

REVISED LEGISLATIVE DIGEST
(Substituted, 1/29/2019)

[Police, Housing Codes - Required Disclosure of Storm Flood Risks]

Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map; amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

State law provides that certain disclosures be made upon the transfer of real property. One of those disclosure requirements is whether the real property is located in a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency. The Federal Emergency Management Agency has not completed flood mapping for the City and County of San Francisco. In addition, once completed, the Federal Emergency Management Agency maps may or may not show flooding from stormwater that affects property in San Francisco.

Amendments to Current Law

The San Francisco Public Utilities Commission performed a technical analysis to develop a 100-Year Storm Flood Risk Map, which shows areas of San Francisco that are at risk of "deep and contiguous" flooding in a 100-year storm. When the 100-Year Storm Flood Risk Map is approved at a public hearing, property owners whose real property is located in a storm flood risk area will be required to disclose to prospective transferees (including tenants) that the property is located in a flood risk area and the Department of Building Inspection's Report of Residential Building Record will include a disclosure statement for property located within the flood risk zone.

Background Information

The San Francisco Public Utilities Commission passed a resolution on November 13, 2018 recommending that the Board of Supervisors adopt the proposed ordinance requiring sellers or landlords of real property in San Francisco to disclose to prospective buyers or tenants if the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map, and requiring the Department of Building Inspection's Report of Residential Building Record to include a disclosure statement for property located within the flood risk zone.

FILE NO. 181108

The San Francisco Department of Building Inspection review the proposed ordinance through its Housing Subcommittee, Code Advisory Committee, and at the Building Inspection Commission on January 16, 2019. The Code Advisory Commission requested that the date of the 100-Year Storm Flood Risk Map be included in the Residential Building Record and that change was incorporated.

San Francisco Public Utilities Commission staff recommended that the ordinance be clarified that it will apply to City-owned property, and that change was incorporated.

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