

1 [Administrative Code - Reimbursement for Broken Windows Due to Vandalism]

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3 **Ordinance amending the Administrative Code to provide reimbursement to qualifying**
4 **businesses for the costs of repairing or replacing storefront windows broken due to**
5 **vandalism or break-ins, create a special fund for this purpose, and establish a sunset**
6 **date of two years after enactment.**

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

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

15 Section 1. Article XIX of Chapter 2A of the Administrative Code is hereby amended by
16 adding Section 2A.272, to read as follows:

17 **SEC. 2A.272. REIMBURSEMENT FOR BROKEN STOREFRONT WINDOWS DUE TO**
18 **VANDALISM.**

19 *(a) Reimbursement. Subject to the budgetary and fiscal provisions of the Charter, the Office of*
20 *Economic and Workforce Development (OEWD) shall reimburse qualifying businesses for the costs of*
21 *repairing or replacing storefront windows broken due to vandalism or in connection with a break-in at*
22 *the premises. OEWD shall not reimburse businesses for the cost of repairing or replacing storefront*
23 *windows determined by OEWD to have been broken due to negligence, unforeseen accidents, acts of*
24 *nature, the age of the window, or other cause unrelated to vandalism or break-in.*

25 *(b) Definitions.*

1 “Broken” shall mean storefront windows removed, permanently defaced, or otherwise
2 damaged to a significant degree, as determined by OEWD.

3 “Storefront window” shall mean a window located in the façade or street frontage of a
4 retail store, restaurant, or other similar commercial use located on the ground floor or street level of a
5 building, including a display window. “Window” shall include the glass portion of an entry door
6 located in such façade or street frontage.

7 (c) **Limitations.** A business shall be eligible for reimbursement in an amount up to \$2,000 per
8 incident. A business shall not be eligible for reimbursement for more than two incidents occurring
9 within a 12-month period.

10 (d) **Eligibility.** To qualify for reimbursement, the incident must have occurred in San Francisco
11 and the business must:

12 (1) Have a total annual revenue of less than \$5 million;

13 (2) Not be a Formula Retail use as defined in Planning Code Section 303.1;

14 (3) Report the incident to the Police Department within 60 days of the occurrence or
15 discovery of the incident; and,

16 (4) Present a claim to the Director of OEWD within 120 days of the incident or within
17 120 days of the start of the program.

18 (e) **Rules and Regulations.** The Director of OEWD may adopt reasonable rules and
19 regulations to carry out the provisions of this Section 2A.272. A business shall not be required to make
20 an insurance claim before receiving reimbursement under this Section. The Director may provide by
21 regulation for partial or pro rata reimbursement if claims for reimbursement exceed the amount of
22 monies available for this purpose under Administrative Code Section 10.100-65.

23 (f) **Graffiti Removal and Abatement Ordinance.** Nothing in this Section 2A.272 shall limit or
24 supersede the application or operation of Article 23 of the Public Works Code, the Graffiti Removal

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1 and Abatement Ordinance, or relieve a property owner of any responsibilities or obligations under
2 Article 23.

3 (g) **Undertaking for the General Welfare.** In enacting and implementing this Section 2A.272,
4 the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it
5 imposing on its officers and employees, an obligation for breach of which it is liable in money damages
6 to any person who claims that such breach proximately caused injury.

7 (h) **Sunset Date.** This Section 2A.272, as well as Section 10.100-165 of Article XIII of Chapter
8 10 of the Administrative Code, shall expire by operation of law two years after the date of enactment.
9 Upon expiration of these Sections, the City Attorney shall cause them to be removed from the
10 Administrative Code. Any monies left in the special fund created in Section 10.100-65 after the
11 expiration date shall be transferred to the General Fund, subject to any applicable gift restrictions.

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13 Section 2. Article XIII of Chapter 10 of the Administrative Code is hereby amended by
14 adding Section 10.100-65, to read as follows:

15 **SEC. 10.100-65. ECONOMIC AND WORKFORCE DEVELOPMENT BROKEN WINDOW**
16 **FUND.**

17 (a) **Establishment of Fund.** The Economic and Workforce Development Broken Window Fund
18 (the “Fund”) is hereby established as a category four fund to reimburse qualifying businesses for the
19 costs of repairing or replacing storefront windows broken due to vandalism or in connection with a
20 break-in at the premises. Any gift or donation of \$50,000 or less in value received by the Fund shall be
21 deemed approved for acceptance and expenditure.

22 (b) **Use of Fund.** Money appropriated to, or otherwise received by, the Fund shall only be
23 used or expended as provided in Administrative Code Section 2A.272.

24 (c) **Administration of Fund.** The Director of the Office of Economic and Workforce
25 Development, or the Director’s designee, shall administer the Fund.

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

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: /s/ Thomas J. Owen
 THOMAS J. OWEN
 Deputy City Attorney

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