

File No. 220353

Committee Item No. _____
Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date April 12, 2022

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
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OTHER (Use back side if additional space is needed)

- California State Assembly Bill No. 2549
- California State Assembly Bill No. 2448
- California State Senate Bill No. 1161
- CSAC and LCC Position Tracking

Completed by: Brittney Harrell
Completed by: _____

Date April 7, 2022
Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Supporting Stop Asian American Pacific Islander Hate’s No Place for Hate California
2 Legislative Package]

3 **Resolution urging the California State Legislature and Governor to support Stop Asian**
4 **American Pacific Islander Hate’s No Place for Hate California legislative package to**
5 **address street harassment from a public health and civil rights framework, including**
6 **California State Assembly Bill No. 2549, introduced by Assembly Members Mia Bonta,**
7 **Al Muratsuchi, and Akilah Weber to prevent street harassment, and its corresponding**
8 **budget request; California State Senate Bill No. 1161, introduced by Senator Dave Min**
9 **to prevent street harassment on public transit, and its corresponding budget request;**
10 **and California State Assembly Bill No. 2448, introduced by Assembly Member Phil Ting**
11 **to prevent harassment in private businesses.**

12
13 WHEREAS, Street harassment is unwanted words, gestures, or actions that are forced
14 on a stranger in a public place because of their real or perceived identity, which can include
15 racialized or sexualized slurs; and

16 WHEREAS, Existing California laws are ill-equipped to prevent and address street
17 harassment because most laws are under the penal code, despite street harassment
18 necessitating a public health and civil rights response, and require a known person committing
19 the act, despite most street harassment being transitory and taking place between strangers;
20 and

21 WHEREAS, Women, the LGBQ & TGI communities, people of color, people with
22 disabilities, the young and the elderly, and all people deserve to feel safe and move about
23 freely without becoming targets of hate and harassment; and

1 WHEREAS, Nearly 11,000 Asian American and Pacific Islanders (AAPI) across the
2 country reported hate incidents to Stop AAPI Hate between March 2020 and December 2021,
3 including more than 4,100 reports in California and 905 reports in San Francisco; and

4 WHEREAS, 63% of hate incidents reported to Stop AAPI Hate described verbal
5 harassment and nearly three-quarters (74.5%) of hate incidents occurred in places open to
6 the public, such as public streets, public transit, and businesses open to the public; and

7 WHEREAS, 23.1% of non-binary AAPI people and 19.1% of AAPI women that reported
8 hate incidents to Stop AAPI Hate identified gender as one of the reasons they experienced
9 the reported discrimination; and

10 WHEREAS, Street harassment is not just an AAPI issue, and all women – particularly
11 Black women, Indigenous women, and women of color -LGBQ & TGI people, people with
12 disabilities, unhoused people, the young and the elderly, and people of color experience street
13 harassment, which carries the threat of and occasionally escalates into violence; now,
14 therefore, be it

15 RESOLVED, That the Board of Supervisors supports Stop AAPI Hate’s No Place for
16 Hate California campaign in urging the Legislature and Governor to support California State
17 Assembly Bill No. 2549 (Bonta, Muratsuchi, Weber) and its corresponding budget request,
18 California State Senate Bill No. 1161 (Min) and its corresponding budget request, and
19 California State Assembly Bill No. 2448 (Ting).

20 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
21 the Clerk of the Board of Supervisors to transmit a copy of the resolution to California State
22 Senator Scott Wiener and California State Assembly Member Phil Ting.

ASSEMBLY BILL

No. 2549

**Introduced by Assembly Members Mia Bonta, Muratsuchi, and
Akilah Weber
(Coauthor: Assembly Member Lee)**

February 17, 2022

An act to add Division 121 (commencing with Section 152000) to the Health and Safety Code, relating to harassment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as introduced, Mia Bonta. Street harassment prevention.

Existing law requires the State Department of Public Health, through its Office of Health Equity, to perform strategic planning relating to gaps in health status and access to care among the state's diverse racial and ethnic communities, women, persons with disabilities, and the lesbian, gay, bisexual, transgender, queer, and questioning communities. Existing law requires the office to report to the Legislature on its activities on multicultural health.

Existing law makes it unlawful to, by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in whole or in part because of one or more of certain actual or perceived characteristics of the victim, as specified. Existing law also sets forth various criminal or civil penalties for different offenses involving certain forms of harassment.

This bill would require the department to conduct research and a 5-year, statewide, public campaign to raise awareness and understanding of street harassment as a public health problem in the state with the purpose of preventing its occurrence. The bill would define "street harassment" as words, gestures, or actions directed at a specific person

in a public place, as defined, without the consent of that person, based on the person’s actual or perceived race, ethnicity, religion, disability, age, sex, gender, gender identity, gender expression, or sexual orientation, that the person experiences as intimidating, alarming, terrorizing, or threatening to their safety. The bill would make related legislative findings.

The bill would require the department to conduct the research through surveys and focus groups, identifying subpopulations at disproportionate risk of experiencing street harassment. The bill would require the department to prepare a report, proposing strategies and policies to prevent and respond to street harassment, and, no later than January 1, 2024, to submit the report to the Legislature and the Governor and to publish it on the department’s internet website.

The bill would require the department to commence the public campaign on January 1, 2023, conducting it online and in physical locations. The bill would require the department to, among other things, collaborate with community-based organizations to develop culturally relevant content, to annually evaluate the effectiveness of the campaign, and to prepare and publish on its internet website an annual report describing the campaign’s activities, effectiveness, and gaps, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) The COVID-19 global pandemic and its ensuing
4 shelter-in-place or stay-at-home directives drastically impacted
5 the lives of women. In California and in the rest of the country,
6 women bear multiple challenges, such as family, work, remote
7 learning, and caregiving. A report by the Center for the
8 Advancement of Women at Mount Saint Mary’s University found
9 that, for California’s women of color, the pandemic not only
10 multiplied but also reinforced existing intersecting hardships.
11 (b) The Public Policy Institute of California found that, prior to
12 the COVID-19 pandemic, women of color were overrepresented
13 in the leisure, hospitality, and personal care sectors of the state’s
14 economy. These job sectors have sustained major losses during

1 the pandemic, which greatly impacted its workers. According to
2 a 2021 report by the Healthy Nail Salon Collaborative and the
3 UCLA Labor Center, 48 percent of nail salon workers obtained
4 food for their households from food banks after the COVID-19
5 pandemic started, with 86 percent earning less than \$400 a week.

6 (c) Furthermore, women of color are also overrepresented in
7 pandemic essential and frontline jobs, which were and still are
8 crucial, but nevertheless also dangerous in light of the risks and
9 harms of the pandemic.

10 (d) The reports of the Stop AAPI Hate coalition indicate that,
11 since the beginning of the pandemic, Asian American and Pacific
12 Islander (AAPI) women have been experiencing hate incidents
13 and street harassment in their daily lives. The data of Stop AAPI
14 Hate show the same alarming trend for AAPI women both
15 nationally and in California. In June 2020, Stop AAPI Hate released
16 its first California report documenting over 800 hate incidents in
17 three months. Asian American women reported almost twice as
18 many incidents as men. More than a year later, this disturbing trend
19 continues unabated, with a majority of AAPI women reporting
20 sexist and racist verbal harassment, often in public spaces.

21 (e) Street harassment of women is pervasive, common, and
22 global. Harassment of this nature includes unwanted sexual and
23 racialized comments and actions, and other threatening behavior.

24 (f) Street harassment is a pernicious cultural norm that exists
25 largely unchecked in the United States. A 2019 California statewide
26 study by the Center on Gender Equity and Health at UC San Diego
27 found that women in California are more often targets of street
28 harassment than men, and women who identify as lesbian or
29 bisexual experience more street harassment and assault than
30 heterosexual women.

31 (g) Women report that street harassment often occurs in public
32 places, including on streets, in stores, or on public transit, and is
33 predominantly inflicted by strangers.

34 (h) Street harassment threatens the safety of women and other
35 vulnerable groups and restricts their freedom of movement. The
36 ability to move freely through public spaces is central to one's
37 autonomy, well-being, and ability to care for one's self and family.

38 (i) Despite its grave consequences and disproportionate impact
39 on women and other vulnerable groups, street harassment is not
40 taken seriously and exists on the periphery of public policy

1 solutions. Meanwhile, state and federal laws prohibit gender based
2 harassment in the workplace and in educational settings as unlawful
3 discrimination.

4 (j) A legislative effort to address street harassment of women
5 and other vulnerable groups is needed.

6 (k) Street harassment is a public health concern, and reducing
7 street harassment will protect the health and safety of the
8 individuals who are targeted for harassment.

9 SEC. 2. Division 121 (commencing with Section 152000) is
10 added to the Health and Safety Code, to read:

11
12 DIVISION 121. STREET HARASSMENT PREVENTION
13

14 152000. For purposes of this division, the following definitions
15 apply:

16 (a) "Department" means the State Department of Public Health,
17 unless otherwise specified.

18 (b) "Public place" means an area open to the public or to which
19 the public has access, including, but not limited to, a street,
20 sidewalk, park, or parking lot, or a building open to or frequented
21 by the public.

22 (c) "Street harassment" means words, gestures, or actions
23 directed at a specific person in a public place, without the consent
24 of that person, based on the person's actual or perceived race,
25 ethnicity, religion, disability, age, sex, gender, gender identity,
26 gender expression, or sexual orientation, that the person
27 experiences as intimidating, alarming, terrorizing, or threatening
28 to their safety.

29 152001. (a) The department shall conduct research and prepare
30 a report on street harassment in the state pursuant to this section.

31 (b) (1) The department shall conduct the research through
32 surveys of impacted populations and focus groups with impacted
33 subpopulations who are underrepresented in surveys.

34 (2) The research shall include all of the following components:

35 (A) The demographic characteristics of persons who experience
36 street harassment.

37 (B) The gender and age range of persons who engage in street
38 harassment.

39 (C) Which types of street harassment occur.

40 (D) Where and when street harassment occurs.

1 (E) The frequency of street harassment.

2 (F) Whether persons who engage in street harassment are
3 pedestrians, drivers, passengers on public transit or in private
4 vehicles, or patrons in businesses.

5 (G) The actual or perceived characteristics that serve as the
6 basis for street harassment.

7 (H) The impact of street harassment on persons experiencing
8 it, including their mental health, feelings of safety and freedom of
9 movement, and mobility in public places.

10 (3) The research shall identify subpopulations at disproportionate
11 risk of experiencing street harassment. The surveys and focus
12 groups shall be conducted in multiple languages in order to reach
13 limited-English-proficient populations impacted by street
14 harassment.

15 (c) (1) The report specified in subdivision (a) shall describe the
16 results of the research and shall propose strategies and policies to
17 prevent and respond to street harassment. The report shall exclude
18 any personally identifiable information of individuals who are
19 subjects of the research.

20 (2) No later than January 1, 2024, the department shall submit
21 the report to the Legislature, in accordance with Section 9795 of
22 the Government Code, and to the Governor, and shall publish the
23 report on the department's internet website.

24 (d) The department may collaborate with, among other entities,
25 the Center on Gender Equity and Health at the University of
26 California San Diego and the Center for the Advancement of
27 Women at Mount Saint Mary's University to meet the requirements
28 of this section.

29 152002. (a) Commencing January 1, 2023, the department
30 shall conduct a five-year, statewide, public campaign to raise
31 awareness and understanding of street harassment as a public health
32 problem in the state with the purpose of preventing its occurrence.

33 (b) (1) The department shall conduct the campaign online and
34 in physical locations, such as sidewalks, parks, and public transit
35 stops and stations, and shall employ multiple media, including,
36 but not limited to, television, radio, newspapers, internet websites,
37 social media, and signs.

38 (2) The campaign shall include content targeted at specific
39 demographics, with a focus on subpopulations disproportionately

1 impacted by street harassment and subpopulations that engage in
2 street harassment.

3 (3) The department shall collaborate with community-based
4 organizations to develop culturally relevant content, conduct the
5 campaign in multiple languages in order to reach
6 limited-English-proficient populations impacted by street
7 harassment, and utilize media serving specific ethnic communities.

8 (c) At the end of each year of the campaign, the department
9 shall evaluate the effectiveness of the campaign, including its
10 impact, if any, on awareness of, attitudes about, and the occurrence
11 of, street harassment. The department shall prepare and publish
12 on its internet website an annual report describing the campaign's
13 activities, effectiveness, and gaps, and how the department will
14 address those gaps in the remaining years of the campaign.

AMENDED IN ASSEMBLY MARCH 30, 2022

AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2448

Introduced by Assembly Member Ting
(Coauthor: Senator Min)

February 17, 2022

An act to add Sections 51.15, 51.16, and 51.17 to the Civil Code, and to amend Section 12935 of the Government Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 2448, as amended, Ting. Civil rights: businesses: discrimination and ~~harassment~~. *harassment: customers: third parties.*

Existing law, the Unruh Civil Rights Act, provides that all persons within the jurisdiction of this state are entitled to full and equal accommodations in all business establishments regardless of specified characteristics, including sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. Existing law, the Ralph Civil Rights Act of 1976, provides that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of position in a labor dispute, or any of the specified characteristics listed above, or because another person perceives them to have one or more of those characteristics. Existing law provides civil remedies for violations of those provisions.

Existing law, the California Fair Employment and Housing Act (FEHA), establishes the Department of Fair Employment and Housing within the Business, Consumer Services, and Housing Agency and sets forth its powers and duties relating to enforcement of civil rights laws with respect to housing and employment and to protect and safeguard the right of all persons to obtain and hold employment without discrimination based on specified characteristics or status. Existing law prohibits an employer and other specified entities from harassing an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract, because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status, if the entity, or its agents or supervisors, knows or should have known of that conduct and failed to take immediate and appropriate corrective action.

This bill would require a business *to* address the harassment, defined as words, gestures, or actions directed at a specific person without the consent of the person on account of any characteristics listed in the Unruh Civil Rights Act, of customers on its premises, including harassment by a third party, by, among other things, posting a sign provided by the department that informs customers of their rights at a business and how to report incidents of harassment.

This bill would require the department to submit, as specified, to the Legislature and Governor, and publish on its internet website, a report summarizing data on harassment at businesses in the state, including data related to harassment at businesses reported to the department by a member of the public, and data related to harassment at businesses collected by businesses, as specified.

This bill would require the department to develop or procure online training courses regarding bias-based discrimination and harassment, as defined, and make those courses available on the department's internet website. The bill would provide for different training requirements for supervisory and nonsupervisory employees and *would* require the training to include information on laws related to bias-based discrimination and harassment and how to identify bias-based discrimination and harassment. The bill would require the department to provide employees with a certificate of completion of the ~~training~~ *training, which the bill would require* to be portable across employers. The bill would require businesses to provide that training by January

1, 2025, to all their employees in the state who interact with members of the public, as specified. The bill would authorize the department to initiate the adoption of rules, regulations, or standards implementing these provisions by January 1, 2024, or seek an order requiring a business to comply with the training’s requirements.

This bill would require the department to establish a pilot program to recognize businesses that create environments free from bias-based discrimination and harassment, ~~and establish criteria for that recognition.~~ *as specified.*

This bill would provide that the department’s council has the power to adopt, promulgate, amend, and rescind suitable rules, regulations, and standards to interpret, implement, and apply the above provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) All persons in the state are entitled to the full and equal
4 accommodations, advantages, facilities, privileges, or services in
5 businesses, regardless of their sex, race, color, religion, ancestry,
6 national origin, disability, medical condition, genetic information,
7 marital status, sexual orientation, citizenship, ~~primary language~~
8 *language*, or immigration status.

9 (b) Discrimination and harassment on any of these bases, by
10 any person, interferes with a person’s ability to exercise this right.
11 This interference has grave consequences for a person’s freedom
12 of movement, physical and mental health and well-being, and
13 ability to care for themselves and their families.

14 (c) ~~According to Stop AAPI Hate, nearly 5,000 hate incidents~~
15 ~~against Asian Americans and Pacific Islanders (AAPIs) have been~~
16 ~~reported in California since~~ *Since the start of the COVID-19*
17 ~~pandemic, the Stop AAPI Hate coalition has received~~
18 *more than 4,100 reports of hate incidents against Asian Americans*
19 *and Pacific Islanders (AAPIs) in California.* More than one-quarter
20 of ~~the incidents occur~~ *occurred* in businesses like retail and service
21 establishments. Many incidents ~~involve~~ *involved* the racialized,
22 and often gender-based, verbal harassment of AAPI customers by
23 other customers.

1 (d) AAPIs experiencing racism are more stressed by hate than
2 the pandemic, and have reported heightened food insecurity due
3 to fears of leaving home to buy food.

4 (e) AAPIs are not alone in experiencing racialized harassment
5 in businesses. For example, Black customers have long reported
6 unfair treatment while shopping, according to more than two
7 decades of Gallup polling.

8 (f) Nor are AAPIs the only community experiencing heightened
9 racialized harassment during the COVID-19 pandemic. A survey
10 by Pew Research Center reveals that 4 in 10 Black and Asian
11 adults, and one-quarter of Hispanic adults, report adverse
12 experiences due to their race or ethnicity since the pandemic began,
13 compared to 13 percent of White adults. Asian and Black adults
14 are more likely to say they have been the subject of slurs or jokes
15 or feared being physically attacked or threatened due to their race
16 or ethnicity.

17 (g) Existing law prohibits businesses from discriminating against
18 customers because of a protected characteristic. Existing law also
19 requires businesses, as employers, to maintain worksites free from
20 prohibited discrimination and harassment, including by
21 nonemployees.

22 (h) Existing law does not explicitly require businesses to protect
23 customers from fellow customers or other third parties engaging
24 in harassment because of a protected characteristic.

25 (i) The Legislature affirms that all customers, regardless of their
26 race or other protected characteristics, should be free to shop for
27 and buy groceries, medicine, and other goods and services without
28 being targeted for their personal characteristics.

29 (j) It is the intent of the Legislature to provide additional ~~civil~~
30 ~~rights~~ ~~protections~~ ~~to~~ *for the civil rights* of customers in businesses
31 where bias-motivated harassment takes place, and to protect a
32 person's right to full and equal accommodations, advantages,
33 facilities, privileges, and services in businesses.

34 SEC. 2. Section 51.15 is added to the Civil Code, to read:

35 51.15. (a) For purposes of this section:

36 (1) "Harassment" means words, gestures, or actions directed at
37 a specific person without the consent of the person on account of
38 any characteristics listed or defined in subdivision (b) or (e) of
39 Section 51, or because the person is perceived to have one or more
40 of those characteristics, or because the person is associated with

1 a person who has or is perceived to have one or more of those
2 characteristics.

3 (2) “Business” means any private enterprise with a physical
4 presence in the state that is open to members of the public and has
5 a total of 100 or more employees working in the state, including,
6 but not limited to, restaurants, grocery stores, retail stores, gas
7 stations, banks, and gymnasiums.

8 (3) “Premises” means both of the following:

9 (A) Any area inside~~the~~ a building that is under the business’s
10 possession, management, or control.

11 (B) Any other area outside of~~the~~ a building that is under the
12 business’s possession, management, or control, including, but not
13 limited to, outdoor eating areas and parking lots.

14 (4) “Department” refers to the Department of Fair Employment
15 and Housing.

16 (b) It is the intent of the Legislature that all persons within the
17 jurisdiction of this state have the right to be free from harassment
18 at a business because of a characteristic listed or defined in the
19 Unruh Civil Rights Act, or because the person is perceived to have
20 one or more of those characteristics, or because the person is
21 associated with a person who has or is perceived to have one or
22 more of those characteristics.

23 (c) A business shall address the harassment of customers on its
24 premises, including harassment by a third party who is not affiliated
25 with the business, by doing all of the following:

26 (1) Posting the sign made available pursuant to subdivision (d)
27 in a visible and conspicuous place notifying customers of their
28 rights at a business and how to report harassment.

29 (2) Ensuring that employees are trained in accordance with
30 Section 51.16.

31 (3) Having a policy regarding how the business collects and
32 maintains data related to incidents of harassment by a third party,
33 *collecting and maintaining the data in accordance with this policy*,
34 notifying employees of this policy, and submitting this data to the
35 department upon the department’s request.

36 (d) The department shall develop and publish on its internet
37 website a sign that informs customers of their rights at a business
38 and how to report incidents of harassment, including by a third
39 party, to the business or the department.

1 (e) ~~By December 31, 2023, and December 31~~ *Notwithstanding*
2 *Section 10231.5 of the Government Code, by January 1, 2024, and*
3 *January 1* of each year thereafter, the department shall annually
4 submit to the Legislature and the Governor, and shall publish on
5 its internet website, a report summarizing data on harassment at
6 businesses in the state. The report shall include data related to
7 harassment at businesses reported to the department by a member
8 of the public, and data related to harassment at businesses collected
9 by businesses pursuant to paragraph (3) of subdivision (c). The
10 report shall exclude any personally identifiable information of any
11 individual. The report may be combined with other reporting
12 required of the department.

13 ~~(f) (1) The requirement for submitting a report imposed under~~
14 ~~subdivision (e) is inoperative on January 1, 2027, pursuant to~~
15 ~~Section 10231.5 of the Government Code.~~

16 ~~(2)~~

17 (f) A report to be submitted pursuant to subdivision (e) shall be
18 submitted in compliance with Section 9795 of the Government
19 Code.

20 (g) (1) This section shall not be construed to require an
21 employee of a business to intervene in the harassment of customers
22 on the business's premises by a third party.

23 (2) A business, or any person acting on behalf of the business,
24 shall not retaliate against an employee for any actions taken, or
25 not taken, pursuant to this section.

26 (3) An employee of a business is not personally liable for any
27 violations of this section.

28 (h) This section shall not be construed to override or supersede
29 a business establishment's duties as required by this part or the
30 California Fair Employment and Housing Act (Part 2.8
31 commencing with Section 12900) of Division 3 of Title 2 of the
32 Government Code).

33 SEC. 3. Section 51.16 is added to the Civil Code, to read:

34 51.16. (a) For purposes of this section:

35 (1) "Bias-based discrimination and harassment" means
36 discrimination and other conduct prohibited under Sections 51,
37 51.5, and 51.7, and harassment as defined in Section 51.15.

38 (2) "Business" ~~shall have~~ *has* the same meaning as defined in
39 Section 51.15.

1 (3) “Department” refers to the Department of Fair Employment
2 and Housing.

3 (b) (1) No later than June 30, 2024, the department shall develop
4 or procure, and make available on its internet website, two online
5 training courses, one for supervisory employees and one for
6 nonsupervisory employees, regarding bias-based discrimination
7 and harassment at businesses. The training shall be at least two
8 hours for supervisory employees and at least one hour for
9 nonsupervisory employees.

10 (2) The training shall include, but not be limited to, the following
11 information:

12 (A) Summaries of federal and state statutes relating to bias-based
13 discrimination and harassment against customers at businesses,
14 including, but not limited to, Sections 51, 51.5, 51.7, and 51.15,
15 the duties of a business or its employees pursuant to these sections,
16 how to report those acts to the department, and remedies available
17 to victims.

18 (B) How to identify bias-based discrimination and harassment,
19 including examples of bias-based discrimination and harassment,
20 examples ~~where in which~~ the perpetrator is an ~~employee and~~
21 ~~employee~~, examples ~~where in which~~ the perpetrator is a third party
22 who is not the business or its employees, and examples that address
23 the intersection of race and gender.

24 (3) The training shall include an interactive feature that requires
25 a viewer to respond to a question periodically in order for the
26 course to continue to play.

27 (4) The department shall provide a method for employees who
28 have completed the training to save electronically and print a
29 certificate of completion, which shall be portable across employers.

30 (c) (1) No later than January 1, 2025, a business shall provide
31 the training made available pursuant to subdivision (b) to all its
32 employees in the state who interact with members of the public.

33 ~~After~~

34 (2) ~~After~~ January 1, 2025, the business shall provide *the* training
35 required by this section ~~once as follows~~:

36 (A) ~~Subject to subparagraph (B), once every two years to all its~~
37 ~~employees in the state who interact with members of the public,~~
38 ~~and shall provide that training to new employees who interact with~~
39 ~~members of the public within six public.~~

1 (B) Six months from the date of ~~their~~ an employee’s hire or
2 promotion: promotion, unless the employee has received the
3 training from a previous employer pursuant to this section within
4 the two years preceding their hire.

5 (d) ~~(1)~~The training required by this section shall take place
6 during regularly scheduled work hours, on paid time, and at a time
7 dedicated solely to the training.

8 ~~(2) For new employees who have received training from a
9 previous employer in compliance with this section, the
10 requirements of subdivision (c) with respect to new hires shall be
11 considered met and the employee shall be placed on a two-year
12 training schedule.~~

13 (e) The department may seek an order requiring a business to
14 comply with this section.

15 (f) The department may adopt rules, regulations, or standards
16 to implement this section, and, if the department elects to do so,
17 the rules, regulations, or standards shall be initiated no later than
18 January 1, 2024.

19 (g) A business’s failure to comply with this section *may be*
20 *relevant to, but* shall not alone create liability ~~for~~ *for*, violating
21 Section 51, 51.5, or 51.7.

22 (h) It is the intent of the Legislature that the training required
23 by this section establishes a minimum threshold and should not
24 discourage or relieve any employer from providing for longer,
25 more frequent, or more elaborate training regarding bias-based
26 discrimination and harassment.

27 SEC. 4. Section 51.17 is added to the Civil Code, to read:

28 51.17. (a) For purposes of this section:

29 (1) “Bias-based discrimination and harassment” has the same
30 meaning as defined in Section 51.16.

31 (2) “Business” shall have the same meaning as defined in
32 Section 51.15.

33 (3) “Department” refers to the Department of Fair Employment
34 and Housing.

35 (b) (1) The department shall establish a pilot program that
36 recognizes businesses for creating safe and welcoming
37 environments free from bias-based discrimination and harassment
38 of customers.

1 (2) To qualify for recognition under the pilot program, a business
2 ~~must~~ *shall* meet *the* criteria set out by the department, which may
3 include, but not be limited to, the following:

4 (A) Meeting the requirements of Sections 51, 51.5, 51.7, 51.15,
5 and 51.16.

6 (B) Offering additional training to educate and inform employees
7 or build skills.

8 (C) Informing the public of their rights to be free from
9 bias-based discrimination and harassment and how to report
10 violations.

11 (D) Outlining a code of conduct for the public that encourages
12 respectful and civil behavior.

13 (E) Any other actions designed to prevent and respond to
14 bias-based discrimination and harassment regardless of the identity
15 of the perpetrator.

16 (3) The department shall provide a certificate to qualifying
17 businesses that may be prominently displayed on site, and publish
18 on its internet website a database of businesses receiving that
19 certificate.

20 (4) The department shall develop criteria to evaluate whether
21 that recognition is effective, including whether it affects customer
22 behavior, incentivizes compliance among businesses, or reduces
23 the incidence of bias-based discrimination and harassment at
24 businesses.

25 SEC. 5. Section 12935 of the Government Code is amended
26 to read:

27 12935. The council shall have the following functions, powers,
28 and duties:

29 (a) To adopt, promulgate, amend, and rescind suitable rules,
30 regulations, and standards that do either of the following:

31 (1) Interpret, implement, and apply all provisions of this part,
32 Article 9.5 (commencing with Section 11135) of Chapter 1 of Part
33 1 of Division 3 of Title 2 of this code, Sections 51, 51.5, 51.7,
34 51.15, 51.16, 51.17, 54, 54.1, and 54.2 of the Civil Code, and
35 Section 1197.5 of the Labor Code.

36 (A) As of January 1, 2017, Chapter 1 (commencing with Section
37 98000), Chapter 2 (commencing with Section 98100), and Chapter
38 3 (commencing with Section 98200) of Division 8 of Title 22 of
39 the California Code of Regulations shall be transferred from the
40 portion of the California Code of Regulations that is under the

1 authority of the California Health and Human Services Agency to
2 the portion of the California Code of Regulations that is under the
3 authority of the department, and upon transfer shall be deemed
4 adopted by the council.

5 (B) The council shall, within existing resources and pursuant
6 to Chapter 3.5 (commencing with Section 11340), adopt additional
7 regulations, as necessary, and amend or repeal, as necessary,
8 regulations transferred to the department from the California Health
9 and Human Services Agency relating to Article 9.5 (commencing
10 with Section 11135) of Chapter 1 of Part 1.

11 (2) Carry out all other functions and duties of the council
12 pursuant to this part.

13 (b) To meet at any place within the state and function in any
14 office of the department.

15 (c) To create or provide technical assistance to any advisory
16 agencies and conciliation councils, local or otherwise, as in its
17 judgment will aid in effectuating the purposes of this part, and to
18 empower them to study the problems of discrimination in all or
19 specific fields of human relationships or in particular instances of
20 employment discrimination on the bases enumerated in this part
21 or in specific instances of housing discrimination on the bases
22 enumerated in this part and to foster, through community effort or
23 otherwise, good will, cooperation, and conciliation among the
24 groups and elements of the population of the state and to make
25 recommendations to the Fair Employment and Housing Council
26 for the development of policies and procedures in general except
27 for procedural rules and regulations that carry out the investigation,
28 prosecution, and dispute resolution functions and duties of the
29 department. These advisory agencies and conciliation councils
30 shall be composed of representative citizens, serving without pay.

31 (d) To hold hearings, issue publications, results of inquiries and
32 research, and reports to the Governor and the Legislature that, in
33 its judgment, will tend to aid in effectuating the purpose of this
34 part, promote good will, cooperation, and conciliation, and
35 minimize or eliminate unlawful discrimination, or advance civil
36 rights in the State of California.

O

AMENDED IN SENATE MARCH 17, 2022

SENATE BILL

No. 1161

Introduced by Senator Min

February 17, 2022

An act to add Section 99177 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1161, as amended, Min. Transit districts: street harassment initiatives.

Existing law creates various transit districts throughout the state, with specified powers and duties relative to providing public transit service. Existing law provides various provisions applicable to all public transit and transit districts.

This bill would require certain transit districts to develop and implement initiatives to ~~address~~ *reduce* the street harassment, as defined, ~~of experienced by~~ persons traveling by their systems at any point along the whole journey, as defined, and to consider the safety concerns and needs of these persons when planning, designing, and operating their systems. The bill would require these initiatives to be developed based on specified ridership data and in coordination and consultation with persons who travel by their systems, and would require those transit agencies to conduct outreach in multiple languages in order to reach limited English proficient persons impacted by street harassment. The bill would require these initiatives to include changes to policies, design, operations, or other aspects of transit systems, as specified. To the extent the bill imposes additional duties on a local agency, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Public transportation ensures that each person may enjoy
4 the freedom of movement. Providing a safe journey for women
5 and other vulnerable communities will increase ridership
6 throughout the public transit system.

7 (b) The State of California would benefit from an expanded
8 concept of ridership safety. Transit districts must go beyond their
9 traditional definition that refers exclusively to physical
10 infrastructure and prevention of bodily injury to riders, cyclists,
11 and pedestrians. An expanded understanding of safety is necessary.
12 Safety is not merely the freedom from harm but also the freedom
13 to move by fully accessing public transit without street harassment.

14 (c) Street harassment on public transit diminishes ridership
15 growth, undermines riders’ safety, hurts all riders, and can reinforce
16 social inequality and economic hardship throughout a rider’s
17 lifetime.

18 (d) Women are often the targets of street harassment on public
19 transit. Such harassment includes unwanted sexual and racialized
20 comments and slurs, whistling, leering, and other intimidating
21 actions. According to a 2019 statewide study by the University of
22 California, San Diego Center on Gender Equity and Health, 77
23 percent of women experience sexual harassment in a public space,
24 including 29 percent on mass transit. Furthermore, women who
25 identify as lesbian or bisexual are more likely to report
26 experiencing sexual harassment than straight women.

27 (e) According to a 2019 report by Los Angeles Metro Rail,
28 safety is the primary barrier to riding transit for women. Fear of

1 harassment leads to behavioral adjustments and precautions by
2 women riders, including leaving a bus or train mid-trip to avoid
3 harassment, avoiding travel in the evening, avoiding certain settings
4 such as crowded buses, and not walking alone.

5 (f) Low-income women face even greater barriers to movement,
6 including safety concerns, poor walking environments, lower
7 access to driver’s licenses, and transit inefficiencies such as long
8 travel times and infrequent service. Unlike more affluent women,
9 low-income women have fewer private transportation options.

10 (g) Women of color on public transit experience even more
11 threats to their safety. According to the Los Angeles Department
12 of Transportation, women of color report feeling more unsafe on
13 public transportation than women who identify as white.

14 (h) Data collected by the Stop AAPI Hate coalition finds that
15 nearly 40 percent of the nationwide acts of hate against Asian
16 Americans and Pacific Islanders happen in California, and hate
17 incidents involving women make up nearly two-thirds of all reports
18 in the state. Most of these hate incidents involve verbal harassment
19 and occur in public spaces, including public transit.

20 (i) Despite more violations to their safety on public transit,
21 women of color are also more dependent on public transit.
22 According to the Center for American Progress, women of color
23 experience a persistent gender wage gap in conjunction with racial
24 bias in the workplace, which leaves them perpetually underpaid.
25 Without the economic means for private transportation options,
26 women of color are more likely to be dependent on public
27 transportation.

28 (j) Riders significantly underreport instances of street
29 harassment. Research published by the University of California,
30 Los Angeles Lewis Center for Regional Policy Studies finds that
31 only 10 percent of people who experienced or observed sexual
32 harassment on transit reported the incident. Research collected by
33 the Mineta Transportation Institute at San Jose State University
34 finds that street harassment is underreported globally as women
35 are often embarrassed and reluctant to report when public culture
36 puts the blame on the victims of harassment.

37 ~~(k) The Legislature affirms that every rider has a right to be~~
38 ~~protected from street harassment. Each transit district has a~~
39 ~~responsibility to respond effectively when street harassment is~~

1 reported to, or observed by, transit district staff, including bus and
2 rail drivers.

3 ~~(l) Protecting~~

4 ~~(k) The Legislature affirms that protecting transit riders' safety,~~
5 ~~including the right to a transit journey providing transit journeys~~
6 ~~free from street harassment, is a public policy priority. Street~~
7 ~~harassment on public transit prevents equal access to transportation~~
8 ~~as required under California law. and ensuring equal access to~~
9 ~~transportation are public policy priorities.~~

10 ~~(m)~~

11 (l) Public transit systems can increase ridership by ensuring all
12 riders travel safely and free from street harassment. When riders
13 feel safe walking to transit stops, waiting at transit stops, and riding
14 transit, they will increasingly use public transit. In turn, the growing
15 ridership enables the public transit system to thrive.

16 SEC. 2. Section 99177 is added to the Public Utilities Code,
17 immediately following Section 99176, to read:

18 99177. (a) For the purpose of this section, the following
19 definitions apply:

20 (1) "Street harassment" means words, gestures, or actions
21 directed at a specific person in a public place, without the consent
22 of that person, based on the person's actual or perceived race,
23 ethnicity, religion, age, sex, gender, gender identity, gender
24 expression, or sexual orientation, that the person experiences as
25 intimidating, alarming, terrorizing, or threatening to their safety.

26 (2) "Transit districts" means the 10 transit districts with the
27 highest ridership volume in the state.

28 (3) "Whole journey" means walking to and from public transit
29 stops, waiting at public transit stops, and riding public transit
30 vehicles.

31 ~~(b) The Legislature recognizes that the safety of persons~~
32 ~~traveling by public transit in the state includes the right to be free~~
33 ~~from street harassment during the whole journey.~~

34 ~~(e)~~

35 (b) (1) Transit districts shall develop and implement initiatives
36 to address reduce the street harassment of experienced by persons
37 traveling by their systems, and shall consider the safety concerns
38 and needs of these persons when planning, designing, and operating
39 their systems.

1 (2) (A) Transit districts shall develop these initiatives based on
2 ridership data, which may be quantitative or qualitative in nature.
3 Quantitative data shall be categorized by race, ethnicity, religion,
4 age, sex, gender, gender identity, gender expression, and sexual
5 orientation. Transit districts may rely on new or existing sources
6 of ridership data, provided that any quantitative data is categorized
7 by race, ethnicity, religion, age, sex, gender, gender identity, gender
8 expression, and sexual orientation.

9 (B) Ridership data may include, but is not limited to, all of the
10 following:

11 (i) Whether a person traveling by public transit experiences
12 street harassment at any point along the whole journey.

13 (ii) The frequency that a person experiences street harassment
14 during the whole journey.

15 (iii) Where and when a person experiences street harassment.

16 (iv) On what mode of transit a person experiences street
17 harassment.

18 (v) What type of street harassment is experienced.

19 (vi) Whether a person experiencing street harassment is traveling
20 alone or accompanied by others.

21 (vii) Whether a person experiencing street harassment reported
22 the incident and to whom.

23 (viii) The person's perceptions of safety throughout the whole
24 journey.

25 (3) Transit districts shall develop these initiatives in coordination
26 and consultation with persons who travel by their systems. These
27 persons shall include persons who are at increased or
28 disproportionate risk of experiencing street harassment, and persons
29 who are underrepresented in surveys and other traditional data
30 sources or who are otherwise hard to reach. These persons may
31 include, but are not limited to, women, non-English speaking riders,
32 and LGBTQ riders. Transit agencies shall conduct outreach in
33 multiple languages in order to reach limited English proficient
34 persons impacted by street harassment.

35 (4) These initiatives shall include changes to policies, design,
36 operations, or other aspects of transit systems, and may include,
37 but are not limited to, all of the following:

38 (A) Performing safety audits of transit systems or parts thereof
39 that consider the experiences of riders by gender.

1 (B) Developing a rubric, questionnaire, or other tool to analyze
2 and understand the impacts of prospective changes to transit system
3 policies, design, or operations on riders by gender or other
4 characteristics such as socioeconomic status.

5 (C) Increasing the presence of transit staff who are not transit
6 police or other law enforcement.

7 (D) Improving the physical infrastructure of transit vehicles,
8 stations, and stops to increase the safety and perception of safety
9 for riders.

10 (E) Improving the frequency, timing, and reliability of service.

11 (F) Implementing on-demand stops for riders who travel at
12 night.

13 (G) Training transit staff ~~on how about when and how the law~~
14 ~~or transit district policies require them to respond to and report~~
15 ~~incidents of street harassment in accordance with any legal~~
16 ~~obligations or transit district policies: harassment.~~

17 (H) Conducting educational and awareness raising campaigns
18 regarding street harassment.

19 ~~(I)~~

20 (c) Eligible federal funds, State Transportation Assistance
21 Program funds pursuant to Section 99313.6, or moneys
22 appropriated through the annual Budget Act may be used by transit
23 districts to meet the requirements of this section.

24 (d) *Nothing in this section shall be construed to create new or*
25 *additional liability for a transit operator for failing to respond to*
26 *an incident of street harassment.*

27 SEC. 3. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.

RE: Introduction - Supervisor Mar - Supporting Stop AAPI Hate's No Place for Hate California legislative package

Wong, Alan (BOS) <alan.wong1@sfgov.org>

Tue 4/5/2022 12:19 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Wright, Edward (BOS) <edward.w.wright@sfgov.org>; Lovett, Li (BOS) <li.lovett@sfgov.org>

Here you go!

AB 2549 https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2549

AB 2448 https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2448

SB 1161 https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1161

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Sent: Tuesday, April 05, 2022 12:07 PM

To: Wong, Alan (BOS) <alan.wong1@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Wright, Edward (BOS) <edward.w.wright@sfgov.org>; Lovett, Li (BOS) <li.lovett@sfgov.org>

Subject: RE: Introduction - Supervisor Mar - Supporting Stop AAPI Hate's No Place for Hate California legislative package

Hi Alan,

Thank you for the legislation submission. Please provide a link or pdf copy of the legislative package as referenced in the resolution, including copies of Assembly Bill Nos. 2549 and 2448, and Senate Bill No. 1161 for inclusion to the official file.

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services



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personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

From: Wong, Alan (BOS) <alan.wong1@sfgov.org>

Sent: Tuesday, April 5, 2022 11:50 AM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Wright, Edward (BOS) <edward.w.wright@sfgov.org>; Lovett, Li (BOS) <li.lovett@sfgov.org>

Subject: Introduction - Supervisor Mar - Supporting Stop AAPI Hate's No Place for Hate California legislative package

BOS Legislation:

Supervisor Gordon Mar has signed off on the introduction.

Please see attached:

1. Introduction form for: Supporting Stop AAPI Hate's No Place for Hate California legislative package
2. Word version of legislation
3. This is to be placed on the For Adoption Without Committee Reference agenda: I am confirming that this matter is routine, not contentious in nature, and of no special interest.
4. Per Board Rule 2.8.2, please confirm that organizations such as the California State Association of Counties and League of California Cities have not taken a position on this bill. If they have, please provide a copy of their statement for completeness of the file: According to a search conducted on the California State Association of Counties and League of California Cities websites today, I have not found a position on the bill from either of these organizations.

Please let me know if I can be of any assistance or if any further documents are necessary prior to the deadline for submission.

Respectfully,

Alan

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor inquiries"
5. City Attorney Request.
6. Call File No. from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No.
9. Reactivate File No.
10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

Supporting Stop AAPI Hate's No Place for Hate California legislative package, including California State Assembly Bill No. 2549 (Bonta, Muratsuchi, Weber) - Ending Street Harassment and its corresponding budget request, California State Senate Bill No. 1161 (Min) - Increasing Safety for Public Transit Riders and its corresponding budget request, and California State Assembly Bill No. 2448 (Ting) - Expanding Civil Rights Protections at Businesses.

The text is listed:

Resolution urging the California State Legislature and Governor to support Stop AAPI Hate's No Place for Hate California legislative package to address street harassment from a public health and civil rights framework, including State Assembly Bill No. 2549, introduced by California Assemblymembers Mia Bonta, Al Muratsuchi, and Akilah Weber to prevent street harassment, and its corresponding budget request; State Senate Bill No. 1161, introduced by California Senator Dave Min to prevent street harassment on public transit, and its corresponding budget request; and State Assembly Bill No. 2448, introduced by Assemblymember Phil Ting to prevent harassment in private businesses.

Signature of Sponsoring Supervisor:

For Clerk's Use Only