

***BIC Meeting of
December 17, 2014***

Agenda Item #5b

DBI Legislative Tracker

December 17, 2014 Update

Per BIC requests for information about legislation affecting the San Francisco Building Code, below please find the most recent Summary from the Board of Supervisors, as well as from Code Advisory Committee meetings and recommendations:

File No. 131148 --Authorization of Dwelling Units Installed Without a Permit. Sponsored by Supervisors Chiu, Wiener and Cohen this proposed ordinance amends Planning and Building Codes to provide a city-wide process for granting legal status to existing dwelling units constructed without the required permits, and establishes a fee for administering the authorization program; amending the Administrative Code to provide that a dwelling unit that was subject to the Rent Ordinance before legalization will remain under the Rent Ordinance, and requiring the property owner to provide relocation assistance to displaced tenants; making environmental findings, and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk to submit this Ordinance to the California Department of Housing and Community Development in accordance with state law.

STATUS: The first six-month status report, as required by the ordinance, was filed with the Clerk of the Board on December 8, 2014 by DBI Director Tom Hui and Planning Director John Rahaim. The report stated that DBI had received more than 1,100 queries about this new voluntary program; received 78 screening forms, and is reviewing 86 applications for permits. Also of note, 23 of the 78 screening forms have an existing NOV, which is roughly 29 percent of all screening forms. We have approved two permits, while awaiting several additional ones pending DPW's street tree requirement and Planning requirements such as bicycle parking and landscaping. There also are ongoing discussions over what legalization of a unit may mean for Fire Code sprinkling requirements. DBI has posted on its web site a new Information Sheet, G-17, signed by the Building Director, the Planning Director, the Fire Marshal and the Rent Board Director, which provides detailed guidelines for any owner interested in legalizing a unit. DBI and Planning are required to report to the Board legalizations every six months for the first three years of the ordinance -- meaning the next Six-Month Status Report will be due June 8th. After the initial 3-years, Planning will incorporate such data into its annual Housing Report. Planning also is required to maintain a Master List of all legalizations.

File No. 140806 -- Enhanced Ventilation. Introduced by Supervisor Cohen, this amends Chapter 38 in Health Code to Building Code requiring an enhanced ventilation system in building projects located within DPH's Air Pollutant Exposure Zone. May increase time required to issue building permits.

STATUS: Per last month's presentation by Fire experts, DBI's Working Group, which includes DPH, Fire and Planning, will meet in early January to incorporate new findings into the Report on Implementation that is due at the Board in April, per an amendment by Supervisor Cohen. Requires DBI Mechanical Plan Review to ensure proposed projects within this DPH Air Pollution Exposure Zone have enhanced ventilation systems to reduce public health hazards prior to issuance of a building permit.

Ordinance No. 130119 -- Mandatory Seismic Retrofitting of Soft Story buildings --Introduced this at the Board on February 5th, with six co-sponsors, Supervisors Chiu, Wiener, Mar, Farrell, Breed and Yee; substituted in March; passed unanimously and Mayor signed April 18, 2013. It became legally effective June 3, 2013. Targets a type of wood framed building three or more stories, with five or more dwelling units, whose permit applications pre-date Jan. 1, 1978; studies show they are likely to collapse in a strong earthquake without retrofitting.

STATUS: As of December 12, the number of non-compliant owners fell to 57 --meaning we have a compliance rate of 99 percent in terms of submitting the required screening forms. All non-compliant buildings have been posted with the required Earthquake Warning code enforcement placards, and a subsequent Director's Hearing on these remaining code enforcement cases will be scheduled in early January. We have 4,989 in the retrofit program, which is 75 percent of those notified; and 1,321, or 20 percent of those notified, that are exempt from the program. We have issued 218 permits, and 32 retrofits have been completed. Per coverage last week by major media, the Mayor of Los Angeles announced an ambitious retrofitting program for both soft story and non-ductile concrete buildings, with DBI responding to LA Building Department questions about our soft story program and to media calls.

File No. 140592 -- Temporary Seven Percent Reduction in all building code fees for six months, pending new fee study results now under way. New fee tables likely to be adopted by end of year/early 2015.

STATUS: Per your agenda today, there may be a need to extend this temporary fee reduction. While taking legal effect on August 30, 2014, fees for all DBI staff labor services were reduced by 7% (i.e., this is not 'across the board; State fees DBI is mandated to collect are not affected by this ordinance). The temporary fee reduction will remain in effect for six-months -- meaning until early into 2015. We expect to propose new fee tables to the Board for approval towards the end of this year, per the results of a new fee study, and to enact new fees based upon the professional fee study by early 2015.

File No. 140120 -- Earthquake Performance Evaluation of Private School Structures. Amends the building code to require private elementary and secondary schools obtain an evaluation by a licensed structural engineer for performance during a future earthquake.

STATUS: This passed its final reading at the Board on Sept. 23 and was signed by Mayor Lee on Oct. 1. legal effect on Nov.1st. Within one year of this effective date --Nov. 1, 2015 -- the building's owner must submit to DBI an evaluation scope document. No later than three years after the effective date -- Nov. 1, 2017--the owner must submit an Evaluation Report to DBI, per requirements provided within the Administrative Bulletin that is to be developed and published by the Department. Once seismic strengthening plans are prepared, approved and implemented, any buildings found in violation of having an unsafe building are subject to standard code enforcement reviews and requirements --including failure to submit the Evaluation Scope or Evaluation Report documents within set timelines.

Coming Legislative Items:

Supervisor Wiener's file no. 140954, which amends the Planning Code to permit exemptions from dwelling unit density limits when adding dwelling units to existing buildings undergoing seismic retrofitting. Per discussions between the Supervisor and the Department, DBI will prepare an information bulletin on the opportunity this ordinance may provide, once enacted, and both mail this bulletin to owners in the soft story database and make the bulletin available at DBI public counters, as ways to increase public awareness and possible owner participation.

File No. 141118, Building Façade Inspection and Maintenance. Per questions raised by the Code Advisory Committee, additional refinements are still being made to this draft ordinance. Proposed by the Mayor's Office of Earthquake Safety, this amends the building code to require that facades of buildings with five or more stories be inspected periodically by a qualified engineer or architect, with inspection reports submitted to DBI according to an inspection and reporting schedule. Maintenance of facades to be conducted in accordance with an Administrative Bulletin developed and published by DBI and based upon a national standard. The ordinance also establishes a fee to cover DBI costs for reviews and evaluations. We continue to work with the Mayor's Director of Earthquake Safety on this draft.

Supervisor Tang's Proposed Mandatory Disabled Access Improvements' ordinance – While Disability expert Rick Halloran has been participating in a Working Group convened by Supervisor Tang on this topic, Director Hui also met directly with the Supervisor recently to understand the roles envisioned for DBI with this ordinance. We will be providing a possible legislative framework for the Working Group's consideration during the next few weeks, as well as sending the current DBI Disability Checklist to City Planning, whose staff has agreed to integrate the various Disability Access checklists from different departments into a single comprehensible checklist. There may be a role for the Access Appeals Commission as part of the ordinance's framework, as well as efforts to balance accessibility with existing building realities, and cost realities for small businesses. DBI's Legislative Review Committee will be involved as this ordinance's drafting moves forward.

Supervisor Chiu's GoSolar Resolution – The Board of Supervisors passed unanimously on Oct. 28th a Resolution that has been signed by the Mayor, and which makes GoSolarSF a permanent program. A working group, including DBI staff, is under way by the Department of the Environment, to develop an ordinance the Mayor may introduce at the end of this year or early in the new year. The ordinance could require installation of solar panels on all new construction, and establish an overall solar energy goal for the City within a defined timeline. DBI's Legislative Review Committee will be monitoring any draft ordinances.

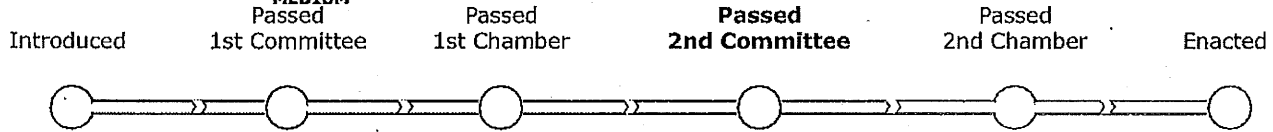
State Legislation – In an effort to be apprised of, and involved in, proposed State legislation that may affect the Department, we continue to track bills that CALBO monitors in the Senate and Assembly. Current State legislation to note includes:

Status actions entered today are **listed in bold**.

File name: CALBO

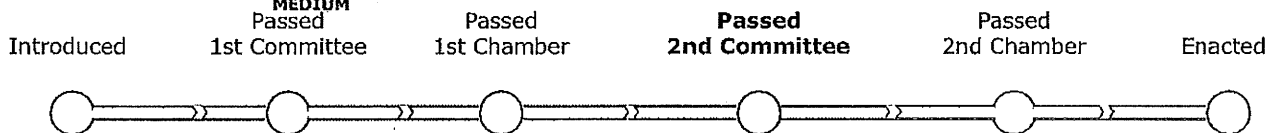
California

1. **CA AB 1918**



Author: Williams (D)
Title: Energy: Design And Construction Standards
Fiscal Committee: yes
Urgency Clause: no
Introduced: 02/19/2014
Last Amend: 06/09/2014
Disposition: Pending
Committee: Senate Appropriations Committee
Hearing: 06/30/2014 10:00 am, John L. Burton Hearing Room (4203)
Summary: Amends existing law that requires the State Energy Resources Conservation and Development Commission to prescribe building design and construction standards and energy and water conservation design standards for new buildings. Requires the State Energy Resources Conservation and Development Commission to implement methods to simplify procedures related to compliance. Allow authorizing a program to improve compliance with State Building Standards Code requirements for heating an air conditioning equipment.
Status: 06/17/2014 From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Do pass to Committee on APPROPRIATIONS.
Commentary: CALBO's Position: Support
Staffer: Erin Baum, Legislative Director

2. **CA AB 2188**



Author: Muratsuchi (D)
Title: Solar Energy: Permits
Fiscal Committee: yes
Urgency Clause: no

Introduced: 02/20/2014

Last Amend: 06/18/2014

Disposition: Pending

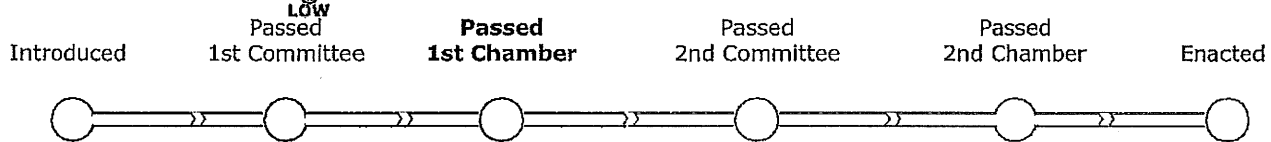
Summary: Amends an existing law which requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency and which provides for approval of applications to install specified solar energy systems. Requires a city or county or city and county to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. Requires a system inspection.

Status: 06/25/2014 From SENATE Committee on GOVERNANCE AND FINANCE: Do pass as amended to Committee on APPROPRIATIONS.

Commentary: CALBO's Position: Oppose

Staffer: Brett Williams

3. CA AB 2192



Author: Melendez (R)

Title: Housing: Building Permits

Fiscal Committee: no

Urgency Clause: no

Introduced: 02/20/2014

Last Amend: 05/23/2014

Disposition: Pending

Summary: Relates to local housing building permits. Establishes a pilot program in unspecified local agencies that would permit the government body of a local agency to authorize a building department to create and implement a program whereby a building permit may be issued upon submission of plans prepared by an an architect and reviewed by another unaffiliated architect, for specified types of projects.

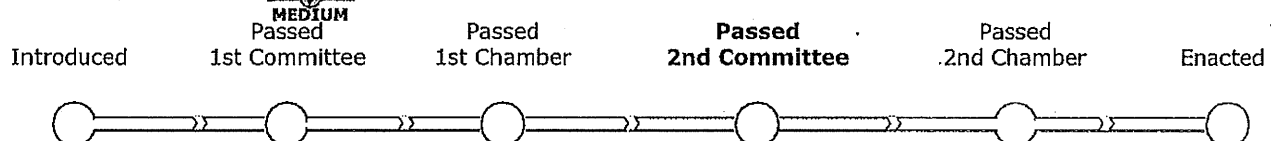
Status: 06/11/2014 To SENATE Committee on TRANSPORTATION AND HOUSING.

Commentary: CALBO's Position: Oppose
Reviewing Amendments

Staffer: Sam Spencer

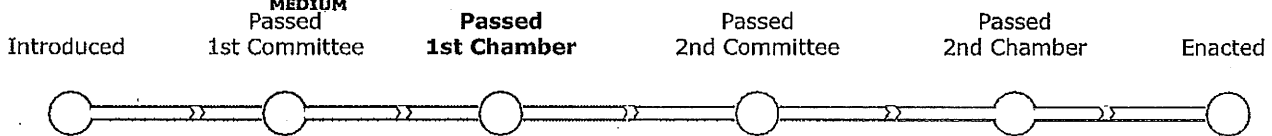
Attachments: 3-13-14 Fact Sheet

4. CA AB 2282



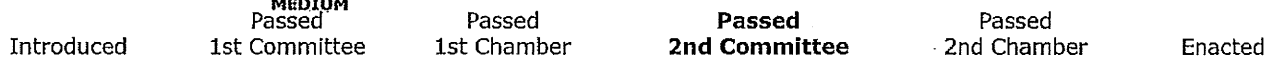
Author: Gatto (D)
Title: Building Standards: Recycled Water Infrastructure
Fiscal Committee: yes
Urgency Clause: no
Introduced: 02/21/2014
Last Amend: 05/08/2014
Disposition: Pending
Summary: Requires the Department of Housing and Community Development to conduct research to assist in the development of and to propose adoption, amendment or repeal by the State Building Standards Commission of mandatory building standards for the installation of recycled water infrastructure for newly constructed single-family and multifamily residential buildings. Limits the mandate to install recycled water piping to certain areas within a local jurisdiction. Regards green building standards.
Status: 06/25/2014 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS.
Commentary: CALBO's Position: Support

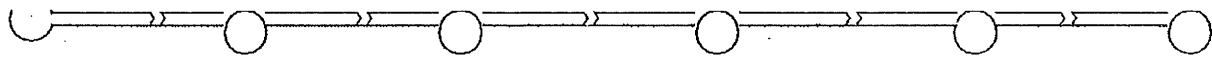
5. **CA AB 2371**



Author: Mullin (D)
Title: Solid Waste: Household Hazardous Waste
Fiscal Committee: yes
Urgency Clause: no
Introduced: 02/21/2014
Last Amend: 04/21/2014
Disposition: Pending
Summary: Amends the California Integrated Waste Management Act of 1989. Requires each jurisdiction to review its household hazardous waste element and program to determine its effectiveness in the collection, recycling, treatment, and disposal of household hazardous waste.
Status: 06/05/2014 To SENATE Committee on ENVIRONMENTAL QUALITY.
Commentary: CALBO's Position: Watch

6. **CA AB 2386**



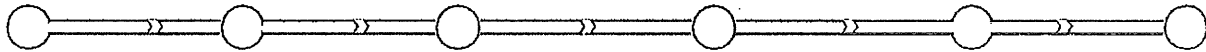


Author: Mullin (D)
Title: Care Facilities: Carbon Monoxide Detectors
Fiscal Committee: yes
Urgency Clause: no
Introduced: 02/21/2014
Last Amend: 06/26/2014
Disposition: Pending
File: 67
Location: Senate Second Reading File
Summary: Requires community care facilities, residential care facilities for the elderly, and day care centers and family day care homes to have one or more functioning carbon monoxide detectors that meet specified statutory requirements in the facility. Requires the State Department of Social Services to account for the presence of the detectors during inspections.
Status: **06/26/2014 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.**
Commentary: CALBO's Position: Support

7. **CA SB 316**



Introduced **outLook Passed** 1st Committee Passed 1st Chamber **Passed 2nd Committee** Passed 2nd Chamber Enacted

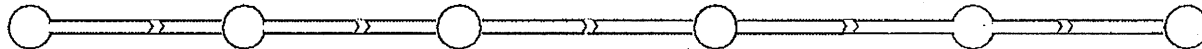


Author: Block (D)
Title: School Safety: Door Locks
Fiscal Committee: yes
Urgency Clause: no
Introduced: 02/19/2013
Last Amend: 05/28/2013
Disposition: Pending
Summary: Provides that, if federal funding becomes available for school safety, all school facilities modernization projects submitted to the Division of the State Architect pursuant to the Leroy F. Greene School Facilities Act are required to first consider using the funds to install locks that allow doors to classrooms and rooms with a specified occupancy to be locked from the inside. Requires the State Allocation board to adopt regulations to adjust a specified grant allowance to reflect lock installation costs.
Status: 08/30/2013 In ASSEMBLY Committee on APPROPRIATIONS; Held in committee.
Commentary: CALBO's Position: Support

8. **CA SB 556**



Introduced **LOW Passed** 1st Committee Passed 1st Chamber **Passed 2nd Committee** Passed 2nd Chamber Enacted

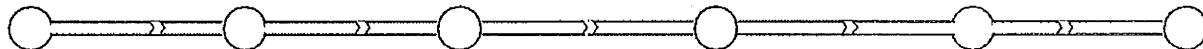


Author: Corbett (D)
Title: Agency: Ostensible: Nongovernmental Entities
Fiscal Committee: no
Urgency Clause: no
Introduced: 02/22/2013
Last Amend: 09/04/2013
Disposition: Pending
File: A-8
Location: Assembly Inactive File
Summary: Relates to third person contracts and ostensible agencies. Prohibits a person, firm, corporation, or association that is a nongovernmental entity and contracts to perform labor or services relating to public health or safety for a public entity from displaying on a vehicle or uniform a logo that reasonably could be interpreted as implying the labor or services are being performed by employees of a public agency, unless the vehicle and uniform displays a specified disclosure.
Status: 09/11/2013 In ASSEMBLY. To Inactive File.
Commentary: CALBO's Position: Oppose

9. **CA SB 750**



Introduced **MEDIUM Passed** 1st Committee Passed 1st Chamber **Passed 2nd Committee** Passed 2nd Chamber Enacted



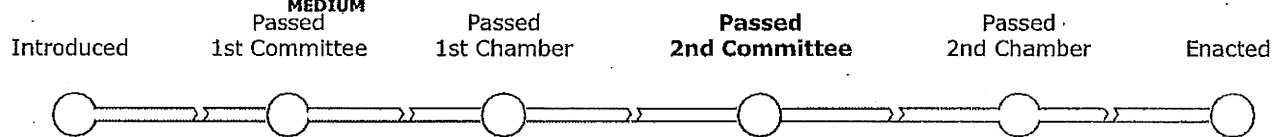
Author: Wolk (D)
Title: Building Standards: Water Meters: Multiunits
Fiscal Committee: no
Urgency Clause: no
Introduced: 02/22/2013
Last Amend: 08/08/2013
Disposition: Pending
Summary: Requires a water purveyor providing water service to new multiunit residential or mixed use structures to require water measurement to each unit and to permit measurement to be by

water meters or submeters. Requires submeters to comply with existing laws and regulations. Prohibits purveyor fees for submeters installed by the owner. Imposes certain requirements on landlords in related to the submetered water service. Relates to separate charge notification to tenant. Authorizes damages for violations.

Status: 08/13/2013 In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Failed passage.
08/13/2013 In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Reconsideration granted.

Commentary: CALBO's Position: Oppose

10. **CA SB 1129**



Author: Steinberg (D)

Title: Successor Agencies to Redevelopment Agencies

Fiscal Committee: yes

Urgency Clause: no

Introduced: 02/19/2014

Last Amend: 05/27/2014

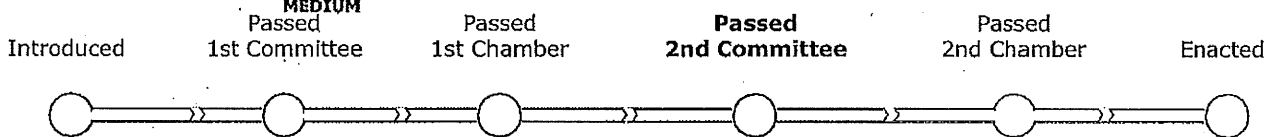
Disposition: Pending

Summary: Authorizes a successor agency to utilize the proceeds of bonds issued during the 2011 calendar year, upon the approval of the oversight board, if the oversight board, in consultation with the relevant metropolitan planning organization, determines that the use of the bond proceeds is consistent with the sustainable communities strategy. Prohibits required compensation agreements as part of the approval of a long-range property management plan. Requires the approval of a plan as expeditiously as possible.

Status: 06/23/2014 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass to Committee on APPROPRIATIONS.

Commentary: CALBO's Position: Watch

11. **CA SB 1350**



Author: Lara (D)

Title: Baby Diaper Changing Accommodations

Fiscal Committee: yes

Urgency Clause: no

Introduced: 02/21/2014

Last Amend: 05/05/2014

Disposition: Pending

Summary: Requires the State Building Standards Commission to develop and adopt standards governing the installation of baby diaper changing accommodations for restroom facilities in a place of public accommodation. Requires the standards ensures the accommodation is equally available or provided regardless of the gender for which the restroom was designed. Provides the standards would apply under specified circumstances. Authorizes the Commission to consult with specified agencies.

Status: 06/24/2014 From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION: Do pass to Committee on APPROPRIATIONS.