



CITY AND COUNTY OF SAN FRANCISCO  
LONDON BREED, MAYOR  
OFFICE OF SMALL BUSINESS  
DIRECTOR KATY TANG

January 19, 2022

Ms. Angela Calvillo, Clerk of the Board  
City Hall Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**RE: BOS File No. 211151 - Public Works Code - Graffiti Abatement - Lifting Suspension of Issuance of Certain Violations; Reinstating Collection of Certain Fees and Fines**

Dear Ms. Calvillo,

On January 10, 2022 the Small Business Commission (SBC) heard BOS File No. 211151 - Public Works Code - Graffiti Abatement - Lifting Suspension of Issuance of Certain Violations; Reinstating Collection of Certain Fees and Fines. Lee Hepner, Legislative Aide to Supervisor Peskin and Jimmer Cassiol, Department of Public Works (DPW), presented the legislation.

**After extensive discussion, the SBC unanimously voted (5-0) to support this legislation contingent upon the addition of the following recommendations:**

For the duration of the local emergency:

- DPW reinstate Notices of Violation to notify property owners of their responsibilities, but make clear that no financial penalties will be issued.

For the program in perpetuity:

- If small business tenants (businesses with 100 or fewer employees) who occupy a property receive a graffiti abatement notice, DPW should grant automatic hardship exemptions and offer to:
  - Abate the graffiti free of charge, or
  - Provide a grant to the small business to cover the cost of abatement once completed.

If the above recommendation is not feasible, at the very minimum:

- DPW develop alternative remedies whereby property owners (and/or business tenants) can collaborate with the City on graffiti abatement, prioritizing strategies (2) and (3) currently listed in Public Works Code (Article 23, Section 2306), which allows the DPW to:
  - Provide property owners with paint to abate graffiti within 10 days
  - Remove the graffiti at no cost to the property owner if hardship exists
- In conjunction with prioritizing collaborative remedies for graffiti abatement, reassess the abatement notice language to lead with the above-stated alternative remedies.

## Discussion

The SBC supports graffiti abatement and recognizes the negative impacts of graffiti on neighborhoods and commercial corridors. At the same time, the SBC recognizes that small businesses who experience graffiti are themselves victims of vandalism. As such, the SBC recommends a supportive abatement strategy over a punitive one.

A review of graffiti abatement strategies in other cities shows that comparable municipalities have adopted a supportive abatement policy of covering the cost of graffiti abatement at no charge to property owners. Those cities include: Boston, Chicago, Dallas, Los Angeles, Montreal, and New York City.<sup>1</sup>

While property owners may be the intended target of these fees and penalties, most commercial leases require the small business tenant to cover these costs. Given the current surge in COVID cases, the high number of small business closures over the past two years, and the fact that San Francisco's small businesses continue to lag far behind the rest of the country in economic recovery, the SBC feels that now is not the right time to reinstate fines and fees.

Members of the SBC note that instances of graffiti are not uniform across the City; communities of color often experience greater rates of vandalism as well as enforcement. A reinstatement of fees and fines for graffiti abatement will disproportionately impact small businesses in communities of color who also felt the greatest negative impacts of COVID-19.<sup>2</sup>

The current suspension of certain provisions of the Graffiti Removal and Abatement Ordinance came as a direct result of a [Small Business Commission Resolution](#) in February 2021 which included a recommendation that a moratorium on such fees and fines be implemented for the duration of the local emergency:

RESOLVED, that the Notice of Violation and Abatement Order form utilized by the Department of Public Works be updated to include more customer friendly language that emphasizes compliance and include information regarding language services; and therefore be it,

RESOLVED, that the Notice of Violation and Abatement Order form utilized by the Department of Public Works be updated to include resources that may be available to the small business that would assist with compliance; and be it

RESOLVED, that the Department of Public Works be urged to work with the Office of Economic and Workforce Development and the Office of Small Business to collect and better understand what those resources are; and be it,

RESOLVED, that the Notice of Violation and Abatement Order form utilized by the Department of Public Works be updated to include a notice regarding the local emergency and resources to help assist businesses during this time; and be it,

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<sup>1</sup> <https://sfosb.org/sites/default/files/documents/SBC/Legislative%20Review%20211151.pdf>

<sup>2</sup>

[https://sfosb.org/sites/default/files/documents/SBC/Covid%20Impact%20Final%20Report%20with%20Survey\\_May%2028%202021.pdf](https://sfosb.org/sites/default/files/documents/SBC/Covid%20Impact%20Final%20Report%20with%20Survey_May%2028%202021.pdf) Chart 39, "Business Closures by Business Owner Ethnicity."

RESOLVED, that for the duration of the local emergency, a moratorium be placed on the issuance of fees and fines related to the abatement of certain conditions outlined in the Notice of Violation and Abatement Order.<sup>3</sup>

The SBC thanks Supervisor Peskin and his staff, as well as the Department of Public Works for their ongoing engagement on this important issue. Thank you for considering the Commission's recommendations. Please feel free to contact me should you have any questions.

Sincerely,



Katy Tang  
Director, Office of Small Business

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<sup>3</sup> [https://sfosb.org/sites/default/files/documents/SBC/SBC%20RESO%202021-002-%20DPW%20and%20Small%20Business\\_1.pdf](https://sfosb.org/sites/default/files/documents/SBC/SBC%20RESO%202021-002-%20DPW%20and%20Small%20Business_1.pdf)