

***BIC Regular Meeting  
of  
November 18, 2020***

***Agenda Item 7b***

## Department of Building Inspection Legislative Update

### Building Inspection Commission Meeting, November 18, 2020

DBI has compiled the following summary of legislation affecting the San Francisco Building Code from the Board of Supervisors, as well as from Code Advisory Committee meetings and recommendations.

#### UPDATES/CURRENT AND UPCOMING ORDINANCES

##### Current Legislation

**File No. 200701-** Proposed ordinance amending the San Francisco Building Code to require new construction to utilize only electric power.

**STATUS:** The proposed ordinance was passed on the first reading at the November 10, 2020 Board of Supervisors meeting.

**File No. 201149-** Proposed ordinance to renew Supervisor Peskin's "Shelter-in-Peace" emergency ordinance (Ordinance No. 154-20), which requires building owners to provide replacement water and electricity in the event of utility shutoffs for construction work, advanced notice of planned utility shutoffs be given to tenants, and the installation of temporary sound insulation in some circumstances.

**STATUS:** Supervisor Peskin's emergency ordinance expired on October 27, 2020. If the proposed renewal ordinance is approved, the Shelter-in-Peace requirements will be extended by 60 days. The proposed ordinance has been referred to the Board of Supervisors' Land Use Committee.

**File No. 201081-** Hearing to review consultant access and involvement in the San Francisco building permit process.

**STATUS:** The Government Audit and Oversight Committee has scheduled the hearing for November 19, 2020.

**File No. 201262-** Proposed ordinance amending the Administrative Code to require the Rent Board to maintain an inventory of all residential rental units; owners of residential dwelling units to report certain information about their units to the Rent Board; to authorize the Rent Board to issue a license to owners who report the information; and to require that an owner have a license to impose certain types of rent increases.

**STATUS:** The proposed ordinance was introduced on November 3. It will be heard at the Budget and Finance Committee on November 18.

**File No. 201008-** Proposed ordinance amending the Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units meeting certain requirements in single-family and multifamily buildings.

**STATUS:** The proposed ordinance is pending action in the Land Use Committee.

**File No. 201151** – Supervisor Safai's proposed ordinance amending the Environment Code and the Public Works Code to require transporters of construction and demolition debris to obtain a temporary or annual permit from the Department of Environment for their vehicles and debris boxes and to require facilities that process such debris to register with the Department of Environment.

**STATUS:** The proposed ordinance is pending action in the Land Use Committee.

**File No. 200914-**Emergency ordinance to impose temporary limits on construction noise inside apartment buildings during the COVID-19 pandemic.

**STATUS:** This proposed emergency ordinance is currently at the Land Use Committee.

**File No. 200537-** Ordinance amending the Administrative Code to update the City's floodplain management requirements to conform to current federal floodplain management and National Flood Insurance Program criteria.

**STATUS:** The proposed ordinance was passed by the Board of Supervisors on November 3 and is under review for the Mayor's signature.

**File No. 200232-** Hearing to assess the data on vacant residential homes and units, examine the various causes and consequences of residential vacancies and identify specific policy interventions to expand housing opportunities by reducing vacancies.

**STATUS:** The hearing sponsor did not elect to extend the matter, and the hearing has been filed.

**File No. 190946-** Ordinance amending the Administrative Code to add a definition of Tourist or Transient Use under the Residential Hotel Unit Conversion Ordinance.

**STATUS:** The proposed ordinance was considered by the BIC on June 17 and recommended for approval. It has been continued to the call of the chair at the Land Use Committee.

**File No. 190214/ ORD 2017-19** – Ordinance amending the San Francisco Building Code to waive specified DBI fees for ADUs and for 100 percent affordable housing projects for a one-year pilot project.

**STATUS:** The ordinance expired on June 1, 2020, but may be renewed.

**File No. 200451-** Ordinance amending Sec. 317 of the Planning Code to lower the threshold for what would constitute "tantamount to demolition."

**STATUS:** The proposed ordinance was continued to the call of the chair in the Land Use Committee on May 4.

### Recently Passed Ordinances

**File No. 200785/ ORD. 183-20-** Ordinance extending the date for completion of work for the seismic retrofitting of Tier IV wood-frame buildings to September 15, 2021.

**STATUS:** The ordinance was approved by the Mayor on October 2.

**File No. 200113/ ORD. 092-20-** Ordinance extending the DBI and Planning fee waivers for unit legalization, which sunsetted on Jan 1 of this year, by another 5 years.

**STATUS:** The Board of Supervisors approved the ordinance on June 16. Mayor Breed signed it on June 26.

**File No. 191150/ ORD. 060-20-** Ordinance from Supervisor Yee extending Accessible Business Entrance compliance deadlines to provide owners more time to comply.



STATUS: The ordinance was signed by the Mayor on April 24 and took legal effect on May 25.

**File No. 180969/ ORD. 030-20-** Plumbing Code Cross-Connection Controls, an ordinance sponsored by San Francisco Public Utilities Commission and Department of Public Health, that deletes a local amendment referring to SFPUC rules and regulations and adds local cross-connection controls for beverage dispensers and industrial water chillers, as well as requires testing for backflow prevention assemblies/devices.

STATUS: Mayor Breed signed the ordinance on February 21 and it took legal effect on March 23. The Department of Public Health, working with the SFPUC, is working on modifications that may be introduced later this year.

**File No. 190974/ ORD. 003-20** – Ordinance requiring new buildings to meet stricter energy standards if plumbed to use natural gas.

STATUS: Mayor Breed signed the ordinance on January 17 and it took legal effect on February 17.

**File No. 191017/ ORD. 290-19** – Ordinance amending the Housing Code to revise the requirements for heating in residential rental units. This ordinance from Sup. Peskin changed section 701 of the City's Housing Code to conform to state law. It requires all residential rental units be provided with heating facilities capable of maintaining a room temperature of 70 degrees at a point 3 feet above the floor for a specified number of hours daily.

STATUS: The Board passed the ordinance on December 17, 2019 and it was signed by Mayor Breed on December 20, 2019. It took legal effect on January 20, 2020.

**File Nos. 190959-190964**— Triennial Building Code Update. The six ordinances authorizing the repeal of the previous three-year code and enactment of the new triennial codes was introduced at the Board of Supervisors on October 1, 2019 and signed by the Mayor on November 21, 2019.

STATUS: The new codes took effect on January 1, 2020.

State Legislation—See below for bills of interest and CALBO positions.

# CALBO All Bills

## as of Friday, November 13, 2020

### AB 429 (Nazarian D) Seismically vulnerable buildings: inventory.

**Introduced:** 2/7/2019

**Last Amended:** 8/30/2019

**Status:** 8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. 2 YEAR on 9/15/2019)

**Location:** 8/31/2020-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### Summary:

Current law establishes a program within all cities and all counties and portions thereof located within seismic zone 4, as defined, to identify all potentially hazardous buildings and to establish a mitigation program for these buildings. The mitigation program may include, among other things, the adoption by ordinance of a hazardous buildings program, measures to strengthen buildings, and the application of structural standards necessary to provide for life safety above current code requirements. Current law requires the Alfred E. Alquist Seismic Safety Commission to report annually to the Legislature on the filing of mitigation programs relating to building construction standards from local jurisdictions. This bill would require the commission, by specified deadlines, to identify funding and develop a bidding process for hiring a third-party contractor to create an inventory of potentially vulnerable buildings, as defined.

**Position:** Support

### AB 1923 (Salas D) Residential structures: natural gas shutoff devices.

**Introduced:** 1/14/2020

**Last Amended:** 7/30/2020

**Status:** 8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. APPR. SUSPENSE FILE on 8/13/2020)

**Location:** 8/21/2020-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### Summary:

Would require the Department of Housing and Community Development, in consultation with the Office of the State Architect and the State Fire Marshal, to consider whether to propose for adoption by the California Building Standards Commission, in the code adoption cycle that begins after January 1, 2022, the requirement that seismic gas shutoff devices be installed in all or a portion of newly constructed residential dwelling units,



motels, hotels, and lodging houses. The bill would prohibit the department from proposing a standard that would require the installation of specified gas safety devices on an existing building as a condition of a real estate conveyance.

**AB 2168 (McCarty D) Planning and zoning: electric vehicle charging stations: permit application: approval.**

**Introduced:** 2/11/2020

**Last Amended:** 5/4/2020

**Status:** 8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. L. GOV. on 3/2/2020)

**Location:** 8/31/2020-A. DEAD

Desk	Dead	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:**

Would require an application to install an electric vehicle charging station to be deemed complete if, 5 business days after the application was submitted, the building official of the city, county, or city and county has not deemed the application complete, as specified, and if the building official has not issued a one-written correction notice, as specified. The bill would require an application to install an electric vehicle charging station to be deemed approved if 15 business days after the application was deemed complete certain conditions are met, including that the building official of the city, county, or city and county has not approved the application, as specified, and the building official has not made findings that the proposed installation could have an adverse impact, as described above, and required the applicant to apply for a use permit.

**Position:** Oppose

**AB 2960 (Gipson D) Shelter crises: fire and life safety standards.**

**Introduced:** 2/21/2020

**Last Amended:** 7/30/2020

**Status:** 9/25/2020-Approved by the Governor. Chaptered by Secretary of State - Chapter 148, Statutes of 2020.

**Location:** 9/25/2020-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:**

Would authorize a city with a population of more than 3,500,000 to permit the operation of an emergency housing facility year round when the facility does not comply with state building standards for local fire and life safety standards if they submit reasonable standards to the State Fire Marshal that include specified minimum requirements, including, among other things, 24-hour active fire watch, emergency evacuation signage

and emergency egress lighting, among other things. The State Fire Marshal would be required to review the standards within 30 days and either approve them or respond as to why they do not meet the threshold requirements. The bill would authorize permits for a period of 90 days and would authorize 90-day extensions, not to exceed 730 days of operation, and would prohibit the authorization of new permits on and after January 1, 2023.

**SB 182 (Jackson D) Local government: planning and zoning: wildfires.**

**Introduced:** 1/29/2019

**Last Amended:** 8/25/2020

**Status:** 9/30/2020-Vetoed by the Governor

**Location:** 9/30/2020-S. VETOED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:**

Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after June 1, 2022, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

**SB 474 (Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition.**

**Introduced:** 2/21/2019

**Last Amended:** 6/19/2020

**Status:** 8/14/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. L. GOV. on 6/29/2020)

**Location:** 8/14/2020-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:**

Would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local



program. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

**Position:** Oppose

**SB 902 (Wiener D) Planning and zoning: housing development: density.**

**Introduced:** 1/30/2020

**Last Amended:** 5/21/2020

**Status:** 8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. APPR. SUSPENSE FILE on 8/18/2020)

**Location:** 8/21/2020-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:**

Would authorize a local government to pass an ordinance, notwithstanding any local restrictions on adopting zoning ordinances, to zone any parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria.

**SB 1189 (McGuire D) Contracting business: home improvement: residential property.**

**Introduced:** 2/20/2020

**Last Amended:** 8/3/2020

**Status:** 9/30/2020-Approved by the Governor. Chaptered by Secretary of State. Chapter 364, Statutes of 2020.

**Location:** 9/30/2020-S. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law classifies the contracting business as general engineering contracting, general building contracting, and specialty contracting. Certain violations of the Contractors' State License Law are punished as misdemeanors. This bill would create a new classification of contracting business, to be called residential remodeling contracting. The bill would provide that a residential remodeling contractor's principal contracting business is in projects that make improvements to, on, or in an existing residential wood frame structure that require the use of at least 3 unrelated building trades or crafts for a single contract. The bill would provide a nonexclusive list of trades or crafts in this regard.



**SB 1199 (McGuire D) Commission on Home Hardening.****Introduced:** 2/20/2020**Last Amended:** 7/27/2020**Status:** 8/14/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. G.O. on 6/29/2020)**Location:** 8/14/2020-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would establish the Commission on Home Hardening within the Business, Consumer Services, and Housing Agency. The commission would be a 6-member body composed of, among others, the Insurance Commissioner, the State Fire Marshal, the Director of Housing and Community Development, and the Director of the Office of Emergency Services, or any of their respective designees. The bill would require the commission to develop a 3-tiered system of fire prevention levels for structures in a Wildland Urban Interface environment, as specified. The bill would require the commission to develop guidelines for certifying structures within the 3-tiered system by third-party inspectors and best practices for home hardening and wildfire mitigation for homeowners seeking certification.

**Position:** Support**SB 1348 (Stern D) Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.****Introduced:** 2/21/2020**Last Amended:** 8/26/2020**Status:** 8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. THIRD READING on 8/25/2020)**Location:** 8/31/2020-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Dead	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would require the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

Total Measures: 10

Total Tracking Forms: 10

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