

***Regular Meeting of the
Building Inspection Commission
August 20, 2025***

Agenda Item 8



August 13, 2025

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

Re: Building Code - Affordable Housing Projects Administrative Fee Deferral

Honorable Members of the Commission:

On August 13, 2025, the full Code Advisory Committee (CAC) met to consider adoption of File No. 250810, which would defer the Department of Building Inspection fees for Affordable Housing Projects. After a review and discussion of the proposed changes, the CAC voted to unanimously to make a recommendation to the Building Inspection Commission to approve File No. 250810 as written.

Respectfully submitted,

Thomas Fessler
DBI Technical Services
Secretary to the Code Advisory Committee

cc. Patrick O'Riordan, C.B.O. Director
David Kane, Deputy Director
Mary Wilkinson-Church, Permit Services Manager
Christine Gasparac, Assistant Director
Tate Hanna, Legislative Affairs Manager
J. Edgar Fennie, Chair, Code Advisory Committee

Attach: File No. 250810

[Building Code - Affordable Housing Projects Administrative Fee Deferral]

Ordinance amending the Building Code to allow affordable housing projects and certain other projects to defer payment of certain administrative fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

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

Section 1. General Findings.

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

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

(c) No local findings are required under California Health and Safety Code Section 17958.7 because the amendments to the Building Code contained in this ordinance do not regulate materials or manner of construction or repair, and instead relate in their 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 Section
2 18909(c).

3
4 Section 2. Chapter 1A of the Building Code, Section 107A, is hereby amended by
5 adding Section 107A.16 to read as follows:

6 **107A.16 Affordable Housing Administrative Fee Deferral Program.**

7 **107A.16.1 Deferral Options.** *Any Affordable Housing Project or project subject to Section*
8 *107A.17 may defer payment of the fees required by Sections 107A.2, 107A.3, 107A.3.1, and 107A.3.4*
9 *(“Administrative Fees”) as set forth in this Section 107A.16. These options to defer payment may be*
10 *exercised by submitting a deferral request to the Department on a form provided by the Department.*

11 **107A.16.2 Building Permits for New Construction.** *For a building permit related to a new*
12 *Affordable Housing Project or a project subject to Section 107A.17, an initial Administrative Fee*
13 *payment of \$35,000 shall be paid at the time of filing an application for a building permit, and any*
14 *additional Administrative Fees shall be paid no later than the date of building permit issuance. A*
15 *deferral request shall be submitted at the time of filing an application for a building permit.*

16 **107A.16.3 Building Permits for Rehabilitation or Tenant Improvements.** *For a building*
17 *permit related to rehabilitation or tenant improvements on an Affordable Housing Project or a project*
18 *subject to Section 107A.17, Administrative Fees shall be paid no later than the date of building permit*
19 *issuance. A deferral request shall be submitted at the time of filing an application for a building permit.*

20 **107A.16.4 Site Permits.** *For a site permit related to a new Affordable Housing Project or a*
21 *project subject to Section 107A.17, Administrative Fees shall be paid no later than the date of issuance*
22 *of the First Construction Document. A deferral request shall be submitted at the time of filing an*
23 *application for a building permit.*

24 **107A.16.5 Definitions.** *For the purposes of this Section 107A.4A, the following definitions*
25 *apply:*

1 (1) First Construction Document shall have the meaning set forth in Section 107A.13.1.

2 (2) Affordable Housing Project means a multi-family residential building, including any
3 ancillary commercial space, where more than 50% of the gross floor area is for residential use and
4 100% of the dwelling units, not including any manager's unit(s), are or will be regulated by a
5 government agency and subject to a recorded regulatory restriction to ensure income eligibility and
6 affordability based on income or provide permanent housing for homeless or formerly homeless
7 persons.

8 **107A.17 Previously Granted Administrative Fee Deferral Program.** The deferral options set
9 forth in Section 107A.16 shall also be available to any project for which the Building Official has
10 granted a deferral of Administrative Fees prior to the Effective Date of the ordinance in Board of
11 Supervisors File No. 250810.

12
13 Section 3. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

17
18 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
22 additions, and Board amendment deletions in accordance with the "Note" that appears under
23 the official title of the ordinance.

24
25 APPROVED AS TO FORM:

1 DAVID CHIU, City Attorney

2 By: /s/ Peter R. Miljanich
3 PETER MILJANICH
Deputy City Attorney

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File No. 250810 – Affordable Housing Fee Deferral

Department of Building Inspection
August 20, 2025

Existing Law

Currently, the San Francisco Building Code establishes a requirement to collect fees for various services provided by the Department.


Although ample leeway is provided to the Building Official throughout the code, no section explicitly provides authorization to defer fees outside of existing deferral programs established by ordinance.

Existing Practices

Over the past few years, the Department has, by request of the Mayor's Office of Housing and Community Development, occasionally deferred fees for 100% affordable projects on a case-by-case basis.

This involves the Director reviewing the request and providing a letter of authorization for the deferral.

Mayor's Office of Housing and Community Development
City and County of San Francisco



Daniel Lurie
Mayor

Daniel Adams
Director

March 5, 2025

Mr. Patrick O'Riordan
Director, Department of Building Inspection City and County of San Francisco
49 South Van Ness Avenue, Suite 500
San Francisco, CA 94103

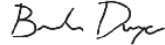
RE: Request for Permit Fee Deferral: 2970 16th Street San Francisco CA 94103 Block 3553 / 052

Dear Director O'Riordan:

On behalf of the Mayor's Office of Housing and Community Development, I would like to request approval of fee deferral for the above described properties which represent an 100% affordable housing project of a total of 136 units of 100% Affordable Housing for the formerly unhouse which will be developed by Mission Housing Development Corporation, a 501(c)(3) nonprofit. Payment of fees will be made upon issuance of the first addenda.

If this request meets with your approval, please sign below and return to my attention. If you have questions or need anything further regarding this request, please feel free to contact me at brendan.dwyer@sfgov.org. Thank you in advance for your assistance.

Sincerely,



Brendan Dwyer
Director of Construction Services
Mayor's Office of Housing and Community Development

Department of Building Inspection Approval to defer fees as requested:	
Patrick O'Riordan Director, Department of Building Inspection	Date

1 South Van Ness Avenue - Fifth Floor, San Francisco, CA 94103
www.sfmohcd.org

Proposed Ordinance

File No. 250810 seeks to codify the ability for fee deferral for **100% affordable housing projects**, removing the need for individual letters for each application.

Under the proposed ordinance, there will be a required payment of **\$35,000 at time of application**. This upfront payment will allow for some cost recovery for the Department for services provided if the project is abandoned.

Proposed Ordinance

Eligible projects include:

- Multi-family residential buildings, including ancillary commercial space, so long as more than 50% of the gross floor area is for residential use
- 100% of the dwelling units, aside from manager's units, are or will be regulated by a government agency and subject to requirements to ensure income eligibility or provide permanent housing for homeless or formerly homeless individuals

CAC Recommendation

The Administrative and General Design and Disability Access Subcommittee and the Code Advisory Committee reviewed the ordinance on August 13, 2025 and **both unanimously recommended approval.**

The Department recommends approval and has no proposed amendments.



THANK YOU