

LEGISLATIVE DIGEST

[Building Code - Vacant or Abandoned Commercial Storefronts]

Ordinance amending the Building Code to establish a procedure for maintaining and registering vacant or abandoned commercial storefronts, including imposition of a registration fee.

Existing Law

Building Code Section 103A.4 *et. seq.*, the Vacant or Abandoned Building Ordinance (“VABO”), requires that owners of vacant or abandoned buildings in San Francisco register their properties as such, pay registration fees, secure their properties to deny access to would-be trespassers, and provide proof of liability insurance coverage for the properties. VABO, as it currently reads, applies to some vacant commercial storefronts in San Francisco. However, a building containing a vacant commercial storefront but an occupied second floor unit is technically not a vacant or abandoned building, as defined by VABO. Hence, many vacant commercial storefronts in San Francisco evade VABO regulations under this loophole.

Amendments to Current Law

By amending the Building Code to apply requirements similar to those specified in VABO to properties containing vacant or abandoned commercial storefronts, owners of properties in commercial corridors will have extra incentive to seek suitable tenants to fill their vacant or abandoned commercial storefronts. To provide owners of vacant or abandoned commercial storefronts with ample time to find suitable tenants, the proposed amendment to the Building Code would mandate owners of vacant or abandoned commercial storefronts to do the following within 30 days of issuance of a Notice of Violation:

1. Register their commercial storefronts with the Department of Building Inspection (“DBI”);
2. Secure their commercial storefronts to prevent trespassers from gaining access to the premises;
3. Remove graffiti, refuse, and debris from in and around their commercial storefronts; and
4. Maintain fire and/or liability insurance coverage for their commercial storefronts as DBI determines necessary.

Additionally, owners of vacant or abandoned commercial storefronts would be required to do either of the following within 270 days of their commercial storefronts becoming vacant or abandoned:

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1. Rent their commercial storefronts to tenants who occupy the premises in a manner that complies with all state and local laws; or
2. Pay a fee of \$765.00 to include their commercial storefronts in the Registry of Vacant or Abandoned Commercial Storefronts. This fee shall be assessed on an annual basis for each year that a commercial storefront remains vacant or abandoned.

Finally, the proposed amendment carves out an exemption for owners of commercial storefronts who demonstrate a good faith effort to rent, lease, or sell their commercial storefronts, or obtain permits to bring their commercial storefronts into compliance with the law.

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