

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

3 **Reenactment of emergency ordinance (Ordinance No. 154-20) temporarily prohibiting**
4 **construction projects in buildings with any residential rental units that require the**
5 **suspension of water or electricity service to residential tenants without providing**
6 **alternative sources of water and power, or reaching agreement with tenants, due to the**
7 **COVID-19 pandemic.**

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. Declaration of Emergency Pursuant to Charter Section 2.107.

17 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
18 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
19 of any City or County department or office required to comply with time limitations established
20 by law. An emergency ordinance enacted under Charter Section 2.107 automatically
21 terminates on the 61st day after passage, but may be reenacted upon the same terms and
22 conditions applicable to its initial enactment.

23 (b) Pursuant to Charter Section 2.107, the City enacted Ordinance No. 154-20, which
24 temporarily prohibits construction projects in buildings with any residential rental units that
25 require the suspension of water or electricity service to residential tenants without providing
alternative sources of water and power or reaching an agreement with tenants, requires

1 advance notice to tenants who would be impacted by water or electricity service disruption,
2 and requires mitigation of noise from loud instruments. A property owner is exempt from these
3 requirements if an agreement with all impacted tenants is reached or if all impacted tenants
4 reside in a 100% affordable housing building.

5 (c) The Board of Supervisors hereby finds that the findings declared in Section 1 of
6 Ordinance No. 154-20 remain valid and compelling, and declares further that an actual
7 emergency continues to exist that requires the reenactment of that emergency ordinance. The
8 Board reaffirms the California Environmental Quality Act findings in Ord. No. 154-20.

9
10 Section 2. Reenactment of Emergency Ordinance.

11 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an
12 additional 60 days the emergency ordinance (Ordinance No. 154-20) temporarily prohibiting
13 construction projects in buildings with any residential rental units that require the suspension
14 of water or electricity service to residential tenants without providing alternative sources of
15 water and power, requiring advance notice to tenants who would be impacted by water or
16 electricity service disruption, and requiring mitigation of noise from loud instruments.

17
18 Section 3. Effective Date; Retroactive Application; Expiration.

19 (a) If enacted prior to the expiration of Ordinance 154-20, this reenacted emergency
20 ordinance shall become effective immediately upon the date of expiration of Ordinance No.
21 154-20, and shall itself expire on the 61st day following its effective date unless reenacted as
22 provided by Charter Section 2.107.

23 (b) If enacted after the expiration of Ordinance No. 154-20, this reenacted emergency
24 ordinance shall become effective immediately upon enactment, shall have operative effect
25 retroactively to the date that Ordinance No. 154-20 expired, and shall expire on the 61st day

1 following the date that Ordinance No. 154-20 expired, unless reenacted as provided by
2 Charter Section 2.107.

3
4 Section 4. Directions to Clerk.

5 The Clerk of the Board of Supervisors is hereby directed to place a copy of this
6 reenacted emergency ordinance in File No. 200763 for Ordinance No. 154-20 and to make a
7 notation cross-referencing this emergency ordinance where Ordinance No. 154-20 appears
8 on the Board of Supervisors website as legislation passed.

9
10 Section 5. Supermajority Vote Required.

11 In accordance with Charter Section 2.107, passage of this reenacted emergency
12 ordinance by the Board of Supervisors requires an affirmative vote of two-thirds of the Board
13 of Supervisors.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: /s/ Judith A. Boyajian
18 JUDITH A. BOYAJIAN
19 Deputy City Attorney

20 n:\legana\as2020\2100017\01483944.docx