

1 [Building Code - Definition of Vacant or Abandoned Buildings]

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3 **Ordinance amending the Building Code to provide that a building in probate shall not**  
4 **be considered vacant or abandoned for purposes of the annual registration**  
5 **requirement for a period not to exceed two years if it complies with all codes and does**  
6 **not contribute to blight; and affirming the Planning Department’s determination under**  
7 **the California Environmental Quality Act.**

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 *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough 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 (a) The Planning Department has determined that the actions contemplated in this  
18 ordinance comply with the California Environmental Quality Act (California Public Resources  
19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
20 Supervisors in File No. 151079 and is incorporated herein by reference. The Board affirms  
21 this determination.

22 (b) The Building Inspection Commission considered this ordinance on December 16,  
23 2015, at a duly noticed public hearing, pursuant to Charter Section D3.750-5.

24 Section 2. The Building Code is hereby amended by revising Section 103A.4.1, to read  
25 as follows:

1 103A.4 **Vacant or Abandoned Buildings – Annual Registration; Registration Fee;**  
2 **Maintenance and Security Requirements.**

3 103A.4.1 **Definition.** A building shall be defined as a vacant or abandoned if it (1) is  
4 unoccupied and unsecured; or (2) is unoccupied and secured by boarding or other similar  
5 means; or (3) is unoccupied and unsafe as defined in Section 102A of this Code; or (4) is  
6 unoccupied and has multiple code violations; or (5) has been unoccupied for over 30 days. A  
7 building which is partially unoccupied and has been cited for blight under Chapter 80 of the  
8 San Francisco Administrative Code, shall also be deemed a vacant or abandoned building  
9 that is subject to this Section. Commercial Storefronts, as defined in Section 103A.5.1 of this  
10 Code, located within vacant or abandoned buildings shall be subject to the enforcement  
11 provisions in Sections 103A.5-103A.5.6 of this Code.

12 For purposes of this Section 103A.4. a building shall not be considered vacant or  
13 abandoned if:

14 (1) There is a valid building permit for repair, rehabilitation, or construction of a building  
15 on the parcel and the owner completes the repair, rehabilitation, or construction within one  
16 year from the date the initial permit was issued; or

17 (2) The building complies with all codes, does not contribute to blight as defined in  
18 Chapter 80 of the San Francisco Administrative Code, is ready for occupancy, and is actively  
19 being offered for sale, lease, or rent.

20 (3) The building complies with all codes, does not contribute to blight as defined in Chapter  
21 80 of the San Francisco Administrative Code, and is undergoing included in an estate that is in an  
22 active and ongoing a probate process proceeding that does not exceed two years. Upon  
23 expiration of the two-year period, the building shall become subject to the requirements of  
24 Section 103A.4.

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Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By: \_\_\_\_\_  
JUDITH A. BOYAJIAN  
Deputy City Attorney

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