

***BIC Meeting of  
October 15, 2014***

***Agenda Item #4b***

## DBI Legislative Tracker

October 15, 2014 Update

Per BIC requests for information about legislation affecting the San Francisco Building Code, below please find the most recent Summary from the Board of Supervisors, as well as from Code Advisory Committee meetings and recommendations:

**File No. 140806** – Introduced by Supervisor Cohen, this would **amend Chapter 38 in Health Code to Building Code requiring an enhanced ventilation system in building projects located within DPH's Air Pollutant Exposure Zone. May increase time required to issue building permits.**

STATUS: Land Use voted unanimously to forward the proposed ordinance to the full Board, following an in-Committee amendment by Supervisor Cohen to have the **Working Group of DPH, DBI and Fire, within 120 days following enactment, to review, evaluate and recommend a feasible process** enabling these enhanced ventilation systems to be added to existing buildings. Requires DBI Mechanical Plan Review to ensure proposed projects within this DPH Air Pollution Exposure Zone have enhanced ventilation systems to reduce public health hazards prior to issuance of a building permit.

**File No. 140381** –Supervisor Chiu's proposed **ordinance to permit certain short-term rentals of residences under stipulated conditions;** through listings with AirBnb, VRBO, Home Away, etc., attempts to codify widespread practices that are illegal uses under current Planning Code.

STATUS: Following an animated Board discussion on Oct. 7, with 14 amendments offered, the **ordinance passed its first reading, 7-4, and is expected to win final passage Oct. 21. To give Planning time to establish effective code enforcement of the ordinance, it will take legal effect Feb. 1, 2015.** Amendments by Jane Kim and London Breed, per the City Attorney, were substantive and must go back to Planning and/or Land Use for re-hearing vis a vis a duplicate file – meaning these refinements will effective trail the approved ordinance.

**Ordinance No. 130119 -- Mandatory Seismic Retrofitting of Soft Story buildings** – Introduced this at the Board on February 5th, with six co-sponsors, Supervisors Chiu, Wiener, Mar, Farrell, Breed and Yee; substituted in March; passed unanimously and Mayor signed April 18, 2013. It became legally effective June 3, 2013. Targets a type of wood framed building three or more stories, with five or more dwelling units, whose permit applications pre-date Jan. 1, 1978; studies show they are likely to collapse in a strong earthquake without retrofitting.

**STATUS:** Director Hui extended the September 15th deadline for mandatory soft story screening forms to October 3 – with **the first posting of Notices of Violation and the Code Enforcement Warning Placard performed by Inspectors on Oct. 7<sup>th</sup>.** As of Oct. 8, we had 361 non-responsive owners – meaning **an overall compliance level of nearly 95 percent.** DBI received extensive media coverage of these code enforcement postings, which helped motivate owners to submit screening forms. **As of today, we have roughly 350 owners in violation.** In toto, we have 4,556 in the retrofit program, with 157 permits issued and 25 retrofits completed.

**File No. 140120 – Earthquake Performance Evaluation of Private School Structures.**

Amends the building code to require private elementary and secondary schools obtain an evaluation by a licensed structural engineer for performance during a future earthquake.

**STATUS:** This passed its final reading at the Board on Sept. 23 and was signed by Mayor Lee on Oct. 1. **Will take legal effect on Nov. 1<sup>st</sup>.**

**File No. 131148 --Authorization of Dwelling Units Installed Without a Permit.** Sponsored by Supervisors Chiu, Wiener and Cohen this proposed ordinance amends Planning and Building Codes to provide a city-wide process for granting legal status to existing dwelling units constructed without the required permits, and establishes a fee for administering the authorization program; amending the Administrative Code to provide that a dwelling unit that was subject to the Rent Ordinance before legalization will remain under the Rent Ordinance, and requiring the property owner to provide relocation assistance to displaced tenants; making environmental findings, and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk to submit this Ordinance to the California Department of Housing and Community Development in accordance with state law.

**STATUS:** As of the most recent staff report, **Planning and DBI have approved two permits germane to this new legislative program.** Planning approved recently one application. While waiting for DPW's street tree referral, Planning also has routed four others to DBI for review. **To date we have received a total of 59 screening forms for legalizations.** DBI has posted on its web site a new Information Sheet, G-17, signed by the Building Director, the Planning Director, the Fire Marshal and the Rent Board Director, which provides detailed guidelines for any owner interested in legalizing a unit. DBI and Planning are required to report to the Board any legalizations every six months for the first three years of the ordinance. After that time, Planning will incorporate such data into its annual Housing Report, and Planning also is required to maintain a Master List of all legalizations.

File No. 140592 – Temporary Seven Percent Reduction in all building code fees for six months, pending new fee study results now under way. New fee tables likely to be adopted by end of year/early 2015.

**STATUS:** This temporary fee reduction took legal effect on August 30, 2014, when fees for all DBI staff labor services will be reduced by 7% (i.e., this is not 'across the board; State fees DBI is mandated to collect are not affected by this ordinance). The temporary fee reduction will remain in effect for six-months – meaning until early into 2015. We expect to propose new fee tables to the Board for approval in September, per the results of a new fee study, and to enact new fees based upon the professional fee study by early 2015.

**New Civil Grand Jury Reports on Rising Sea Levels, and Data of Mayor's Office of Housing** – DBI has responded to specific findings/recommendations in two new Grand Jury Reports, where the department is asked to be part of the City's collective response to the Superior Court by September 25.

**STATUS:** Director Tom Hui participated in the GAO review of the City's collective response to the Rising Sea Levels' Grand Jury Report on Sept. 11th; the Director also participated in the Mayor's Office of Housing GAO meeting on Sept. 25th. DBI did provide detailed responses that are part of the report to the Presiding Judge of the Superior Court.

**Coming Legislative Items:**

**Supervisor Wiener's file no. 140954**, which amends the Planning Code to **permit exemptions from dwelling unit density limits when adding dwelling units to existing buildings undergoing seismic retrofitting**. The Supervisor is attending BIC to brief Commissioners on this ordinance. Impact on DBI still under review.

**Supervisor Kim's Proposed Land Use Hearing on Construction Noise and DBI's issuance of Night Noise permits**. DBI has been meeting with the Supervisor's staff and explaining what we require from developers/contractors prior to issuing Night Noise Permits. **A Land Use Hearing on this matter may be held on Oct. 20, or Nov. 3, which will include a DBI presentation** of our existing process. Under our Building 'Boom' conditions, a very limited number of complaints from the area around First and Mission is prompting a closer examination of existing policies and procedures. DBI is trying to balance the need for building structural safety during the construction process, limited street access to especially high rise construction sites, commute, MUNI and multiple civic events, the inherent need for some flexibility due to international shipping issues with major construction projects, as well as the peace and tranquility of growing residential neighborhoods, where people are disturbed by noisy construction activity while they may still be asleep.

**State Legislation** – In an effort to be apprised of, and involved in, proposed State legislation that may affect the Department, we continue to track bills that CALBO monitors in the Senate and Assembly. Current State legislation to note includes:

**AB 2188 – Expedited Solar Rooftop Inspection/permitting signed by Governor**. Opposed by CALBO and many building departments throughout the State, the new law **takes effect January 1, 2015, and may disrupt DBI electrical inspection scheduling**.

**2013 Building Energy Efficiency Standards Took Legal Effect July 1st –Director Hui has appointed a DBI Internal Team to summarize and simplify** the multiple complexities in the new State energy codes, including trainings for staff. An **Information Sheet, No. MEP-02, is now posted on the DBI web site with helpful FAQs for staff and customers**. The DBI Team recommended increasing the use of special inspections under the supervision of the engineer of record; a survey of other building department jurisdictions around the State is also under way to obtain 'Best Practices' we may wish to implement.

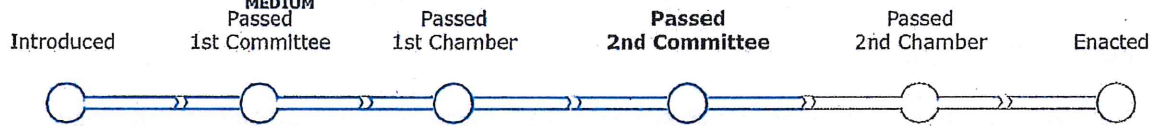
See below for CALBO-watched Bills, and CALBO positions, for the current Legislative Session:

Status actions entered today are **listed in bold**.

**File name: CALBO**

**California**

**1. CA AB 1918**



**Author:** Williams (D)

**Title:** Energy: Design And Construction Standards

**Fiscal Committee:** yes

**Urgency Clause:** no

**Introduced:** 02/19/2014

**Last Amend:** 06/09/2014

**Disposition:** Pending

**Committee:** Senate Appropriations Committee

**Hearing:** 06/30/2014 10:00 am, John L. Burton Hearing Room (4203)

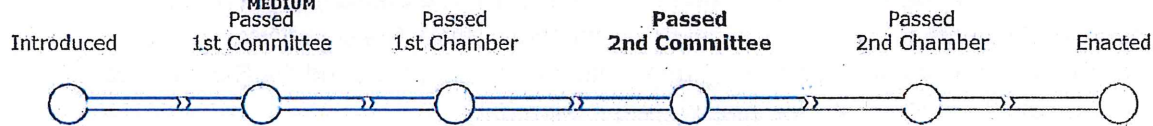
**Summary:** Amends existing law that requires the State Energy Resources Conservation and Development Commission to prescribe building design and construction standards and energy and water conservation design standards for new buildings. Requires the State Energy Resources Conservation and Development Commission to implement methods to simplify procedures related to compliance. Allow authorizing a program to improve compliance with State Building Standards Code requirements for heating an air conditioning equipment.

**Status:** 06/17/2014 From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Do pass to Committee on APPROPRIATIONS.

**Commentary:** CALBO's Position: Support

**Staffer:** Erin Baum, Legislative Director

**2. CA AB 2188**



**Author:** Muratsuchi (D)

**Title:** Solar Energy: Permits

**Fiscal Committee:** yes

**Urgency Clause:** no

**Introduced:** 02/20/2014

**Last Amend:** 06/18/2014

**Disposition:** Pending

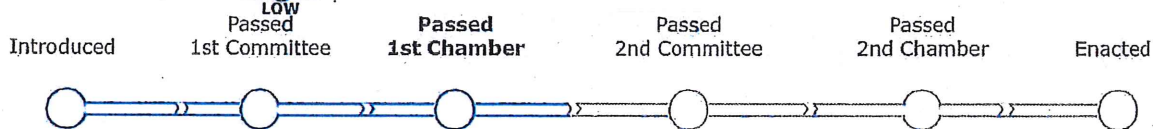
**Summary:** Amends an existing law which requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency and which provides for approval of applications to install specified solar energy systems. Requires a city or county or city and county to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. Requires a system inspection.

**Status:** 06/25/2014 From SENATE Committee on GOVERNANCE AND FINANCE: Do pass as amended to Committee on APPROPRIATIONS.

**Commentary:** CALBO's Position: Oppose

**Staffer:** Brett Williams

### 3. CA AB 2192



**Author:** Melendez (R)

**Title:** Housing: Building Permits

**Fiscal Committee:** no

**Urgency Clause:** no

**Introduced:** 02/20/2014

**Last Amend:** 05/23/2014

**Disposition:** Pending

**Summary:** Relates to local housing building permits. Establishes a pilot program in unspecified local agencies that would permit the government body of a local agency to authorize a building department to create and implement a program whereby a building permit may be issued upon submission of plans prepared by an an architect and reviewed by another unaffiliated architect, for specified types of projects.

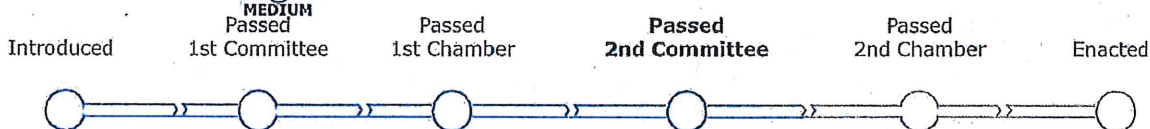
**Status:** 06/11/2014 To SENATE Committee on TRANSPORTATION AND HOUSING.

**Commentary:** CALBO's Position: Oppose  
Reviewing Amendments

**Staffer:** Sam Spencer

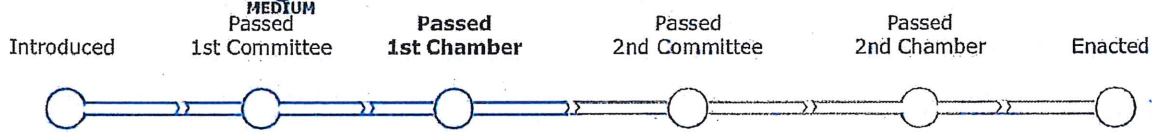
**Attachments:** 3-13-14 Fact Sheet

### 4. CA AB 2282



**Author:** Gatto (D)  
**Title:** Building Standards: Recycled Water Infrastructure  
**Fiscal Committee:** yes  
**Urgency Clause:** no  
**Introduced:** 02/21/2014  
**Last Amend:** 05/08/2014  
**Disposition:** Pending  
**Summary:** Requires the Department of Housing and Community Development to conduct research to assist in the development of and to propose adoption, amendment or repeal by the State Building Standards Commission of mandatory building standards for the installation of recycled water infrastructure for newly constructed single-family and multifamily residential buildings. Limits the mandate to install recycled water piping to certain areas within a local jurisdiction. Regards green building standards.  
**Status:** 06/25/2014 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS.  
**Commentary:** CALBO's Position: Support

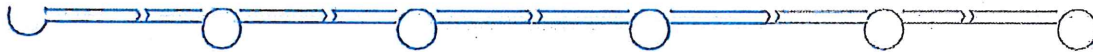
5. **CA AB 2371**



**Author:** Mullin (D)  
**Title:** Solid Waste: Household Hazardous Waste  
**Fiscal Committee:** yes  
**Urgency Clause:** no  
**Introduced:** 02/21/2014  
**Last Amend:** 04/21/2014  
**Disposition:** Pending  
**Summary:** Amends the California Integrated Waste Management Act of 1989. Requires each jurisdiction to review its household hazardous waste element and program to determine its effectiveness in the collection, recycling, treatment, and disposal of household hazardous waste.  
**Status:** 06/05/2014 To SENATE Committee on ENVIRONMENTAL QUALITY.  
**Commentary:** CALBO's Position: Watch

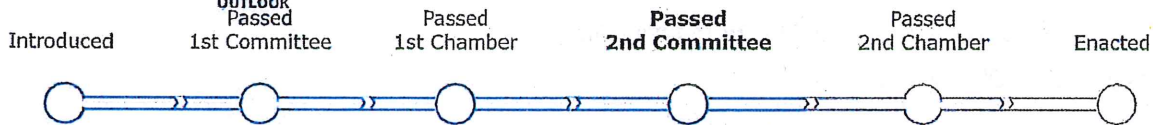
6. **CA AB 2386**





**Author:** Mullin (D)  
**Title:** Care Facilities: Carbon Monoxide Detectors  
**Fiscal Committee:** yes  
**Urgency Clause:** no  
**Introduced:** 02/21/2014  
**Last Amend:** 06/26/2014  
**Disposition:** Pending  
**File:** 67  
**Location:** Senate Second Reading File  
**Summary:** Requires community care facilities, residential care facilities for the elderly, and day care centers and family day care homes to have one or more functioning carbon monoxide detectors that meet specified statutory requirements in the facility. Requires the State Department of Social Services to account for the presence of the detectors during inspections.  
**Status:** **06/26/2014 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.**  
**Commentary:** CALBO's Position: Support

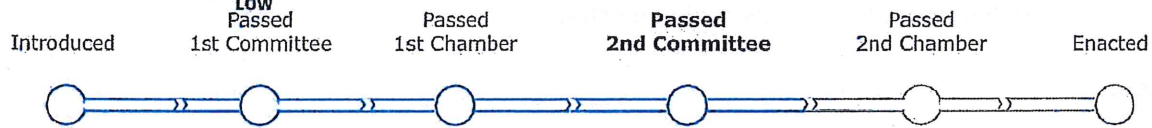
7. **CA SB 316**



**Author:** Block (D)  
**Title:** School Safety: Door Locks  
**Fiscal Committee:** yes  
**Urgency Clause:** no  
**Introduced:** 02/19/2013  
**Last Amend:** 05/28/2013  
**Disposition:** Pending  
**Summary:** Provides that, if federal funding becomes available for school safety, all school facilities modernization projects submitted to the Division of the State Architect pursuant to the Leroy F. Greene School Facilities Act are required to first consider using the funds to install locks that allow doors to classrooms and rooms with a specified occupancy to be locked from the inside. Requires the State Allocation board to adopt regulations to adjust a specified grant allowance to reflect lock installation costs.  
**Status:** 08/30/2013 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.  
**Commentary:** CALBO's Position: Support



## 8. CA SB 556



**Author:** Corbett (D)

**Title:** Agency: Ostensible: Nongovernmental Entities

**Fiscal Committee:** no

**Urgency Clause:** no

**Introduced:** 02/22/2013

**Last Amend:** 09/04/2013

**Disposition:** Pending

**File:** A-8

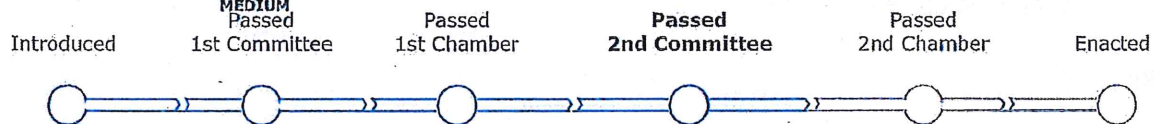
**Location:** Assembly Inactive File

**Summary:** Relates to third person contracts and ostensible agencies. Prohibits a person, firm, corporation, or association that is a nongovernmental entity and contracts to perform labor or services relating to public health or safety for a public entity from displaying on a vehicle or uniform a logo that reasonably could be interpreted as implying the labor or services are being performed by employees of a public agency, unless the vehicle and uniform displays a specified disclosure.

**Status:** 09/11/2013 In ASSEMBLY. To Inactive File.

**Commentary:** CALBO's Position: Oppose

## 9. CA SB 750



**Author:** Wolk (D)

**Title:** Building Standards: Water Meters: Multiunits

**Fiscal Committee:** no

**Urgency Clause:** no

**Introduced:** 02/22/2013

**Last Amend:** 08/08/2013

**Disposition:** Pending

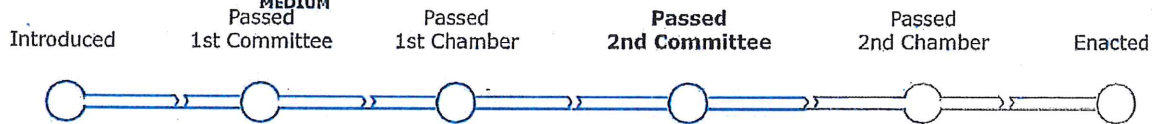
**Summary:** Requires a water purveyor providing water service to new multiunit residential or mixed use structures to require water measurement to each unit and to permit measurement to be by

water meters or submeters. Requires submeters to comply with existing laws and regulations. Prohibits purveyor fees for submeters installed by the owner. Imposes certain requirements on landlords in related to the submetered water service. Relates to separate charge notification to tenant. Authorizes damages for violations.

**Status:** 08/13/2013 In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Failed passage.  
08/13/2013 In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Reconsideration granted.

**Commentary:** CALBO's Position: Oppose

## 10. CA SB 1129



**Author:** Steinberg (D)

**Title:** Successor Agencies to Redevelopment Agencies

**Fiscal Committee:** yes

**Urgency Clause:** no

**Introduced:** 02/19/2014

**Last Amend:** 05/27/2014

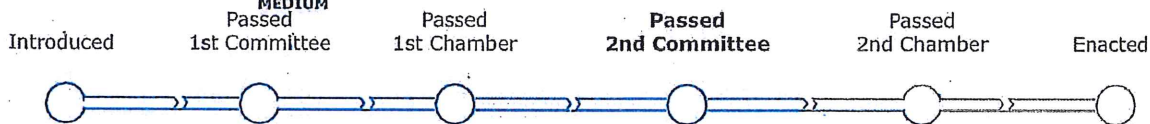
**Disposition:** Pending

**Summary:** Authorizes a successor agency to utilize the proceeds of bonds issued during the 2011 calendar year, upon the approval of the oversight board, if the oversight board, in consultation with the relevant metropolitan planning organization, determines that the use of the bond proceeds is consistent with the sustainable communities strategy. Prohibits required compensation agreements as part of the approval of a long-range property management plan. Requires the approval of a plan as expeditiously as possible.

**Status:** 06/23/2014 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass to Committee on APPROPRIATIONS.

**Commentary:** CALBO's Position: Watch

## 11. CA SB 1350



**Author:** Lara (D)

**Title:** Baby Diaper Changing Accommodations

**Fiscal Committee:** yes

**Urgency Clause:** no

**Introduced:** 02/21/2014

**Last Amend:** 05/05/2014

**Disposition:** Pending

**Summary:** Requires the State Building Standards Commission to develop and adopt standards governing the installation of baby diaper changing accommodations for restroom facilities in a place of public accommodation. Requires the standards ensures the accommodation is equally available or provided regardless of the gender for which the restroom was designed. Provides the standards would apply under specified circumstances. Authorizes the Commission to consult with specified agencies.

**Status:** 06/24/2014 From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION: Do pass to Committee on APPROPRIATIONS.