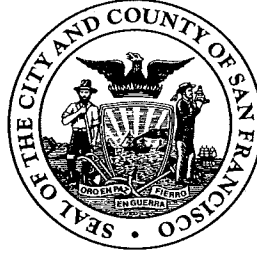


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Rm 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Joanne Hayes-White, Chief, Fire Department
FROM: Derek Evans, Assistant Clerk
DATE: July 29, 2015
SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Public Safety & Neighborhood Services Committee has received the following legislation, introduced by Supervisor Katy Tang, which is being referred to your department:

File No. 150792

Ordinance amending the San Francisco Fire Code to require building owners and homeowners' associations with five or more units to post and disclose fire safety information to residents, and 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.

Please submit any comments or reports to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Kelly Alves, Fire Department
Monica Quattrin, Fire Commission

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 with five or more units to post and disclose fire safety**
5 **information to residents; making findings as to local conditions pursuant to the**
6 **California Health and Safety Code; and directing the Clerk of the Board of Supervisors**
7 **to transmit the Ordinance to appropriate State officials.**

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

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

16 Section 1. Findings.

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

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

4 California Health and Safety Code Section 13216 permits the City and County to
5 impose greater restrictions with respect to high-rise buildings than are imposed by the State
6 building standards related to fire or panic safety or the regulations of the State Fire Marshal.
7 Consistent with such authorization, and recognizing the above-stated unique concerns for fire
8 safety in San Francisco, this ordinance is enacted with the purpose of protecting persons who
9 live in multi-unit residential buildings, some of which are high-rise buildings, as well as the
10 general public, and minimizing building and other property damage cause by fire.

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

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

1 conditions, and that these conditions justify more restrictive standards applicable to the
2 provision of fire safety information to persons living in multi-unit residential buildings in San
3 Francisco.

4
5 Section 2. The Fire Code is hereby amended by adding Section 915, consisting of
6 Sections 915.1, 915.2, 915.3, 915.4, 915.5, and 915.6, to read as follows:

7
8 **SEC. 915. FIRE SAFETY INFORMATION DISCLOSURE**

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

11 It is the purpose of this Section 915 to increase the safety of the general public, including
12 especially residents of multi-unit buildings, from the risk of fires, by requiring certain building owners
13 to post critical safety information in a place that is accessible to residential occupants, and disclose
14 that information to each new residential occupant.

15
16 **SEC. 915.2. [For SF] Definitions.**

17 Whenever used in this Section 915, the following words and phrases shall have the following
18 definitions:

19 "Disclosure Information" shall mean the information required to be disclosed as specified in
20 Section 915.4 of this Code.

21 "Operative Date" shall mean 180 days after the effective date of the ordinance creating Section
22 915 (Ordinance No. _____).

23 "Owner" shall mean any person in whose name the title to real property appears in the public
24 record, or other lawful owner. For a building containing condominiums, "Owner" shall mean the
25 homeowners' association for the condominiums.

1 "Posted Information" shall mean the information required to be disclosed through posting as
2 specified in Section 915.3 of this Code.

3 "Resident" shall mean any person to whom an Owner leases or rents a Residential Unit as his
4 or her primary residence, or who has purchased and occupies a condominium as his or her primary
5 residence.

6 "Residential Unit" shall mean a room or dwelling unit in any building, or portion thereof,
7 which is being rented, leased, let, or hired out to be occupied as a primary residence. "Residential
8 Unit" also means a condominium occupied as a primary residence.

9 "Responsible Owner" shall mean an Owner of a building containing five or more residential
10 units.

11 "Responsible Owner's Statement" shall mean the statement by a Responsible Owner as
12 described in Section 915.4 of this Code.

13 "Updated Information" shall mean the information required to be updated as specified in
14 Section 915.3 of this Code.

15
16 **SEC. 915.3 [For SF] Posting Requirements.**

17 By no later than the Operative Date, each Responsible Owner shall post in at least one
18 conspicuous location in a common area of each floor of the building written information (the Posted
19 Information) disclosing the following in English, Spanish, and Chinese:

20 (a) The location of each fire extinguisher on the floor of the building, and the date of last
21 servicing;

22 (b) The location of building emergency exits and that they must remain unobstructed;

23 (c) The location of the building's fire alarm system, confirmation that it is operable,
24 confirmation that it is certificated as required by Section 907.7.4 of this Code, if applicable, and, when
25

1 it was last inspected and tested by service personnel as required by Section 907.8.5 of this Code, if
2 applicable;

3 (d) The location of the gas shut-off valve for the building, if any, and instructions on how to shut
4 off the gas in case of an emergency;

5 (e) Each location in the building that is protected by fire sprinklers; and

6 (f) In the Responsible Owner's discretion, any other information that would assist a Resident to
7 escape or prevent a fire in the building.

8 Responsible Owners shall update and replace the Posted Information each year by January 31
9 (the Updated Information). The Updated Information shall include, but not be limited to, the date or
10 dates when fire extinguishers and the smoke alarm were last serviced.

11
12 **SEC. 915.4. [For SF] Disclosure Requirements.**

13 (a) Each Responsible Owner shall provide to each Resident who commences occupancy of a
14 Residential Unit in the Responsible Owner's building on or after the Operative Date, and review with
15 each such Resident, a copy of the most recent Posted Information, amended with the addition of the
16 following written information in English, Spanish, and Chinese: (1) the location of smoke alarms in the
17 Residential Unit, and how to confirm that they are in working condition, and (2) the location of any
18 carbon monoxide detector in the Residential Unit, and when it was last replaced (collectively, the
19 Disclosure Information). The Responsible Owner shall provide each Resident whose primary language
20 is Tagalog or who shares the Residential Unit with at least one person 18 years old or older whose
21 primary language is Tagalog, one additional copy of the Disclosure Information in Tagalog within five
22 business days of a request by the Resident for the information.

23 (b) The Responsible Owner shall maintain a record that shows that it has provided to, and
24 reviewed the Disclosure Information with a Resident as required by this Section 915.4, and shall for
25 that purpose (1) request that the Resident execute a statement evidencing the Resident's receipt of the

1 information and the date of receipt, or, (2) if the Resident refuses to execute the statement, prepare
2 within five business days of the review a written statement executed by the Responsible Owner stating
3 that the Resident was provided and refused a request to execute the statement evidencing the Resident's
4 review of the Disclosure Information, the date of the review, and the date of the written statement (the
5 Responsible Owner's Statement). The Responsible Owner shall provide the Resident a copy of the
6 Responsible Owner's Statement within 10 business day after the review. The Responsible Owner shall
7 assemble and maintain records of reviews, and shall keep the record for each review while the Resident
8 occupies the Residential Unit.

9 (c) The Responsible Owner shall provide and review Disclosure Information with a Resident
10 each time the Resident occupies a new Residential Unit in the building by leasing or renting the unit, or
11 purchasing a condominium.

12 (d) Responsible Owners shall provide to each Residential Unit in a building a copy of the
13 Updated Information each year, no later than February 15, and shall provide by that date a copy of the
14 Updated Information in Tagalog to the Residential Unit of each Resident who requested Disclosure
15 Information in Tagalog.

16
17 **SEC. 915.5. [For SF] Printing Requirements.**

18 The Posted Information, Disclosure Information, and Updated Information shall be printed, and
19 where posting is required by this Section 915, posted, in compliance with the requirements of Section
20 11B-703.5 of the California Building Code, as it may be amended from time to time.

21
22 **SEC. 915.6. [For SF] Penalties and Enforcement.**

23 The Chief of the San Francisco Fire Department or his or her designee may assess and collect
24 administrative penalties for any violation of Sections 915.3, 915.4, 915.5 in accordance with
25 Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as

1 may be amended from time to time. Chapter 100, which is incorporated herein in its entirety, shall
2 govern the amount of fees and the procedures for imposition, enforcement, collection, and
3 administrative review of administrative citations. Each day a violation of one of the aforementioned
4 sections is permitted or allowed to continue shall constitute a separate violation of that section.

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

11
12 Section 4. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

16
17 Section 5. Transmittal to State Officials. The Clerk of the Board of Supervisors is
18 hereby directed to transmit this ordinance, upon its final passage, to the California Building
19 Standards Commission and the State Fire Marshal for filing, pursuant to the applicable
20 provisions of California law.

21
22 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

23
24 By:


Robert A. Bryan
Deputy City Attorney

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