File No. 150792

Committee Item No. <u>6</u> Board Item No. <u>4</u> 2

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Public Safety and Neighborhood Services Date July 14, 2016

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FILE NO. 150792

AMENDED IN COMMITTEI 7/14/2016 URDINANCE NO.

[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.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.
 Additions to Codes are in single-underline italics Times New Roman font.
 Deletions to Codes are in strikethrough italies Times New Roman font.
 Board amendment additions are in double-underlined Arial font.
 Board amendment deletions are in strikethrough Arial font.
 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:

Section 1. Findings.

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

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

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

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

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

Section 2. The Fire Code is hereby amended by adding Section <u>915409</u>, consisting of Sections <u>915.1</u>, <u>915.2</u>, <u>915.3</u>, <u>915.4</u>, <u>915.5</u>, and <u>915.6409.1</u>, <u>409.2</u>, <u>409.3</u>, <u>409.4</u>, <u>409.5</u>, and <u>409.6</u>, to read as follows:

SEC. 915409. FIRE SAFETY INFORMATION DISCLOSURE

<u>SEC. 915.1409.1. [For SF] Purpose.</u>

It is the purpose of this Section 915409 to reduce the risk of fires and of damage from fires by requiring owners of buildings with three or more dwelling units to post fire safety information in a place that is accessible to all residents, and to disclose fire safety information to new residents on or before they begin to live in the building and once a year thereafter, post fire safety information in a place that is accessible to all residents, and also to require owners of buildings with 16 or more dwelling units to offer an annual fire safety training to all residents.

SEC. 915.2 [For SF] Posting Requirements.

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

------ (1) The location of all fire extinguishers in the building, and the dates of last servicing;

(2) The location of all emergency exits in the building, and a statement that they must remain unobstructed;

----- (3) The location of all fire escapes in the building, and the dates of last inspection; and

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

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

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

(c) A sign or sticker shall be affixed at the main point of entry to the Apartment House, or at such other location that the Fire Marshal approves in writing, 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.

SEC. 915.3409.2. [For SF] Disclosure Requirements.

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

(1) The most recent Posted Information; The location of all fire extinguishers in the building, and the dates of last servicing:

(2) The location of all emergency exits in the building, and a statement that they must remain unobstructed;

(3) The location of all fire escapes in the building, and the dates of last inspection;

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

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

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

(7) The phone number of the appropriate contact within the San Francisco Fire Department for reporting suspected violations of this Section 409.

<u>The Disclosure Information may also include any other information that would assist a resident</u> to escape or prevent a fire in the building.

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

(c) The owner of the Apartment House shall maintain a record of its compliance with this Section 915.3409.2 by requesting that a resident from each dwelling unit execute a statement (the "Resident's Statement") and transmit the Resident's Statement to the owner within 20 five business days after the resident has received the Disclosure Information, both upon commencement of occupancy and in each subsequent year. The Resident's Statement shall identify the date that the resident received the Disclosure Information. If the resident fails to complete and transmit a Resident's

Statement as requested, the owner shall execute a written statement (the "Owner's Statement") which confirms the date that the owner provided the resident the Disclosure Information, and which states that the resident did not execute the statement as requested. The owner shall provide the resident a copy of the Owner's Statement within five business days after it is executed. The owner shall retain copies of all Resident's Statements and Owner's Statements for at least two years. An owner's failure to maintain such records shall create a rebuttable presumption that the owner has violated this Section 915.3409.2. (d) A resident's failure to complete and transmit a Resident's Statement shall not

<u>constitute just cause under Administrative Code Section 37.9(a).</u> (e) This Section 409.2 shall become operative six months after the effective date of

this Section 409.

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SEC. 409.3 [For SF] Posting Requirements.

(a) The information required to be disclosed under Section 409.2, subdivisions (a)(1), (a)(2), (a)(3), (a)(4), and (a)(7) (collectively, the "Posted Information"), shall be posted in a common area frequented by the residents in each Apartment House, as defined in the <u>Housing Code.</u>

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

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

(d) The Department of Building Inspection shall enforce this Section 409.3 pursuant to periodic health and safety inspections required by code.

(e) This Section 409.3 shall become operative six months after the effective date of this Section 409.

SEC. 915.4409.4. [For SF] Training Requirements.

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

(1) The Disclosure Information;

(2) Best practices for how to prevent and escape from building fires; and

(3) Any other fire safety information that the building owner deems appropriate.

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

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

(c) The owner shall maintain a record going back at least two years that shows the notice
 provided to residents before each training, confirmation that each training occurred, a list of attendees
 at each training, and confirmation that the owner provided a written summary of the training to each
 dwelling unit that did not send at least one resident to attend. An owner's failure to maintain such
 records shall create a rebuttable presumption that the owner has violated this Section 915409.4.
 (d) A resident's failure to attend trainings required by this Section 409.4 shall not

constitute just cause under Administrative Code Section 37.9(a).

(e) This Section 409.4 shall become operative one year after the effective date of this Chapter.

SEC. 915.5409.5. [For SF] Printing Requirements.

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

SEC. 915.6409.6. [For SF] Penalties and Enforcement.

The Chief of the San Francisco Fire Department or his or her designee may assess and collect administrative penalties from the owner for any violation of this Section 409 Sections 915.2, 915.3, 915.4, or 915.5 in accordance with Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as may be amended from time to time. Chapter 100, which is incorporated herein in its entirety, shall govern the amount of fees and the procedures for imposition, enforcement, collection, and administrative review of administrative citations. Each day a violation of one of the aforementioned sections occurs shall constitute a separate violation of that section.

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

Section 4. Effective and Operative Dates.

(a) Effective Date. This ordinance shall become effective 30 days after it is enacted. 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.

Page 8

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(b) Operative Date. <u>The portions of Section 2 of t</u>This ordinance <u>that create Sections</u> <u>409.1, 409.2, 409.3, 409.5, and 409.6 of the Fire Code</u> shall become operative six months after the Clerk of the Board <u>of Supervisors</u> has filed this ordinance with the California Building Standards Commission pursuant to Section 17958.7 of the California Health and Safety Code and as directed in Section 5. <u>The remaining portion of Section 2, which creates Section 409.4</u> <u>of the Fire Code, shall become operative one year after the Clerk of the Board of Supervisors</u> <u>has filed this ordinance with the California Building Standards Commission pursuant to</u> <u>Section 17958.7 of the California Health and Safety Code and as directed in Section 5 of this</u> <u>ordinance</u>

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

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

UPRADHAN Deputy City Attorney

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REVISED AMENDED LEGISLATIVE DIGEST

(Amended in Committee, 7/14/2016)

[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 4 of the Fire Code specifies requirements for emergency planning and preparedness.

Amendments to Current Law

The proposed ordinance amends Chapter 4 by requiring building owners to disclose fire safety information to residents. The purpose of the proposed ordinance is to increase safety from the risk of fires.

The ordinance would require owners of Apartment Houses (*i.e.*, buildings with three or more dwelling units) to provide annual disclosures to building residents. The 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) 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; (4) the location of the building's fire alarm system, with the dates of inspection and testing and certification as applicable; (5) the location of all smoke alarms in each resident's dwelling unit, along with instructions on how to confirm they are in working condition and a statement of when they were last replaced; (6) the location of all carbon monoxide detectors in each resident's dwelling unit, along with instructions on how to confirm they are in working condition and a statement of when they were last replaced; and (7) the phone number of the appropriate contact within the San Francisco Fire Department for reporting suspected violations of the proposed ordinance. 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. The disclosure requirement will become operative six months after the ordinance is enacted.

In addition, the ordinance would also require owners of Apartment Houses to post the certain of the required disclosures (items (1), (2), (3), (4), and (7), above) in a common area frequented by the residents of the building. 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 or other building inspector prompt access to the building to conduct safety inspections. The Department of Building Inspection is responsible for enforcing these posting requirements pursuant to periodic health and safety inspections as required by code. These posting requirements will become operative six months after the ordinance is enacted.

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. These training requirements will become operative one year after the ordinance is enacted.

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.

Background Information

This legislative digest reflects amendments proposed at the Public Safety and Neighborhood Services Committee on July 14, 2016, to provide that (1) the ordinance shall be codified at Chapter 4 of the Fire Code, rather than Chapter 9; (2) the posted information need not appear on a map or diagram; (3) the Department of Building Inspection shall enforce the posting requirements pursuant to periodic health and safety inspections as required by code; (4) the posted information and disclosures must include the phone number of the appropriate contact within the Fire Department for reporting suspected violations of the ordinance; (5) the training requirement shall become operative one year, rather than six months, after the ordinance's effective date; and (6) a resident's failure to prepare a statement to confirm the disclosure has occurred, or to attend fire safety trainings, shall not constitute good cause for an eviction under Administrative Code Section 37.9(a).

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BUILDING INSPECTION COMMISSION (BIC)

THE CODING OF THE PARTY OF THE

Department of Building Inspection Voice (415) 558-6164 - Fax (415) 558-6509 1660 Mission Street, San Francisco, California 94103-2414

June 23, 2016

Edwin M. Lee Mayor

COMMISSION

Angus McCarthy President

Myrna Melgar Vice-President

Kevin Clínch Gail Gilman John Konstin Frank Lee Debra Walker

Sonya Harris Secretary

Tom C. Hui Director Ms. Angela Calvillo Clerk of the Board Board of Supervisors, City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4694

RE: File No. 150792

Dear Ms. Calvillo:

RE: Ordinance (File No. 150792) 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.

The Building Inspection Commission met and held a public hearing on June 15, 2016 regarding File No. 150792 on the proposed amendment to the San Francisco Fire Code referenced above. The Commissioners voted unanimously to support this proposed amendment.

The Commissioners voted as follows:

President McCarthy Yes Commissioner Konstin Yes Commissioner Walker Yes

Commissioner Gilman Commissioner Lee

Yes Yes

RECEIVED VIAEMAIL

6/23/206

FILE 150792

Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,

Jongattanio

Sonya Harris Commission Secretary

cc:

Tom C. Hui, S.E., Director Supervisor Katy Tang Board of Supervisors

BOARD of SUPERVISORS



City Hall 1 Dr. Carlton B. Goodlett Place, Room 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 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.

3875

Referral from the Office of the Clerk of the Board Public Safety and Neighborhood Services Committee June 1, 2016 Page 2

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 **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

Print Form				
Introduction Form				
By a Member of the Board of Supervisors or the Mayor				
I hereby submit the following item for introduction (select only one):	Time stamp or meeting date			
1. For reference to Committee.				
An ordinance, resolution, motion, or charter amendment.2. Request for next printed agenda without reference to Committee.				
3. Request for hearing on a subject matter at Committee.				
4. Request for letter beginning "Supervisor] inquires"			
5. City Attorney request.				
6. Call File No. from Committee.				
7. Budget Analyst request (attach written motion).				
8. Substitute Legislation File No. 150792				
9. Request for Closed Session (attach written motion).				
10. Board to Sit as A Committee of the Whole.				
11. Question(s) submitted for Mayoral Appearance before the BOS on				
Please check the appropriate boxes. The proposed legislation should be forwarded to the followi Small Business Commission Youth Commission Ethics Comm				
Planning Commission Building Inspection Commission	n			
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative				
Sponsor(s):				
Supervisor Katy Tang				
Subject:				
Fire Code - Disclosure of Fire Safety Information				
The text is listed below or attached:				
Signature of Sponsoring Supervisor:				
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For Clerk's Use Only:

Print Form

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Introduction Form

By a Member of the Board of	f Supervisors or the Mayor
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	An ordinance, resolution, motion, or charter amendment.	
	2. Request for next printed agenda without reference to Committee.	
	3. Request for hearing on a subject matter at Committee.	
	4. Request for letter beginning "Supervisor	inquires"
	5. City Attorney request.	-
	6. Call File No. from Committee.	
	7. Budget Analyst request (attach written motion).	
	8. Substitute Legislation File No.	
	9. Request for Closed Session (attach written motion).	
	10. Board to Sit as A Committee of the Whole.	
	11. Question(s) submitted for Mayoral Appearance before the BOS on	
Plea	se check the appropriate boxes. The proposed legislation should be forwarded to the follow Small Business Commission Youth Commission Ethics Comm	-
	Planning Commission Building Inspection Commission	on
Note:	For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative	
Spons	or(s):	
Super	rvisor Tang	
Subje	ect:	
Fire (Code - Disclosure of Fire Safety Information	
The t	ext is listed below or attached:	
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	Signature of Sponsoring Supervisor:	

For Clerk's Use Only:

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Time stamp