

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 8/10/2020)

[Emergency Ordinance - Building Code – Construction During COVID-19 Pandemic That Results in Temporary Suspension of Water or Electricity Service or Excessive Noise]

Emergency ordinance to temporarily prohibit construction projects in buildings with any residential rental units that require the suspension of water or electricity service to residential tenants without providing alternative sources of water and power, or reaching agreement with tenants, due to the COVID-19 pandemic; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

There is no existing law being amended.

Amendments to Current Law

This emergency ordinance will prohibit construction activities that suspend water or electricity service in buildings with residential rental units exceeding two hours in a single day unless an alternative source is provided. In the event of a water shutoff, an alternative source could include, but not be limited to, water bottles or other containers of water. In the event of an electricity shutoff, a generator or alternative power source that allows internet use must be provided. Advance notice to tenants of a disruption in service or loud noise levels over specified limits is required and the name and contact information of a person who can respond to tenant concerns must be provided. The Department of Building Inspection may authorize the construction to continue without the advance notice if a pause in construction would create an imminent safety hazard. Property owners are exempt from the requirements of the ordinance if the owner and all impacted residential tenants agree to different terms. Also exempt are buildings with 100% affordable units.

Background Information

Residential tenants across San Francisco are attempting to apply with Shelter in Place Orders, working from home, and attempting to care for children and family members, some who are advanced in age or have other unique sensitivities to COVID-19.

Many tenants are encountering the added disruption of ongoing, non-emergency construction that disrupts water and electricity service, often without any notice, and which causes such loud and constant noise that daily tasks are rendered near impossible.

In some instances, the disruption of housing services is a form of tenant harassment intended to displace tenants from their homes during a public health emergency. Even without the intent to harass, the added disruption constitutes an enhanced public health and safety risk to

tenants that can and should be mitigated through the provision of alternative, in-home water and electricity supply, advance notice of the use of any loud instruments, and direct communication to ensure agreeable mitigation measures to facilitate compliance with San Francisco's Shelter in Place Order.

Buildings with 100% affordable housing units are exempt from the requirements of this emergency ordinance because these units are less likely to be subject to ongoing or elective renovation construction work, and repairs are more likely to be for the purpose of maintaining safe and habitable housing. Further, tenants are less likely to be subject to harassment and constructive eviction motivated by a desire to re-rent those units at high market rates.

n:\legana\as2020\2100017\01469062.docx