**Housing Code Subcommittee**

**April 10, 2023**

**Item #**

**Issue for discussion only (legislation has not been formally introduced by any member of the Board of Supervisors or DBI):**

The existing Housing Inspection Administrative Code Section 713 is written in such a way that may allow 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 elevations in buildings greater than or equal to 3 stories required to be elevator accessible.

**Existing Code:** 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 Code:** 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:**

This proposed change was submitted by architect James Heron, based on his 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, 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.

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.