

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

May 22, 2020

The Honorable Scott Wiener  
California State Senator  
California State Capitol, Room 5100  
Sacramento, CA 95814-4900

Re: Board of Supervisors Resolution No. 153-20

Dear Senator Wiener:


On April 7, 2020, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 153-20 (Supporting COVID-19 Orders for Business Interruption As Necessary Due to Physical Property Loss or Damage), which was enacted on April 17, 2020.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One certified copy of Resolution No. 153-20 (File No. 200346)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org).

Sincerely,

  
Angela Calvillo  
Clerk of the Board

- c. Members of the Board of Supervisors, Supervisors Gordon Mar, Hillary Ronen, Shamann Walton, Dean Preston, Sandra Lee Fewer, Norman Yee, Ahsha Safai, Rafael Mandelman, Matt Haney, Catherine Stefani, Aaron Peskin  
Sophia Kittler, Mayor's Liaison to the Board of Supervisors  
Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs  
Andres Power, Mayor's Policy Director  
Rebecca Peacock, Mayor's Office

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May 22, 2020

The Honorable David Chiu  
California State Assembly Member  
California State Capitol, Room 4112  
P.O. Box 942849  
Sacramento, CA 94249-0017

Re: Board of Supervisors Resolution No. 153-20

Dear Assembly Member Chiu:

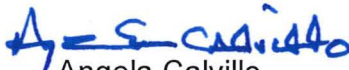
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May 22, 2020

The Honorable Phil Ting  
California State Assembly Member  
California State Capitol, Room 6026  
P.O. Box 942849  
Sacramento, CA 94249-0019

Re: Board of Supervisors Resolution No. 153-20

Dear Assembly Member Ting:


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May 22, 2020

Commissioner Ricardo Lara  
California Department of Insurance  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 153-20

Dear Commissioner Lara:

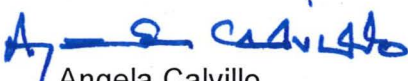
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May 22, 2020

Mr. Paul Yoder  
Ms. Karen Lange  
Ms. Erica Smith  
Shaw/Yoder/Antwih, Inc.  
1415 L Street, Suite 1000  
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 153-20

Dear Mr. Yoder, Ms. Lange, Ms. Smith:


On April 7, 2020, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 153-20 (Supporting COVID-19 Orders for Business Interruption As Necessary Due to Physical Property Loss or Damage), which was enacted on April 17, 2020.

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City and County of San Francisco

City Hall  
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Certified Copy

Resolution

200346

[ Supporting COVID-19 Orders for Business Interruption As Necessary Due to Physical Property Loss or Damage ]

**Sponsors:** Mar; Ronen, Walton, Preston, Fewer, Yee, Safai, Mandelman, Haney, Stefani and Peskin

Resolution supporting the COVID-19 orders by civil authority interrupting and prohibiting access to businesses as necessary, due to physical property loss or damage; and urging the California Insurance Commissioner to consider it a material misrepresentation to deny in any public filing that the Coronavirus does not have the propensity to cause property loss or damage.

4/7/2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

4/17/2020 Mayor - RETURNED UNSIGNED

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO


CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

May 22, 2020

Date

  
Angela Calvillo

Clerk of the Board

1 [Supporting COVID-19 Orders for Business Interruption As Necessary Due to Physical  
2 Property Loss or Damage]

3 **Resolution supporting the COVID-19 orders by civil authority interrupting and**  
4 **prohibiting access to businesses as necessary, due to physical property loss or**  
5 **damage; and urging the California Insurance Commissioner to consider it a material**  
6 **misrepresentation to deny in any public filing that the Coronavirus does not have the**  
7 **propensity to cause property loss or damage.**

8  
9 WHEREAS, On February 25, 2020, San Francisco Mayor London N. Breed, under her  
10 civil authority, issued a Proclamation Declaring the Existence of a Local Emergency,  
11 establishing the existence of an emergency within the City and County of San Francisco due  
12 to the ongoing spread of a novel coronavirus, referred to as Coronavirus Disease 2019 or  
13 "COVID-19"; and

14 WHEREAS, On March 6, 2020, the City and County of San Francisco Health Officer  
15 ("Health Officer") under his civil authority declared a Local Health Emergency based on the  
16 scientific literature, facts, and circumstances described in documents on file with the Clerk of  
17 the Board of Supervisors in File No. 200265, finding an imminent and proximate threat to  
18 public health from the introduction of Coronavirus in the City and County of San Francisco;  
19 and

20 WHEREAS, On March 16, 2020, the Health Officer under his civil authority issued a  
21 Public Health Order, requiring all San Francisco residents to shelter in place to slow the  
22 spread of the novel Coronavirus in the community, and requiring all businesses to cease  
23 operations, except for those deemed essential businesses; and

1           WHEREAS, On March 31, 2020, the Health Officer under his civil authority issued a  
2 Public Health Order, extending and expanding sheltering in place, further limiting essential  
3 business activities, and further ceasing non-essential business operations; and

4           WHEREAS, The need for current and future business interruption and restrictions that  
5 were placed upon businesses is in response to the risk of the rapid spread of the Coronavirus  
6 due to its propensity to spread between people via inanimate surfaces, contaminated hands,  
7 and respiratory droplets; and

8           WHEREAS, A March 2020 study by Kampf, et. al, Persistence of Coronaviruses on  
9 Inanimate Surfaces, in The Journal of Hospital Inspection states that coronaviruses can  
10 persist on inanimate surfaces like metal, glass or plastic for up to nine days; and

11           WHEREAS, The Center for Disease Control in its study of the Diamond Princess  
12 Cruise ship reported that the novel Coronavirus was identified on a variety of surfaces in  
13 cabins up to 17 days after cabins were vacated; and

14           WHEREAS, Business entities--including many small businesses and restaurants--have  
15 business interruption insurance that protect them from direct physical loss or damage, or  
16 closure due to a civil authority; now, therefore, be it

17           RESOLVED, That the Board of Supervisors supports the orders by civil authority  
18 interrupting businesses and prohibiting access to businesses because they are necessary to  
19 protect the public from the Coronavirus, its propensity to spread from person to person, and  
20 the physical property loss or damage due to its proclivity to adhere to surfaces for prolonged  
21 periods of time; and, be it

22           FURTHER RESOLVED, That the Board of Supervisors declares the proclivity of the  
23 virus to adhere to the surfaces of property for prolonged periods of time, physically causing  
24 property loss or damage, to be an extreme danger to the public; and, be it

25



1           FURTHER RESOLVED, That the Board of Supervisors urges the California Insurance  
2 Commissioner to consider it a material misrepresentation for any entity or business  
3 transacting business in the State, including domestic and foreign insurers, to deny in any  
4 public filing that the Coronavirus does not have the propensity to cause property loss or  
5 damage by adhering to the surfaces of property, which causes an extreme danger to the  
6 public; and, be it

7           FURTHER RESOLVED, That the Board of Supervisors urges the California Insurance  
8 Commissioner to consider it a material and dangerous misrepresentation for any insurer to  
9 claim that the Coronavirus has not caused property loss or damage in the San Francisco area  
10 as a means to deny civil authority coverage under any policy of insurance; and, be it

11           FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
12 Francisco directs the Clerk of the Board to transmit copies of this Resolution to Insurance  
13 Commissioner Ricardo Lara and the California Department of Insurance, the State  
14 Legislature, and the City Lobbyist upon passage with a request to take all action necessary to  
15 achieve the objectives of this Resolution.



City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 200346

Date Passed: April 07, 2020

Resolution supporting the COVID-19 orders by civil authority interrupting and prohibiting access to businesses as necessary, due to physical property loss or damage; and urging the California Insurance Commissioner to consider it a material misrepresentation to deny in any public filing that the Coronavirus does not have the propensity to cause property loss or damage.

April 07, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200346

I hereby certify that the foregoing Resolution was ADOPTED on 4/7/2020 by the Board of Supervisors of the City and County of San Francisco.

[Handwritten signature of Angela Calvillo]

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

04/17/2020

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

[Handwritten signature of Angela Calvillo]

Angela Calvillo
Clerk of the Board

04/17/2020

Date