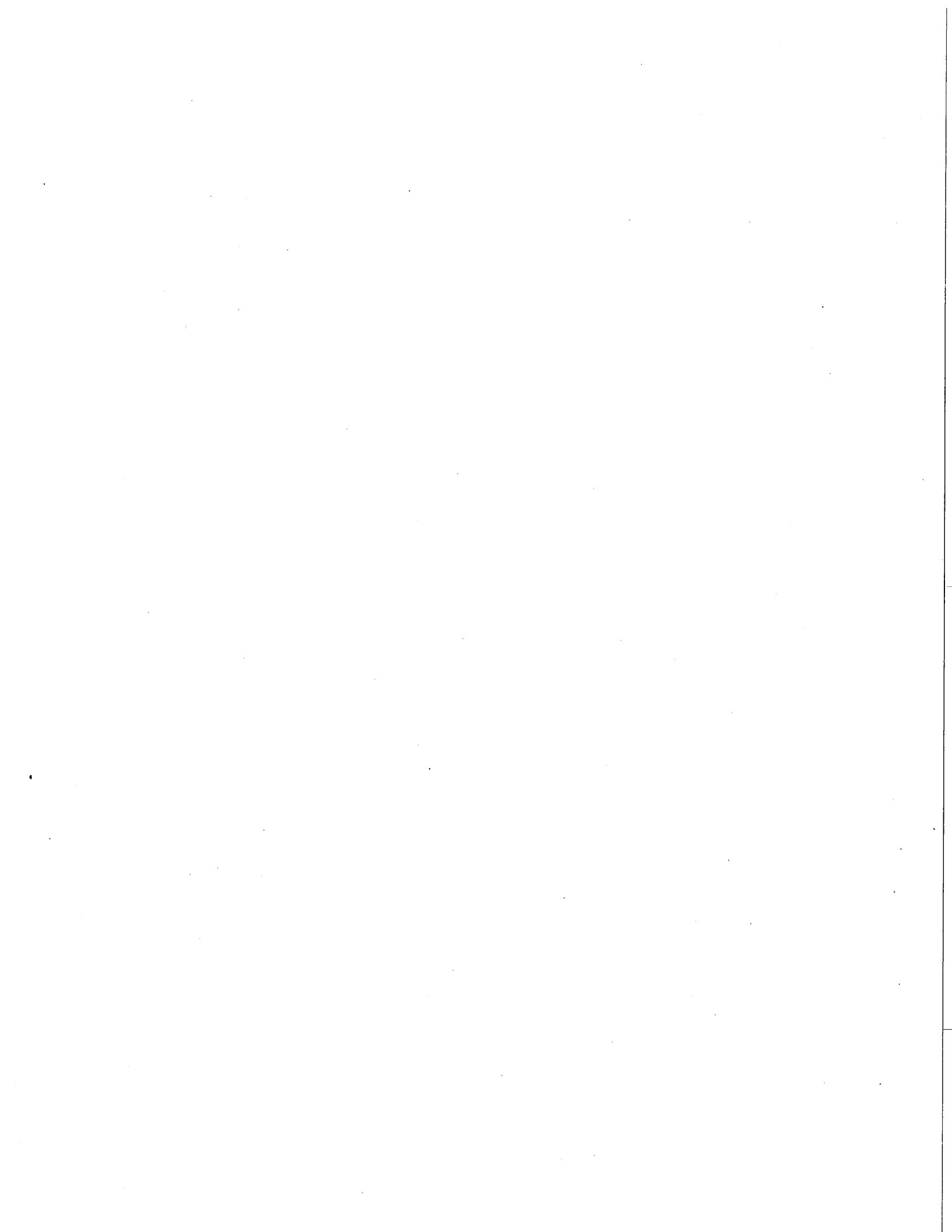


***BIC Meeting of  
January 16, 2013***

***Agenda Item #8b***



**DBI Legislative Tracker  
January 16, 2013 Update**

Per the BIC request for information about legislation, actually or potentially, affecting the San Francisco Building Code, below please find the most recent Summary of such legislation from the Board of Supervisors' Legistar Program, as well as from scheduled Code Advisory Committee meetings and recommendations:

**Ordinance No. 120959 -- Permit Extension/Expiration Code & fee amendments** – Codifies for Board approval amendments in the building code covering permit extensions and expirations, while updating some fee tables. BIC approved the ordinance last March, but it was misplaced and thus delayed prior to City Attorney drafting the required legislative language for introduction and hearing.

**STATUS:** This is on the Jan. 14, 2013 Land Use Agenda, where we expect support to forward it to the full Board. It may be approved by the end of the month, and would then take effect at the end of February. Per a request from the Mayor's Office, DBI and Planning also will submit a joint Memo on both permit extensions and entitlement extensions (Planning staff is recommending six years, instead of the current three years, for entitlements; the recommendation goes to the Planning Commission in January for consideration.)

**Shared Housing Ordinance – Exception on Ban to Short-term Vacation Rentals:** While not yet formally introduced, this is a companion piece of legislation to Supervisor Chiu's earlier amendments to Chapter 41A (Hotel Conversion Act). This will require DBI to set up a Registry (valid for two years and then renewable) for owners and hosting platforms (AirBnB, Vacation Rental by Owner, other online businesses) – including creating an online application form to register -- to enable people to generate additional income by renting out their living spaces, or some portion thereof, to others for no more than 90 days in any single calendar year as short-term tourist rentals. DBI would take complaints on possible violations, investigate such complaints, inspect the unit where the violation is suspected, issue NOVs, if warranted, conduct a Director's Hearing and review evidence provided by the unit owner, including legal lease documents, maintain the Registry and make it available for public review. If a violation is found, the owner/business entity may be liable for civil penalties not to exceed \$1,000 per day for the period of any unlawful rental – with any monetary awards from such civil actions going to the Mayor's Housing Affordability Fund. The owner/business entity also would pay standard DBI code enforcement fees related to such complaints.

**STATUS:** This ordinance is still under discussion, specifically in terms of addressing DBI concerns about the enforcement challenges it presents, as well as adding fee language to ensure DBI recovers its administrative costs to create/maintain the proposed new registry.

**121018 -- Ordinance amending Housing Code to require Grab Bars** in hotel common-use water closets and bathing facilities, and requiring a usable telephone jack/wiring in all units. Introduced by Supervisor Mar, and others, on Oct. 16<sup>th</sup>.

**STATUS:** Placed on Land Use's 30-day calendar last November, the proposed ordinance is expected to be on its agenda in early February. CAC proposed specific amended language for the Grab Bar requirement, including requiring a building permit to install such grab bars for public safety reasons. Per the Dec. 19, 2012 BIC review, once this legislation takes effect DBI's Housing Inspection Services will notify/conduct educational outreach with all SRO owners, and we will delay issuance of any NOVs for failure to comply for at least six months as an incentive to property owners to install the grab bars as quickly as possible.

**Ordinance No. 120488 – Bottle-filling stations.** Amends the Environment Code to require new/remodeled buildings with drinking fountains to provide bottle-filling stations; requires DBI to do public outreach to inform customers, as well as to keep a log of installations during the first three years of the program, and to report annually to the Board of Supervisors on the total number of such installations, with no revenue source identified to cover DBI costs.

**STATUS:** Per Supervisor Chiu's staff, they are awaiting a revised draft that would include CAC recommended amendments to define precisely what triggers installation, and to remove/pay for any DBI administrative burden in data collection. CAC expects to review the amended legislation in January or February.

**Ordinance Updating Maher Toxic Cleanup Ordinance --** Planning, working closely with the Department of Public Health and the SF PUC, DPW and DBI, are still researching/working with the City Attorney to draft amended language. The issuance of building permits would be affected by newly-proposed requirements for project applicants to first perform soils and/or groundwater tests for suspected environmental health hazards and to meet levels established/required by DPH.

**STATUS:** DBI awaits Planning/Health/PUC staff reviews, and a revised version of this ordinance's draft language from the City Attorney to assure that any additional cost burdens/time-to-permit-issuance matters are fully understood and covered by verified revenue sources. It remains unclear when this legislation will be introduced.

**Ordinance on Mandatory Seismic Retrofitting of soft story buildings –** Per Patrick Otellini's report to the BIC in December, the Mayor is expected to introduce this legislation in February or March.

**STATUS:** The legislation is expected to stipulate several risk levels and timelines to meet the risk levels, and will require DBI to notify the owners of such soft story buildings of what must be done to confirm/achieve compliance. DBI also will be required to post on its web site a list of buildings by street address where such notifications have been sent, and to generate reports upon request of completed mandatory seismic retrofits. The online publication, San Francisco Public Press, has posted a long overview of retrofits at [www.sfpublicpress.org](http://www.sfpublicpress.org).

**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. New CALBO updates are expected early in 2013. Current bills include:

**Senate Bill 1186 -- The California Americans with Disability Act (ADA) Reform Bill.** This bill prohibits an attorney or any person from issuing a demand for money to a building owner or tenant for a violation of a construction-related accessibility standard, among other requirements.

**STATUS:** Beginning Jan. 1, 2013, this legislation – signed by the Governor last September and immediately effective -- increased all business license fees and renewals by one dollar, with 70 percent of the revenues generated to come to the City and County. The City Controller estimates this will bring just over \$55,000 annually to San Francisco – with the funds to be used to pay for certified access specialist services (CASp) and to facilitate compliance with construction-related accessibility requirements. Thus these funds could help pay for training CASp inspectors, and/or could be used by the City's Small Business Office to pay for outreach to increase accessibility compliance. This bill passed with strong support from two-thirds of the Legislature, from CALBO, the League of California Cities and BOMA. It prohibits pre-litigation 'demands for money' by attorneys; puts into place new provisions to prevent the 'stacking' of multiple claims to increase statutory damages; reduces statutory damages and provides litigation protections for defendants who correct violations; and it establishes priorities for the California Commission on Disabled Accessibility that promote and facilitate access compliance. It also provides that small businesses with 25 or fewer employees that have not had a Certified Access Specialist (CASp) inspection will have 30 days to fix a violation and can see their statutory damages reduced from \$4,000 to \$2,000; and it provides for local cities and counties to expand the CASp program to help bring local businesses into ADA compliance.

**NOTE:** CALBO is currently reviewing whether or not any of the legislation below will be reintroduced into the new State legislative session that is just under way. Any of the below that were NOT signed by the Governor at the end of last year are considered 'DEAD.' A current update will be available in February.

**AB 1878** – Requires a notification process where owner is to document needed repairs for ADA improvements in a rebuttal to accusations.

**STATUS:** CALBO's position is "under review," and the bill has been referred to the Judiciary Committee.

**AB 1879** -- Requires the State Architect to prepare a Report containing all federal and State disability access regulations, and to note any State disability access regulations in conflict with existing federal disability access regulations. Report to be given to Legislature and Governor by Jan. 1, 2014.

**STATUS:** CALBO position is "Support." Referred to Committee on Business, Professions & Consumer Protection.

**AB 1994** – Requires every county to establish a program whereby accessibility complaints are filed with Planning Departments (instead of Building Departments).

**STATUS:** County Building Officials, and CALBO, Oppose this bill. Awaiting Hearing at Assembly Judiciary Committee.

**AB 1610** – Requires an aggrieved party to provide specified notice to property owners, agent or other responsible party where alleged accessibility violation occurred. Similar to **AB 1878** and **AB 2325**, and to **Senate Bill 1163**, which also require owner notification and owner opportunity to correct/respond within 30 days.

**STATUS:** Awaiting Hearing at Assembly Judiciary Committee for Hearing. CALBO position is still "Under Review."

**Foreclosure Law (SB 1137)** – took immediate effect upon the Governor's signature on July 8, 2008, and is due to expire January 1, 2013 unless the Legislature opts to extend it. CALBO supported its property maintenance/code enforcement requirements, and indicates it would likely support extension of the law. The law was enacted to reduce significantly the number of foreclosures in California; to provide increased protection to those renting in buildings eventually involved in foreclosures; and to ensure that foreclosed properties do not become a source of blight to communities by defining explicitly how owners are to maintain vacant residential property. It also permits local government to impose fines up to \$1,000 per day for maintenance violations (though such fines may not be imposed under both this law and a local ordinance — such as our Vacant Building Ordinance -- already in effect).

There are three bills affecting this specific code section (Civil Code 2929.3):

**AB 1547** – Extends the law indefinitely.

**STATUS:** CALBO position is "Support." Referred to Banking & Finance.

**AB 1557** – extends the law to 2018, i.e. five more years.

**STATUS:** CALBO position is "Support." Referred to Banking & Finance.

**SB 708** – extends the law to 2018, i.e. companion bill to AB 1557.

**STATUS:** First Reading Jan. 23, 2012 and Held at Senate Desk

**AB 801** – Deletes certain references to illegal dumping enforcement officers in existing law, and authorizes a code enforcement officer to exercise the powers of arrest of a peace officer in manner specified in existing law, i.e., complete/pass exam for a training course on the exercise of such powers, and to the extent authorized by an MOU with the Police Chief/Sheriff.

**STATUS:** CALBO position is "Watch." Referred to Senate Committee on Public Safety.

**AB 1801** – Prohibits a local agency from charging a fee for permits for a renewable energy system that exceeds the cost of issuing the permit; prohibits fee calculation by utilizing the valuation of the renewable energy system; and makes oversight of this issue a statewide concern.

**STATUS:** CALBO position is "Oppose." Awaiting review by Committee on Local Government.

**AB 2135 and SB 1222** – Authorize building standards for solar distribution generation technologies on residential and commercial properties. Requires a model ordinance and guidelines to be provided to assist local authorities. Those who agree to post the information on their web sites also to be eligible for State grants.

**STATUS:** CALBO position is "Watch." Re-referred to Assembly Business, Professional and Consumer Protection Committee on April 18, 2012.

**AB 2314 and SB 1472** – Repeals deletion clause for provisions charging a civil fine for failure to maintain a vacant foreclosed residential real property; provides time frame for housing or building department to issue building code violation to a new owner after taking title to the property; and authorizes a court to require the owner of a substandard property to pay all unrecovered costs associated with a receivership in addition to any other remedy authorized by law.

**STATUS:** CALBO position is "Support." Do pass from Assembly Committee on Judiciary to Committee on Housing and Community Development on April 17, 2012, and referred to Senate Committee on Judiciary.

**AB 2644** – Requires the Building Standards Commission to adopt standards for the construction, installation and alteration of electric vehicle charging stations for parking spaces at single-family residences.

**STATUS:** CALBO position is "Oppose." Referred to Assembly Community Development Committee on March 19, 2012.

**AB 1959** – Green Building. Requires indoor air standards for non-residential buildings.

**STATUS:** CALBO position is "Oppose." Referred to Assembly Business, Professional and Consumer Protection.

**AB 2117 – Storm water Discharge Requirements.** Prohibits the implementation of new standards more stringent than provided in the Federal Water Pollution Control Act, and requires the State Water Board to produce a statewide storm water plan if the Federal EPA provides the funding for the development of this plan.

**STATUS:** CALBO position is "Support." Referred to the Environmental Safety Committee.

**SB 1171** – Amends existing law directing Legislative Counsel to advise Legislature from time to time as to legislation necessary to maintain codes.

**STATUS:** CALBO position is “Watch.” Referred to Senate Committee on Judiciary on March 1, 2012.

**SB 1222** – Requires that permit fees for rooftop solar energy systems by a city, county or city and county to not exceed estimated reasonable cost of providing service for which the fee is charged; and requires those public entities to submit a report to the State Energy Conservation and Development Commission.

**STATUS:** CALBO position is “Oppose.” Author (Leno) amendments re-referred to Senate Committee on Rules and re-referred to Committee on Governance and Finance on April 9, 2012.

**SB 1394** – Requires owner of rented/leased single or multiple-dwelling complex to ensure smoke detectors/carbon monoxide detectors are operational when tenant takes possession and device placements meets specified standards; relates to building inspection requirements; and requires installation of carbon monoxide devices in all existing hotel and motel dwelling units by specified date.

**STATUS:** CALBO position is “Under Review.” Amended and referred with Do Pass to Committee on Appropriations.

**Senate Continuing Resolution (SCR) 57** – Auto shutoff of gas and electricity. Urges the State Architect to hold hearings to determine if building codes should be amended to require automatic shutoff devices at the time of initial construction or following a major renovation, and triggered at the time of an earthquake. **STATUS:** CALBO position is “Under Review.” Referred to the Committee on Transportation and Housing.