



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

REGULAR MEETING

Wednesday, July 18, 2012 at 9:30 a.m.

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

Aired Live on SFGTV Channel 78

ADOPTED September 19, 2012

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 10:15 a.m. by President McCarthy.

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

COMMISSION MEMBERS PRESENT:

Angus McCarthy, **President**

Frank Lee, **Commissioner**

James McCray, **Commissioner**

Debra Walker, **Commissioner**

Sonya Harris, **Secretary**

Warren Mar, **Vice-President**

Kevin Clinch, **Commissioner, excused**

Myrna Melgar, **Commissioner**

D.B.I. REPRESENTATIVES:

Tom Hui, **Acting Director**

Edward Sweeney, **Acting Deputy Director, Permit Services**

Pamela Levin, **Deputy Director, Administrative Services**

Dan Lowrey, **Acting Deputy Director, Inspection Services**

Rosemary Bosque, **Chief Housing Inspector**

Steve Panelli, **Chief Plumbing Inspector**

John Hinchion, **Acting Senior Building Inspector**

James Sanbonmatsu, **Housing Inspector**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

2. President's Announcement(s).

President McCarthy said that there was a joint news conference on July 9th, which Supervisor Cohen announced a settlement of over \$800K in code enforcement with multiple properties in the Bayview. He attended the conference along with Deputy Director Sweeney, and it was quite successful and is something the public will see a lot more of in the future. President McCarthy said there was great testimony and comments from people affected by this, and it was great to hear the human side of issues that are out there regarding code enforcement. President McCarthy stated that there was a story in the *S.F. Examiner* talking about what the Department has been saying the

past couple of months about permits picking up and DBI is stepping up and doing everything possible to meet the requirements, particularly to the people coming into the Department. Over the next couple of months customers will get the services needed, but obviously it takes time to get to that point but staff is working diligently towards that. President McCarthy said there was TV coverage on July 3rd by channels 2, 4, 5, and 7 of a four alarm fire on Boutwell Street where DBI provided information on a property owner with multiple code enforcement violations: It was sad to see but just another example of how important it is to keep on top of code violations. Lastly, President McCarthy mentioned there were thank you letters received for DBI employees: Saphonia Collins of the Records Management Division and Joseph Yu of Plan Review Services – He thanked both employees for being recognized for doing great work and a job well done.

Secretary Harris called for public comment on the President’s announcements and there was none.

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

Mr. Spencer Gosch read the following statement:

“I have been a Building Inspector for the City and County of San Francisco for 22 years. I have been a resident of San Francisco for the past 32 years. I am here today primarily to request an inquiry into the hiring and promotional restrictions that appear to have been placed on the engineering Civil Service classifications that are employed at the Department of Building Inspection.

Specifically:

- A.) Why are the Civil Service Classifications for Engineers being restricted exclusively to persons of Chinese ethnicity?
- B.) Who is responsible for this illegal activity?

I have previously brought this problem to your attention on March 14, 2012 when I copied all DBI Commissioners my “Request to Investigate and Eliminate the Hostile Work Environment at the Department of Building Inspection.” As the new Commissioners were not yet seated and have now been advised, I am now bringing one of the topics contained in that document forward.

My request is due primarily to my mistreatment at my workplace, which is being caused by both political and racist bullying and harassment. Recently, I knew an administration change was occurring, and I was optimistic that the change in administration would allow me to relocate to a different position. Unfortunately, my request for transfer will not be honored; I am to remain bullied and harassed. In addition to denying my request, the new Director of the Department of Building Inspection, Mr. Tom Hui, has made clear to me that he intends to continue his unjust racist policies by hiring 4 new engineers all of whom are Chinese! This unfortunate decision was made in spite of my informing Mr. Hui of the problem 4 months ago; this decision strongly implies Mr. Hui is the racist. The percentage of engineers within the Plan Review Services Division who are of Chinese ethnicity is virtually 100%. All Managerial Positions within the Plan Review Services Division are held by persons of Chinese ethnicity, excepting one pliant individual.

Recently, Mr. Ed Sweeney has been made Acting Deputy Director for Permit Services. As Mr.

Sweeney has no background in Plan Review, I can only assume that his appointment is for appearance only and he will allow the racism to continue unabated below him; it seems that Mr. Sweeney is the lipstick on this pig.

I expect to see the twin topics of “Why and who is responsible for the racial preference in the hiring and promotion of the engineering civil service classifications within the Department of Building Inspection” agendaized for the next Building Inspection Commission Meeting. Be advised that if my reasonable request is not honored, I will intensify my efforts to correct this very serious problem both outside and within the jurisdiction of this Commission.

I believe that racism is not allowable from either a moral or legal standpoint. While Mr. McCarthy and his politics may be willing to revert to the era of signs reading “Irish need not apply,” I will not allow it! I will not accept racism and bullying in any manner without exerting my full efforts to combat it; I see that process as just now beginning. I’ll see you next month.”

Mr. Robert Davis introduced himself as a resident of the Bayview and said that he wanted to ask a couple of questions: One was about the open Notices of Violation (NOV) on the books since 1994 and the second was the more than 2,000 Director Hearings on the books since 1996 and the more than 750 Orders of Abatement that have been on the books since the year 2000. Mr. Davis stated that the NOVs were brought to the BIC’s attention last year in November, and he pointed out one address in the Bayview, 1881 Oakdale, that had a fire on March 3rd: He said in November he spoke about this property and at that time there were eight DBI people who had worked on the case. Mr. Davis said there were several notices listed on his handout, paperwork, and inspections but unfortunately four months later there was a fire and approximately thirty people who lived on both sides were forced out. Mr. Davis stated since then another five inspectors have gone out, done paperwork, and issued more NOVs as though it was a brand new case: The fire damage is still there and squatters are in the neighborhood, so he wanted to bring this to the Commission’s attention.

4. Discussion regarding Q-Matic.

Acting Deputy Director of Permit Services, Edward Sweeney, spoke about the Q-Matic system and gave a progress report of the current status and addressed the following points:

- More people are in attendance to speak about the Q-Matic system.
- Mr. Sweeney took all of the written comments customers provided and read them to see what the stakeholders thought.
- There were 56 comments pertaining to Q-Matic submitted by people who actually use the system, and 53 comments were against Q-Matic and favor some sort of change, whether it is to go back to the clipboard method or to reengineer the system to be more user-friendly.
- Only 3 people were in support of Q-Matic in its current form.
- After going through the 56 comments the gist of the complaints center around the fact that the Q-Matic system is very rigid.
- Customers come to DBI on the first floor, and stand in line to get a number to go the service requested. San Francisco has a very complex system and stakeholders say it works in Oakland & San Jose for their express windows.
- In San Francisco, DBI has a policy if a customer’s plan check item is one hour or less it can be submitted over the counter, but Q-Matic does not address that.

- The Q-Matic system is basically like the DMV system, and may work in a department where there are only 1 to 3 different stations to go to but does not work in San Francisco.
- Stakeholders say that other jurisdictions do not involve other departments such as: DPW, BSM, or Planning.
- A customer could be assigned to 7 or 8 different stations by the Q-Matic system and may have to go back and forth between the first and fifth floors. If it is a complicated job or a small addition, customers have to go to different cumbersome lines and then pay for the permit at the end.
- There is no flexibility in the Q-Matic system and before DBI used the clipboard system. Customers could survey the room to determine which station they should go to first or if they should just add their name to the waiting list and monitor it, while being served at another open station.
- Problem with Q-Matic system is no one knows where they are in line: Customers cannot look at the TV monitor to see if they are moving down the list.
- Q-Matic system basically becomes background noise as customers repeatedly hear, “Now serving this number or that number”. After 10 or 15 minutes people seem to “check out” and miss their number being called.
- There have been cases where customers have been waiting for 1 ½ hours and they ask staff if they are next, only to find that their number has been lost and “kicked out” of the system for some unexplained reason.
- One problem is a lot of people are leaving the Department without getting their permit, so they may end up doing work without permit.
- DBI’s engineers and plan checkers are still looking at the system and trying to make improvements.

Commissioner Walker asked if there was someone from Q-Matic working with the Department on these issues? Mr. Sweeney said that he has been running plan check for three weeks and he has not seen anyone from Q-Matic.

Acting Director, Tom Hui, stated that DBI staff has contacted Q-Matic but the system itself is like the DMV: No matter what staff does there are still lots of issues with numbers, different functions, or incorrect sequencing so both customers and staff are frustrated with the process.

Commissioner Walker said that she wonders why no one from Q-Matic is involved in the process.

President McCarthy stated that Q-Matic was probably not present since they have been paid and the job is done – He asked if that was correct? Mr. Sweeney said that is what he got out of it.

President McCarthy called for public comment.

There was extensive public comment from the following speakers who expressed similar sentiments regarding the Q-Matic System: Patrick Buscovich, Spencer Gosch, Dan Beringer, Mark Topinger, Mary Fitzgerald, Val Adams, John Darmanin, Jerry Brown, Two men from SIA Consulting, Seth Brookshire, Linda Beady, Winnie Aragon, Rachel Abraham-Pollard, Bruce Baumann, Collin Miller, Patrick Otellini, Ken Cochran, Jackie Crivinar, Lou Felthouse, Rocky Di Garda, Pam Harris, Suheil Shatara, Gary Bell, Henry Karnilowicz, and John Pollard.

- Q-Matic is not set up to do parallel plan check and the system has lost transparency, because before customer's names were written on clipboards.
- Q-Matic increases the amount of time customers have to spend at DBI.
- Staff time is wasted and they are sitting waiting for someone to come to their station.
- DBI staff person said he is spending more time looking for customers to take care of, because there is no one in his queue.
- 40% more additional time is spent for property owners trying to obtain permits.
- Since customers have to stay at DBI longer they are spending more time and money for parking, lunch, etc.
- Speakers represented: Homeowners, general contractors, expeditors, architects, DBI staff, Fire Department staff, designers, engineers, and inspectors.
- Complaints about numbers being lost in the queue. At times, Plan checkers spend a lot of time trying to find numbers.
- Several speakers suggested going back to the clipboard method, as that system worked.
- Maybe a good idea to address the concern of people picking certain plan checkers, but Q-Matic is not the answer.
- Increased cost is passed on to homeowners since Q-Matic doubles the amount of time contractors and design professionals spend at DBI.
- One customer did her own general survey and found that 47% were against Q-Matic, 35% said system was o.k. but needed work, and 18% were for Q-Matic.
- Several people said drone of numbers being called was irritating.
- Fire staff person said Q-Matic does not have flexibility and it yields low productivity because twice the work is done for half the production.
- Plan checkers work hard, but customers are stressed before they even get to their line.
- Customer said his staff used to spend 2 hours at DBI when pulling permits but now it takes 2 days. Another customer said it used to take 1 hour to get permit, but now takes 8 hours.
- Q-Matic works in other cities where it is a simpler operation and everything is on one floor, but it does not work at DBI.
- DBI staff has been doing a good job with trying to solve issues with Q-Matic system, even with a growing backlog.
- Money wasted on Q-Matic system.
- There are long lines each day at intake when customers are waiting to get a number.

Commissioner's & Staff Question & Answer Discussion:

- Commissioner Walker said several Directors ago the reason to change the system was primarily to provide consistency, and deal with accusations of favoritism, shopping for plan checkers, etc. Q-Matic is problematic if it cannot deal with serial vs. parallel issues.
- Acting Director Hui said it is a problem that Q-Matic is not on all floors, but only on two floors so customers end up running up and downstairs. When Q-Matic launched on June 11th he tried hard to make the system work, and MIS contacted Q-Matic to solve computer problems. There was a problem with people taking too many tickets also.
- Vice-President Mar said his seat on the BIC is representative of landlords and he has hired architects, engineers, general contractors, etc. but was not aware what an expeditor was. Few years ago there was a grand jury report that said DBI needed to fix two things: People shopping for plan checkers and stopping favoritism. He said he is disappointed Q-Matic did not work, but staff or someone from Q-Matic should try to fix it: DBI bought system

so vendor should be accountable. He is also disappointed that some of the staff said the Department should get rid of the system since a lot of time and money has been spent on it.

- Mr. Sweeney said the previous Director Isam Hasenin proposed Q-Matic following the grand jury report and FBI investigation: There were some bad things happening in the Department at the time. Mr. Hasenin proposed Q-Matic but left DBI, and since then staff has opened up the fifth floor and designed a very large, open room: Clipboard system was used and was very transparent as customers had to write their names down. Mr. Sweeney said it took a long time to get Q-Matic bought and approved, and it has no built in flexibility: It ensures no “shopping” of plan checkers and is fair to everyone but he believes the Clipboard system did the same thing.
- Commissioner Melgar said she was a manager in the City for many years so she is sympathetic to the procurement issues of how long it takes to get a single source contract. She also thinks because of the process departments get really invested in the product, even though Q-Matic is 20-year old technology and there are vastly better systems available today. She stated DBI is sort of stuck since so much money has been spent on Q-Matic, but staff needs to decide whether it can be fixed and a parallel system added or put a time limit on when the Department would get rid of Q-Matic.
- Mr. Hui thanked the Commissioners for appointing him as Acting Director and stated DBI is working on the system and paid \$160K, not including manpower. To address Commissioner Mar’s issue he monitors the fifth floor and has supervisors there to make sure things are going right. Q-Matic does not work well for small contractors and homeowners: They take off work expecting two hours to get a permit and it ends up taking the whole day. Mr. Hui suggested tabling Q-Matic and putting it on hold until more work could be done on the system.
- Commissioner Walker reiterated that she was concerned Q-Matic was not around to help with problems, and said if this cannot be a parallel number system rather than serial then it will not work.
- Mr. Sweeney said most people that testified are architects and contractors and part of their service is getting the permit, so that makes whoever they send to DBI an expediter. He has talked to them about Oakland and San Jose and Q-Matic works for an express system, but not for an addition or tenant improvements because there are multiple stations.
- Vice-President Mar said before Q-Matic was launched there were a lot of questions about how it would work, but he does not remember the issue of parallel tracks as an impossibility of the system. One thing that came up is the question of being in two places at the same time, for example: If customer is at Planning would their place be held at Fire when their turn came up.
- President McCarthy thanked the members of the public for expressing their concerns. He said a lot of money has been spent on Q-Matic, but it would be irresponsible of the Commission to ignore the problems and not at least put a hold on the system. He asked the City Attorney if the BIC could make a decision on Q-Matic.
- Deputy City Attorney John Malamut said this is a matter concerning a City department and under the charter there are certain things the BIC gets to look at such as: Code changes, making decisions about the Director and Deputy Directors but day-to-day operations are outside of the Commission’s control. Even if the BIC wants to collectively voice a concern, it is ultimately a matter for the Director to determine what is best.
- Commissioner Lee suggested that the Commission recommend that the Director put Q-Matic on hold and go back to the clipboard system, and also study what could be done to

address the concerns about transparency and favoritism. There were 26 speakers that commented about this system, so hopefully staff could reach out to them and enlist their help to find a workable solution for everyone.

- Commissioner Melgar said \$160K was spent on Q-Matic and she heard testimony about time wasted by staff: She heard 300 minutes and if all those minutes are added up considering plan checkers make \$360K in one month then something needs to be done. – She just wanted to make that cost-benefit analysis.
- Commissioner Mar said he would like to call Q-Matic and have them come to the next BIC meeting, and have a report from the Director as to the possibility of parallel tracking.
- Acting Director Hui stated that DBI would return to the clipboard system tomorrow, and then strategize to work on what can be done with Q-Matic. (The audience applauded.)
- Commissioner Walker said that DBI needs to seriously address the issues that were trying to be addressed with Q-Matic, which includes complaints listed in the grand jury report about favoritism so this needs to be a fair, transparent, and effective system.

5. Discussion on Housing Authority code enforcement.

Chief Housing Inspector Rosemary Bosque gave a presentation on Housing Authority code enforcement, along with Barbara Smith, Administrator of Modernization & Development, and they addressed the following items:

Chief Bosque's Discussion:

- The Department of Building Inspection and the San Francisco Housing Authority have had a joint memorandum of understanding (MOU) that was executed by both departments in April 2007.
- The MOU laid out a protocol for the efficient collaboration of the two departments with respect to when DBI received complaints that involved Housing Authority public buildings, not Section 8.
- When DBI got the complaint within so many days, staff would transmit it to the Housing Authority by email, and they would designate the parties that needed to respond depending on whether it was a life safety hazard alleged or a non-hazardous type of complaint.
- DBI has received about 173 complaints from occupants in buildings owned or managed by the Housing Authority.
- The spreadsheet the BIC was given lists the type of complaints, when they came in, when they were abated, and the nature of the complaint.
- There is a summary that shows the bulk of complaints DBI received have been for mold, mildew, heat, hot water, and plumbing issues.
- Of the 173 cases received, the Department only has one active which just came in. Barbara Taylor-Smith from the Housing Authority said the case has been abated.
- The MOU made things more efficient: It allowed DBI to send complaints to the Housing Authority, one to two business days after it was received by a tenant and also to the general counsel's office.
- DBI's outreach program has a Housing Rights Committee, and they work with individuals that live in Housing Authority properties and they do outreach to assist with making sure items are corrected. Sarah Short, the Director of the organization, was at the meeting but had to leave.

- Phillip Morgan is present from Bay Area Legal Aid and he addresses some of these issues also.
- At times DBI receives complaints from individuals that say they are contacting the Department to use staff's documentation for purposes of getting a Section 8 voucher or getting relocated to another location.
- Ms. Bosque said this has been a successful program and DBI has gotten quick responses from the Housing Authority, so she recommended that the program be continued.

Commissioner Walker thanked Ms. Bosque for her presentation and said it was good to get the spreadsheet with updated numbers and other information. Commissioner Walker said that as a tenant representative she hears from people in the community, and she thinks that the partnership DBI has with the Housing Authority works really well. Commissioner Walker stated it would be good to hear from the Housing Authority representative as to what their process is.

Ms. Barbara Smith's (Housing Authority representative) Discussion:

- Ms. Smith said that she was the Administrator of Modernization & Development, and the inspection MOU was new to her.
- Since 2007 some of the people on DBI's contact list are no longer with the Housing Authority, so she plans to update the contact information.
- When DBI receives a tenant complaint they would like to know right away and correct the situation, as maintaining and improving property is their highest priority.
- Some of the Housing Authority properties are between 50 and 70 years old, and they have \$24M of limited capital funding from H.U.D.
- The Housing Authority is totally dependent on H.U.D. funding, and this year they are getting \$10M for capital improvements which is less than half the funding received last year.
- Housing Authority has had similar operating budget cuts, and this fund pays for maintenance and property managers so they have had to cut staff by about 100 people.
- Goal is to maintain and improve Housing Authority properties, and they have been able to leverage outside funding so were successful with hope to rebuild 5 properties.
- They are starting an energy conservation program and doing about \$25M of energy upgrades to greatly reduce energy costs.
- \$20M used for the following: Boiler replacements, showers, lighting replacement, low flow toilets, new fixtures, and new equipment.
- Health, safety, and livability are high priorities and also improvements that maintain the integrity of the property such as: The exterior waterproofing and window replacement.
- All recent work done has an impact on their residents and they are improving the work order monitoring system as well.
- By September they hope to have a better integrated system that gives immediate information on 311 calls and calls that go directly to property managers which would reduce the number of calls that go to DBI.
- Housing Authority should be able to dispatch workers more efficiently than they are now, even though they are limited because there are fewer workers now.
- Area managers oversee about half a dozen properties each and they really help prioritize work orders between developments.

- Ms. Smith said the Housing Authority is happy to work with DBI and she's talked to Rosemary and James. They also work with the Bay Area Legal Aid and the Housing Rights Committee: Everyone is working together to give the best service to the residents.

Commissioner's & Staff Question & Answer Discussion:

- Commissioner Walker said it is impressive that the numbers reflect a good relationship: Does Housing Authority keep track of the number of complaints received like DBI does? Ms. Smith said right now they have complaints and work orders coming in on two different systems, but they are trying to integrate them: They get a lot of complaints daily.
- President McCarthy said it is great to see that the numbers reflect both departments working together which is not the norm these days.
- Vice-President Mar thanked staff for the report and said it is good to see how quickly the Housing Authority abates complaints. He asked since a lot of staff time is spent on these complaints how is DBI reimbursed. Ms. Bosque said HIS keeps track of the staff time spent, but they do not get money from the Housing Authority as they have resource issues.

Secretary Harris called for public comment and there was none.

6. Discussion and possible action regarding a proposed update to existing Administrative Bulletin AB-093, Implementation of Green Building Regulations, to incorporate the current San Francisco Green Building Regulations, other related local ordinances, and DBI procedures.

Mr. Barry Hooper of the S.F. Department of Environment gave a presentation on AB-093, Implementation of Green Building Regulations. Mr. Hooper addressed the following points:

- Mr. Hooper has been working in partnership with DBI and other agencies for the past 5 years to manage and implement the green building requirement that San Francisco has adopted.
- The Green Building Ordinance which was adopted in 2008 has been substantially amended in 2011 to reflect the adoption by the State of California, The California Green Building Standard Code, which sets lesser standards and S.F. had already adopted it on a state basis.
- The goal of AB-093 is to integrate the two into one so that an applicant would know what was exactly required of them in San Francisco.
- The changes between the interim bulletin and proposed bulletin are an adjustment of the process that will incorporate further updates made by the state to cal green. There are no changed/proposed modifications.
- Since this document is a summary of local requirements, they are also integrated into the state requirements in this update.
- Regarding the submittal process, the question that came up was making sure applicants know exactly what is required and that they are on a path to succeed. Green building requirements can affect any given part of the building, so it is essential if they are to achieve the intent of the ordinance which is to improve the performance of the building to provide a healthier environment for the occupant, and not to add to the cost of construction, they incorporate these ideas at the outset.

- Some applicants have requested some flexibility so after discussion between DBI, the Code Advisory Committee (CAC), and the Department of Environment a compromise was suggested that is reflected in this document: The compromise is that there would be a simplified submittal at the time of application.
- At the CAC meeting public members expressed concerns related to the uses of non-potable water and how it is regulated in S.F. Also how it relates to other ordinances administered by the Public Utilities Commission – It is not part of Chapter 13-C.
- Some stakeholders had concerns about AB-093 and there was a meeting and implementation issues were discussed.

Secretary Harris called for public comment on this item and there was none.

Commissioner Walker made a motion, seconded by Commissioner Melgar to approve Administrative Bulletin AB-093, Implementation of Green Building Regulations. The motion carried unanimously.

RESOLUTION NO. BIC 040-12

7. Discussion on outstanding notices of violation.

Deputy Director Sweeney said that this is meant to be an update on a previous discussion that took place two or three months ago regarding a large number of complaints and notices of violations that are in the system, and did not seem to be resolved. Mr. Sweeney said that he and other management staff looked at everything and there are probably about 11,000 – 12,000 outstanding Notices of Violation (NOVs), Orders of Abatement, and complaints and half belongs to Housing Inspection Services and half to Inspection Services. Mr. Sweeney discussed Inspection Services and addressed the following points:

- Inspection Services has about 6K cases and staff went after the “low hanging fruit” or the complaints since there were more of them, so staff was able to see a more dramatic change in numbers.
- Staff printed out active complaints and found a great many of them did get permits and finish the work or based on an NOV.
- As soon as customers knew DBI was looking into their property, they ran down and got permits. For example: If there was a May complaint, then they had building permits in June. Those permits got signed off and staff abated the complaint.
- Some complaints had no merit or were vague along with the data. For example: Customer heard noises in the basement or saw pickup trucks outside. A small number of these were abated, but the vast majority had permits against their property at or around the same date as the complaint.
- Research is still ongoing and staff is working on Noe Valley which is the busiest district, and after that will be Glenn Park/Bernal Heights which is also busy. They are all single-family homes and small apartment buildings, overwhelmingly wood frame.
- Another 200 cases should be added with Plumbing and Electrical: It is parallel and staff did not only look at complaints.
- There was also somebody working in the Code Enforcement Division that went into their old files and came across about 400 cases that should have been abated, and now are.

- Staff is working mostly on complaints and in the next few weeks will work on NOVs: They have all been identified but it will take a longer process as those on the Litigation Committee know, because DBI tries to work with people.
- In the past couple of months there has been a change and if Inspection Services is given another five or six months the numbers should be quite low.
- Staff will not be able to get all properties because there are in-law units and family members live there, and are not going to open the door. Also if there was an illegal kitchen remodel, people won't open the door if they know their kitchen is only two years old: Staff cannot get an inspection for that because they have not directly seen it.
- Above cases are a small number, but the number to keep in mind is there was 151K complaints and 66K NOVs from the same list, and there were 6K outstanding NOVs or complaints.
- Staff has completed 40% to 50% of the cases, and is working on getting the numbers down further.
- Probably 1,000 cases are still "in play" and staff is actively looking at them. Staff researched from 1999 to 2009, and a few from 2010.
- Around Thanksgiving DBI historically slows down, so staff should work on paring down the 2010 numbers.
- Chief of BID will be doing updates every three to four months asking staff what happened to the complaints – They should either be abated, an NOV issued, or an explanation given as to why they couldn't get in a property.
- There was discussion about getting inspection warrants to get in properties, but the problem is staff has to have concrete evidence or no judge will issue DBI a warrant.

Ms. Bosque discussed Housing Inspection Services and addressed the following points:

- Housing Inspection Services (HIS) has been researching NOVs since January, because they were facing a shortage of Housing Inspectors and needed to look at caseloads to figure out a way to maintain their performance standards.
- As a result, HIS slowed down the number of new routine inspections they were performing and focused on "no shows".
- Staff sent out packages and focused on that and found when dealing with a complaint generated system, and systematic enforcement which is required more cases are built up so periodically staff needs to do "deep exfoliation".
- Senior Staff and Ms. Bosque met every two to three weeks, looked at the numbers and created a system for the Inspectors to go through to try to abate cases.
- There was also a change in their system which shortened the time frames on heat violations.
- There are now 2 separate hearings for Housing Inspection Services and Code Enforcement, so staff can get double the amount of cases for the same amount of effort.
- Assessment of cost happens earlier in the process: Notices state as soon as the NOV goes out that is shortening the time frame to get compliance.
- Recently HIS re-worked the form used for City Attorney referrals, and this helps to shorten the staff time it takes to identify cases that must be referred.
- Not all cases, even if they have an open Order of Abatement, are appropriate to be referred to the City Attorney. As those on the Litigation Committee know, it depends on what violations are outstanding. For example, if a broken window remains to be fixed this won't

be referred but staff will use other Code Enforcement tools, such as assessment of costs, to get owners to comply.

- If owners do not comply they not only accrue an hourly rate, but are accruing more time too. There is an itemized bill going before the BOS next week, and those that have not paid will get put on their tax bill.
- HIS has also been focusing on property owners with multiple violations on multiple properties. Recently the BIC may have heard of the Blanding Case because of a press conference that was jointly held with Supervisor Cohen’s office and DBI where there was an egregious settlement between the City & County of San Francisco and Mr. Blanding, (A multiple property owner primarily in the Bayview). There was an \$800K settlement agreement before trial and re-filing the case. This case was referred to the City Attorney twice by James Sanbonmatsu who is the Housing Inspector that did a tremendous amount of work on this case: His experiences as a line inspector with Ms. Bosque “cracking the whip” helped get this case abated.
- James Sanbonmatsu, Housing Inspector, stated the Blanding case had 12 outstanding NOVs when he took over the Bayview Hunters Point district in 2009 including: Stairs, heat, and central alarm systems. As a field Housing Inspector, the subject of NOVs is important because an outstanding NOV means there is a person living every day with a substandard condition like lack of heat, water, ceiling damage, mold, wall damage, faulty sinks, bathtubs, showers, doors, windows, electrical receptacles lighting and stairs. It also means a responsible landlord is at a disadvantage because they are following the law while others are not. Getting these violations corrected is extremely difficult work, as some landlords put a tremendous amount of pressure, stress, and verbal abuse on the field inspectors simply for trying to get the violations corrected. In order to be successful, Housing Inspectors must have sufficient resources to get habitability violations corrected: When the resources are provided the San Francisco system has proven extremely efficient. Many of his colleagues agree that the issue of outstanding NOVs for habitability is important, and also one of the primary reasons why this Commission came to being. In the last six months, Chief Bosque has led a dramatic effort to sharply reduce the number of open NOVs in Housing Inspection Services.
- Ms. Bosque said that HIS has less than 2,000 open cases and there were 4,000.

Secretary Harris called for public comment.

Mr. Robert Davis said that he lived in the Bayview and had three examples of houses in his neighborhood. Mr. Davis showed pictures on the overhead projector and the first one was of 1748 Oakdale Street which has been on DBI’s radar since 1997: At that time there was a Task Force inspection and the division it was assigned to was HIS. The case was abated and went to Code Enforcement Services (CES), Building Inspection Division (BID), etc. and was actually a success story because the building had three permits pulled and now looks like the rural south. Mr. Davis stated in another year it will be a house and someone will be living there, and this is what he wants for the properties to be fixed: They are asking if they could use the power of the Commission to fix these properties. Mr. Davis questioned why HIS inspected a house that was abandoned, and under what circumstances would the Housing Inspection staff go out because it does not make sense as all of the abatements seem to be a waste. 2035 Oakdale was the second example and the first complaint was in 2000 and there was a second notice sent in 2005: Where was anybody in that five-year time frame between 2000-2005? Next the Inspector went out and found the address

was incorrect, and it was actually the house next door so he just abated the case: It was a different division, instead of BID it was CES. Mr. Davis said the third case was 1963 Oakdale and this house is next to another house surrounded by a fence and in May of 2012 the case was opened, inspected, and abated in the same day when there was a huge dog in the yard. Mr. Davis said part of the problem is when the cases are assigned there is no one looking back to see what the original complaints were, and the specialization of the Inspectors takes away from the power of the Department.

Commissioner's & Staff Question & Answer Discussion:

- Commissioner Walker said in the case of a single family house why did HIS go out there instead of BID for a vacant or abandoned house? Chief Bosque said it depends on the language in that complaint: If the complaint was a vacant building, at the time this case came in the building legislation may not have been in existence. HIS may go out to see if there is dilapidated conditions and staff would write it up separately according to the Housing Code. Staff would try to determine if the building is actually vacant as somebody may be occupying it: If the vacant building legislation was in effect staff would abate the HIS complaint and it would go to CES because they address that ordinance.
- Commissioner Lee asked how the cases are assigned when they come to DBI, and who decides if they go to Housing Inspection or Code Enforcement? Ms. Bosque said it depends on how the complaint comes in because sometimes people come in and go to different counters at DBI and file complaints – Once staff looks into the complaint tracking system then they can see the duplication. If complaints come through the internet they are assigned to a division and if it comes in to the general number staff will get more information from the complainant to determine which division to send them to.
- Mr. Sweeney said a large portion of the Housing Code is based on the Building Code and there is overlap – It really depends on the last phone number that is used. If the person calling is a tenant then they do not call BID, they call HIS since there is a comfort level to call Housing and say a house across the street needs paint or is in a blighted condition.
- Mr. Sweeney said blight for the 3rd floor is a new program, but vacant buildings are about 2 ½ years old. Things are improving in Bayview/Hunters Point and a lot of it is market driven. There is a lot of “flipping” of houses and that was not the case 3 or 4 years ago, so the shining light is that the market is correcting itself.
- Mr. Sweeney said there are a cluster of buildings on 3rd street owned by two elderly brothers that are vacant, and there are squatters living there and BID plans to issue an order of abatement. This is uncharted ground and will be the first time DBI issues an emergency order for blight: The owners will have so many days to fix it and then DBI is “on the hook” and has to do something about it. The last time DBI did this was for 23 Wood Street and the Department is still waiting to be paid, and this was 7 or 8 years ago and the cost was \$148K.
- Mr. Sweeney said the Commission should be prepared and this case is at the City Attorney for litigation, and they suggested the idea of an emergency order. Sending everything to the City Attorney is not the end all and sometimes creates more problems. Commissioners on the Litigation Committee know that there are cases that have been there for years with no results.
- Commissioner Melgar told Mr. Sweeney that she does not want it to be DBI's policy to have gentrification and flipping of properties to be the answer to blighted properties in impoverished areas – She does not think that is consistent with the City's values.

- Commissioner Melgar asked a strategy question: It is great DBI got the settlement with the landlord who had multiple properties and she commends the Department for being so dogged, but it makes her wonder if it is not a particular landlord but a geographic area. Does DBI have any kind of strategy to pursue it in terms of the geographic concentration of blighted or abandoned properties, and does this have a profound impact on the community and the folks who live there?
- Mr. Sweeney said the answer is yes and there are more blighted properties that have been sitting for years: It is not a system that DBI causes but staff sees where the permits are going. Most of the vacant buildings and blight is in the southeast portion of San Francisco, and the people who own the houses are usually elderly and on fixed incomes.
- Mr. Sweeney said the problems start with a roof leak and a new roof costs \$10K but they do not have it, so pretty soon there is mold, mildew, and dry rot and they abandon the house and go stay with their children or other relatives.
- Mr. Sweeney said in the Oakdale case where the fire occurred, the lady who owns the property was in a rest home, and it was for sale for 3 years but it took a long time to get her to agree to sell the building. By the time she went to sell it the building was in bad shape and it was the middle of the recession so there were no takers.
- Vice-President Mar said he understands sometimes the people who make complaints might be confused about where they should go and there is crossover based on the Codes and his understanding was previously supervisors used to oversee inspectors so they could track complaints, and it would not be so silo. A problem now is that 2 different inspectors go out on the same property, but HIS does not know there was a Building Code violation and the BID inspector does not know there is a Housing Code violation. He suggested having one manager oversee all complaints/NOVs.
- Commissioner Walker said she thought about having Code Enforcement deal with all the complaints that come in.
- Mr. Sweeney said if it is a Housing issue then that division deals with it, as they cover landlord/tenant issues and blight. Code Enforcement was moved to the 6th floor to help with communication, and there is much more emphasis on code enforcement now. Staff is moving forward and talking to each other which allows for better communication between different inspectors.
- Commissioner Walker asked when does CES get involved? Mr. Sweeney said if it is a Housing complaint then the inspector keeps it in that district and would cite the owner for a code violation and give them a reasonable amount of time to fix it. If not then the inspector takes it to a Code Enforcement hearing.
- Mr. Sweeney said at Inspection Services the question is simply did the person get a permit to do the work or not or is it a vacant building. The Inspector issues an NOV which is kept in-house and they have a lot more knowledge and it is only when the homeowner/contractor does not show any signs of working with DBI that the second NOV is issued.
- CES is doing three times the amount of hearings than they were six months ago.
- Vice-President Mar reiterated that he wanted to stop “siloeing” among staff. Mr. Sweeney said when DBI gets complaints, NOVs, or correction notices are written then there is a trail in the Complaint Tracking System (CTS). The CTS indicates if there is an existing case and what division has dealt with the property.

- Commissioner Lee said he sees some value of having one central person or group handling NOV's, as it might be beneficial and make things more efficient.
- Mr. Sweeney said this may be o.k. but what BID, EID, and PID does and what HIS does it would be quite a change because as a Building Inspector they do not really deal with tenants.
- Mr. Sweeney said there are different cultures between the floors because what the Inspectors are looking at is so different. Commissioner Walker asked if it would not just be a code enforcement issue period.
- Ms. Bosque said she believes Commissioner Walker was referring to a division called the Property Conservation Division (PCD) that existed in 1990, and then everything went to Code Enforcement. The problem was when cases were handed over to different divisions then they got to a certain part of the process and there was no consistency. The end result was DBI was sued by Randy Shaw because staff was taking too much time and the cases went through a long process without getting any results.
- Ms. Bosque said the new Commission and the Department decided the Housing Division would take its complaints from beginning to end and this has been very successful. What she is hearing is the Commission seems to be spinning around based on some statements by an individual that really dealt with vacant building legislation. Each division deals with different areas and this seems to work out well.
- Building Inspectors deal with contractors while Housing Inspectors deal with the collaborative, and landlord/tenant issues. Inspectors have different disciplines and a different set of skills.
- Acting Senior Inspector John Hinchion said the current system is working great and if the owner checks their status in the CTS and the case is in BID, EID, or PID they still have time, but once the case is referred to CES then they know they need to “get cracking” and do the work. If all cases go to CES then there is no incentive for owners to do repairs.
- President McCarthy said Deputy Director Sweeney has done a good job with working on the NOV's, and if staff keeps working with the system then things will continue to improve.

8. Discussion of attrition values for DBI compared to other departments.

Ms. Levin asked if this item could be continued as the analyst from the Mayor's Budget Office had to leave to attend a session with the Board of Supervisors. The Commission granted the continuance.

9. Director's Report.

a. Update on DBI's finances and new hires.

Ms. Levin gave an update on DBI's finances and new hires and addressed the following points:

- Fiscal year has ended but there are still charges that will occur throughout the next two months.
- Right now DBI is projecting a \$13.7M balance at the end of the fiscal year before any adjustments are made for deferred credits.
- There is \$10.8M in revenue and 126% of the budget was received for charges for service.
- There is a 55.5% increase in valuation year over year, so a lot of this revenue is due to large projects. There are quite a few large cranes across the City.

- In fiscal year 11/12 in terms of the expenses DBI is projecting an expenditure savings of \$2.9M, the majority of that is due to personal savings.
- Each month staff has been talking about the Department’s ability to hire positions and that this last fiscal year, DBI was constrained in that.
- In terms of hires, in the last month DBI hired 16 positions: 5 engineers, 8 clerks, 1 cashier, and various other positions. There will be 2 other engineers coming in August. Tomorrow there will be interviews for the 1408 clerk positions. Hopefully the test will be done and the Department will get referrals sometime in August.
- DBI will be hiring another 13 positions and entry level clerks. DBI is moving along and working well with the individual assigned to the Department to put together tests.
- DBI will be on track for September, October, November hiring for Building Inspectors. After that the last ones staff will be working on are the Housing Inspectors.
- DBI is trying to hire 53 positions before January 1st.
- Next month staff will give a presentation on the budget which is currently at the Board of Supervisors.

b. Update on proposed legislation.

Mr. Bill Strawn of Legislative and Public Affairs gave an update on proposed legislation highlighting the following items:

- Ordinance No. 120191 – Redefine Efficiency Units. Status is it is currently with City Planning. 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.
- Ordinance No.120299 – Extending restrictions of the Apartment Conversion Ordinance to business-sponsored short-term occupancies/enforcement by DBI. Status is Supervisor Chiu is working on revising some of the language. Proposed by Supervisor Chiu this ordinance amends Administrative Code, specifically Chapter 41A, in an effort to reduce abuses by corporate leases where rental units are provided for tourist uses of less than 30 days, instead of longer-term housing.
- Ordinance No. 120488 - Amending Environment Code to require project sponsor for any new construction or change of occupancy, as well as remodels with a “major plumbing alteration” to be defined, to provide bottle filling stations.

c. Update on Permit Tracking System.

Ms. Penny Venable, IS Project Director for DBI gave an update on the Permit Tracking System and said the current status is the project is on track and 40% complete. Ms Venable addressed the following points:

- Continued configuration of Accela Automation Core System (vendor)
- Began system configuration reviews and collaboration with teams to document feedback
- Began planning for the formation of the Accela Citizen Access (ACA) Committee
- Completed source data analysis and technical architecture for 2 complex system interfaces
- Continued interface analysis
- Completed list of DBI reports to prioritize for automation

- Began historical data conversion analysis

d. Update on other technology projects.

Ms. Penny Venable gave an update on other technology projects and discussed the following items:

- Automated 3R reports sent by email
- Tablets for Inspectors – There will be demonstrations
- Cash Management System
- Server Room consolidation

Additional Announcements:

Acting Director Hui said that he appointed Dan Lowrey as Acting Deputy Director of Inspection Services.

Acting Director Hui stated that he has reassigned Edward Sweeney to Acting Deputy Director of Plan Review Services.

Acting Deputy Director Lowrey mentioned that he was going to address the vacant building issue and planned to prioritize and list the buildings accordingly.

10. Commissioner's Questions and Matters.

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

There were no inquiries to staff.

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

Secretary Harris stated the date of the next meeting would be August 15, 2012.

11. Adjournment.

Commissioner Walker made a motion to adjourn, seconded by Vice-President Mar. The motion carried unanimously.

The meeting was adjourned at 1:11 p.m.

RESOLUTION NO. BIC 041-12

Respectfully submitted,

Sonya Harris
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Discussion of attrition values for DBI compared to other departments will be continued to the next meeting. – Levin	Page 15
Staff will give a budget presentation at next month's meeting. – Levin	Page 16