

***BIC Meeting of  
June 20, 2012***

***Agenda Item #8b***

**DBI Legislative Tracker**  
**June 20, 2012 Update**

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

**Ordinance No. 120191 – Redefine Efficiency Units.** Proposed by Supervisor Wiener, the ordinance amends the Building Code to reduce the square footage requirement for Efficiency Dwelling units from the existing 220 square feet to 150 square feet of living space, as permitted by State code, to help address increasing demand for such units. Both the Code Advisory Committee and the BIC have approved the legislation.

STATUS: Land Use approved the legislation unanimously on June 4. At the request of Supervisor Wiener during the first reading at the full Board on June 12<sup>th</sup>, the item was continued until July 10 due to increasing concerns by some Supervisors about this proposal.

**Ordinance No. 111374 – Creates new definition of student housing.** Proposed by Supervisor Wiener, the ordinance amends the Planning Code, prohibits the conversion of residential units into student housing except in specified circumstances, etc. Potential change of use/occupancy could trigger Building Code requirement to issue new Certificate of Occupancy, and could affect rent control status.

STATUS: Planning Commission to re-hear the legislation with Supervisor Wiener's exemption amendments on June 21 and make recommendations to Board of Supervisors. Amendments by Supervisor Kim to allow residential and SRO buildings that have been vacant at least one year to be converted to student housing through a conditional use process will not be made at this time, pending additional investigation. Land Use Committee hearing to review the proposed legislation is yet to be scheduled.

**Ordinance No. 120318 – Additional Penalties for Foreclosed Properties.** Proposed by Supervisor Cohen, this legislation amends the Police Code to include "aggravating factors" in foreclosed properties that may be declared public nuisances. It also affects building, electrical, plumbing, mechanical and housing codes by stipulating that property owners of ten or more foreclosed properties shall be liable for an increased penalty of up to three times the amount of any civil penalty assessed by a court of competent jurisdiction for maintaining a property in a manner that constitutes a public nuisance.

STATUS: Placed on Land Use's 30-day calendar on April 3, per Supervisor Cohen's staff, it's expected to be on the Committee's regular Agenda after July 16th.

**111047 – Disability Access.** Amends the Administrative and Planning codes to require commercial landlords who lease to small businesses to bring the ground floor entrances to, and exits from, the building into compliance with applicable state and federal disability access laws. Introduced by Supervisor Chiu on September 27, 2011, the legislation also requires the City to

give priority to building permit applications for work which brings leased space to small businesses into compliance with disability access laws – something we currently already provide upon request.

STATUS: Awaits re-hearing at Land Use – expected at, or after, the July 16, 2012 meeting, per the Supervisor's staff – when additional revisions/amendments will be made. The Small Business Commission supported the legislation on Feb. 13th, while the Planning Commission voted unanimously on Dec. 15, 2011 to recommend approval with technical modifications affecting square footage exclusion calculations for small self-service restaurants and retail coffee shops.

**Ordinance No. 120188 - Small Business Month—Fee Waiver incentive program.**

Supervisor Carmen Chu's one-month pilot fee waiver program, to encourage small businesses to replace awnings by waiving Building and Planning departments' fees.

STATUS: A review of DBI's data shows a total of 11 waived awning replacement fee permits during the month of May. We have informed the Supervisor this is the same total number of permits issued during May 2011, with no incentive fee waiver plan.

**State Legislation**

In an effort to be apprised of, and involved in, proposed State legislation that may affect the Department, we also are analyzing and monitoring a number of currently proposed bills. Currently the bills include:

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

STATUS: CALBO regards this bill as its number one priority – and indicates there are a series of meetings under way in the State Senate and Assembly to 'drastically amend' it (even though the bill passed the State Senate on May 29<sup>th</sup> with a 36-0 bipartisan vote). The bill's focus will change from 'right to repair' and 'frivolous law suits' issues to the expense of Certified Access Specialist (CASp) inspections, limited local government funds to enforce, and discrepancies between ADA and Title 24. According to the Division of State Architect, there are now nine direct conflicts identified between the current 2010 California Building Code and the federal ADA that 'cannot be resolved.' The Legislature's intent is to address the issues to avoid unnecessary litigation arising from the conflicts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Senate Continuing Resolution (SCR) 57** – Auto shutoff of gas and electricity. Urges the State Architect to hold hearings to determine if building codes should be amended to require automatic shutoff devices at the time of initial construction or following a major renovation, and triggered at the time of an earthquake.

STATUS: CALBO position is “Under Review.” Referred to the Committee on Transportation and Housing.