



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

REGULAR MEETING

Wednesday, March 17, 2010 at 9:00 a.m.

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

Aired Live on SFGTV Channel 78

ADOPTED July 21, 2010

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 9:45 a.m. by President Murphy.

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

COMMISSION MEMBERS PRESENT:

Mel Murphy, **President**

Kevin Clinch, **Commissioner**

Criss Romero, **Commissioner**

Debra Walker, **Commissioner**

Ann Aherne, **Commission Secretary**

Reuben Hechanova, **Vice-President**

Warren Mar, **Commissioner**

Frank Lee, **Commissioner**

D.B.I. REPRESENTATIVES:

Vivian L. Day, **Director**

Laurence Kornfield, **Deputy Director**

William Strawn, **Communications Manager**

Rosemary Bosque, **Chief Housing Inspector**

Pamela Levin, **Administration & Finance Division Supervisor**

Sonya Harris, **Secretary**

CITY ATTORNEY'S OFFICE REPRESENTATIVE:

John Malamut, **Deputy City Attorney**

2. President's Announcement.

President Murphy wished everyone a Happy St. Patrick's Day, and said that he did not have any announcements except to welcome Commissioner Mar. President Murphy stated that he had the pleasure of meeting Commissioner Mar last week at DBI and gave him a tour of the Department.

Commissioner Mar thanked President Murphy and the DBI staff for giving him the tour last week, and said that he has lots of catching up to do, but is looking forward to it.

Secretary Aherne said that the BIC has a request to move item five and hear it before items three and four, so those items will be continued later on the agenda.

5. Discussion and possible action to adopt Administrative Bulletin (AB-090) regarding Destination-Based Elevator Control System Requirements.

Deputy Director Laurence Kornfield said that he was very pleased to bring the Commission an Administrative Bulletin that has taken almost two years and many public meetings to obtain general consensus. Mr. Kornfield stated that it is very important for DBI to stay at the leading edge of the technology that is happening in San Francisco since there is a tremendous demand from building owners and elevator companies to install these so-called destination elevators, which provide benefits for both building owners and energy savings and all sorts of advantages, but for which there are currently few regulations. Mr. Kornfield said that the Department has developed an Administrative Bulletin (AB) that allows DBI to implement reasonable procedures that he believes are equivalent to the procedures and access provisions of the California Building Code that can be used pending the development of any other state codes. Mr. Kornfield stated that he believes the development of this A B is going to lead the way to the development of state and other codes in this regard, and said that it has been a long process. Mr. Kornfield said that everybody has been extremely cooperative in these public meetings and there are many people who wish to express their support for this bulletin.

President Murphy asked if anyone from the industry was present, and informed the public that each person would be allowed three minutes for public comment.

Mr. Jeffrey Leacox said that he was present on behalf of the National Elevator Industry, and said that they are part of the Vertical Industry Trade Association. Mr. Leacox stated that the members include all of the major elevator companies such as Schindler, Mitsubishi, Otis and Krupp. Mr. Leacox said that they have been actively engaged in the process over the past two years, and although not everything is in there that they wanted and not everything they did not want is out, it is a solution that they can live with and think it is going to be a national model for a broader solution than just San Francisco. Mr. Leacox thanked the Access Appeals Commission and its President last year, Walter Park, for his aid in accomplishing this project and Laurence Kornfield as the primary draftsman and everyone who was involved. Mr. Leacox said they are very pleased with the results and he encourages the BIC to adopt this AB.

Mr. Rodriguez stated that he represents Schindler Elevator Corporation, and said that he wanted to thank Laurence Kornfield and Walter Park for their support and hard work. Mr. Rodriguez said that Schindler Elevator strongly supports this AB, as it has had enormous input from all factions, and is going to allow a streamlined process. Mr. Rodriguez said that he was one of the first people to submit a proposal and even though the proposed AB is very different from what he proposed said that he has no hard feelings about that. Mr. Rodriguez stated that he had one issue to raise which is the requirement of a keypad to provide verbal announcements in those buildings that have multiple elevator names. Mr. Rodriguez said the AB currently requires not only the verbal announcement, but also requires lettering the floor served in Braille and hand raised letters so there are two requirements for the same purpose. Mr. Rodriguez stated that Schindler proposed an either/or and currently or in the foreseeable future cannot provide the

verbal announcement for the floor service. Mr. Rodriguez said that this requirement defeats the very purpose of the streamlining and stated that he wants to emphasize that these two requirements both achieve the same thing in equivalency and both are not needed since either verbal or raised lettering on the keypad should be sufficient. Mr. Rodriguez said that a baseline is being used as a traditional electric system and traditional systems that do not have this will slide with respective floors served, and said that Schindler are now providing that with Braille and raised lettering on the keypad itself. Mr. Rodriguez stated that is why Schindler is asking for this small modification on the AB, and that is set forth in 1e-1, page 5 of the AB. Mr. Rodriguez thanked everybody who participated.

President Murphy asked where these elevators are manufactured and Mr. Rodriguez said the technology is manufactured in Switzerland, but he did not know specifically all of the locations where the component parts are manufactured. President Murphy asked how long it would take the company to be able to get that technology into each unit.

Mr. Rodriguez stated that it is not available right now, but product cycles are long, about 18 to 24 months. Mr. Rodriguez said it would take considerable effort and time to obtain the technology to incorporate this and said he would emphasize that at the end of the day it is something that is not necessary. Mr. Rodriguez stated that it would take 24 months to comply with the requirement, and currently there is an effective date of January 1, 2011.

President Murphy asked if this ordinance applied to all elevators in the City. Deputy Director Kornfield said that this Bulletin applies to newly installed destination elevators or when there is substantial retrofitting of equipment.

Commissioner Lee asked if existing elevators that are non-destination based could be retrofitted to be destination based. Mr. Kornfield stated that he did not know for sure but he would have to ask the elevator company. Mr. Kornfield said that this was worked out with general agreements if a company could not meet the timeline that they would go to the Access Appeals Commission for a case by case consideration until the time that their product was in compliance.

Commissioner Lee asked how a person uses a destination based elevator for going down. Mr. Kornfield stated that he would have one of the many experts in attendance answer that question.

Mr. Frank Welte stated that he was the Director of Advocacy and Governmental Affairs for the California Advocacy of the Blind. Mr. Welte said that the blind community has been very involved in the discussions that led to this Bulletin and said that they appreciate the opportunity to have input in this important matter. Mr. Welte stated the Californai Advocacy of the Blind want to emphasize that they feel strongly that no changes be made to the Bulletin as it now stands, and would urge the BIC to adopt it as is. Mr. Welte said speaking specifically to the issue raised by Schindler that they would not consider the lack of audio to be an equivalent accessibility issue stated that some blind people absolutely depend on audio while others absolutely depend on Braille so both modalities are absolutely necessary.

Mr. Skip Soskin the chairman of BOMA's Code & Regulations Committee read a letter from BOMA (Building Owners and Managers Association of San Francisco) in support of AB-090 regarding Destination-Based Elevator Control System Requirements.

Mr. Walter Park addressed President Murphy, the Commission, and the DBI staff and stated that everyone came this morning with thirty months of discussion behind them. Mr. Park said that there have been two tracks for development of this AB; One is a series of half a dozen cases that have been heard in the last two or three years where the CAC has progressively in individual specific cases honed requirements as to what could be done practically and economically to provide the most accessibility. Mr. Park stated that the CAC's concrete experience with those real projects on the ground that people are using today in San Francisco in downtown were informed of this bulletin to a great extent. Mr. Park said that he is very pleased that they had practical experience to go into this and secondly a lengthy group of six public hearings, attended by over fifty people, and every single major elevator company in the world/country and in San Francisco was present such as: California Council for the Blind, Emerging Council for the Blind, S.F. Research Institute, S.F. Lighthouse for the Blind and others. Mr. Park stated that they debated every word, every line in every paragraph and section before the Commission today, and said that this was done in great detail and the CAC did not want to come before the BIC until there was unanimity. Mr. Park said that there is a letter from the National Elevator Association saying that they approve of this as a result of all of the major elevator companies in the United States and therefore the world coming together. Mr. Park stated this is something that has seldom happened in all of the years he has worked with accessibility and there was also a letter from BOMA approving this draft and every word of this has been discussed in great detail, so he is concerned that 15 minutes before this meeting began Schindler had an objection to two or three words, one line. Mr. Park said that he would strongly urge the Commission to adopt this bulletin today in its current form, recognizing that one company is going to have some problems and there are two ways to resolve the problem. Mr. Park stated that he does not think that this body is prepared to have a technical discussion of the words. Mr. Park said that the CAC would look at what Schindler is considering for something different and perhaps later an amendment can be done. Mr. Park said that he is an older person and has decreasing vision and he is about as likely to learn Braille 10 years from now as he is to learn Chinese. Mr. Park stated that for older people who are blind or becoming blind, not having voice means that the system will not be accessible. Mr. Park said should the BIC vote to approve the Bulletin he would like to request a minute to discuss its implications.

Commissioner Lee asked how it would work on the upper floors when people want to call the elevator down between floors.

Mr. Jeffrey Leacox said the service on the upper floors is very similar to the lower floors, though the requirements are not exactly the same because of the higher traffic and anticipated higher noise levels at the main floors, but every floor has a hall control unit. Mr. Leacox stated that the Bulletin requires those to be located between the elevator cars so if you have gotten to where you are going, you will encounter the same device coming back. Mr. Leacox asked if there was another question about retrofits.

Commissioner Lee stated that the other question has to do with the speech enunciator, because he understands that in some buildings there will be a bank of elevators so he is wondering what happens if the cabs arrive at the same time, and the system is inundated with several voices.

Mr. Leacox said in standard operating mode there will not be speech, it is activated by accessibility and 99% of the time the elevator will operate silently. Mr. Leacox stated that when the key is pressed the key bid will trigger the voice that tells the person where the car is and gives directions to it.

Commissioner Lee asked how tall the building needs to be to make the building efficient and Mr. Leacox said that the systems will bring the efficiency they bring regardless of the number of floors. Mr. Leacox stated the question is how much is it worth since this is a fairly expensive technology, and it can be done in the retrofit context which is how the retrofitting of existing elevators has been done so far. Mr. Leacox said that they tend to be high rise buildings as a practical matter and they have not seen any outside of major cities, 90% of them right here in San Francisco.

Vice-President Hechanova asked in the category of the verbal announcement, if there was a component that has the ability to read in other languages at the same time. Mr. Leacox said that idea was discussed, but for many reasons, including the one that was just heard, there is a limited capacity to provide speech and understand it when waiting for the elevator so that was not included and said that it would have created serious problems if it was.

President Murphy said that he has limited knowledge of these new systems, even though he heard the statements from Mr. Parks. President Murphy stated that he thinks the AB is great and the Department should work with it, but maybe there should also be some discussion with the Access Appeals Commission, perhaps refining some of the language to address some of the concerns of the elevator companies so that over the next 18 months they do not get bogged down when it comes to installation.

Commissioner Walker said the BIC wants to thank everyone involved, and said that this is a very important effort that the staff is working with the industry and building owners on so it is really important that the elevators are as accessible as possible. Commissioner Walker stated that she appreciates the industry's willingness to do that, and said that this was going to work for everyone. Commissioner Walker said that she thinks that the Access Appeals Commission is going to be reviewing any sort of request around this and said that she understands the concerns of the manufacturer and that they did not plan for this, but she thinks DBI needs to be primarily serving the public so hopefully they can catch up. ***Commissioner Walker made a motion to support this legislation as is, seconded by Commissioner Romero.***

Vice-President Hechanova said given the amount of effort, time, and work that went into this he really commends the leadership that has brought this to the Commission's attention, being literally a ground breaking aspect of something San Francisco has always done. Commissioner Hechanova stated the committees and subcommittees worked along with the Building Department, to be attentive to the needs of the public, especially the ones who are challenged. Commissioner Hechanova said that while meeting their needs and not diminishing the needs of the general public is a great approach to how this Administrative Bulletin is addressing the clear needs of the diminished few.

Commissioner Lee stated that he supports this Bulletin as well but he would like to ask staff to continue to work with the manufacturers and the building industry in case there are any new

developments in this system since it is brand new technology. Commissioner Lee said that he wants staff to continue to review it and come back to the BIC with amendments if necessary.

Vice-President Hechanova stated that it is shortsighted to think that the ability to have multiple language enunciators cannot be done with incoming technology and said that thus probably would be expanded.

Ms. Alyce Brown greeted the Commission and said that she was a member of the Access Appeals Commission. Ms. Brown stated that there are concerns, but the Access Appeals Commission worked very hard and diligently with all of the elevator companies, the disabled communities, and manufacturers of buildings to cover almost every base. Ms. Brown said that there are a few bases that some of the elevator companies could not address at this time. Ms. Brown stated for example, at the last meeting Otis Elevators had three things they could not follow, according to the Administrative Bulletin: One they are working on and they promise that they are going to install it, but the other two might take them two years. Ms. Brown said since it is new technology that is economic, saves fuel and so forth, it behooves the AAC to go along with Otis and give them time so that they get the technology right. Ms. Brown stated that as far as retrofitting, the AAC has allowed them to not have to go back if it takes them two years but in the future if they have to do something to the building, at that time, if the technology is available they will install it so that is how the AAC voted and approved the elevators. Ms. Brown said that she supports this Bulletin knowing that it is not 100% and the AAC will be working on it forever, until the companies can catch up with the technology.

Secretary Aherne called a roll call vote on the motion:

President Murphy	Yes	Vice-President Hechanova	Yes
Commissioner Clinch	Yes	Commissioner Mar	Yes
Commissioner Romero	Yes	Commissioner Lee	Yes
Commissioner Walker	Yes		

The motion carried unanimously.

RESOLUTION NO. BIC 014-10

Secretary Aherne stated that there was a request from Walter Park to say something once the legislation was approved. Mr. Park said we have amazingly clear skies in this whole thing, after 30 months of discussion. Mr. Park stated that he wanted to let everyone know that they all deserved congratulations and an award on this. Mr. Park stated that there was an incredible amount of good faith with all of the elevator companies, and the technology itself is a moving target and the AAC did not want to stop the technology. Mr. Park presented an award to the National Elevator Association and thanked everyone that made this legislation possible. The Commission thanked Mr. Park for his work on this important effort.

3. Director's Report.

a. Update on DBI's finances.

Director Day stated that the Commissioner's package included the financial report for the end of the month of February, and the bottom line is that the Department is holding its own and holding its head above water. Director Day said that revenues were down in the building permits division, but February was a short month with a few holidays so that should be taken into consideration. Director Day stated that DBI is proceeding with its MOUs with outside agencies, and are on track with those, and everything that the Department assumed would be submitted by this time has been submitted and DBI is on track with those and are keeping on the target date with revenues. Director Day said that the bottom line is that revenues will be added to the revolving fund balance at the end of the year. Director Day stated that she could answer any questions on the financial report.

Commissioner Romero said that he had a question from the last meeting about expenditures dealing specifically with a Personal Services Contract being outsourced to a Canadian company.

Director Day stated that this issue would be addressed under s item C, DBI's proposed contract for the Permit Tracking System (PTS). Director Day said that there is no award at this time, since the proposal will be going back out for a bid shortly within the next four to six weeks.

There was no public comment on this item.

Commissioner Walker thanked the Director for taking some hard steps, certainly not without pain in the Department to turn things around. Commissioner Walker stated that she thought that everyone is looking forward to increased momentum and activity going into the next year.

Director Day stated that she would not have been able to do this without the help of the staff and the Department. Director Day said that staff really stepped up to the plate and everyone has helped to bring this about so they actually deserve the credit.

There was no public comment on this item.

b. Update on proposed legislation.

Director Day said that there is a lot of legislation being discussed and brought forth by different entities. Director Day stated that on March 16th there was the voluntary retrofit legislation that was passed by the Board of Supervisors by a vote of 10 to 0. Director Day said that if the Mayor signs it immediately the plan review fee waiver for expedited processing will take place in 30 days on April 15th, so DBI will be starting the voluntary retrofit program. Director Day stated that the Department is working with the mandatory retrofit task force and have had several meetings now. Director Day said that this legislation is going forward and the development impact fee legislation was scheduled to be at the Land Use Committee previously but will be heard on the 22nd. Director Day stated that if it occurs, staff will have a better idea of how the deferral part of the program will work, but it seems unanimous that the suggestion is for DBI to collect all of the impact fees, whether or not there is a fee deferral or affordable housing legislation. Director Day said that anything regarding DBI has more or less gotten everyone's approval, so the legislation as it goes forth will be amended mostly for Planning Department issues and some affordable housing issues. Director Day stated that the Mayor's Office

suggested that DBI refer back to this Commission, but nothing really affects DBI so there is no further need to keep bringing it back. Director Day said that she thought that staff should just keep forwarding it with approval for the part that affects DBI, and this will also have some type of fee impact to the Department if the legislation is passed. Director Day stated as far as the vacant building update, the Department has 107 registered buildings and about a 40% completion rate, but that is increasing daily, slowly but surely, and is getting back on the radar for everyone. Director Day said that staff will be going through all 16 AB's that have been created over the years to bring them current with state and local laws as well as Civil Service and severance. Director Day stated that there are some things that are in contradiction with state law that must be corrected and the Department will be doing that. Director Day said that there is an AB on the forms and procedures that are out of date due to Division name changes and things like that, so the Department will be bringing that forth to the BIC to show how staff is proposing to address these issues within the Department currently regarding policies and procedures and that will probably be happening within the next two meetings for the Board and Commission.

Commissioner Lee stated that he had a question related to the voluntary retrofit program, and asked if the Department would be doing any promoting of this program as there have been a few major earthquakes in the last month. Director Day said that DBI is working on that with other divisions and departments.

President Murphy said that he would like to know if there was any interest in the voluntary retrofit program. Director Day stated that DBI has had interest for the past few years about this, especially from single family homeowners. President Murphy asked if the fees are going to be waived, and Director Day replied that inspection fees are not waived but plan check fees are. Director Day said that the Department is hoping that in some cases a special inspection is not required, but if it is the cost would have to be borne by the property owner and DBI would not be charging for plan check fees and those are the majority of fees on the building permit now.

Vice President Hechanova asked about vacant buildings and questioned the update of 40% complied with a balance of 60% and asked if that would lead to natural hazards. Director Day said that the Code Enforcement Officers and the Housing Inspectors will be addressing those for blight issues but they do not fall under the vacant building list and that is what the problem is. Director Day stated that most buildings that are blighted were originally put on the vacant building list, although they were not vacant so staff is physically inspecting to determine whether or not they are vacant buildings. Vice-President Hechanova asked if the buildings that are blighted are more suspect or available, vulnerable to being tagged or receive graffiti. Director Day said that the Department is not experiencing that much graffiti on the vacant residential buildings as compared to the vacant commercial buildings, which are very subject to graffiti.

There was no public comment on this item.

c. Update on other activities affecting administration of the Department.

Director Day stated that efforts in the legislative unit will be addressing policy and procedures of the Department and bringing it to compliance with ordinances, laws, and federal and state matters. Director Day said that the other thing that is helping throughout the City is the I.T.

consolidation plan, because Information Technology is being distributed throughout the city to call centers. Director Day stated that the Mission Avenue Corridor Center, essentially pPanning, and DBI is looking into seeing if there are a cost savings in consolidating the functions. Director Day said that the Department does not know where it will go, but is planning on exploring the area which would reduce outside contracts from vendors.

President Murphy asked about the status of DBI's contract as far as the Permit Tracking System, and questioned if it was on hold for a while. Director Day said that the Permit Tracking System is being revised right now to include some other additional items that were brought to the Department's attention during the last cycle. Director Day stated that the contract will be put out to bid within four to six weeks, and after this the Department hopes to have it implemented within 24 months.

There was no public comment on this item.

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

Mr. Joel Koppel said that he was with the San Francisco Electrical Construction Industry and represents the International Brotherhood of Electrical Workers Local 6, the Electrical Contractors Association, and as an industry person has a close relationship with the Department of Electrical Inspectors and the San Francisco Fire Department. Mr. Koppel mentioned that the Fire Marshals inspect their life safety installations, and he thanked the BIC for this opportunity to address their concerns. Mr. Koppel said that upon leaving DBI a couple of weeks ago he grabbed an electrical permit application and had some concerns about the contractor bond requirement which is not on the electrical permit application. Mr. Koppel said in doing some research, he looked into the State Contractors Licensing Board, which says "this bond is filed for the benefit of consumers that are damaged as a result of defective construction or other license law violations and for the benefit of employees who have not been paid wages due to them." Mr. Koppel stated that working with the union they advocate for worker's rights, job site safety and responsible contracting practices along with permit applications and inspections. Mr. Koppel said that to his knowledge this bonding requirement used to be on the permit application and as of right now it is not. Mr. Koppel stated that he would like to bring this as an item for the BIC to discuss and possibly in the future make it an agenda item. Mr. Koppel said that he would strongly urge as an issue of fairness through the contracting industry to have some possible language on the application that requires this bond, and on the CSLB website there is a \$50 figure of 12,500 that is required for this contractors bond. Mr. Koppel stated that this is for the good of the industry and recommended that the Commission take this up for possible discussion.

Mr. Henry Karnilowicz said that he wanted to clarify the issue that was raised, and stated that contractors cannot have a license unless they have a bond. Mr. Karnilowicz said that DBI will not issue a permit unless the license is in effect, and it is very easy to go online to find a bonding company.

Ms. Jane Berthet stated that she was present to bring forth an issue that is not related to the ladder that broke when her son was killed. Ms. Berthet said that some people may remember that issue with the ladder legislation and it is related, but said she would like to keep these issues

distinct and separate. Ms. Berthet stated that she has a document from a contractor/engineer that substantiates the apartment building where her son was killed was a four story building and in fact by California Building Code, City Housing Codes, and Fire Codes should have had a fire escape to the roof. Ms. Berthet said the ladder that failed was not only a rotten ladder, but the Building Department did not look at the fact that it was part of the fire escape system that was to be inspected. Ms. Berthet stated that she has a series of Codes that she would like to submit to the Building Inspection Commission in order to obtain a response from DBI as to why this building did not require a metal fire escape to the roof. Ms. Berthet said that the property was inspected for safety issues in 2003 and fire escapes are a part of the checklist, yet it was not required that a fire escape lead to the roof. Ms. Berthet stated that a permit was requested in 2007 just to repair the back stairs but when the inspector was there he should have required a full set of engineering plans for the rear staircase, which would have included a safe fire escape to the roof. Ms. Berthet said there is not only a case of a decrepit ladder that broke, but also a fire escape and codes that were not complied to. Ms. Berthet stated that according to Code, four story buildings require a fire escape to the roof so she showed pictures of the building on the overhead projector. Ms. Berthet mentioned that today the building has a code compliant fire escape to the roof, which was replaced six months after her son's death. Ms. Berthet said that she would submit a copy of her research to the Commission via e-mail. Ms. Berthet stated the Building Department required that there be a safe, metal, gooseneck ladder to the roof and she would like to know what was different at the time of her son's death and what was different six months later, as well as a response to the Code. President Murphy said that the Commission would get a response to Ms. Berthet.

Mr. Jose Morales said that he is still fighting for his rights and the lower unit 572 A is where he used to live, and 574 San Jose Avenue is the illegal number that was only assigned for a unit on the third floor. Mr. Morales stated that the BIC has seen and heard him for more than a year and nothing has been done but said that his plan is to continue. Mr. Morales said that Supervisor Campos will be sending the BIC a letter to respond to questions that none of the Commissioners have answered. Mr. Morales asked if the Commissioners have an answer for him now and he said his representative disappeared and he never heard from her, and the representative is of no value to him or other tenants so he was really disappointed with this situation and said that he hoped that the BIC can do something about it. Mr. Morales said that he would like to remind the Commissioners and the Abatement Appeals Board to listen to his declaration of human rights: "All human beings are born free, equal and have dignity. We have the right to recognition everywhere before the law, we are equal before the law not because we are landlords or millionaires we are going to be examples for justice. We have a right to a remedy for National Citizens for acts violating our rights and we are entitled to a fair and public hearing by an impartial Board." Mr. Morales said that he does not know what is happening, and he thanked the Commission for their consideration.

President Murphy stated that he was sorry for Mr. Morales' situation, but the Department has answered in the past and he would suggest that he perhaps take up this issue with the City Attorney.

Mr. Byron Yan wanted to speak on Item 5 regarding Destination Elevators. Secretary Aherne told Mr. Yan that the item has already been voted on and passed. President Murphy said to let him read the letter. Secretary Aherne stated the City Attorney said that the BIC needs a motion

to reopen the public hearing on item number 5. *Commissioner Walker made a motion to reopen item number 5, seconded by Commissioner Romero. The motion passed unanimously.*

RESOLUTION NO. BIC 015-10

Secretary Aherne said that the Commission can now open item number 5 to public comment.

Mr. Byron Yan of the Independent Living Resource Center read a letter from Associate Director Jessie Lorege in support of the legislation for Destination-Based elevators. The letter stated, Dear President Murphy, the Independent Living Resource Center of San Francisco has been heavily involved in the drafting and approval of the DBI Administrative Bulletin 090, for Accessible Destination Based Elevator Controls. Having outpaced the California Building Code this bulletin represents work from the private industry, the department, and people with disabilities. This bulletin spells out guidelines to ensure that people with disabilities can access the built environment, and it also keeps San Francisco on the front lines when it comes to technical innovation. We endorse the Administrative Bulletin and request your vote for approval this Wednesday. Sincerely, Jessie Lorege, Associate Director.”

6. Discussion and possible action regarding a proposed Ordinance amending the San Francisco Housing Code by amending Section 1002 to add subsection (f) requiring residential hotel owners/operators to post a notice advising hotel occupants that they may telephone the City's Customer Service Center at 311 to report alleged violations of the Housing Code; adopting findings, including environmental findings.

Sheila Chung Hagen of Supervisor Campos' Office said this ordinance is connected to a multi-Department and community effort over the past half of the year making it easier for tenants of residential hotels to connect with the appropriate department to abate Housing Code violations by using the 311 call center. Ms. Chung Hagen stated that there is a new technology that has been set up where now instead of a tenant having to figure out for egress issues they have to call the Fire Department or for bedbugs it must be the Department of Public Health, or for plumbing issues they have to call DBI instead they can simply call 311 and they will route the information to the appropriate department to come and respond. Ms. Chung Hagen said that this is really a streamlining measure and said she would like to recognize that Andy Maimoni is here from 311 to answer any questions, as well as Susana Hennessey-Lavery from the Department of Public Health. Ms. Chung Hagen stated that she would like to note that the Code Enforcement Committee and Housing Subcommittee unanimously forwarded this item to the BIC today.

President Murphy asked if the flyer he held is what the sign would look like. Ms. Chung Hagen said that the Department of Building Inspection would need to approve whatever gets sent out, but this is one example of a sign that can be developed and would be sent out to all of the residential hotels so that they can ensure the signs are being posted in their lobbies. Commissioner Walker congratulated Supervisor Campos as well as the Housing and Code Enforcement Divisions at DBI for working on this because it is vital and hopefully it will make the process on the Litigation Committee better and will allow the Department to resolve these issues sooner. Commissioner Romero asked what the timeline for implementation was. Ms. Chung Hagen said if it passed today it would go to the Land Use Committee at the Board of

Supervisors and then to the full Board, taking about three weeks or so and then the Department of Building Inspection would need to approve whatever gets sent out to the residential hotels. Ms. Chung Hagen stated what would happen is anytime an inspection takes place the Building Inspectors would note whether or not a notice has been posted. Commissioner Lee asked if this is a new program and questioned if some of the residents already call 311. Ms. Chung Hagen said some tenants do call 311 but not everyone is aware of the opportunity, and it is a new program since there is a back end database. Ms. Chung Hagen asked Mr. Andy Maimoni to explain what his department, 311, has done to streamline this process.

Mr. Andy Maimoni said that 311 was approached a little over a year ago and met with DBI, DPH, and the Fire Department and they worked through a comprehensive process where they figured out, based on 22 different complaint types, who would be the resolving agency, who was primary, how long it would take them to respond and inspect the problem. Mr. Maimoni stated that there is concurrence between all of the agencies and said that the technology part of this was completed in January, so the process is fully working and departments are receiving these cases now. Mr. Maimoni said that the purpose would be to make it more obvious and make the tenants aware that they can make requests simply by calling 311 without having to figure out which agency they need to go to, in order to solve their problem.

Commissioner Lee said that he would like to commend the 311 operators for being able to do this, and mentioned that it must be hard to learn every single service that can be offered as 311 answers many calls and checks schedules. Commissioner Lee stated that 311 responds to issues about potholes in the sidewalks and many other issues. Mr. Maimoni stated that they are enthusiastic and very happy to help and are glad to see that the other departments are willing to participate and take the requests as well. President Murphy asked if a person calls 311 do they have to give their name. Mr. Maimoni said that they do encourage people to give a name, although there is no requirement so the caller can be anonymous and this is basically the same with any request that is taken in the City. Mr. Maimoni stated that it is encouraged to give a name so that 311 can follow up but it is not required.

Vice-President Hechanova asked how many times can tenants call 311 and say that the manager is not responding to their complaints, and is there a threshold of two or three times. Mr. Maimoni said there is no threshold and all of these are perceived violations of the Code and the S.R.O. community does have a lot of tenant's rights activists and they try to encourage resolution at the lowest possible level. Mr. Maimoni stated in the discussions that 311 has had with other departments people who called 311 for the first time were probably going to call the departments anyway, so the fact that it is available at 311 is not significantly increasing the calls to the departments. Commissioner Mar said he thinks that this is a good idea, and complemented 311 for training their staff so quickly, because he thinks that the BIC should pass this legislation because there needs to be more outreach to the SRO community.

Commissioner Walker stated that she got a direct referral that came from 311, and said that 311 staff followed up to make sure that there was resolution.

Secretary Aherne called for public comment.

Mr. Henry Karnilowicz stated that he was on the Code Advisory Committee and the Housing Subcommittee, which were unanimous in approving this 311 legislation and said that it would take a burden off of the HIS division. Mr. Karnilowicz stated that HIS staff would not have to put a lot of effort into dealing with complaints that 311 staff can disburse to the correct City department.

Mr. Josh Binning stated that he was a community organizer for the Mission SRO Collaborative and said that he has been working on this project from its inception and have seen it evolve over the past two years. Mr. Binning said that there have been so many discussions with different community groups and city agencies, so there has been a great deal of outreach. Mr. Binning stated that it is exciting to be at the BIC today and see these last few steps or hurdles before this ordinance becomes a law, and said that there has been no opposition so far. Mr. Binning said that the system is already in place and tenants are utilizing the system at this point, but lots of folks just do not know about it even though they had a very successful press conference and community events announcing it. Mr. Binning stated that a mandatory posting in each and every SRO building in the City will give equal access to all tenants. Mr. Binning said that there are a lot of buildings in the Mission district that the SRO collaborative cannot gain access to, and having this posting inside the lobby of that building would give folks an opportunity to contact the City and let them know at the City level what is going on. Mr. Binning stated that a survey was done a year and a half ago, it was found that tenants were very much aware of problems in their building but there was a disconnect when it came to actually reporting the problems to the City. Mr. Binning said that people just did not understand the system, or did not know who to call or were confused about how the follow-up would happen so this system with 311 is great for everyone.

Vice-President Hechanova asked Mr. Binning if something like this is made available at the time residents move into the hotel. Mr. Binning said that he thinks the idea is just that the notices would be posted in a common area of the building like the lobby or on top of the stairs. Mr. Binning stated that in the Mission District there is not really a registration process in a lot of the buildings other than paying a weekly rate, getting a receipt and getting a key to the room. Vice-President Hechanova asked if it was correct that the tenants receive some rules of the house so to speak. Mr. Binning stated that he could not speak for everyone, but would say some do and some do not, and many times the building rules are posted on the wall in the building or above the stairs.

Commissioner Romero stated that one of the things he is aware of from many years ago when he was involved with a non-profit, is that in many cases people are moving into these SRO collaboratives under a lot of stress. Commissioner Romero said that it is not just that folks have this as a common occupancy, and they could have lost a larger home or something so he is not sure that somebody would actually be looking for the notice if they were just having to move in right away. Commissioner Romero stated that it is just a suggestion and it is kind of tacking on to what Commissioner Hechanova was talking about, that it might be a good idea to consider giving this to somebody as part of a packet basically stating these are your rights when you are moving into one of these SROs..

Mr. Binning said that getting the word out about this service has already been incorporated into the outreach that is done at the Mission Housing Collaborative, where they are waiting for the

actual posting to be finalized or approved before making copies and passing them out. Mr. Binning stated that they may be making some magnets to pass out to increase awareness about it and in their outreach, he just feels like it is really difficult even though they are going to have extra copies, and be doing spot checks to see who does and does not have it up.

Chief Housing Inspector Rosemary Bosque stated that she would like to address that question, and she commended Supervisor Campos for this legislation. Ms. Bosque said that with respect to hotels, deferred maintenance is a much shorter time because of the wear and tear in the buildings. Ms. Bosque said that while the common area can look pristine, within the units it can be a different story and that is why DBI wants to allow the 311 to be utilized so the Department gets those complaints. Ms. Bosque said that one of the things that is going to happen is that the Housing Code and Administrative Codes already require certain posting requirements for redemption hotels, and this will add to that. Ms. Bosque stated that staff will be including this posting in a mailing that Housing does to 505 SRO's each year. Ms. Bosque stated if there are any questions about the actual implementation of this, as soon as it goes into effect HIS will be working with Josh and the other collaboratives to make sure this gets distributed. Ms. Bosque said that on a yearly basis the Department already has a mechanism in place to make sure this gets distributed to the property owner, and if staff is there on a routine inspection, complaint, etc. and see the posting is not there they will be writing a Notice of Violation. Ms. Bosque said if the Inspector goes back out to the property and the posting is not there the Department will assess a fee of \$170.

A member of the public, Thomas, said that he has been a volunteer with the Mission SRO Collaborative for about the past year and a half and said that they have been going into the hotels and talking to tenants and trying to assess their needs and things that they are not getting resolved in the hotels. Thomas stated that they have found that one of the biggest problems comes from a fear factor that the tenants have that there will be some kind of retaliation from the owners or managers if they make a complaint. Thomas said if this new 311 ordinance gets approved, being that tenants can call anonymously if they choose to, that kind of takes away the fear and gives them a little more encouragement to maybe want to report an existing problem that is not getting taken care of. Thomas stated that the managers will not be able to come and say well, you did this or that and just put people out on the street, which is a common practice. Thomas encouraged the BIC to pass this ordinance.

Commissioner Walker made a motion, seconded by Commissioner Mar to support this legislation.

Commissioner Walker said she thinks that this is really just another step in the good work that the Housing division and the collaborative jointly have done to help make housing healthy and safe in some of the most challenging situations.

President Murphy stated that he sits on the Litigation Committee, as does Commissioner Walker and Commissioner Clinch and they get a lot of cases before them, so they are aware of what goes on in some of the residential hotels downtown and in the Mission. President Murphy said that he would also be very much inclined to support the legislation, and asked if there was a cost number or economic factor that comes into play in the implementation of this.

Ms. Bosque said that as she indicated the Department is looking at a universe of about 505 residential hotels, and the actual Mission SRO Collaborative has indicated that they actually have grant money to print the first group of these and distribute them. Ms. Bosque said that the HIS Division has a mailing to the majority of these hotels on an annual basis, subsequent to the first distribution so the Department will be using existing mechanisms. Ms. Bosque stated that DBI does not anticipate much cost at all but the issue is going to be the size and ultimate language, but staff is pretty close with the actual language so the posters will be ready to go.

Secretary Aherne called for a vote on the motion.

The motion carried unanimously.

RESOLUTION NO. BIC 016-10

7. Update on the Community Action Plan for Seismic Safety (CAPSS).

Mr. Tom Tobin thanked the Commission for inviting him, and said that his first question is how much time they would like him to talk because he could go for an hour. President Murphy quipped that the Commissioners would like the short version and an update if there have been any changes since Mr. Tobin last spoke.

Mr. Tobin stated that ATC has six tasks and they started with the multi-family buildings which the BIC has heard about. Mr. Tobin said the ATC team is not involved in DBI's implementation of that program, and Task Two is one that is producing a report called *San Francisco's Earthquake Risk*: This is a report that describes the losses that are estimated for the City for four scenarios of earthquakes and it will be delivered later today. Mr. Tobin stated they will take it to their project engineering panel to review the numbers even though this is very much of a mathematical model and computer program, loss estimation is still an art. Mr. Tobin said they are taking the results to an engineer's panel to sit down and go through and see if it really makes sense. Mr. Tobin stated that ATC have done this once before, and found that some of the loss estimates they had from the previous study that was done eight years ago did not make sense, as it overestimated losses in single family housing in particular so some corrections were made. Mr. Tobin said there will be a public release of the report in April, and again a time for more review and discussion. Mr. Tobin said that a public workshop was held in February to discuss the implications: Task Three has to do with repair and retrofit guidelines and the decision is what to repair. Mr. Tobin stated that that draft is expected to be discussed in about six weeks time and Task Four, which he thinks is the one that is going to be of real interest since it is going to be ATC's recommendations of what to do. Mr. Tobin said that is one that falls on the heels of San Francisco at risk, which describes the problem and they have drafts of that already, but are waiting to make sure that it is right before they start making any proposals. Mr. Tobin stated that the other item he wanted to mention is that there is a separate project that he is involved in as part of the advisory committee called ATC 71, that is coming up for guidelines for the retrofitting of the soft-story buildings which is supposed to be done in July. Mr. Tobin said they will talk about what work can be done on the ground floor in order to tune the building to the extent that it can be shaken in an earthquake, not damage the upper floors to an extent, but to contain damage on the ground floor. Mr. Tobin stated that the purpose is to try and keep as many

people in their homes following a disaster as possible, and that is the status. Mr. Tobin said if the Commission would like more of a description he would be glad to go over some of those numbers quickly as well. President Murphy said thanked Mr. Tobin for his report.

Commissioner Walker said that there is now a side process going on that includes a broad group of stakeholders, many of whom participated in the CAPSS project, and with the Mayor's support and DBI's department staff working on the details of a mandatory soft story wood frame retrofit program. Commissioner Walker said that hopefully this will go forward this year and said that it would include some combination of financing potential. Commissioner Walker said that there is one group working on the engineering aspects that are waiting for more details from these studies that were discussed, and then the other group is working on the actual financing. Commissioner Walker said that she would not go into the details about what is recommended, but said that there is a list of incentives in the form of financial support for building owners to be able to do these. Commissioner Walker stated that she thinks that there is support across the board for this and said that something substantial will be moving forward shortly, so this program can get moving and start mediating and mitigating some of these potential losses. Commissioner Walker thanked Mr. Tobin for the work that he is doing, and the staff for their time as well.

President Murphy stated that he would like to comment as he has in the past, that the owners of these buildings that are going to be paying for these things need to be equally represented at the table. President Murphy said that they are not being left out on purpose but they are just not showing up. President Murphy stated that the first thing he would like to see is more participation by the owners and tenants so they have a say in what is going to happen.

Vice-President Hechanova said that one of his concerns has always been is how the risk or the evaluation is being set. Vice-President Hechanova stated that he did not know what level of participation the insurance industry has and said that they are basically the ones that cover the category of either replacement or the value of how much funding to provide along with the category of where city and federal funds are going to come into play relative to how some of that financing would take place. Vice-President Hechanova said that there should be some incorporation of some solicitation or at least a professional understanding with the insurance industry along with some of the financing sources to provide some reference point as to how much can be covered in the whole category of either replacement or total loss.

Mr. Tobin stated that ATC is looking at San Francisco resilience How fast can we recover? What are the effects on businesses and residents? How soon are they back in place? Mr. Tobin said that there are three keys in recovery: The amount of damage that occurs in the first place, the second has to do with the economic environment at the time, and the third has to do with how fast we can bring resources to help people repair. Mr. Tobin stated that they believe there will be 100,000 buildings damaged and in need some form of repair. Mr. Tobin said that he realizes that is a huge capacity problem for the Department and for the construction industry. Mr. Tobin said what really limits is not so much the capacity, but has to do with financing – Today if it was to occur, a large number of owners really do not have the equity in their buildings to finance the repairs that will need to take place. Mr. Tobin stated that the insurance industry is not well represented when it comes to shake damage, and ATC believes 20% to 25% of commercial properties have earthquake insurance, and probably 5% or less of residential properties have

earthquake insurance and that is key since that is less. Mr. Tobin stated that fire is covered and said that fire probably remains one of the most devastating threats the City has following an earthquake.

Mr. Tobin said that FEMA has a public assistance program for repairing public buildings and for repairing infrastructure, and they have some modest programs to help individuals and families put their lives back together, but that does not really include spending the money necessary to repair their homes or multi-unit buildings. Mr. Tobin stated that he thinks following the earthquake as he mentioned 100,000 buildings would be damaged and more will be occupiable following a 7.2 than not. Mr. Tobin said that it has been estimated that 25% of the buildings will not be occupiable: 900 buildings will be commercial, about 11,000 will be single family dwellings but about 70,000 units of housing would be lost in multi-unit buildings. Mr. Tobin stated these buildings are the soft story buildings they are going after, and rightly so because it is one of the biggest exposures to housing loss, but it also includes older buildings: These units provide for some of San Francisco's least capable of absorbing the effects of an earthquake. Mr. Tobin said that single room occupancy hotels could be damaged greatly because they are largely in older buildings and that is something that will be important for San Francisco to understand in crafting programs, not only to deal with the retrofit, which is one part of it, but planning for the recovery.

President Murphy asked if the Department has made an attempt to engage the bigger insurance companies here in California to step up to the plate as far as cheaper insurance.

Mr. Tobin stated that a person can get earthquake insurance, but there is usually a huge deductible of \$50,000 or something to that effect on a two-unit building and earthquake insurance policies are generally very expensive. Mr. Tobin said that the Vice Chairman of their advisory committee works for the insurance industry at a place called Risk Management Solutions, and they are a consultant to the earthquake industry so ATC has been involved in some ways. Mr. Tobin stated that the California Earthquake Authority, the agency responsible for issuing 75% of the earthquake insurance policies in the state, does attend the meetings and are in touch with ATC. Mr. Tobin said the other earthquake insurance policies are written either by specialty companies, and they do 10% or 15%, and then some companies choose to write their own policies and not participate in the state program, like CHUB for example. Mr. Tobin stated that ATC has contacted them, and there is very little interest in the insurance industry in dealing with this. Mr. Tobin said that earthquake shaking damage is what ATC is concerned about to a great extent, and fire is what should be of interest to that industry since that is what hit them in 1906, mitigating against fire damage. Mr. Tobin said the damage that he quoted is shake damage and ATC is completing the fire estimates and they have a specialist who is doing that work and will be on top of it. Mr. Tobin stated he thinks it is expected that the City will have something like 100 or so ignitions following a 7.2 earthquake which is more ignitions than the fire department has capacity or trucks to fight. Mr. Tobin stated following an earthquake, time lost for reporting, loss of communications, not having the trucks and facilities will allow fires to grow and expand beyond buildings and become greater fires. Mr. Tobin said hot, dry, windy conditions when an earthquake strikes would be a much greater concern than a cold, rainy day.

Commissioner Walker said she thinks there are conversations going on with the Fire Marshall and PG&E about the shut-off situation and the control of gas, so they are trying to resolve issues

in advance since there are things that can be done to minimize the risk and prevent potential losses.

Mr. Tobin said that he thinks the Department should be very happy with the work that is being done through the CAPSS program, because it is not just dealing with the kinds of recommendations that ATC will give DBI about buildings and their vulnerability, but other departments in the City are worried about recovery and emergency response. Mr. Tobin stated they are looking at these numbers as well, and it gives them the perspective they need. The fire department is also preparing information on how to deal with that emergency response. The Commission thanked Mr. Tobin for his report.

President Murphy called for public comment.

Mr. Joel Panzer stated that he is a property owner and businessman in San Francisco, and he is the founder of the Professional Property Management Association of San Francisco. Mr. Panzer said that he did not come here today to talk about this issue, but wanted to comment on the insurance aspect of this issue. Mr. Panzer stated that for a \$1 million building, insurance would cost \$150,000 to \$200,000 up front and said that it would be helpful if there were some help for owners up front such as tax dollars to have owners start doing the work now and fund it for them so that they can get their buildings upgraded. Mr. Panzer said the City needs to be more cooperative, working together and saying look, this year instead of paying your \$20,000 or \$40,000 in taxes, give us half and use the other half in certified programs so we can start paying down on this debt which is going to come and is going to be a lot more expensive later on. Mr. Panzer said there should be some kind of program of support to assist people instead of keeping them as adversaries and tenants. Mr. Panzer stated he was afraid to touch a building because as soon as he takes something out, or he has to re-support a garage support, suddenly he has to deal with a rent control situation. Mr. Panzer questioned why owners cannot get help from the commissions to help people to get along and to cooperate, because when this disaster happens everyone is going to be in this together and it does not matter whether you are a landlord or tenant, you are going to be just as devastated.

Commissioner Walker said the process now is more inclusive of a lot of the building owners and tenants that may not have been in the detailed CAPSS work-up, but there is broad representation. Commissioner Walker stated that people are focusing in the finance part about how to in effect deal with the incentives that will help building owners do this. Commissioner Walker said that tax credits are being discussed and an option is getting some availability of funding, a bond measure to provide deferred or lower interest loans when it makes sense. Commissioner Walker stated that the BIC wants to keep everybody together and have a broad range of incentives that work, and she thought pressure should be put on the insurance industry to fix the problem of the unavailability of earthquake insurance.

President Murphy asked if there were any ideas on how to put the pressure on the insurance companies. Commissioner Walker said that without getting political, there is an election for Insurance Commissioner, and everybody who is thinking about that race should be asking the Insurance Commissioner for solutions, for the State of California since that is where it starts. President Murphy stated that insurance company people work around the clock to figure out how not to pay you, and they have very bright people doing that.

8. Discussion and possible action to appoint a Commissioner to serve on the Nominations Committee.

Secretary Aherne stated that Robin Levitt was on the Nominations Committee, and since he is no longer on the Commission a replacement needs to be appointed.

Commissioner Walker made a motion to nominate the new commissioner, Warren Mar.

President Murphy said that Commissioner Lee has shown interest in serving on that committee, and nominated Commissioner Lee.

Secretary Aherne said that the Commissioners need to vote on the first nomination, so she took a roll call vote on the nomination for Commissioner Mar to serve on the nominations committee.

Commissioner Walker made a motion, seconded by Commissioner Romero to nominate the new commissioner, Warren Mar. The Commissioners voted as follows:

President Murphy	No
Vice-President Hechanova	No
Commissioner Clinch	No
Commissioner Lee	No
Commissioner Mar	Yes
Commissioner Romero	Yes
Commissioner Walker	Yes

The motion failed on a vote of 4-3.

RESOLUTION NO. BIC 017-10

Secretary Aherne said that now the BIC would vote on the other nomination, *Commissioner Murphy made a motion, seconded by Commissioner Hechanova to nominate Commissioner Lee. The Commissioners voted as follows:*

President Murphy	Yes
Vice-President Hechanova	Yes
Commissioner Clinch	Yes
Commissioner Lee	Yes
Commissioner Mar	Yes
Commissioner Romero	Yes
Commissioner Walker	Yes

The motion passed unanimously.

RESOLUTION NO. BIC 018-10

Secretary Aherne reminded the commissioners on that committee that there is a letter of resignation from Zachary Nathan for the Access Appeals Commission because he was denied a

waiver by the Ethics Commission. Secretary Aherne said that on the Access Appeals Commission, there are two or seats that will be up on November 1, 2010, the construction seat and a public seat. Secretary Aherne stated that all of the seats on the Code Advisory Committee are going to be up on August 18, 2010, and the Board of Examiners is September 15, 2010. Secretary Aherne said that this might be something the BIC needs to bring up as a future item also, some way to maybe get together with the Ethics Commission and talk about these waivers since most people that apply are from the industry.

There was no public comment on this item.

9. Discussion regarding procedure for handling complaints received by the Housing Division.

Chief Housing Inspector, Rosemary Bosque addressed the Commission and said that as was explained earlier with the 311 issue the Housing Division for the last 25 or 30 years takes in complaints that are anonymous or with a named complainant. Ms. Bosque stated that what generally happens is that staff will either get the complaint transferred by 311, or there will be a call, Fax, e-mail or a personal visit. Ms. Bosque said that people come into the Department to the counter, and the individual will make a complaint alleging violations of the San Francisco Housing Code. Ms. Bosque stated the clerical staff will take that complaint and put it into the existing complaint tracking computerized system and will categorize it whether it alleges non-life or safety hazard, heating or hot water complaint or life/safety hazards. Ms. Bosque said next it is transmitted to a district Housing Inspector for review or action and that is the process in a nutshell.

Commissioner Lee asked what permission an Inspector needs before entering a property for inspection if there is a complaint. Ms. Bosque said with respect to a complaint, any occupant that has control of either a portion or all of the premises may give a Housing Inspector entry to a building, that is other than just the front of the building. Commissioner Lee stated that he was just curious, because if he complained on his neighbor who is growing marijuana plants or something like that to the police, he is sure the police would need a warrant to access the property. Commissioner Lee asked if DBI needs anything like that. Ms. Bosque said if the police knocked on the door and someone who lives on the premises voluntarily opens the door they do not necessarily need a warrant in that situation, but with DBI, it is a little different. Ms. Bosque stated that she is not talking about the fourth amendment as it applies criminally, but is looking at it from a civil standpoint and there is a right that exists under state law in the Housing Code. Ms. Bosque said that if anybody asks Inspectors why they are there they do have identification which gives specific information as to their right of entry.

Commissioner Walker asked if the Building Code gives Inspectors the authority to go respond to a complaint. Ms. Bosque said because of the public policy health and safety issues, it is a little different. Ms. Bosque gave the following example: If an Inspector knocks on the door, and has an appointment with a named complainant and the property owner is there and tells you they do not want you to enter the property, then at that point the Inspector would withdraw and consult with the City attorneys.

Ms. Bosque stated that Inspectors drive up in a City car that has a City decal; they have a badge and information, and a clipboard with all the documentation and the initial information. Ms. Bosque said that the Inspectors are trained to be able to expound on health and safety issues and if it is an anonymous complaint, they may knock on the door and see if somebody will let them in and if not, staff will send a letter to the property owner explaining why DBI needs to get in and why their cooperation is needed.

President Murphy asked if it is the policy of the Housing Inspector to ask the complainant for a telephone number, a name and an exact location in the building where this violation is. President Murphy said that his concern is that the Department is wasting a lot of resources. President Murphy said that he pulled something out of the Code book very early this morning and it says the purpose of the Housing Code is to provide for the maintenance of the minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, and the owners and occupants of residential buildings. President Murphy stated that is quoted from section 102 of the San Francisco Housing Code, emphasis on the word minimum. Commissioner Murphy said that sometimes when an owner is renovating a unit and doing a new paint job and kitchen cabinets, and the tenant next door is maybe a little jealous and their relationship with the landlord is not good so they call and say there is work going on there, and the Inspector checks to see if there is a permit on that project. President Murphy asked if the Housing Inspectors check at that time.

Ms. Bosque said yes they do and the other thing is they contact the owner before they dispatch someone. Ms. Bosque stated generally if it is work without permit, it is not handled by the Housing Inspector but it would be handled by the district Building Inspector for ongoing work. Ms. Bosque said that President Murphy made reference to section 102 of the Housing Code and mentioned that if he read on to section 103, it states that the Housing Code has a general application which has been important to this jurisdiction in that it deals not only with legal units, but any use that is intended for or is being used for residential use. Ms. Bosque stated that the intent is that the City be able to inspect upon complaint or upon systemic enforcement any portion of any building in the City that is actually legally used for residential use for a portion or the whole building and with respect to that, it is important for Inspectors to be able to get into these areas, and they do work with the property owners. Ms. Bosque said with respect to a situation where the allegation is for work without permit and ongoing, that is going to be referred to the Building Inspector to deal with and what Housing Inspectors deal with is work that has been done a long time ago and is not ongoing.

President Murphy said if there is an anonymous complaint and the Inspector goes out there, and cannot find anybody when he goes out there then that is a waste of DBI's resources as far as he is concerned. President Murphy stated that there are also occasions when there is a complaint, and when the landlord wants to get in to make the repair he cannot get in so he hears it from both sides, from DBI's side and from the public.

Commissioner Walker stated that one of the reasons there is the Code Enforcement Outreach Program and the SRO collaborative is to bring the building owners and the tenants together to resolve these issues. Commissioner Walker said that she has a real problem with requiring people to disclose if they choose to remain anonymous, because there have been situations where there has been intimidation of people who filed complaints about conditions so the Department

has to be really careful about that. Commissioner Walker stated that it might be interesting to look at Ms. Bosque's statistics and determine how often it happens that people complain with no real reason.

Commissioner Lee said that an excellent point that Commissioner Murphy made is if DBI gets a call from someone, and they say there is an illegal unit at this property and they are anonymous

and there is no information as to where this unit is, what they observed, are they are mad at their neighbor or what the real situation is. Ms. Bosque stated that during the intake process there are several questions that staff asks: What did you say? Where is the location of it? What led you to believe there is an illegal unit there? Would you be willing to sign an affidavit? Ms. Bosque said that these are all questions that the staff has dealing with the intake of an anonymous complaint. President Murphy stated if that is the case, he agrees with that process and has no problem with that, but he does not think that is happening in most cases. Commissioner Lee stated that his concern is a privacy issue because with an anonymous call he can see where some people need to be protected, and their identity withheld but it goes the other way as well. Commissioner Lee said that somebody could just be harassing someone else and he used the example that was heard this morning at the Abatement Appeals hearing. Commissioner Lee said that if he drove by that property he would never know there was a unit in that rear building on the bottom and somebody must have known that so why are they saying it anonymously, perhaps they are harassing somebody because they know there was a problem there. Commissioner Lee asked if there any checks and balances with the current system of reporting complaints.

President Murphy stated that Commissioner Lee is saying there could be someone that has been living in that little unit that the BIC talked about earlier on Mason Street for the last 40 years, and nobody would have known until somebody made an anonymous call. Commissioner Romero stated that it does not make it right and there could also be a health and safety issue there. Commissioner Lee asked if when Inspectors go out and see these sites, do they explain to the property owner what the problem is and why it is a problem. Commissioner Lee stated that he understands why you need a one-hour prior separation from the unit, but would a property owner know that and he asked could an Inspector say that is a non-one-hour fire wall? What do you have to do to confirm that? Do you have to tear down the wall? Is all of this explained to the property owner? Commissioner Lee said that what he hears from property owners right now when there are problems it would help if they could tell the difference between a zoning problem and a building problem and that is something DBI needs to help people understand. Commissioner Lee stated that there could be an illegal unit downstairs but it could be perfectly safe and built to Code except it was an illegal use.

Ms. Bosque said that it still is done without permits and the problem is some of these illegal units cannot be legalized because of the zoning. Ms. Bosque stated that she could not speak about a case specifically, but generally what happens is someone is occupying that unit and is impacting somebody in the neighborhood, and that is when DBI gets the call. Ms. Bosque said DBI gets the call because people are coming and going, they are using off street parking and a lot of issues.

Ms. Bosque stated that she is not saying somebody may not be mad at their neighbor and call as well, but DBI's job is to find out if the existing situation presents a life safety hazard, was it put in with permits, and is it Code compliant. Ms. Bosque said that the property owner needs to go

through the Code process so DBI can tell if they need to open up the wall to see if the electrical and plumbing was put in properly or if it has egress. Commissioner Romero said that with the illegal unit discussed earlier the mere fact that the owner took that long to actually do the repairs, and in the beginning the Department did not even have access, that tells him they knew there was something wrong. Commissioner Romero stated that somebody would have allowed an Inspector in the building if they at any time if they thought there was a problem. Commissioner Romero said in regards to the actual complaints he would be hesitant to make a complaint against a neighbor if he knew there was something not going well in the house. Commissioner Romero stated that he lives in an area that surrounds San Francisco State University, and there is a house right down the street from him that has at least 10 people living in it; It is one of those things where if he were to make the complaint, it is not so much that it is impacting him but he hears it from his neighbors because they know that he is on the Commission. Commissioner Romero said that it is definitely wearing on the infrastructure, the amount of water going into the sewer, and the energy being used in that area is probably not proper, but if it came to a point where he had to give his name they would move, and he would still stay there. Commissioner Romero stated that it is one of those things that he completely believes is important that you can make anonymous complaints, and he does not think most of them are frivolous. Commissioner Romero said that he thinks what Commissioner Walker was making a comment to was if that is really a concern that staff can actually document the amount of complaints that had no merit, and he is sure that Ms. Bosque and staff are keeping track of those types of things. Ms. Bosque said that the Inspectors were keeping track.

There was extensive discussion by the Commission and Department staff regarding procedures for handling complaints received by the Housing Division; the following is a summary of the remaining comments:

- Commissioner asked if the earlier AAB case was considered an apartment and Ms. Bosque replied that the front building is considered R-2 occupancy, but was illegally converted.
- Commissioner asked if the public was educated about certain problems and, and if DBI has a proactive program regarding complaints.
- When people apply for a loan to buy real estate they check the permit history and the loan that's received is based only on what is permitted.
- It is DBI's job to make sure that buildings are in compliance, but staff should not go out and bang on doors to inspect housing yet they do have to respond to complaints.
- HIS does a tremendous amount of outreach and will be talking to the S.F. Apartment Association to talk about the utility ladder ordinance. Property owners are sent a huge package of information.
- Commissioner Mar said landlords and homeowners need to be responsive to all notices from DBI, and find out what is going on if they do not know.
- Director Day mentioned that the problem with illegal units in the City is that people are buying properties with knowledge that they are illegal, and coming to her after the fact to get the penalties reduced.
- Commissioner questioned if buyer of the building was asked to get a disclosure from the seller. Director Day said 3-R Reports are required for the sale of the property, which discloses that kind of property, per DBI's records.

- DBI is trying to make 3-R report more distinctive, trying to make more descriptions of the issuances on the properties for the benefit of the buyer.
- Commissioner asked if there is a complaint about something like mold, a leak, or flaking paint wouldn't it be a good idea to send a letter to owner and give him seven days to respond
- Housing Inspectors have to respond to allegations of mold or mildew, and have to take a look at it.
- Instead of assuming complaint is trivial it may be better for the BIC to receive report with statistics to determine how many complaints have wound up being nothing.
- Calls received that some people are afraid of Building Inspectors coming to property.
- Housing Inspectors do a lot of mediation to try to get landlords and tenants together to resolve various complaints.

President Murphy called for public comment on this item, and the public members that spoke were: Joel Panzer, Luke O'Brien (SFCRG), Nonie Richen, Peter Rice, Bob Noelke, (SFCRG) John Keogan (SFCRG). The following is a summary of their comments:

- Issue should be how much it costs DBI to send an Inspector on perhaps a meritless complaint.
- How to determine more open communication to get owners and Inspectors together, and emailing owner may be a way of getting a quick response to complaint.
- Implementation of a program to contact owner first before sending Inspector out.
- Most tenants are good people and just want to have a decent and safe home to live in to protect them from the elements.
- Most landlords are decent, good people who want to provide a safe and secure home.
- May be a good idea to do more interrogations up front to ascertain the validity of the complaint: Ask tenant to give a paper trail of three occasions when they contacted landlord.
- Ideally a person with a complaint about a dwelling would call the owner and the owner would make the repair, and if it was not done in a timely manner the complaint to DBI is appropriate.
- In reality many complaints filed are about situations the owner does not know about or does not exist, this anonymity encourages irresponsible behavior.
- Issue where tenant who had a problem did not call DBI but another tenant who was angry because others did not join him in a rent strike called DBI, and owner had to pay for inspection.
- Having a system of anonymous complaints is basically wrong in an open democracy like S.F. because if a complaint is levied against someone, they do not know where it is coming from, or how to correct the problem.
- Mr. Noelke used to work at DBI and said there was an incident where the HIS unit had a complaint when someone was upset with a certain # of illegal units, so they wrote a letter with 25 different properties and staff had to do inspections and collect the records since it had to be entered into the computer. Process went on for 4 years.
- DBI has an efficient permitting process, but there is a lot of inefficiency in the housing area

- Education of landlords on the process.

President Murphy asked if owners are notified when there is a complaint. Ms. Bosque said if it is an anonymous complaint involving the interior of the building, staff will send a letter to the property owner and if it is an illegal unit staff might stop by to find out more information. Ms. Bosque stated that typically the letter goes to the property owner, explaining the nature of the complaint, and if there is no response a letter goes out with her signature. Ms. Bosque said that the Housing Inspection Division is under Department policy, and if they receive any complaint that is life-threatening or heat or hot water, staff must respond immediately; If it is non-life-threatening or non-hazard, staff goes out within two business days and if it is anonymous staff has to go by and send a letter to the property owner saying DBI has received a complaint.

There was further discussion on this issue and following is the summary:

- If a tenant says there is no hot water, it is simple to ask them if they have a relationship with the landlord.
- If Inspectors are often in a building they have a relationship with the property owner and generally talk to them if there is a complaint.
- Specifically the BIC would like a report of how many anonymous complaints have been received and what the status is. Also statistics on repeated complaints on a single property.
- Commissioner said 100 people in the Department are being wasted in terms of resources on anonymous phone calls.

10. Update on wooden ladder legislation and enforcement.

Chief Housing Inspector, Rosemary Bosque gave a report on the wooden ladder legislation that was sponsored and went into effect in late December 2008 which required that all wooden utility ladders that were not put on with permits or properly attached were to be removed by permit Ms. Bosque said that it was a property owner's option as to whether or not they wanted to replace that if it was not required. Following is a summary of the report and discussion:

- A tremendous amount of community outreach has occurred regarding wooden ladders.
- S. F. Apartment Association and several property owner groups received training and a pending copy of the ordinance was sent out with routine inspections.
- Property owners are given an option if ladder was not taken down before it was seen they do not necessarily need a building permit.
- If homeowners want to voluntarily replace wooden utility ladders they can obtain a building permit.
- Since December 2008 there were 102 Summary sheets passed out and 96 ladders were removed.
- HIS staff is continuing to identify any properties that have faulty wooden ladders, and NOV's are being issued.

President Murphy called for public comment.

Ms. Berthet stated that she knows that Rosemary Bosque has been doing Brown Bag sessions with the San Francisco Apartment Association. Ms. Berthet said that there are about 3,000 members in that organization and said that Ms. Bosque was probably able to address 300 of those people, or only 10%. Ms. Berthet said that she knows that this is a big issue and there a number of ways to resolve it: Ms. Berthet said that there are the 10% of the San Francisco Apartment Association, and then there are owners that are not in that association or in any other association. Ms. Berthet said that those are probably the ones that have the rotten ladders on their property and those are the ones DBI needs to focus on. Ms. Berthet stated that to make things more efficient and safer for the City, she would like to propose an affidavit letter to be developed by the Building Department and sent out to all R1 through R3 owners requesting that if they have a wooden ladder that it be taken down within 30 days. Ms. Berthet said that the affidavit should be signed by the owner and returned to the Building Department, as staff will not catch 100% of the ladders but they will catch a lot of them and it will save a lot more time than Building Inspectors going out and spinning their wheels listening to complaints that may not be valid or the landlord is not home. Ms. Berthet stated that this is a method that may streamline getting down some of these ladders that are 50 or 60 years old and the Building Department did not look at wooden roof ladders so they have never been inspected. Ms. Berthet displayed a black-and-white photo of the ladder with the rung pulled out from the rails and also showed a picture of the same ladder that was split horizontally. Ms. Berthet stated that the Department has already identified 100 ladders and last week she walked around the City with a camera crew, and they found seven ladders so they are all over the place. Ms. Berthet said that she is just suggesting that an affidavit might be a method that could be used to save time and get the ladders down.

President Murphy said that the BIC will take this matter into consideration with the City Attorney and the Director.

11. Review and approval of the minutes of the regular meeting of November 18, 2009.

Commissioner Walker made a motion, seconded by Vice-President Hechanova to approve the minutes. The motion carried unanimously.

RESOLUTION NO. BIC 019-10

12. Review and approval of the minutes of the regular meeting of December 16, 2009.

Commissioner Clinch made a motion, seconded by Commissioner Walker to approve the minutes. The motion carried unanimously.

RESOLUTION NO. BIC 020-10

13. a. Commissioner's Questions and Matters.

Commissioner Walker said that there was public testimony from the Electrical Inspector's representative on DBI's process. Commissioner Walker asked Director Day if she could give a

report to advise the BIC as to how DBI notifies the public and how staff deals with what is a certified or a licensed contractor.

Director Day stated that she would give a report of the Department's procedures.

President Murphy asked if the Director could look into the ladder situation, sending out a notice or affidavit to the owners. Director Day said that she could certainly do that.

Commissioner Walker stated that the BIC has heard from Mr. Morales numerous times and there is no jurisdiction in the Department, but maybe between the City Attorney and the Director they could outline that.

- 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 Aherne said that the next regular BIC meeting will be held on the third Wednesday of April.

14. Adjournment.

Commissioner Walker made a motion, seconded by Commissioner Clinch, that the meeting be adjourned. The motion carried unanimously.

RESOLUTION NO. BIC 021-10

The meeting was adjourned at 12:48 p.m.

Respectfully submitted,

Sonya Harris
Assistant Secretary

Edited by

Ann Marie Aherne
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Report on updating Administrative Bulletins to coincide with current state and local laws. - Director Day	Page 8
President Murphy said that the Commission would get a response to Ms. Berthet's question regarding why a metal, gooseneck ladder was not previously required. - President Murphy	Page 10
Discuss issue of obtaining waivers with the Ethics Commission. – President Murphy, Secretary Aherne	Page 20
Report of how many anonymous complaints have been received and what the status is. Also statistics on repeated complaints on a single property. - President Murphy	Page 23
Follow up on the ladder situation, specifically sending out a notice or affidavit to the owners. – President Murphy	Page 27
Report on DBI's procedure of notifying the public and how staff deals with what is a certified or a licensed contractor and who controls that. Commissioner Walker	Page 27
Discuss issue of voluntary seismic retrofit program, and doing public outreach. - Commissioner Lee	Page 27