

1 [Fire, Housing, Building Codes - Fire Safety Requirements for Existing Buildings]

2

3 **Ordinance amending the Fire Code and the Housing Code to require building owners**
4 **provide residential tenants with an annual written notice of smoke alarm requirements**
5 **and require building owners of buildings with three or more dwelling units file a**
6 **statement of compliance with annual fire alarm testing and inspection requirements**
7 **every two years; amending the Fire Code and Building Code to require building owners**
8 **to upgrade existing fire alarm systems by July 1, 2021 or upon completion of \$50,000 or**
9 **more of construction work, whichever occurs earlier; amending the Building Code to**
10 **require owners of Apartment Houses damaged by fire to submit an Action Plan to the**
11 **City within 30 days of the fire. require re-inspection(s) of the premises by the**
12 **Department of Building Inspection after a fire that has resulted in the displacement of**
13 **residential occupants, and requiring owners of buildings in Group R occupancies with**
14 **six or more units to install fire blocks in open accessible attics when performing**
15 **\$50,000 or more of construction work; affirming the Planning Department’s**
16 **determination under the California Environmental Quality Act; making findings under**
17 **the California Health and Safety Code; and directing the Clerk of the Board of**
18 **Supervisors to forward this ordinance to the California Building Standards**
19 **Commission upon final passage as required by State law.**

20 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
21 **Additions to Codes** are in *single-underline italics Times New Roman font*.
22 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
23 **Board amendment additions** are in double-underlined Arial font.
24 **Board amendment deletions** are in ~~strikethrough Arial font~~.
25 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

1 Section 1. Findings.

2 (a) The Planning Department has determined that the actions contemplated in this
3 ordinance comply with the California Environmental Quality Act (California Public Resources
4 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
5 Supervisors in File No. 160422 and is incorporated herein by reference. The Board affirms
6 this determination.

7 (b) On May 18, 2016, the Building Inspection Commission considered this
8 ordinance at a duly noticed public hearing pursuant to Charter Section D3.750.5.

9 (c) On June 8, 2016, the Fire Commission considered this ordinance at a duly
10 noticed public hearing.

11
12 Section 2. Findings under California Health and Safety Code. The Board of
13 Supervisors hereby finds that the following local conditions apply to the amendments to the
14 Fire, Building, and Housing Codes enacted by this ordinance:

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

22 (2) San Francisco has narrow and crowded sidewalks due to building and
23 population density and unusual topography; and San Francisco has numerous high-rise
24 buildings, including residential buildings with large numbers of people living therein. For these
25 reasons, fires in San Francisco can be especially devastating, and the need for extra

1 measures to prepare for and cope with fires is especially pressing, particularly regarding
2 people who live in multi-unit residential buildings, and who may face fire dangers any day of
3 the week and any hour of the day or night.

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

13 (4) Pursuant to the applicable California Health and Safety Code sections, the
14 Board of Supervisors finds and determines that the conditions described above constitute a
15 general summary of the most significant local conditions giving rise to the need for variance
16 from the California Fire and Building Codes and any other applicable provisions published by
17 the California Building Standards Commission. Further, the Board of Supervisors finds and
18 determines that the proposed variances are reasonably necessary based on these local
19 conditions, and that these conditions justify more restrictive standards applicable to the
20 provision of fire safety information to persons living in multi-unit residential buildings in San
21 Francisco.

22
23 Section 3. The Fire Code is hereby amended by adding Sections 907.2.11.6 and
24 1103.7.6.1, and revising Section 907.8.5, to read as follows:

25 **907.2.11.6. [For SF] Smoke Alarm Information Disclosure.**

1 (a) Annual Smoke Alarm Information Notice. On or before January 31, 2017, and on or
2 before January 31 of each year thereafter, owners of a dwelling unit intended for human occupancy in
3 which one or more units is rented or leased shall provide each tenant with a written notice regarding
4 smoke alarm requirements on a form provided by the Fire Department. The Fire Department shall
5 develop the notice in consultation with the Department of Building Inspection and shall make the notice
6 available on its website in English, Spanish, and Chinese. The Fire Department shall update the notice
7 as necessary from time to time to reflect changes in the law, and the owner shall provide the most
8 recent notice to tenants. The notice shall include, but not be limited to, the following information:

9 (1) information regarding the importance of maintaining smoke alarms in working
10 condition for life safety;

11 (2) a brief summary of legal requirements for smoke alarms in dwelling units;

12 (3) a statement that the landlord is obligated to provide operable smoke alarms in good
13 working condition in the dwelling unit in accordance with the Housing Code and Fire Code and the
14 landlord must promptly repair or replace inoperable smoke alarms upon request; and

15 (4) attached as a separate appendix to the notice, a list, to be prepared by the Rent
16 Board, of tenants' rights organizations that provide counseling to tenants on issues related to fires, and
17 contact information for those organizations.

18 (b) Posting Requirement. For all Apartment Houses as defined in the Housing Code, the
19 building owner shall post the notice referenced in subsection (a) in at least one conspicuous location in
20 a common area of each floor of the building.

21 * * * *

22 **907.8.5. [For SF] Maintenance, Inspection, and Testing.**

23 (a) Testing, Inspection and Filing Requirements. The building owner is responsible to
24 maintain the fire and life safety systems in an operable condition at all times. The building
25 owner must have the system(s) tested and inspected every year by ~~S~~service personnel ~~shall~~ who meet

1 the qualification requirements of NFPA 72, as amended from time to time, for maintaining,
2 inspecting, and testing of the systems.

3 (1) Filing Statement of Compliance. With regard to fire alarm systems in
4 Apartment Houses, as defined in the Housing Code, the building owner shall file a Statement of
5 Compliance with this annual testing and inspection requirement with the Fire Department of Building
6 Inspection, on a form provided by the Fire Department of Building Inspection, in accordance with
7 the following schedule: (4A) for buildings with nine or more units, on or before January 31, 2017, and
8 thereafter on or before January 31 of each odd-numbered year, and (2B) for buildings with less than
9 nine units, on or before January 31, 2018, and thereafter on or before January 31 of each even-
10 numbered year. The Department of Building Inspection Fire Department shall consult with the
11 Department of Building Inspection Fire Department in developing the Statement of Compliance
12 form. The Fire Department of Building Inspection shall post all Statements of Compliance it receives
13 on a City website maintained by the Fire Department of Building Inspection no later than 60 days
14 from January 31 each year the date of receipt of the Statement of Compliance as provided in
15 subsection (c) of Section 908 of the Housing Code.

16 (2) Posting Statement of Compliance in Common Area. In addition to filing
17 the Statement of Compliance, the building owner shall post a copy of the most recently filed
18 Statement of Compliance in at least one conspicuous location in a common area of each floor
19 of the building or, if no such common area(s) exist, the building owner shall provide a copy to
20 each residential tenant in the building. The building owner shall comply with this requirement
21 no later than 60 days from the date of filing of the Statement of Compliance.

22 (3) Enforcement. For purposes of enforcement of this subsection (a), the Fire
23 Department of Building Inspection shall be responsible only for posting the Statement of Compliance
24 forms on the City website, and the Fire Department and/or the Department of Building Inspection shall
25 respond to any complaint received by the respective department pertaining to compliance with this

1 subsection in the case of the Fire Department, or compliance with Section 908 of the Housing
2 Code in the case of the Department of Building Inspection. The Departments may also enforce
3 this subsection these requirements pursuant to periodic health and safety inspections required by
4 code.

5 (b) Recordkeeping. The building owner shall maintain Wwritten records of inspection and
6 testing, as specified in NFPA 72, as amended from time to time, shall be provided to the fire code
7 official upon request. Records shall be maintained until the next test and for one year thereafter.

8 (c) Sticker. The building owner shall place, or shall cause Sservice personnel shall to place,
9 a sticker on the exterior of the fire alarm control panel cover that includes the company name,
10 phone number, and the date of the last inspection or testing.

11 * * * *

12 **1103.7.6.1. [For SF] Sleeping Area Requirements.**

13 For all buildings that are required to have a fire alarm system under this Code, the Building
14 Code, the Housing Code or any other law, the building owner shall upgrade the fire alarm system, if
15 necessary, to comply with the sound level requirement for sleeping areas set forth in Section 18.4.5.1 of
16 NFPA 72 (2013 edition), as amended from time to time, upon either (a) completion of work under
17 a building permit with a cost of construction of \$50,000 or more or (b) July 1, 2021, whichever occurs
18 first.

19
20 Section 4. The Building Code is hereby amended by adding Sections 106A.1.14
21 (including Sections 106A.1.14.1, 106A.1.14.2, 106A.1.14.3, and 106A.1.14.4, and
22 106A.1.14.5), 3401.8.2, and 3401.8.3, to read as follows:

23 **106A.1.14. Damaged apartment houses where residential occupants have been displaced;**
24 **preliminary information and Action Plan required. Whenever an Apartment House, as defined in the**
25 **Housing Code, has been damaged by fire or other emergency that results in the displacement of**

1 residential occupants, the property owner shall submit to the Department's Building Inspection
2 Division, with a copy to the Housing Inspection Division, the following information and an Action Plan
3 within the timeframe specified. The Department shall include a statement in all applicable Notices of
4 Violation issued pursuant to this Section that allowing the residential occupants to retrieve their
5 personal property in a safe manner through a visit supervised by the property owner's engineer,
6 general contractor, or other industry professional for a short duration is not in conflict with the issued
7 Notice of Violation.

8 **106A.1.14.1. Information submittal.** Within 72 hours of the posting of a Notice of
9 Violation on the subject site, the property owner shall provide the following information in writing:

10 (a) a description of the steps taken and the methods used to stabilize and secure the subject
11 building and premises, including but not limited to the following, as appropriate: (1) fencing the
12 building perimeter, (2) securely barricading all windows, openings, and other points of entry to the
13 building from the outside, (3) assessing the property at least weekly to ensure that no unauthorized
14 entry is occurring and that any fencing and barricades are secure and remain in place, and (4)
15 providing 24-hour security;

16 (b) if the City has determined that the subject building, or portions thereof, is unsafe for
17 occupancy, a description of the steps taken and the methods used to either secure the personal property
18 of the residential occupants or allow them to retrieve their personal property, including but not limited
19 to the following: (1) fencing the building perimeter, barricading all points of entry, or taking the other
20 steps listed in Section 106A.1.14.1(a) above, and (2) obtaining the recommendations of a structural
21 engineer or other appropriate consultant for allowing the residential occupants access to the building
22 or undamaged portions thereof for the purpose of obtaining their personal belongings; and

23 (c) the name and contact information of the owner or an agent of the owner who is able to
24 respond to questions and concerns from the residential occupants and others.

1 106A.1.14.2. Action Plan submittal. Within 30 days from release of the scene by the
2 Fire Department and other emergency responders, the property owner shall submit an Action Plan in
3 the form required by the Department that contains the following elements:

4 (a) a description of the steps taken and the methods used to stabilize and secure the subject
5 building and premises, including supporting documentation by a structural engineer or other industry
6 professional as specified in the Notice of Violation, including but not limited to the following, as
7 appropriate: (1) fencing the building perimeter, (2) securely barricading all windows, openings, and
8 other points of entry to the building from the outside, (3) assessing the property at least weekly to
9 ensure that no unauthorized entry is occurring and that any fencing and barricades are secure and
10 remain in place, and (4) providing 24-hour security;

11 (b) a summary of the extent of fire or water damage to the building, describing with specificity
12 the damage to individual dwelling units that were occupied prior to the damage by fire or other
13 emergency;

14 (c) a description of the repairs necessary to bring the building into compliance with any
15 Notices of Violation issued by the Department of Building Inspection, Fire Department, or Health
16 Department;

17 (d) a general schedule and description of the permits that will be filed to comply with (3)
18 above;

19 (e) the contact information of the individuals who will perform the work under (3) above, which
20 information shall be updated as necessary and kept current;

21 (f) an estimated date (month and year) when the displaced residential occupants can reoccupy
22 the building. The estimated date shall be within a time reasonably necessary to accomplish the required
23 repairs;

24 (g) proof that the owner has complied with the notice requirements of Section 106A.1.14.3; and
25

1 (h) information about prior complaints, notices of violation, and the status of their abatement
2 or compliance with code requirements.

3 **106A.1.14.3. Updating information.** Within 90 days from the submission of the Action
4 Plan to the Department required by Section 106A.1.14.2, and every 90 days thereafter, the property
5 owner shall provide to the Department any new or corrected information concerning items (a) through
6 (h) in Section 106A.1.14.2 above, including but not limited to any change to the estimated date by
7 which the displaced residential occupants can reoccupy the building.

8 **106A.1.14.4. Notice of filing of Action Plan.** Within 72 hours of the filing of the
9 required Action Plan with the Department, the property owner shall (a) post a notice of the filing in a
10 prominent location at the building site and (b) mail or personally deliver a notice of the filing to each
11 displaced residential occupant at their last known location.

12 **106A.1.14.5. Re-inspection of the premises.** Following a fire that has resulted
13 in the displacement of residential occupants, the Department shall re-inspect the premises at
14 least every 90 days until the property owner has responded to and abated all pending Notices
15 of Violation. If the property owner does not give the Department access to the premises
16 necessary to conduct such re-inspection(s), the Department shall request assistance from the
17 City Attorney to gain access to the premises or take such other action as the City Attorney
18 deems appropriate.

19
20 **3401.8.2. Fire alarm systems.** For all buildings that are required to have a fire alarm system
21 under this Code, the Fire Code, the Housing Code or any other law, the building owner shall upgrade
22 the fire alarm system, if necessary, to comply with the sound level requirement for sleeping areas set
23 forth in Section 18.4.5.1 of NFPA 72 (2013 edition), ~~as amended from time to time,~~ upon either (a)
24 completion of work under a building permit with a cost of construction of \$50,000 or more, or (b) July
25 1, 2021, whichever occurs first.

1
2 3401.8.3. Open, accessible attics. When performing additions, alterations, or repairs in Group
3 R occupancies of six units or more under a building permit with a cost of construction of \$50,000 or
4 more, fire blocks, draftstops, or fire safing insulation (approved noncombustible material used as a fire
5 barrier) shall be installed in open attics of 30 inches in height or greater that are accessible from other
6 than an occupied residential unit.

7
8 Section 5. The Housing Code is hereby amended by revising Sections 908 and 911 to
9 read as follows:

10 **SEC. 908. MAINTENANCE AND REPAIR.**

11 All safety systems, devices, or equipment provided for in this Chapter 9 or in the Fire
12 Code shall be maintained in good repair at all times.

13 (a) Fire escapes. Fire escapes shall be kept clear and unobstructed and be readily
14 accessible at all times. Upon inspection, the property owner, or authorized agent, shall
15 demonstrate to the Director or designated personnel, that all existing fire escapes are fully
16 operational and properly maintained. Upon completion of the inspection, all existing fire
17 escapes shall be secured and maintained free of obstruction ~~secured~~ pursuant to Section
18 1030.2 1440.3.1. of the San Francisco Fire Code and in compliance with any successor
19 provisions in the Fire Code pertaining to the operation and/or maintenance of fire escapes.

20 (b) Fire and life safety systems. The building owner shall maintain the fire and life safety
21 systems required by this Code, the Building Code, or the Fire Code in an operable condition at all
22 times. The building owner must meet the requirements of Section 907.8.5 of the Fire Code and have the
23 system tested and inspected every year by service personnel that meet the qualification requirements of
24 NFPA 72 for maintaining, inspecting, and testing of the systems. The building owner shall maintain

1 written records of inspection and testing, as specified in NFPA 72, until the next test and for one year
2 thereafter.

3 (c) **Annual statement of compliance with the testing and inspection requirement.** With
4 regard to fire alarm systems in Apartment Houses, as defined in this Code, the building owner
5 shall file a Statement of Compliance with this annual testing and inspection requirement with the Fire
6 Department of Building Inspection, on a form provided by the Fire Department of Building Inspection,
7 in accordance with the following schedule: (1) for buildings with nine or more units, on or before
8 January 31, 2017, and thereafter on or before January 31 of each odd-numbered year, and (2) for
9 buildings with less than nine units, on or before January 31, 2018, and thereafter on or before January
10 31 of each even-numbered year. The Fire Department Department of Building Inspection shall
11 consult with the Department of Building Inspection Fire Department in developing the Statement of
12 Compliance form. The Department of Building Inspection shall post all Statements of
13 Compliance it receives on a City website maintained by the Department of Building Inspection
14 no later than 60 days from the date of receipt of the Statement of Compliance. For purposes of
15 enforcement of this subsection (c), the Department of Building Inspection shall be responsible
16 only for posting the Statement of Compliance forms on the City website, and the Fire
17 Department and/or the Department of Building Inspection shall respond to any complaint received by
18 the respective department pertaining to compliance with this subsection in the case of the
19 Department of Building Inspection, or compliance with Section 907.8.5 of the Fire Code in the
20 case of the Fire Department. The Departments may also enforce this subsection these
21 requirements pursuant to periodic health and safety inspections required by code.

22 (d) The building owner shall place, or shall cause service personnel to place, a sticker on
23 the exterior of the fire alarm control panel cover that includes the company name, phone number, and
24 the date of the last inspection or testing.

25 * * * *

1 **SEC. 911. SINGLE-STATION SMOKE DETECTOR WITH ALARM REQUIRED.**

2 * * * *

3 **(d) Smoke Detector Information Disclosure.**

4 **(1) Annual Smoke Detector Information Notice.** *On or before January 31, 2017, and*
5 *on or before January 31 of each year thereafter, owners of a dwelling unit intended for human*
6 *occupancy in which one or more units is rented or leased shall provide each tenant with a written*
7 *notice regarding smoke alarm requirements on a form provided by the Fire Department as described in*
8 *Section 907.2.11.6 of the Fire Code.*

9 **(2) Posting Requirement.** *For all Apartment Houses as defined in this Code, the*
10 *building owner shall post the notice referenced in subsection (d)(1) in at least one conspicuous location*
11 *in a common area of each floor of the building.*

12
13 **Section 6. Effective and Operative Dates.**

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

18 (b) Operative Date. Pursuant to Section 17958.7 of the California Health and Safety
19 Code, this ordinance is not operative until the Clerk of the Board has filed it with the California
20 Building Standards Commission, as directed in Section 9.

21
22 **Section 7. Scope of Ordinance.** In enacting this ordinance, the Board of Supervisors
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 Section 8. Undertaking for the General Welfare. In enacting and implementing this
5 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
6 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
7 is liable in money damages to any person who claims that such breach proximately caused
8 injury.

9
10 Section 9. Directions to Clerk. The Clerk of the Board of Supervisors is hereby directed
11 to forward a copy of this ordinance to the California Building Standards Commission upon final
12 passage as required by State law.

13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: _____
16 FRANCESCA GESSNER
17 Deputy City Attorney

18 n:\legana\as2016\1600380\01116259.doc