

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Patrick O'Riordan, Director, Department of Building Inspection  
Sonya Harris, Commission Secretary, Building Inspection Commission  
Harlan Kelly, Jr., General Manager, Public Utilities Commission  
Robert Collins, Executive Director, Rent Board

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: October 13, 2020

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on October 6, 2020:

**File No. 201149**

**Reenactment of emergency ordinance (Ordinance No. 154-20) temporarily prohibiting 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.**

If you have 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 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

cc: Patty Lee, Department of Building Inspection  
John Murray, Department of Building Inspection  
Juliet Ellis, Public Utilities Commission  
Donna Hood, Public Utilities Commission  
John Scarpulla, Public Utilities Commission

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

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**LEGISLATIVE DIGEST**

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

**Reenactment of emergency ordinance (Ordinance No. 154-20) temporarily prohibiting 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.**

Existing Law

Emergency Ordinance 154-20 was approved and became effective on August 28, 2020, and expires on October 27, 2020. It prohibits construction activities that suspend water or electricity service in buildings with residential rental units exceeding two hours 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.

Amendments to Current Law

This ordinance reenacts Ordinance 154-20.

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 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  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only