



2006 Neighborhood Sanitation and Housing Habitability Ordinance

Frequently Asked Questions

Q.) What Is the Health Department's Role in Ensuring Healthy and Safe Housing Conditions for Residents?

The San Francisco Health Code requires property owners to maintain their property free of public health nuisances such as mold, garbage, insect pests, and rodents and toxic hazards such as lead and asbestos. San Francisco Department of Public Health (SFPDH) has several programs that enforce these requirements: **SFPDH Code Enforcement Program** enforces these requirements in all housing and outdoor areas citywide. SFPDH response generally follows a complaint from a member of the public but the program also does pro-active focused inspections where needed. In addition to citywide complaint response, the **SFPDH Residential Hotels and Shelters Program** inspects city-operated Single Resident Occupancy Hotels (SROs) and Shelters, hotels operated by nonprofit organizations on contract with Human Services Agency, and selected family SROs, at least annually. The **Asbestos Program** investigates concerns about unsafe asbestos removal during building demolition or remodeling and **Children's Environmental Health Promotion** identifies and orders of correction of lead hazards.

Q.) Why is the Health Department proposing changes to the Health Code?

The Department of Public Health is working towards a more comprehensive and proactive approach towards protecting the health and safety of housing occupants as well as controlling rodent, mosquito and insect- related diseases (disease vectors) in neighborhoods. These proposed amendments will provide the Department the ability to require structural barriers to rodent, mosquito, and other pest entry, to reduce environmental tobacco smoke in residential common areas, and to reduce environmental noise within buildings.

Q.) Are these environmental health issues common in San Francisco?

Health code violations for rodents, mold, and mosquitoes are common in San Francisco. SFPDH responds to over 4,000 such complaints from the public every year. When SFPDH identifies and issues a Notice of Violation to fix a nuisance condition, the Department generally has rapid success in achieving compliance. However, problems such as rodent infestations and poor sanitation recur frequently because of poor building maintenance, structural problems like poor ventilation and gaps in walls allow pests to re-enter, and unsanitary tenant behaviors all may contribute to repeat violations. In some settings multiple issues are present.

Q.) How can we prevent repetitive Code Violations?

The proposed ordinance will result in new structural repair requirements to prevent certain nuisances as well as new enforcement tools and training requirements, to support more accountable building maintenance practices. These changes should help reduce recurrent violations.

Q.) What changes are proposed to the San Francisco Health Code?

Disease Vectors

- **Now:** Article 11 does not provide specific neighborhood sanitation and housing habitability requirements for maintaining buildings free of vermin and insect disease vectors.
- **Change:** Section 582 would provide specific requirements to ensure that responsible parties maintain their properties free of vermin (e.g. rodents), insect disease vectors (e.g. mosquitoes carrying West Nile Virus), and noxious arthropods (e.g. bedbugs) by providing structural barriers to rodent and vermin entry and attention to waste management.

Smoking

- **Now:** Smoking in the common areas of multiple unit residential facilities is not defined as a nuisance.
- **Change:** Amendments would define smoking in common areas as a health nuisance and Section 583 would be added to prohibit smoking in the common areas of multiple unit residential facilities and to require that anyone smoking in a room adjacent to a common area keep the door to the common area closed.

Noise

- **Now:** There is no limitation on the hours during which garbage may be transferred from the upper floors of multi-story residential facilities to ground level or below ground level garbage collection rooms, designated garbage areas or the sidewalk.
- **Change:** Section 295 would be added to require that in multi-story multiple dwellings, all refuse must be collected from ground level or below ground level garbage collection rooms, designated garbage areas, or from the sidewalk. Though refuse may be temporarily stored in approved containers in dedicated garbage collection rooms on upper floors, refuse must be transferred to ground level areas or outdoors before collection but not between the hours of 11 p.m. and 7 a.m.

Health Code Training

- **Now:** The Director currently does not have authority to require managers or owners of property or other responsible parties to attend health code enforcement training sessions.
- **Change:** Section 584 would allow the Department to require managers or owners of property or other responsible parties with any history of violations of the Article to attend a DPH-approved code enforcement training session.

Penalties and Cost Recovery

- **Now:** The Health Code provides for limited recovery of enforcement costs. For example, the code does not authorize collection of attorneys' fees for enforcement actions nor does not provide for penalties that can be collected through a civil action in court.
- **Change:** Section 596(f) would authorize recovery of all inspection fees and costs to cover the Department's costs incurred to verify the abatement of a nuisance. Section 596(h) would provide that the Director may seek to recover attorneys' fees. Section 600 would be changed to authorize civil penalties in the amount of \$500 per violation for each day such violation is committed or permitted to continue. This would ensure consistency with the Housing Code. Section 609 would increase fees for inspections to compensate the Department for its costs in documenting and securing corrections of health code violations.

Other Changes

- The ordinance makes several other minor changes for consistency and clarity. These can be reviewed in the proposed ordinance or legislative digest.

Q.) Do other cities have regulatory requirements similar to those proposed above?

Most cities have comprehensive requirements for safety and habitability of housing, enforced either by health departments, housing inspection divisions, or code enforcement divisions? Many of the changes being proposed above, such as requirements for pest and rodent exclusion, are already implemented by many large cities. In other cases, such as environmental tobacco exposure, San Francisco has taken a leadership role nationally.

Q.) Which Other Public Agencies are involved in ensuring Housing Safety and Sanitation?

The Department of Building Inspection's (DBI) Housing Inspection Services Program inspects multi-unit residential buildings routinely to ensure compliance with the city's Housing Code, which shares several requirements for health, sanitation, and safety with the Health Code. In addition, U.S. Housing and Urban Development inspectors periodically inspect federally subsidized units and San Francisco Housing Authority properties.

Q.) What else is the City doing to improve the safety and habitability of housing?

Several other ideas might support housing habitability. SFDPH and DBI are currently in discussion around ways to best coordinate their shared responsibilities for housing safety. Community organizations have also raised the need for standards for common kitchen and bathroom facilities. SFDPH and DBI both welcome the public's ideas and participation in an ongoing dialogue on housing safety.

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