

***BIC Meeting of
June 18, 2014***

Agenda Item #4a

DBI Legislative Tracker

June 18, 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. 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: In the first month following this ordinance taking legal effect, DBI has received about 120 phone calls, and 80 public counter visits with our Technical Services' staff. One permit was filed, and issued, with work under way. The estimated cost for this permit is \$150,000, though that is subject to change. We will continue to monitor this and update you at the next BIC. Also, 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. 130374 – Supervisor Chiu's ordinance expanding the definition of a lobbyist and requiring Permit Consultants to register with the Ethics Commission. It essentially requires permit consultants making five or more contacts in any one month with City staff to file quarterly reports with the Ethics Commission.

STATUS: While an item on today's agenda will provide more details, the ordinance passed its second and final reading at yesterday's Board of Supervisors' meeting. If the Mayor signs it this week, as expected, it will take legal effect the week of July 21. Per the ordinance, however, this expansion to include permit consultants commences Jan. 1, 2015

File No. 140284 – Supervisor Tang's Vacant or Abandoned Commercial Storefronts and Registration Fee – Supervisor Tang introduced this ordinance to require a similar registration fee as required in the Vacant Building Ordinance and to establish a procedure to maintain and register such storefronts. With this ordinance there will be additional financial incentives for owners of vacant storefronts to have ample time to find suitable tenants, and provide the City

with data on the scope of such vacancies. DBI Vacant Building and Code Enforcement staff has been working collaboratively with the Supervisor on this.

STATUS: Staff from Supervisor Tang's office will address the BIC on this matter later in today's agenda. The ordinance was assigned to the Land Use Committee's 30-day calendar and has been referred to the Small Business Commission, the Code Advisory Commission, Building Inspection Commission, and other departments for review and comments. The CAC raised questions about the proposed ordinance at a meeting; and DBI staff provided CAC with an overview and update on our process for the Vacant Building list last week. Director Tom Hui briefed the Supervisor's staff on the potential burden this ordinance would place upon DBI Inspection Services, and suggested the first year of the ordinance be focused on educational and community outreach by the City's Small Business staff, the Mayor's Office of Economic and Workforce Development and by DBI –and to urge owners to take steps to find tenants. Owners violating this ordinance would have 30 days to register, with failure to do so resulting in a Notice of Violation. Owners would have 270 days prior to receiving the second NOV, initiating DBI's code enforcement process, when they would then incur substantial cost penalties. Under the ordinance, DBI also will provide quarterly updates to OEWD of its Vacant Building list, which OEWD will cross-check against a new storefront database it has created to assist owners in finding tenants for vacated storefront properties.

Ordinance No. 130119 -- Mandatory Seismic Retrofitting of Soft Story buildings – The Mayor 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: DBI began its advertising campaign to remind owners about the Sept. 15th deadline for submission of their screening form signed by a licensed architect/engineer. Ads have appeared in the San Francisco Chronicle, Examiner, Sing Tao Daily, World Journal, the San Francisco Apartment magazine, and in the Western Regional edition of the Wall Street Journal. This reminder ad also will be in more than a dozen San Francisco neighborhood monthly publications in July and August. Mayor Lee offered to talk about this rapidly approaching Sept. 15 deadline with neighborhood publication reporters at a round table he is doing in the near future; and DBI is hosting another free public workshop on August 11th, from 3-5 p.m., at the Koret Auditorium in the Main Library in an effort to work with soft story owners and to help them comply with the Sept. 15th deadline. The Mayor's Office of Earthquake Safety also is sending reminder postcards monthly during June, July and August. Channel 7 also did a news story about the screening form deadline that aired on May 27th.

As of early June, DBI has accepted 1,863 Screening Forms to comply; released 506 addresses as not subject to the ordinance; and rejected 63 screening forms as in error and in need of correction. We have approved 41 optional evaluation forms (which removes those addresses from the mandatory program); and now have a total of 56 permits where retrofitting work may already be under way – with eight (8) projects completed. There are roughly 3,700 owners

notified who have not yet responded – and these are the ones we hope to reach with the ad campaign and with the August 11th public workshop.

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: Assigned to Land Use’s 30-day calendar, it is awaiting a Committee Hearing. As proposed, the ordinance requires DBI to establish, and maintain, a Registry for those qualified to participate in this program, as well as to collect a \$50 application fee per applicant, to cover DBI costs (which will be subject to annual review and adjustment by the Controller). DBI continues to confer with the Supervisor, as does Planning, over how the ordinance will be enforced. It may require additional Director’s Hearings, and additional Inspection Services’ staff, and legal interpretations of leases, thereby limiting DBI staff resources from core building safety responsibilities. New York’s State Supreme Court is reviewing a case currently involving similar issues/practices – with multiple issues on illegal hotel rooms, loss of tax revenues, etc., generating national news stories in the Wall Street Journal, New York Times, and Bloomberg, as well as extensive local coverage.

File No. 140340 – Supervisor Kim’s proposed ordinance amending the Planning Code to establish a special use district in the Central City South of Market area and requiring a Conditional Use Permit for market rate housing if a 30 percent balance in affordable housing is not maintained.

STATUS: Assigned to Land Use’s 30-day calendar, this proposed ordinance is awaiting a Committee Hearing date.

Proposed Amendment of Chapter 38 in Health Code to Building Code requiring an enhanced ventilation system in building projects located within DPH’s Air Pollutant Exposure Zone.

STATUS: Still in the drafting phase, with no File number. DBI’s Public Advisory Committee (PAC) received a briefing on DPH details about this legislation, just as the BIC heard details about the proposed ordinance at its February meeting. DPH sent answers in early May to questions raised by both PAC and BIC members. We expect this to be on a future BIC Agenda. The ordinance would require 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.

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. Schedule this year for State bills is:

May 2nd: Last day for policy committees to hear fiscal bills

May 9th: Last day for policy committees to hear non-fiscal bills

May 16th: Last day for policy committees to meet

May 23rd: Last day for fiscal committees to hear fiscal bills introduced in their house and report those bills to the floor.

May 27-30th: Floor Session only

May 30th: Last day to pass bills out of their house of origin.

Current State legislation to note includes:

Ellis Act Amendments – Senator Mark Leno introduced on Feb. 24 Senate Bill 1439, which would authorize the City to prohibit new property owners from invoking the Ellis Act to evict tenants for five years after the acquisition of a property; ensure that landlords may only activate their Ellis Act rights once; and creates penalties for those who violate this law. SB 1439 was approved by the full Senate, and sent to the Assembly for debate and a vote during July and August. Supervisor David Campos also is working with Senator Tom Ammiano on a separate bill that would be even more restrictive, seeking an outright moratorium on Ellis Act evictions.

Postponement of 2013 Building Energy Efficiency Standards Until July – In January the California Energy Commission voted unanimously to delay implementation of the new code cycle energy requirements until July 1, 2014, providing more time to prepare for these requirements. DBI has an internal group, headed by James Zhan, which is mapping out how we will manage the substantial increase in State forms the new code requires. Most likely this will entail 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.

California State Fire Marshal Issued Information Bulletin 13-006 – As tied to Senate Bill 745, and signed by the Governor, the law revises language to state Commencing July 1, 2014 all smoke alarms, including combination smoke alarms, that are solely battery-powered shall contain a non-replaceable, non-removable battery that is capable of powering the smoke alarm for 10 years. Manufacturers will have until July 1, 2015 to offer these 10-year batteries and to update life-safety equipment listings.

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



CALBO's Bills of Interest

CA AB 1918

AUTHOR: Williams [D]
TITLE: Central Heating and Air Cooling Equipment
INTRODUCED: 02/19/2014
LAST AMEND: 03/26/2014
DISPOSITION: Pending
LOCATION: Assembly Rules Committee
SUMMARY:
 Requires the State Energy Resources Conservation and Development Commission to develop a system to track central heating and air cooling equipment sales and installations in the State.
STATUS:
 03/28/2014 Re-referred to ASSEMBLY Committee on RULES.
Commentary:
 CALBO's Position: Support-If-Amended
Staffer:
 Erin Baum, Legislative Director

CA AB 2181

AUTHOR: Bloom [D]
TITLE: Building Standards and Seismic Retrofit
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/20/2014
LAST AMEND: 03/28/2014
DISPOSITION: Pending
COMMITTEE: Assembly Local Government Committee
HEARING: 04/09/2014 1:30 pm
SUMMARY:
 Authorizes each city, city and county, or county to require that owners assess the earthquake hazard of soft story and older concrete buildings. Includes concrete residential buildings that were constructed prior to the adoption of local building codes that ensure ductility as potentially hazardous if an earthquake occurs.
STATUS:
 03/28/2014 From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.
 03/28/2014 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.
Commentary:
 CALBO's Position: Oppose
Staffer:
 Anthony Molina
ATTACHMENTS: [3-13-14 Bill Background](#)

CA AB 2188

AUTHOR: Muratsuchi [D]
TITLE: Solar Energy Permits
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/20/2014
DISPOSITION: Pending
LOCATION: Assembly Local Government Committee
SUMMARY:

Requires a city or county to process and approve any permit application for a residential rooftop solar energy system of up to 10kW on the same day it has been submitted.

STATUS:

03/06/2014 To ASSEMBLY Committee on LOCAL GOVERNMENT.

Commentary:

CALBO's Position: Support-If-Amended

Staffer:

Brett Williams

CA AB 2192

AUTHOR: Melendez [R]
TITLE: Housing: Building Plans
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/20/2014
DISPOSITION: Pending
LOCATION: Assembly Local Government Committee
SUMMARY:

Relates to local housing building plans. Permits a local agency to create and implement a program whereby a building permit may be issued upon submission of plans prepared by an architect and reviewed by another unaffiliated architect, for specified types of projects.

STATUS:

03/06/2014 To ASSEMBLY Committee on LOCAL GOVERNMENT.

Commentary:

CALBO's Position: Oppose

Staffer:

Sam Spencer

ATTACHMENTS: 3-13-14 Fact Sheet

CA AB 2227

AUTHOR: Quirk [D]
TITLE: Building Standards: Solar Energy Systems
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/20/2014
LAST AMEND: 03/26/2014
DISPOSITION: Pending
LOCATION: Assembly Business, Professions and Consumer Protection Committee
SUMMARY:

Requires the building standards for the construction, installation and alteration of solar energy systems, be adopted and published in the State Building Standards Code by State Building Standards Commission no later than a specified date.

STATUS:

03/26/2014 From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION with author's amendments.

03/26/2014 In ASSEMBLY. Read second time and amended. Re-referred to Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION.

Commentary:

CALBO's Position: Oppose

CA AB 2282

AUTHOR: Gatto [D]
TITLE: Building Standards: Recycled Water Infrastructure
INTRODUCED: 02/21/2014
LAST AMEND: 03/24/2014
DISPOSITION: Pending
COMMITTEE: Assembly Housing and Community Development Committee
HEARING: 04/09/2014 9:00 am
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 future recycled water infrastructure for single-family and multifamily residential buildings. Limits the mandate to install recycled water piping to areas within a local jurisdiction that meet specified conditions.

STATUS:

03/24/2014 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT with author's amendments.

03/24/2014 In ASSEMBLY. Read second time and amended. Re-referred to Committee on HOUSING AND COMMUNITY DEVELOPMENT.

Commentary:

CALBO's Position: Support

CA AB 2371

AUTHOR: Mullin [D]
TITLE: Solid Waste: Household Hazardous Waste
INTRODUCED: 02/21/2014
DISPOSITION: Pending
COMMITTEE: Assembly Environmental Safety and Toxic Materials Committee
HEARING: 04/08/2014 1:30 pm
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:

03/17/2014 To ASSEMBLY Committees on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS and LOCAL GOVERNMENT.

Commentary:

CALBO's Position: Watch

CA AB 2386

AUTHOR: Mullin [D]
TITLE: Childcare Facilities: Carbon Monoxide Detectors
INTRODUCED: 02/21/2014
DISPOSITION: Pending
COMMITTEE: Assembly Human Services Committee
HEARING: 04/29/2014 1:30 pm
SUMMARY:

Requires 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:

03/10/2014 To ASSEMBLY Committee on HUMAN SERVICES.

Commentary:

CALBO's Position: Support

CA AB 2644

AUTHOR: Nazarian [D]

TITLE: Toilet Facilities

INTRODUCED: 02/21/2014

DISPOSITION: Pending

LOCATION: Assembly Health Committee

SUMMARY:

Requires each toilet stall in toilet facilities located in permanent food facilities and provided for use by consumers, guests, and invitees, restroom facilities maintained by a public agency in an establishment that serves or is open to the public, and temporary or permanent restroom facilities in publicly and privately owned facilities where the public congregates to contain a waste receptacle.

STATUS:

03/17/2014 To ASSEMBLY Committee on HEALTH.

Commentary:

CALBO's Position: Watch

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

LOCATION: Assembly Appropriations Committee

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

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-12

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

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
LOCATION: Assembly Water, Parks and Wildlife Committee
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

CA SB 1042

AUTHOR: Calderon R [D]
TITLE: Food Facilities: Toilet Rooms: Baby Changing Tables
INTRODUCED: 02/18/2014
DISPOSITION: Pending
LOCATION: Senate Rules Committee
SUMMARY:

Requires food facilities to provide a baby changing table within or adjacent to toilet rooms, unless doing so would result in noncompliance with a law ensuring access for persons with disabilities.

STATUS:

03/13/2014 To SENATE Committee on RULES.

CA SB 1129

AUTHOR: Steinberg [D]
TITLE: Successor Agencies to Redevelopment Agencies
INTRODUCED: 02/19/2014
DISPOSITION: Pending
COMMITTEE: Senate Governance and Finance Committee

HEARING: 04/09/2014 9:30 am

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:

02/27/2014 To SENATE Committee on GOVERNANCE AND FINANCE.

Commentary:

CALBO's Position: Watch

CA SB 1155

AUTHOR: Lieu [D]

TITLE: Geological Hazards: Approval of Projects

INTRODUCED: 02/20/2014

DISPOSITION: Pending

LOCATION: Senate Governance and Finance Committee

SUMMARY:

Requires a city or county, prior to approval of a project within a delineated earthquake fault zone, where mapping to identify seismic hazard zones has not been completed, to determine that either the project has a minimum setback of 75 feet from any mapped active trace fault or the project is not located on an active trace fault as determined by a geological site investigation.

STATUS:

03/06/2014 To SENATE Committee on GOVERNANCE AND FINANCE.

CA SB 1350

AUTHOR: Lara [D]

TITLE: Baby Diaper Changing Accommodations

INTRODUCED: 02/21/2014

DISPOSITION: Pending

COMMITTEE: Senate Transportation and Housing Committee

HEARING: 04/29/2014 1:30 pm

SUMMARY:

Requires any place of public accommodation that provides restroom facilities for the public and installs new, or substantially renovated facilities, to install and maintain at least one baby diaper changing accommodation that is accessible to women and one that is accessible to men, or one that is accessible to both.

STATUS:

03/13/2014 To SENATE Committee on TRANSPORTATION AND HOUSING.