

*Regular Meeting of the  
Building Inspection Commission  
September 18, 2024*

*Agenda Item 4*



September 13, 2024

Building Inspection Commission  
49 South Van Ness Avenue  
San Francisco, CA 94103

Re: FILE NO. 240807 Housing Code – Operational Elevators

Honorable Members of the Commission:

The September 11, 2024 regular meeting of the full Code Advisory Committee (CAC) deliberated on the proposed change to 2022 San Francisco Housing Code Section 713 Elevators adding, "Buildings that have an existing elevator regardless of the height of the building, shall maintain at least one operable elevator for residential occupants' use."

After a discussion regarding the difficult in maintaining existing elevators and concerns regarding code enforcement compliance deadlines, the CAC voted unanimously to recommend the Building Inspection Commission approve the proposed ordinance as written.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas Fessler".

Thomas Fessler  
DBI Technical Services Division  
Secretary to the Code Advisory Committee

cc. Patrick O'Riordan, C.B.O. Director  
Christine Gasparac, Assistant Director  
Neville Pereira, Deputy Director  
Janey Chan, Manager  
Ned Finnie, AIA, Chair, Code Advisory Committee

Attach: Proposed Ordinance

1 [Housing Code - Operational Elevators]

2

3 **Ordinance amending the Housing Code to require R-1 and R-2 group buildings to**  
4 **maintain at least one existing elevator for residents' use; and affirming the Planning**  
5 **Department's determination under the California Environmental Quality Act.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

10

11 Be it ordained by the People of the City and County of San Francisco:

12

13 Section 1. Findings.

14 (a) The Planning Department has determined that the actions contemplated in this  
15 ordinance comply with the California Environmental Quality Act (California Public Resources  
16 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
17 Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board affirms this  
18 determination.

19 (b) On \_\_\_\_\_, the Building Inspection Commission considered this  
20 ordinance at a duly noticed public hearing pursuant to Charter Section 4.121 and Building  
21 Code Section 104A.2.11.1.1.

22 (c) No local findings are required under California Health and Safety Code  
23 Section 17958.7 because the amendments to the Building Code contained in this ordinance  
24 do not regulate materials or manner of construction or repair, and instead relate in their  
25 entirety to administrative procedures for implementing the code, which are expressly excluded

1 from the definition of a “building standard” by California Health and Safety Code  
2 Section 18909(c).

3  
4 Section 2. Chapter 7 of the Housing Code is hereby amended by revising Section 713,  
5 to read as follows:

6 **SEC. 713. ELEVATORS.**

7 In all R-1 and R-2 Occupancies:-

8 (a) Buildings with building heights exceeding 50 feet, which are required to have an  
9 operable elevator per the Fire Code, ~~said buildings~~ shall have at least one operating elevator  
10 for the residential occupants’ use.

11 (b) Buildings that have an existing elevator, regardless of the height of the building, shall  
12 maintain at least one operable elevator for residential occupants’ use.

~~13 (c) Notwithstanding subsections (a) and (b), the requirement to have an operable elevator for~~  
~~14 residential occupants’ use is suspended when there is no operable elevator in the Building that may be~~  
~~15 safely accessed and used by residential occupants because the Building or its elevator is actively~~  
~~16 undergoing repair, modification, or maintenance pursuant to a valid building permit, work plan~~  
~~17 approved by an entity with jurisdiction over the work in question, or contract with a certified elevator~~  
~~18 repair company for the prompt repair, modification, upgrades, or improvements to the elevator system~~  
~~19 beyond regular maintenance and servicing.~~

20  
21 Section 3. Effective Date. This ordinance shall become effective 30 days after  
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
24 of Supervisors overrides the Mayor’s veto of the ordinance.

1           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the “Note” that appears under  
6 the official title of the ordinance.

7  
8 APPROVED AS TO FORM:  
9 DAVID CHIU, City Attorney

10 By:           /s/ Robb Kapla            
          ROBB KAPLA  
          Deputy City Attorney

11 n:\legal\as2024\2400454\01775476.docx

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Building Inspection Commission**  
**September 18, 2024**

**Agenda Item #4 – File No. 240807**

**Ordinance amending the Housing Code to require R-1 and R-2 group buildings to maintain at least one existing elevator for residents' use; and affirming the Planning Department's determination under the California Environmental Quality Act.**

**Background & Jurisdiction**

While elevators are permitted and certified by the State of California Division of Occupational Safety and Health (Cal/OSHA), state and city law impose numerous requirements on those elevators. Although these requirements are typically associated with the Fire Code, the use of elevators as an egress and life safety tool appear in the Building Code, as well as in the Housing Code when used to advance habitability and accessibility. Given this, the imposition of some of these requirements, as well as the general presence, maintenance and functionality of elevators is, in some instances, governed by DBI.

**Existing Law**

DBI currently enforces Section 713 of the San Francisco Housing Code, which specifies that in R-1 and R-2 buildings exceeding 50 feet in height – the buildings required to have an elevator under the SF Fire Code – owners must maintain an operable elevator for residential occupants' use.

R-1 occupancies contain sleeping units where the occupants are primarily transient in nature, including:

- Boarding houses (transient) with more than 10 occupants
- Congregate residences (transient) with more than 10 occupants
- Hotels (transient)
- Motels (transient)

R-2 occupancies contain sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
  - o Large family child care
  - o Small family child care
- Congregate residences (nontransient) with more than 16 occupants
- Boarding houses (nontransient)
- Convents
- Dormitories
- Fraternities and sororities

- Monasteries
- Hotels (nontransient)
- Live/work units
- Motels (nontransient)
- Vacation timeshare properties

### **Ordinance's Proposed Changes to Existing Law**

File No. 240807 seeks to amend current law by expanding Section 713 to include the following two provisions:

- **Sec. 713 (b)** - Regardless of height, if an R-1 or R-2 building has an existing elevator, that elevator must be maintained for residential occupants' use.
- **Sec. 713 (c)** - If an R-1 or R-2 building is subject to the requirement to maintain an elevator, that requirement will be suspended if the elevator is currently undergoing repair, modification or maintenance pursuant to a valid building permit, approved work plan, or contract with a certified elevator repair company

### **Department's Proposed Amendments**

The Department is recommending striking Sec. 713(c). While this provision is designed to provide time for repairs without subjecting building owners to notices of violation or other enforcement, DBI's code enforcement process already includes such a period to correct.

Under current practices, if an NOV were to be issued for noncompliance of this section, the NOV would include a timeline to correct the violations. If an NOV is not corrected by the assigned timeline, but the property owner shows good faith efforts to rectify the violation, the enforcement process typically does not escalate and additional time is provided. However, if Sec. 713(c) were to be implemented, DBI may not be able to properly pursue code enforcement and escalate the process when necessary. Under the current language, if an NOV for an inoperable elevator is issued and the owner pulls a permit to repair the elevator, but makes no other effort to perform and complete the work, DBI would be hampered in its ability to escalate the NOV through the code enforcement process. As long as the owner maintains an active permit, the requirement for an operable elevator is functionally suspended. This type of suspension of an owner's duty to comply with habitability requirements is not seen elsewhere in the SF Housing Code. As such, the Department recommends removing (c), applying the typical enforcement practices to the new requirements imposed by (b).

### **Code Advisory Committee Recommendation**

The Code Advisory Committee met on September 11, 2024 and unanimously recommended approval of the ordinance with the Department's suggested amendments.

# File No. 240807 – Operational Elevators

Tate Hanna, Legislative Affairs Manager

September 18, 2024



# Existing Law

Elevators are permitted and certified by the California Division of Occupational Safety and Health (Cal/OSHA).

DBI and SFFD impose requirements on Cal/OSHA certified elevators in specified circumstances as a life safety, habitability, and accessibility tool.

DBI currently enforces Section 713 of the San Francisco Housing Code, which requires R-1 and R-2 buildings over 50 feet in height to maintain an elevator for residential occupants' usage.

# Proposed Ordinance

File No. 240807 would expand the current requirement regarding operational elevators to apply to all R-1 and R-2 buildings, regardless of height, if the building has an existing elevator.

Additionally, the ordinance would suspend the requirement that an elevator be operational if there is a valid building permit, approved work plan, or contract with a certified elevator repair company to repair, modify or maintain the building's elevator.

# Suggested Amendments

The Department recommends approval of the ordinance with the recommendation to remove the provision suspending the requirement for an operational elevator if a building permit, work plan, or contract with an elevator repair company is present.

While this provision is designed to provide building owners time for repairs, DBI's code enforcement process already includes that time as part of the process.

# CAC Recommended Action

The Code Advisory Committee met on September 11, 2024 and unanimously recommended approval of the ordinance, with the Department's suggested amendments.



**THANK YOU**