

**BUILDING INSPECTION COMMISSION (BIC)
Department of Building Inspection (DBI)**

REGULAR MEETING

Wednesday, September 18, 2013 at 9:00 a.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416

Aired Live on SFGTV Channel 78

ADOPTED November 20, 2013

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 9:12 a.m. by President McCarthy.

1. Call to Order and Roll Call – Roll call was taken and a quorum was certified.

COMMISSION MEMBERS PRESENT:

Angus McCarthy, **President** Warren Mar, **Vice-President**
Frank Lee, **Commissioner** Kevin Clinch, **Commissioner**
James McCray, Jr. **Commissioner** Myrna Melgar, **Commissioner**
Debra Walker, **Commissioner, excused**
Sonya Harris, **Secretary**

D.B.I. REPRESENTATIVES:

Tom Hui, **Director**
Edward Sweeney, **Deputy Director, Permit Services**
Daniel Lowrey, **Acting Deputy Director, Inspection Services**
Gayle Revels, **Acting Chief Financial Officer**
William Strawn, **Communications Manager**
Hema Nekkanti, **IS Project Director**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

2. President's Announcements.

President McCarthy announced that agenda item 6, regarding the Closed Session, would be moved to the end of the agenda. President McCarthy read the following announcements:

- Thanks to DBI staffers Dennis Yee and Matt Greene for staffing this year's annual Sunset Community Festival, where they will answer customers' questions about inspections, code enforcement, plan review and other DBI process matters. BIC Commissioner Warren Mar also has indicated he plans to visit the DBI booth, and to be available to answer questions.
- It is again time for nominations for the Third Quarter Employee of the Quarter award. Bill Strawn recently sent an All-DBI Memo requesting new nominations, with a deadline of Sept. 30th. Once we have new nominations the Employee Recognition Committee will

meet and select our Third Quarter winner. We plan to introduce both the Second Quarter Winner, and the Third Quarter Winner, at the October BIC meeting.

- DBI and the BIC Joint Response to the June 2013 Grand Jury Report was delivered to the Presiding Judge of the Superior Court on Sept. 11th, and a copy of this response is posted on the DBI website. We expect to be part of a hearing on the Grand Jury findings, and our joint response, at the Government Audit and Oversight Committee – most likely sometime in October.

There was no public comment on the President's announcements.

3. General Public Comment: The BIC will take public comment on matters within the Commission's jurisdiction that are not part of this agenda.

Mr. Spencer Gosch asked if this was the portion of the agenda to speak on Acting Director Hui possibly being appointed Director.

Secretary Harris said that Mr. Gosch could speak on this during public comment prior to the Closed Session on agenda item 6.

There was no general public comment.

4. Discussion and possible action on the following new proposed Administrative Bulletin AB-106: Seismic Strengthening of Soft Story Wood Frame Buildings: Procedures.

Mr. Robert Chun and Mr. Eric Gee of the Soft Story Program gave a presentation on Administrative Bulletin AB-106: Seismic Strengthening of Soft Story Wood Frame Buildings. Mr. Chun showed a copy of the "Wood-Frame Seismic Retrofit Program" Screening Form (Pages 6 -8 in the BIC handout) on the overhead projector, and did an interactive exercise of filling out the form involving participation from President McCarthy (as the homeowner) and Acting Director Hui (as the engineer).

Mr. Gee displayed a list of the buildings that are on the website now, and he said that the list could be found at www.sfdbi.org/softstory and the whole excel sheet is available with all 6,000 listings, and will be populated with block and lot, assessor address, scope in or out, and the status. Some of these actually have permits out now, so this can be found on the sheet as well. Mr. Gee logged onto the DBI soft story section of the website, and directed the Commissioners to the section where certain forms were located such as: The FAQ guide, Excel sheet with the legend, Submittal timeline and procedures with all forms online, Process of how to obtain a permit, The Compliance timeline, and Engineering criteria.

Commissioner's & Staff Question & Answer Discussion:

- Commissioner Melgar said that the website looked great, and asked when it was going live? Mr. Chun replied that it went live last Wednesday, and 6,175 letters were sent out.
- President McCarthy asked if there were any calls yet? Mr. Chun said yes tons of calls but they are handling them.

- Commissioner Clinch asked about applicants being able to appeal to the BIC, and what the procedure was for that? Acting Director Hui and Mr. Chun said that the appeal process would be handled by the Board of Examiners or the Board of Appeals.
- President McCarthy asked if the soft story permit had to be posted on the building? Mr. Hui said yes they are similar to other building permits, except it is for seismic safety.

Secretary Harris called for public comment, and there was none.

5. Code Enforcement Outreach Program staff & providers report on a recently completed “best practices” comparative survey of housing stock preservation and inspection services available nationwide.

Ms. Rosemary Bosque, Chief Housing Inspector, gave the Commissioners a pink and green table (US Cities Comparison: Habitability Code Enforcement for Preservation of Rental Stock), for them to review. Ms. Bosque commended Vice-President Mar for asking Housing Inspection Services to prepare this for the Commission, and she also thanked the Director and Deputy Directors for allowing staff to periodically, independent of audits or grand jury reports, seek out the best practices that are out there. Ms. Bosque stated that there was a comparative survey done by Inspector Jamie Sanbonmatsu along with all nine of the Code Enforcement Outreach vendors, who looked at 24 jurisdictions nationwide and found out what their best practices were to preserve aging housing stock and specifically around rental units and habitability issues. Ms. Bosque said that the green shading on the chart meant YES other jurisdictions performed listed tasks and the pink shading meant NO they did not. However, as reflected on the chart San Francisco does all of the tasks that are listed.

Mr. Jamie Sanbonmatsu of Housing Inspection Services and the Code Enforcement Outreach Program (CEOP) gave a presentation on the “US Cities Comparison: Habitability Code Enforcement for Preservation of Rental Stock”, and the chart contained the following headings:

- Housing Stock% Renter
- Housing Code
- Housing Inspection Services
- Accepts Tenant Complaints via Telephone or Internet
- Notice of Violation issued in response
- Dept. Hearing for resulting non-compliance
- Fines/fees for resulting non-compliance
- Dept. Liens applied to collect outstanding penalties
- Dept. requests outstanding penalties attached to tax bill by Board of Supervisors
- Dept. Initiates & funds litigation
- On-Line Complaint Tracking
- Code Enforcement Outreach with Tenant/Landlord Groups

The chart compared 25 cities and states beginning with Austin, Texas and ending with Washington, DC. Mr. Sanbonmatsu and several Code Enforcement Outreach vendors discussed the following items:

Mr. James Sanbonmatsu

- There have been a variety of discussions over the last few months on the subject of

Housing Code enforcement, and a consultation with Commissioner Mar and the Code Enforcement Outreach Program has put together this survey to provide the context for these discussions by looking at the best practices of American cities.

- They also found some practices that are not so great, and the city and master plan calls for the preservation of affordable housing and the city's rental housing stock.
- Enforcing the minimum standards of the Code for habitability and rental housing is a vital step toward achieving those goals.
- Habitability items are: Floors, doors, sinks, showers, tubs, light fixtures, water damage, and leaking into the light fixtures and electrical, exits, fire escapes, alarm systems, stairs, stoves, wall and ceilings, plumbing and drainage, sewage, and lack of heat.
- There is habitability code enforcement and its elements are set forth on the chart, which was also established by the Commission.
- The chart compares 25 most popular cities in the United States, and 70% of San Francisco's housing stock is renters.
- There are a few cities that do not even have a Housing Code.
- Housing Inspection Services in S.F. accepts tenant complaints via telephone or internet, yet some cities will not accept those complaints from either source.
- In Charlotte, NC a person has to petition the government in order to get an inspection.
- In Phoenix, AZ a person has to undergo counseling first to get an inspection and see if they qualify.
- A lot of cities do not hold Department Hearings for resulting non-compliance. (DBI often does not get compliance without having at least the plausible threat of having a Director's Hearing).
- San Francisco is a city that initiates ALL of the following tasks, while only a couple of other jurisdictions do the same: Enforces fines/fees for non-compliance, Department Liens are applied to collect outstanding penalties, DBI requests that outstanding penalties are attached to tax bills, Dept. initiates & funds litigation, There is On-Line Complaint Tracking, and there is Code Enforcement Outreach with Tenant/landlord Groups.

Mr. Charley Goss (San Francisco Apartment Association)

- Mr. Goss reported on the city of Chicago which has a 56% renter population, and they do have a Housing Code but do not have Housing Inspection Services. Mr. Goss said that he spoke to a colleague at the Chicago Apartment Association, which is a similar association to his in Chicago. He also used the City of Chicago Housing Website and briefly spoke with tenant's rights groups in Chicago.
- Chicago does not offer the following services:
 - Does not accept tenant complaints
 - Does not issue NOV's in response to tenant complaints
 - Does not offer Director's Hearings
 - Does not issue fees, fines, nor liens for non-compliance
 - Does not fund/initiate litigation or provide on-line complaint tracking

Vice-President Mar thanked the CEOP vendors for their report, and said when he heard about it at a meeting he thought it would be good to present it to the rest of the Commission. It is valuable to find out what other cities are doing. Even though San Francisco is doing better than a lot of other cities which is very clear from the chart, Vice-President Mar thinks that we could do a better job in

other areas as well. He stated that he was interested in Los Angeles since they seem to have a lot of rental housing stock like San Francisco does, a much larger population, and they also seem to be doing a lot of things right.

Mr. Sanbonmatsu stated that they heard from Daniel Snyder who works at the Los Angeles housing department, and in the late 90s they sent a team of people to San Francisco for a week to study everything that San Francisco did and then they went back and implemented 90% of what San Francisco did. He also said that they used to have the power to do liens and go to the Board of Supervisors, but the council took that away from them. Mr. Sanbonmatsu agreed that Los Angeles has a good program.

Pratibha Tekkey (Central City SRO Collaborative & Tenderloin Housing Clinic)

- Ms. Tekkey said that she worked on Texas, but was not able to reach anybody or really find any information so that says a lot.
- In Austin, TX 63% of the Housing Stock are renters
- Austin, TX offers the following services:
 - ✓ Has a Housing Code
 - ✓ Has Housing Inspection Services
 - ✓ Accepts tenant complaints from the internet or via telephone
 - ✓ Respond to NOV's, but there is no further follow up afterwards
- In El Paso, TX 38% of the Housing Stock are renters
- El Paso, TX offers the following services:
 - ✓ Has a Housing Service Division
 - ✓ Accepts tenant complaints from the internet or via telephone
 - Does not have a Housing Code
 - Does not have Director's Hearings or liens
- In Houston, TX 54% of the Housing Stock are renters
- Houston, TX offers the following services:
 - ✓ Accepts tenant complaints from the internet or via telephone
 - ✓ Issues NOV's in response to tenant complaints, but there is no follow up

President McCarthy asked what was their interpretation of the cities that did not have any of the follow through, and did not have any enforcement? How do the problems get addressed? Mr. Sanbonmatsu said that in Chicago, a city with huge rentals, people are basically left to fend for themselves. He also said that they have to utilize legal aid or other legal systems, and some try to file their own private lawsuit if they can get an attorney to do it. As a result of this, basically the cries for help get ignored in a lot of places.

Ms. Bosque said that Chicago had such a problem with abandoned buildings that they were the first that led the nation with the Vacant Building Ordinance that we know now has issues. It was really the market that was taking care of these issues, and the local government was not addressing them and over the years they had a lot of problems with not being able to preserve their housing stock.

Mr. Sanbonmatsu stated that in some eastern cities they have something called Housing Court, but the system has problems. The inspection department only does the first inspection and then some of the cases are sent to Housing Court but the system has a variety of problems which was

discovered when they were talking to some of the legal aid lawyers who have to go to Housing Court as part of their job. For example, the Harvard Legal Aid Society lawyer said that the Housing Court is overwhelmed and understaffed and they only have two attorneys assigned to the entire court system. In addition, the lawyer said the landlord never pays a fine, and if his clients relied on the city's process they would freeze to death.

Mr. Sanbonmatsu continued to cover other cities mentioned on the chart, including the following information:

- The City of San Jose wrote 164 NOVs last year for the entire City, which is a tenth of what S.F. does just for the HIS division.
- In a lot of places the blight issue is the only thing that will be addressed, because going after a homeowner is a lot different than going after a landlord.
- In California there is an organization called "Tenants Together" and they are frustrated because in places like Concord and Fresno people are living in terrible conditions, but are basically told they cannot get help. However, if there is a house across the street with a broken window then the City would go after that house.
- The City of Jacksonville takes things very seriously and performs a lot of the actions that San Francisco does, and their numbers are similar.
- Cincinnati has a great practice for their anonymous complaint system regarding secondary units.

Commissioner's & Staff Question & Answer Discussion:

- Commissioner Melgar said that she was not surprised by the Texas cities, and in fact there are commonalities in all of the southern states in terms of lack of housing code and enforcement.
- Commissioner Melgar asked how deep they researched, and said that San Jose has no code enforcement outreach but Silicon Valley has quite a bit of organized tenants and community building that are not directly paid for by the city of San Jose. She said there is a lot of support in terms of legislation, so she wondered if staff looked at that model since it is not quite the model S.F. uses in terms of the vendors that S.F. has and the code enforcement, but it is much more community organizing and capacity building among the tenants which is a model that S.F. may want to explore.
- Commissioner Melgar said it may be worth looking at New York since they turned around their model and now have rehab and investment by the city for subsidized affordable housing, and so does L.A. She asked if staff was thinking strategically about working with the Mayor's Office of Housing to look at ways of preserving affordability and habitability, particularly in gentrifying neighborhoods and making sure that people are kept in place.
- Mr. Sanbonmatsu said that staff would look further into the New York model, and the San Jose information was done by Causa Justa so he will contact them about reaching out more.
- Vice-President Mar said this was very preliminary information on what other cities are doing, and he thanked the CEOP partners for doing the bulk of the work. He questioned if there was not a strong response from some cities because a non-profit organization called.
- Mr. Sanbonmatsu said when CEOP did not get information, DBI staff followed up and made four attempts to get the information from each city but said staff would be happy to

send a more formal request on DBI letterhead.

- President McCarthy said the biggest problem they have as a Commission is trying to get through all of the NOV's, so if other cities like L.A. have this issue then he hoped to see how they handled it. He thinks S.F. is getting a 'bad rap', because they at least deal with the NOV's.
- Ms. Bosque said that she has had numerous calls from L.A. in the last two years and their ability to gain funding was taken away, so they are looking at S.F.'s cost recovery and trying to reorganize their model.
- Ms. Bosque said L.A. pulled out their Housing division and created a department that had the components of the Mayor's Office of Housing, and brought all code enforcement under one umbrella and they were having a problem with the property values in L.A. not being able to fund that department.
- Ms. Bosque mentioned that a problem that some jurisdictions in California are having is that some of the code enforcement tools are diluted, and are no longer effective, so S.F. may want to look at possibly proceeding with administrative penalties.
- Ms. Bosque stated this was a preliminary study and without the jurisdiction having adequate access to online services then it is a problem, so she commended Director Hui and Hema Nekkanti for making sure that a lot more information involving DBI services will be online so that people can readily get information and assistance in a variety of areas.
- Ms. Bosque said that Housing Inspection Services now has 7 new Housing Inspectors, as well as additional clerical staff so they will be able to do more inspections.
- Commissioner Melgar said that L.A. was proactive and implemented scheduled inspections of certain buildings, but the landlords would actually fix things ahead of the scheduled inspection.
- Ms. Bosque said L.A. actually used San Francisco's routine inspection model, and HIS staff sent landlords a whole package of information on what they needed to look at in their buildings yearly, including a 13 item checklist so they could take care of items before their inspection.

7. Director's Report.

a. Update on DBI's finances.

Ms. Gayle Revels, Acting Chief Financial Officer gave an update on DBI's finances including the following points:

- The budget mix has changed with the new budget year, so charges for services are a smaller percentage of the budget this year than it was last year because of fund balance, so that DBI could do the capitol projects.
- There is a bit of money in the capitol reserve and DBI put the money towards the elevators and the tenant improvements, so it is really capital projects.
- DBI has \$22M in other revenue, which is mostly fund balance.
- Apartment rental income is almost the same as last year, but lightly less so staff lowered it this year.
- DBI received 20% of what was budgeted for charges for services.
- Revenue is down compared to last year, but last year DBI had a lot of really big projects come in during the summer time.
- Staff increased the budget for charges for services this year, about \$5M.

- Expenses - There was a transfer to the projects and about \$21M.
- Service for other departments is DBI's work orders and it is about the same as last year.
- Non-personnel expenses – There are some one-time items for the department such as chairs and jackets.
- Actuals – 17% of the year has passed so it is still early in the year and a lot of things that were budgeted (e.g. chairs) will not come in for a few months.
- Employee salaries – DBI added a few positions this year so it is higher than last year.
- There are still some vacancies, but the Department is continuing to hire this year.

b. Update on proposed legislation.

Director Tom Hui gave the update on proposed legislation and addressed the following points:

- Soft story legislation was presented by Robert Chun, but he wanted to highlight that DBI has handed out brochures in 3 different languages: English, Spanish, and Chinese.
- **Ordinance No. 130765** – There was a discussion with the PUC regarding sharing green water and he thanked Chief Plumbing Inspector, Steve Panelli, for adding the language.
- DBI is currently working with Supervisor Chiu's office and there has been lots of discussion regarding legislation to increase the number of legalized secondary units/in-laws. There is a task force to discuss if there is anything staff can help with in drafting the legislation, because there are lots of safety issues to resolve.
- On the horizon is a newly-proposed ordinance to control construction equipment emissions which will be introduced by the Department of Public Health.
- **Ordinance No. 120669** – Regarding the adoption of a condominium conversion fee applicable to certain buildings. There are quite a few people coming in to request inspections, and there is a task force of Building, Plumbing, and Electrical divisions.
- **Ordinance No. 130369** – Updating Maher Toxic Cleanup Ordinance. The Health Department will have a space on the fifth floor service counter, which will be helpful to answer any questions from the public.

Commissioners & Staff Question & Answer Discussion:

- Commissioner McCray asked about the ordinance to control construction equipment emissions and a requirement that the construction have a minimization plan – What is the perceived impact on both the builders and the owners to add this layer to the process? Director Hui said this is a very difficult task for DBI because with construction equipment staff cannot measure the pollution in the air, which is what they are working with the Health Department on.
- President McCarthy said his understanding is that it is projects over a certain size, but not necessarily smaller projects.
- Acting Deputy Director of Inspection Services, Dan Lowrey, said it is going to be hard and DBI will have to work with the Health Department to figure out how to enforce it. On the larger projects there are pollutants coming out every day and it is hard to regulate the noise. It is going to be another layer that the contractor will have to give the Department a list of what the items are and the protocol. Right now this is conceptual and not a reality, so DBI has to look at how to enforce it.
- Commissioner Melgar asked if it is just emissions and noise level from the equipment? Mr. Lowrey said yes this is more for noise and the pollution that the equipment produces.

- Commissioner Melgar asked if this was regulated by state law? President McCarthy said yes CAL/OSHA has regulations in place.
- Mr. Lowery said staff is proactive in asking the contractors to do good outreach and have contact numbers on the letters they send out. Some large jobs downtown even hire noise specialists to monitor where the noise is coming from.
- Commissioner Lee asked if this ordinance is about noise emitted from the equipment or the noise that the work actually makes? Mr. Lowery said he was told that it is noise from the equipment.

c. Update on Permit Tracking System.

Ms. Hema Nekkanti, IS Project Director, gave an update on the Permit Tracking System and discussed the following items:

- Staff is getting really close to the User Acceptance Testing and execution, relative to November 5th which is the plan.
- The execution would be over a period of 4 weeks and that is round 2 and then the majority of back office testing will be done.
- Subject matter experts and their staff who do this every day will be helping with the testing, and with the review and testing of the citizen portal.
- Staff is planning to send out communication to the stakeholders who are going to be helping with the review and testing for permitting, and the actual review of the citizen portal is going to be in December.
- The citizen advisory group will help staff to review the online permits and enforcement records online.
- The projected “go live” date is March 2014.
- Ms. Nekkanti thanked DBI staff that helped quite a bit in reviewing the configuration and said almost every day there is somebody doing this, and managers and chiefs are reviewing hundreds of pages of documents every day and are playing a critical role.

d. Update on major projects.

Director Hui gave an update on major projects, and said that he wanted to call the BIC’s attention to the last page that showed there are roughly 14,000 units on the market. The construction costs are roughly \$6.2 billion.

e. Update on code enforcement.

The Code Enforcement and DBI Monthly Update contained a report that covered the following items:

BID

- Building Inspections Performed
- Complaints Received
- Complaint Response within 24-72 hours
- Complaints with 1st Notice of Violation sent

- Complaints Received and Abated without NOV
- Abated Complaints with Notice of Violation
- 2nd Notice of Violations Referred to Code Enforcement

HIS

- Housing Inspections Performed
- Complaints Received
- Complaint Response within 24-72 hours
- Complaints with Notice of Violation sent
- Abated Complaints with NOVs
- # of Cases Sent to Director's Hearing

CES

- # of Cases Sent to Director's Hearing
- # of Order of Abatements Issued
- # of Cases Under Advisement
- # of Cases Referred to City Attorney

Acting Deputy Director Dan Lowrey, Chief Housing Inspector Rosemary Bosque, and Senior Inspector of Code Enforcement John Hinchion gave an update on code enforcement and addressed the following points, including Commissioners & Staff Discussion:

- Mr. Lowrey gave an update on the active Notices of Violation (NOVs) for the past five years, so the packet included Code Enforcement Services (CES) complaints and cases that were brought to code enforcement. Mentioned John Hinchion would address 2nd NOVs.
- There are a lot more Director's Hearings now to get resolution on the NOVs.
- Mr. Lowrey is making sure that Inspectors are monitoring the violations, and moving the process forward by referring cases to CES to get resolution.
- Vice-President Mar asked if Mr. Hinchion knew how many cases rollover from one year to the next?
- Mr. Hinchion said 2009 numbers rolled over to 2010, so the overall effect is 2009-13 show a fairly accurate picture. The number of cases that have been handled has increased more than previous years, since CES has finally gotten more staff back.
- President McCarthy said the Commission has questioned if a remedy would be to have more Abatement Appeals Board (AAB) meetings.
- V.P. Mar said the BIC is trying to figure out how to move NOVs or figure out how long the NOV lingers. He questioned how many were issued in a previous year.
- Mr. Hinchion said in 2013 staff can respond to NOVs faster than in 2010, because more Director's Hearings are scheduled, the filing backlog is caught up, and a case could come to CES and have an Order of Abatement issued 1 ½ months later.
- V.P. Mar asked if it would help to have more AAB meetings? Mr. Hinchion said there are a very small number of cases that appeal to the AAB.
- Mr. Hinchion said appeal cases take a lot of staff time and 1 or 2 cases do not disrupt operations too much, and he thinks the current practice is good.
- Commissioner Lee said if there were 440 cases going to a Director's Hearing and that number is going to be doubled to 800 – Out of those cases how many are resolved after the

Director's hearing and where do they go next? Mr. Hinchion said 90% of the cases get continuances or advisement, but the Order of Abatement will get issued within two months and fees are collected so DBI's costs are covered.

- Mr. Hinchion said currently there are more Director's hearings: Tuesdays are all CES cases and Thursdays are all HIS cases.
- Mr. Lowrey said the reason for having 2 days of Director's Hearings instead of 1 is the whole goal is to get compliance in code enforcement. Staff also tries to work with violators to give them more time to obtain permits, and if they do not comply then an Order is issued and the next step is the case is referred to the City Attorney.
- Chief Housing Inspector, Rosemary Bosque said there are various factors that could cause delays such as tenant/landlord issues or hoarding and cluttering issues. Housing Inspection only issues 1 NOV, and tells owner assessment of cost follows then sends follow up letter to comply before deadline.
- V.P. Mar said CEOP plays a great role, but not a replacement for inspectors. He said the AAB sees cases that have been around for 5 years, so he wants to have a special meeting only for abatement appeals cases.
- Ms. Bosque said most cases have Orders of Abatement issued, but the cases cannot come to the Board unless the owner appeals.

President McCarthy called for public comment.

Mr. Spencer Gosch said that he has been a Building Inspector for 23 years and he wanted to comment on items 7b and 7e. Mr. Gosch said he guessed it was his job to point out the dark side of DBI. One historic flaw in the code enforcement process which hopefully has been corrected is the easy subordination of the Orders of Abatement. For example, whoever is in charge of issuing it will give subordination if the owner has taken out a permit then there is no longer a loan problem. Back to item b on the proposed legislation that the Health Department is trying to force DBI to do things: Clearly noise issues are in their jurisdiction and also emissions and pollution is not in the Building Department purview: It would be the Health Department, so DBI should throw this back to them to deal with.

Mr. Robert Davis asked if he could see the numbers previous to 2009, because last year or about 18 months ago when they first looked at Notices of Violation there were 5,500 opened notices dating back to 1994. Now the number has gone from 5,500 to 1,500 and he wonders where they went. He also inquired about how many open Director's meetings there are and said now DBI has many open NOV's and an unknown number of Director's hearings that have been found in favor of the city but they have never gone anywhere else and never been pushed to the Litigation Committee, so he wondered what happened to these cases. Mr. Davis asked if he could get the information by zip code, and said the Department enforces the vacant building ordinance and he wondered if there was any interest in looking at that as far as the Notices of Violation. He asked if there were any changes or improvements over what was known before, to the NOV process.

8. Commissioner's Questions and Matters.

- a. Inquiries to Staff. At this time, Commissioners may make inquiries to staff regarding various documents, policies, practices, and procedures, which are of interest to the Commission.**

Commissioner Melgar said that she would like it if staff could list the Notices of Violation by zip code, and also a bit of analysis as to the types of violations. Commissioner Melgar said that the Planning Department has really good data and maps on housing renters versus homeowners, and it would be interesting to collaborate with them to overlay DBI's violation map with housing type and so on.

- b. Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Building Inspection Commission.**

Secretary Harris said that there was going to be a Special Meeting on September 25th at 2:00 p.m., and the next Regular Meeting was going to be on October 16th at 9:00 a.m. Ms. Harris mentioned for notification purposes, that the Special Meeting on the 25th would be held in Room 400.

Secretary Harris called for public comment on items 8a and 8b and there was none.

9. Review and approval of the minutes of the Regular Meeting of June 19, 2013.

Commissioner McCray made a motion, seconded by Commissioner Clinch, that the minutes be approved. The motion carried unanimously.

RESOLUTION NO. BIC 046-13

6. CLOSED SESSION

Public Employee Appointment – Director of the Department of Building Inspection.

Discussion and possible action to interview candidates for the position of Director of the Department of Building Inspection.

- a. Public Comment on all matters pertaining to the Closed Session.

Mr. Spencer Gosch said that he has been a Building Inspector at DBI for 23 years and he apologized for being late previously, because he knew how much the Commissioners value his comments. Mr. Gosch stated that he is at the meeting to request that the BIC does not permanently appoint Tom Hui or any other current DBI executive staff member to the directorship. He understood that the cronies were there last week speaking about what a good job he is doing for them, but unfortunately they are the only ones that he is doing a good job for. He said that Tom Hui and Ed Sweeney have fostered corruption, confusion, and racism at unprecedented levels at DBI and they should be removed from office and not furthered in their endeavors. Mr. Gosch said he had to admit that he was trying to fight the whole city and he cannot maintain his level of anger though he would like to. Mr. Gosch said that he and Tom Hui used to be friends and have lunch together and those were the good old days and he certainly missed those times, but regardless this is the current situation and he thanked the Commission for their time.

- b. Possible action to convene a Closed Session.

Commissioner Clinch made a motion, seconded by Vice-President Mar to convene a Closed Session. The motion carried unanimously.

RESOLUTION NO. BIC 047-13

c. **CLOSED SESSION:** Pursuant to Government Code Section 54957(b)(1) and the San Francisco Administrative Code Section 67.10(b).

d. Reconvene in Open Session to vote on whether to disclose any or all discussions held in Closed Session (Administrative Code Section 67.10(b).

The Commissioners reconvened at 12:15 p.m.

Commissioners in attendance were Commissioners McCarthy, Mar, Clinch, Lee, McCray, and Melgar.

Commissioner Lee made a motion, seconded by Commissioner Melgar to reconvene in Open Session and not disclose any or all discussions held in Closed Session. The motion carried unanimously.

RESOLUTION NO. BIC 048-13

Secretary Harris said that the Commissioners needed to vote on agenda item 4 regarding AB-106.

Commissioner McCray made a motion, seconded by President McCarthy to go back to agenda item 4.

Secretary Harris called for public comment and there was none.

The motion carried unanimously.

RESOLUTION NO. BIC 049-13

Commissioner Clinch made a motion, seconded by Commissioner McCray, to approve Administrative Bulletin AB-106: Seismic Strengthening of Soft Story Wood Frame Buildings: Procedures.

Secretary Harris called for public comment and there was none.

The motion carried unanimously.

RESOLUTION NO. BIC 050-13

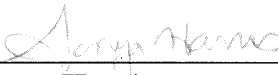
10. Adjournment.

Vice-President Mar made a motion, seconded by Commissioner Lee, that the meeting be adjourned. The motion carried unanimously.

The meeting was adjourned at 12:17 p.m.

RESOLUTION NO. BIC 051-13

Respectfully submitted,


Sonya Harris
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Report on Notices of Violation and request for staff to compile a list by zip code if possible. Report to include a bit of analysis as to the types of violations. – Commissioner Melgar	Page 12