

## ATTACHMENT A

### ATTACHMENT TO CODE ADVISORY COMMITTEE ITEM x.0 (for April 12, 2023)

The existing Housing Inspection Administrative Code Section 713. Elevators. is written in such a way that it allows, possibly even encourages, the abandonment of existing elevators in R-1 and R-2 Occupancies that are 50 feet or less, thus rendering **previously accessible buildings inaccessible**. This Section, as written, is contradictory with established accessibility thresholds for elevators in buildings  $\geq 3$  stories (or  $\geq 3,000\text{sf}$ ) required to be elevator accessible. (It is also grossly inconsistent with San Francisco's ubiquitous 40 foot height limit).

#### Existing

##### SAN FRANCISCO HOUSING CODE

##### SEC. 713. ELEVATORS.

In all R-1 and R-2 Occupancies, with building heights exceeding 50 feet, which are required to have an operable elevator per the [Fire Code](#), said buildings shall have at least one operating elevator for the residential occupants use.

#### Proposed revision to

##### SAN FRANCISCO HOUSING CODE

##### SEC. 713. ELEVATORS.

In all R-1 and R-2 Occupancies ~~with building heights exceeding 50 feet,~~ *in existing elevator buildings three stories or greater*, which are required to have an operable elevator per the [Fire Code](#), said buildings shall have at least one operating elevator *maintained* for the residential occupants use.

#### Background:

Complaint: This Item and Attachment are submitted by James Heron Architect, and are based on personal experience. Mr. Heron and his wife rent an apartment in a 4-story privately-owned 12-unit elevator building at 2960 Polk Street (Mr Heron has a physical disability resulting from a childhood injury). Two years ago, the Building Owners began a **voluntary** elevator “modernization” project. The work began with a reputable contractor (KONE), but after several months, the work stopped and the Owners informed the Tenants that

*“it would present an undue financial burden to restore the elevator to working order”.*

Order of Abatement: Mr. Heron filed a complaint with Housing Inspection Services, a Notice of Violation was issued, and the subsequent Director's Hearing resulted in a formal “Order of Abatement” to repair the elevator. The Owner's lawyers, however, successfully appealed the Order of Abatement, invoking Section 713. 50-foot loophole.

**Context:**

In San Francisco, Elevator Buildings less than 50 feet are not unusual, particularly for larger apartment buildings on corner lots - fronting on two streets, a generally larger footprint, combining multiple parcels. (This is the case with the building at 2960 Polk.)

