

## **ATTACHMENT A**

### **ATTACHMENT TO CODE ADVISORY COMMITTEE (CAC) ITEM (for May 10, 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, not only conflicts with current minimum accessibility thresholds, it is also inconsistent with the City Fire Code, which requires elevator maintenance without regard to building heights. (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 existing elevators, 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 ***maintained*** for the residential occupants use.

### **Background:**

Complaint: This Item and Attachment were 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.)

