

1 [Small Business Tax Relief Act.]

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3 **Ordinance amending the San Francisco Business and Tax Regulations Code by adding**  
4 **a new Chapter 21 to give tax relief to small business enterprises.**

5 Note: Additions are single-underline italics Times New Roman;  
6 deletions are ~~strikethrough italics Times New Roman~~.  
7 Board amendment additions are double underlined.  
8 Board amendment deletions are ~~strikethrough normal~~.

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

9 Section 1. The San Francisco Business and Tax Regulations Code is hereby amended  
10 by adding Chapter 21 to read as follows:

11 Chapter 21 – Small Business Tax Relief Act.

12 Sec. 2020. SHORT TITLE. This Article shall be known as the "Small Business Tax Relief Act."

13 Sec. 2021. FINDINGS. The Board of Supervisors finds and declares the following:

14 (a) The City's economic health depends in part upon creating a climate in which small  
15 business enterprises may thrive and prosper.

16 (b) Recent economic conditions have had an adverse impact on San Francisco small  
17 business enterprises.

18 (c) Accordingly, the City enacts this Chapter to give tax relief to small business enterprises  
19 in the form of a gross receipts tax rebate.

20 Sec. 2022. DEFINITIONS. Except where the context otherwise requires, terms not defined in  
21 this Article that are defined in Article 6 shall have the same meaning as given to them in Article 6. For  
22 the purposes of this Chapter, the following definitions shall apply to the terms used herein:

23 (a) "Small business enterprise" shall mean and include any taxpayer:

24 (1) Whose gross receipts do not exceed \$2,000,000.00 (two million dollars); and  
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1           (2) Who has filed a Gross Receipts Tax Return pursuant to Article 12 A-1 of the  
2 Business and Tax Regulations Code by the last day of February for the preceding tax year; and

3           (3) Who has paid the Gross Receipts Tax pursuant to Article 12 A-1 of the Business  
4 and Tax Regulations Code shown on said tax return for the preceding tax year.

5           (b) "Gross receipts" shall mean gross receipts as defined in Business and Tax Regulations  
6 Code Article 12-A-1 Section 952.3.

7           (c) "Rebate" shall mean a payment in the same amount of the gross receipts tax paid by a  
8 small business enterprise pursuant to Article 12-A-1 of the Business and Tax Regulations Code but not  
9 to exceed \$2000.00 (two thousand dollars).

10           Sec.2023. ESTABLISHMENT OF SMALL BUSINESS ENTERPRISE REBATE PROGRAM.

11           (a) Effective January 1, 2005, there is hereby established a Small Business Enterprise  
12 Rebate Program under the jurisdiction of the Treasurer-Tax Collector.

13           (b) Implementation of the Small Business Enterprise Rebate Program is conditioned upon  
14 voter approval of Proposition K at the November 2, 2004 election.

15           (c) The Treasurer-Tax Collector shall provide rebates to eligible small business enterprises  
16 consistent with this ordinance pursuant to regulations promulgated by the Treasurer-Tax Collector.

17           Sec. 2024. AUTHORITY TO PROMULGATE REGULATIONS. The Treasurer-Tax Collector  
18 may promulgate regulations and issue rules, determinations, and interpretations consistent with the  
19 purposes of this Article as may be necessary to apply such Article in a lawful manner.

20           Sec. 2025. SEVERABILITY. If any sentence, section, subsection, clause, phrase, or portion of  
21 this Chapter is for any reason held illegal, invalid or unconstitutional by any court or federal or State  
22 agency of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall not affect or  
23 impair any of the remaining provisions, sentences, clauses, sections or parts of the Business and Tax  
24 Regulations Code. It is hereby declared to be the intent of the enacting body that this Article would  
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1 have been adopted had such unconstitutional, illegal, or invalid clause, section, or part thereof not  
2 been included.

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

6 By: \_\_\_\_\_  
7 Carol A. Boardman  
8 Deputy City Attorney

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