Information”):

- 20 (1) The location of all fire extinguishers in the building, and the dates of last servicing;
21 (2) The location of all emergency exits in the building, and a statement that they must
22 remain unobstructed;
23 (3) The location of all fire escapes in the building, and the dates of last inspection; and
24
25

1 (4) The location of the building fire alarm system, the date when the building fire alarm
2 system was last inspected and tested as required by Section 907.8.5 of this Code, and confirmation that
3 the building fire alarm system is certificated under Section 907.7.4 of this Code if applicable.

4 The Posted Information may also include any other information that would assist a Resident to
5 escape or prevent a fire in the building.

6 (b) The Posted Information shall be updated as appropriate on or before January 31 of each
7 year.

8 (c) A sign or sticker shall be affixed at the main point of entry to the Apartment House, or at
9 such other location that the Fire Marshal approves in writing, that contains the phone number of the
10 owner, property manager, or other person who can give the Fire Marshal prompt access to the
11 building to conduct safety inspections.

12
13 **SEC. 915.3. [For SF] Disclosure Requirements.**

14 (a) The following information (the "Disclosure Information") shall be disclosed to each resident
15 of an Apartment House as defined in the Housing Code:

16 (1) The most recent Posted Information;

17 (2) The location of all smoke alarms in the resident's dwelling unit, instructions on how
18 to confirm that the smoke alarms are in working condition, and a statement of when the smoke alarms
19 were last replaced; and

20 (3) The location of all carbon monoxide detectors in the resident's dwelling unit,
21 instructions on how to confirm that the carbon monoxide detectors are in working condition, and a
22 statement of when the carbon monoxide detectors were last replaced.

23 The Disclosure Information may also include any other information that would assist a resident
24 to escape or prevent a fire in the building.

1 **(b) The owner of the Apartment House or the owner’s agent shall provide an oral explanation**
2 **of the Disclosure Information to new residents before the new residents commence occupancy in the**
3 **building, a written copy of the Disclosure Information to new residents on or before the commencement**
4 **of occupancy, and a written copy, updated as appropriate, to all building residents on or before**
5 **January 31 of each year.**

6 **(c) The owner of the Apartment House shall maintain a record of its compliance with this**
7 **Section 915.3 by requesting that a resident from each dwelling unit execute a statement (the**
8 **“Resident’s Statement”) and transmit the Resident’s Statement to the owner within five business days**
9 **after the resident has received the Disclosure Information, both upon commencement of occupancy and**
10 **in each subsequent year. The Resident’s Statement shall identify the date that the resident received the**
11 **Disclosure Information. If the resident fails to complete and transmit a Resident’s Statement as**
12 **requested, the owner shall execute a written statement (the “Owner’s Statement”) which confirms the**
13 **date that the owner provided the resident the Disclosure Information, and which states that the resident**
14 **did not execute the statement as requested. The owner shall provide the resident a copy of the Owner’s**
15 **Statement within five business days after it is executed. The owner shall retain copies of all Resident’s**
16 **Statements and Owner’s Statements for at least two years. An owner’s failure to maintain such records**
17 **shall create a rebuttable presumption that the owner has violated this Section 915.3.**

18
19 **SEC. 915.4. [For SF] Training Requirements.**

20 **(a) The owner of any building with 16 or more dwelling units must offer building residents an**
21 **annual fire safety training that covers the following information:**

- 22 **(1) The Disclosure Information;**
23 **(2) Best practices for how to prevent and escape from building fires; and**
24 **(3) Any other fire safety information that the building owner deems appropriate.**

1 Owners are encouraged to walk through their buildings with residents to address the location of
2 fire extinguishers, emergency exits, and other fire safety information.

3 (b) The owner shall provide residents advance written notification of the training, and shall
4 provide a written summary of the training to each dwelling unit that did not send at least one resident
5 to attend.

6 (c) The owner shall maintain a record going back at least two years that shows the notice
7 provided to residents before each training, confirmation that each training occurred, a list of attendees
8 at each training, and confirmation that the owner provided a written summary of the training to each
9 dwelling unit that did not send at least one resident to attend. An owner's failure to maintain such
10 records shall create a rebuttable presumption that the owner has violated this Section 915.4.

11
12 **SEC. 915.5. [For SF] Printing Requirements.**

13 (a) The Posted Information, Disclosure Information, and training materials if applicable shall
14 be printed, and posted in the case of Posted Information, in compliance with Section 11B-703.5 of the
15 California Building Code, as it may be amended from time to time.

16
17 **SEC. 915.6. [For SF] Penalties and Enforcement.**

18 The Chief of the San Francisco Fire Department or his or her designee may assess and collect
19 administrative penalties from the owner for any violation of Sections 915.2, 915.3, 915.4, or 915.5 in
20 accordance with Administrative Code Chapter 100, "Procedures Governing the Imposition of
21 Administrative Fines," as may be amended from time to time. Chapter 100, which is incorporated
22 herein in its entirety, shall govern the amount of fees and the procedures for imposition, enforcement,
23 collection, and administrative review of administrative citations. Each day a violation of one of the
24 aforementioned sections occurs shall constitute a separate violation of that section.

1 Section 3. Undertaking for the General Welfare. In enacting and implementing this
2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
3 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
4 is liable in money damages to any person who claims that such breach proximately caused
5 injury.
6

7 Section 4. Effective and Operative Dates.

8 (a) Effective Date. This ordinance shall become effective 30 days after it is enacted.
9 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
10 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
11 Supervisors overrides the Mayor's veto of the ordinance.
12

13 (b) Operative Date. This ordinance shall become operative six months after the Clerk
14 of the Board has filed this ordinance with the California Building Standards Commission
15 pursuant to Section 17958.7 of the California Health and Safety Code and as directed in
16 Section 5.
17

18 Section 5. Transmittal to State Officials. The Clerk of the Board of Supervisors is
19 hereby directed to transmit this ordinance, upon its final passage, to the California Building
20 Standards Commission and the State Fire Marshal for filing, pursuant to the applicable
21 provisions of California law.

22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By:


25 MANU PRADHAN
Deputy City Attorney

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Supervisor Tang
BOARD OF SUPERVISORS

REVISED LEGISLATIVE DIGEST

(Substituted, 5/24/16)

[Fire Code - Disclosure of Fire Safety Information]

Ordinance amending the San Francisco Fire Code to require building owners and homeowners' associations to provide fire safety information to residents in buildings with three or more dwelling units, and annual fire safety information and training to residents in buildings with 16 or more units; making findings as to local conditions pursuant to the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to transmit the Ordinance to appropriate State officials.

Existing Law

Chapter 9 of the Fire Code specifies requirements for fire-protection systems.

Amendments to Current Law

The proposed ordinance amends Chapter 9 by requiring building owners to post and provide fire safety information to residents. The purpose of the proposed ordinance is to increase safety from the risk of fires.

Within 180 days of the effective date of the proposed ordinance (the "Operative Date"), a map or diagram must be posted in a common area frequented by the residents in each Apartment House (*i.e.*, buildings with three or more dwelling units). The map or diagram must disclose the following information: (1) the location of all fire extinguishers and dates of last servicing; (2) the location of all emergency exits and a statement that they must remain unobstructed; (3) the location of all fire escapes and the dates of last inspection; and (4) the location of the building's fire alarm system, with the dates of inspection and testing and certification as applicable. This information must be updated as appropriate by January 31 of each year. The owner must also affix a sign or sticker at the main point of entry to the Apartment House that contains the phone number of the owner, property manager, or other person who can give the Fire Marshal prompt access to the building to conduct safety inspections.

Owners of Apartment Houses are also required to provide annual disclosures to building residents. Disclosures are to be provided orally and in writing before new residents first commence occupancy in the building, and in writing once a year thereafter by January 31 of each year. The disclosures should cover (1) all of the information that is required to be posted, and (2) the location of all smoke alarms and carbon monoxide detectors in each resident's dwelling unit, along with instructions on how to confirm that the smoke alarms and carbon monoxide detectors are in working condition and a statement of when they were last replaced. Owners must retain a record of their compliance with these disclosure requirements for at least two years. A failure to maintain such records shall create a rebuttable presumption that the owner has not made the required disclosures.

Owners of buildings with 16 or more dwelling units must offer residents an annual fire safety training that covers the required disclosures, best practices for how to prevent and escape from building fires, and any other fire safety information that the building owner deems appropriate. Owners must provide residents advance written notification of the trainings and must provide a written summary to each dwelling unit that did not send at least one resident to attend. Owners must retain a record of their compliance with the training requirement for at least two years. A failure to maintain such records shall create a rebuttable presumption that the owner has not provided the required training.

The San Francisco Fire Chief or his or her designee may assess and collect administrative fines for violations of the proposed ordinance in accordance with Chapter 100 of the Administrative Code. Each day a violation is permitted or allowed to continue is a separate violation.

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