

File No. 180949

Petitions and Communications received from September 17, 2018, through September 24, 2018, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 2, 2018.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From the Sheriff Department, pursuant to Administrative Code, Section 96A.1, submitting a 2018 Second Quarter report. Copy: Each Supervisor. (1)

From the California Fish and Game Commission, submitting notice of proposed regulatory action relative to amending various sections of the California Code of Regulations relating to the recreational take of red abalone, state logbook requirements for Commercial broadbill swordfish harpoon, gill and trammel net fisheries and trawl fisheries and commercial fishing regulations for federal groundfish. Copy: Each Supervisor. (2)

From West Area California Public Utilities Commission, submitting CPUC Notification regarding Verizon Wireless City of San Francisco Small Cells 9-17-2018. 2 letters. Copy: Each Supervisor. (3)

From the California Association of Voting Officials (CAVO), regarding the US election systems. Copy: Each Supervisor. (4)

From the Planning Department, submitting a Notice of Hearing on appeals of a preliminary mitigated negative declaration for the proposed project at 5 Third Street. Copy: Each Supervisor. (5)

From concerned citizens, regarding African-American workforce hiring, retention, promotional opportunities. File No. 180630. 2 letters. Copy: Each Supervisor. (6)

From BerkeleyLaw, Policy Advocacy Clinic, submitting a report regarding Homeless Excursion Districts. Copy: Each Supervisor. (7)

From Larry Bush, Founder, the Friends of Ethics, regarding the Disclosure of Conflict of Rules for San Francisco officials. Copy: Each Supervisor. (8)

From Jorge R. Palafox, Cayuga Improvement Association (CIA) Resiliency, Chair, regarding the shooting at Balboa High School. Copy: Each Supervisor. (9)

From Anastasia Glikshtern, regarding pesticides usage. Copy: Each Supervisor. (10)

From Bob Feinbaum, Chair of Save MUNI, regarding the Downtown Extension of Caltrain. Copy: Each Supervisor. (11)

From the Planning Department, pursuant to Ordinance No. 53-15, submitting a Housing Balance Report No. 7. Copy: Each Supervisor. (12)

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Subject: FW: Sheriff Department's Second-Quarter 96A Report
Date: Friday, September 21, 2018 3:27:00 PM
Attachments: [96A Report Final - Q2 2018.pdf](#)

From: Toet, Theodore (SHF) **On Behalf Of** Hennessy, Sheriff Vicki (SHF)
Sent: Friday, September 21, 2018 3:21 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Cc: Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; Hennessy, Sheriff Vicki (SHF) <vicki.hennessy@sfgov.org>
Subject: Sheriff Department's Second-Quarter 96A Report

Dear Madam Clerk,

Attached please find a copy of my Department's second-quarter report required by Administrative Code Section 96A. Please distribute a copy to each member of the Board of Supervisors and their staff. If you have any questions, please do not hesitate to reach out to my Communications Director Nancy Crowley.

Thank you,

Vicki L. Hennessy
Sheriff
1 Dr. Carlton Goodlett Place
City Hall, Rm 456
San Francisco, CA 94102

Phone: 415.554.7225



OFFICE OF THE SHERIFF
CITY AND COUNTY OF SAN FRANCISCO

1 DR. CARLTON B. GOODLETT PLACE
ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102



VICKI L. HENNESSY
SHERIFF

September 21, 2018
Reference: 2018-104

The Honorable London Breed
Mayor
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Chapter 96A 2018, Second Quarter Report

Dear Mayor Breed,

I am submitting the Sheriff department's second-quarter report required by Administrative Code Chapter 96A.

Code Chapter 96A.1 of the Administrative Code defines the Sheriff Department's use of force as "use of force on an individual that results in a known injury." California Penal Code §834 defines arrests as the, "taking of a person into custody, in a case and manner authorized by law."

By these definitions, Sheriff department is reporting 31 uses of force and 176 arrests this quarter.

If you have any questions, please contact Communications Director, Nancy Crowley, at 415-554-7225 or by email at nancy.crowley@sfgov.org.

Sincerely,

Vicki L. Hennessy
Sheriff

Cc: Angela Calvillo, Clerk of the Board of Supervisors
Vice President Thomas Mazzucco, San Francisco Police Commission
Sheryl Davis, Human Rights Commission



OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

1 DR. CARLTON B. GOODLETT PLACE
ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102



VICKI L. HENNESSY
SHERIFF

San Francisco Sheriff's Department Chapter 96A Second Quarter Report – April 1, 2018 – June 30, 2018

Executive Summary:

San Francisco Sheriff's deputies dedicate themselves to ensuring public safety as well as the safe, secure and humane treatment of prisoners in our custody. As required by Administrative Code Chapter 96A, this report contains statistics for arrests, encounters and uses of force.

During the Second quarter of 2017, the department initiated:

Arrests:	176
Encounters:	26
Uses of Force:	31

The Sheriff's Department includes four divisions: Administration and Programs; Custody Operations; Field Operations; and Planning and Special Projects. Deputies in each division may conduct arrests, encounters or use force as necessary to protect public safety.

Division Responsibilities:

Administration and Programs

The Administration and Programs Division ensures compliance of individuals sentenced to treatment programs, electronic monitoring and the Sheriff's Work Alternatives Program (SWAP). Deputies may remand individuals into custody who violate the terms of their sentences or treatment programs. Occasionally, they encounter members of the public who pose a threat to public safety and respond as necessary.

Custody Operations

The Custody Operations Division secures the county jails and ensures inmate safety. This includes breaking up inmate fights. When inmates do not respond to verbal commands during an altercation, a deputy may deploy pepper spray to de-escalate the conflict, gain prisoner compliance and decrease the risk of injury to prisoner and deputy. If pepper spray proves ineffective, deputies may use reasonable additional force.

Department policy requires immediate medical treatment for the affected individual if a deputy uses pepper spray. Jail Health Services treats inmates in custody. Deputies seek outside medical assistance when using pepper spray in the field.

Deputies in Custody Operations carry additional responsibilities including: escorting prisoners to court appearances; facilitating prisoner participation in restorative justice and rehabilitation in-custody programs; taking individuals into custody who turn themselves in for an outstanding arrest warrant or transferred to the San Francisco Sheriff's custody from another county, and rebooking inmates who commit crimes while in jail.

Field Operations

The Field Operations Division is responsible for securing public buildings including City Hall, Zuckerberg San Francisco General Hospital, and the Department of Public Health-Community Clinics. Deputies conduct foot patrols of these sites and may encounter individuals who pose a risk to public safety causing deputies to engage the individual. Below are reasons a deputy may contact a member of the public:

- **Consensual encounter** – *a stop and encounter with an individual who is free to disengage from the interaction at any time.*
- **Facility security checkpoint violation** – *an individual's failure to comply with, or attempt to enter a facility secured by sheriff's deputies without going through the security checkpoint, or for trying to bring in contraband.*
- **Mental health evaluation** – *an evaluation of a person who, through their behavior exhibit severe mental health symptoms or actions that constitutes terms of 5150 W&I.*

- **Outstanding arrest warrant** – *the identification and arrest of a person who has an unbooked warrant.*
- **Private person's arrest** – *a citizen's arrest affidavit.*
- **Probable cause** – *Information of events that legally constitute probable cause for an arrest, search or seizure.*
- **Probation or parole violation** – *a person, wanted for violating the terms of their probation or parole.*
- **Reasonable suspicion** – *information and observable facts indicating a crime has occurred.*
- **Released in error** – *human error or misreading of a court document, resulting in the release of the wrong individual from custody.*
- **Remanded into custody** – *occurs during a court appearance upon the order of a judge, or for violating the rules of a treatment program while on sentenced release.*
- **Traffic violation** – *an on-view observation of a traffic violation.*

Planning and Special Projects

The Sheriff Department's Planning and Special Projects division focuses on meeting the current and future needs of the Sheriff's Department. Members of this division have less contact with members of the public and inmates. However, they do respond to critical incidents when necessary to protect public safety.

Department-Wide Encounters:

Deputy Sheriff Encounters 96A.3(a)(1)	
Administration and Programs Division	0
Custody Operations Division	0
Field Operations Division	26
Planning and Special Projects	0
Off-duty encounters	0
Department total	26

See page 12 for a complete breakdown of encounters by race, age, and gender.

Deputy Sheriff Encounters Resulting in a Detention 96A.3(a)(1) & 96A.3(a)(7)	
Administration and Programs Division	0
Custody Operations Division	0
Field Operations Division	2
Planning and Special Projects	0
Off-duty encounters	0
Department total	2

See page 13 for a complete breakdown of encounters resulting in a detention by race, age, and gender.

Deputy Sheriff Encounters Resulting in a Traffic Stop 96A.3(a)(1) & 96A.3(a)(7)	
Administration and Programs Division	0
Custody Operations Division	0
Field Operations Division	7
Planning and Special Projects	0
Off-duty encounters	0
Department total	7

See page 14 for a complete breakdown of encounters resulting in a traffic stop by race, age, and gender.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

Basis for Initiating an Encounter 96A.3(d)	
Consensual encounter	0
Facility security checkpoint violation	0
Mental health evaluation	0
Outstanding arrest warrant	0
Probable cause	17
Probation or parole violation	0
Reasonable suspicion	2
Traffic violation	7
Department total	26

See page 15 for a complete breakdown of the basis for initiating an encounter by race, age, and gender.

Basis for Initiating a Detention 96A.3(d)	
Consensual encounter	0
Facility security checkpoint violation	0
Mental health evaluation	0
Outstanding arrest warrant	0
Probable cause	2
Probation or parole violation	0
Reasonable suspicion	0
Traffic violation	0
Department total	2

See page 16 for a complete breakdown of the basis for initiating a detention by race, age, and gender.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

Basis for Initiating a Traffic Stop 96A.3(d)	
Consensual encounter	0
Facility security checkpoint violation	0
Mental health evaluation	0
Outstanding arrest warrant	0
Probable cause	0
Probation or parole violation	0
Reasonable suspicion	0
Traffic violation	7
Department total	7

See page 17 for a complete breakdown of the basis for initiating a traffic stop by race, age, and gender.

Total Searches Conducted by Deputy Sheriffs During Encounters 96A.3(a)(3)	
Administration and Programs Division	0
Custody Operations Division	0
Field Operations Division	16
Planning and Special Project	0
Off-duty encounters	0
Department total	16

See page 18 for a complete breakdown of searches conducted during an encounter by race, age, and gender.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

Type of Searches Conducted by Deputy Sheriffs During an Encounter	
Arrest	0
Consent	0
Cursory, Pat, Weapons	15
Exigent circumstances	0
Plain view seizure	0
Probation/Parole	0
Strip	0
Vehicle search	0
Warrant	1
Department total	16

See page 19 for a complete breakdown of searches conducted during a detention by race, age, and gender.

Type of Searches Conducted by Deputy Sheriffs During a Detention 96A.3(a)(4) & 96A.3(a)(7)	
Arrest	0
Consent	0
Cursory, Pat, Weapons	2
Exigent circumstances	0
Probation/Parole	0
Strip	0
Vehicle search	0
Warrant	0
Department total	2

See page 20 for a complete breakdown of searches conducted during a detention by race, age, and gender.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

Type of Searches Conducted by Deputy Sheriffs During a Traffic Stop 96A.3(a)(4) & 96A.3(a)(7)	
Arrest	0
Consent	0
Cursory, Pat, Weapons	2
Exigent circumstances	0
Probation/Parole	0
Strip	0
Vehicle search	0
Warrant	0
Department total	2

See page 21 for a complete breakdown of searches conducted during a traffic stop by race, age, and gender.

Total Dispositions Resulting From Deputy Sheriff Encounters 96A.3(a)(6)	
Abated	0
Admonished	2
Arrests	12
Citations	9
Detentions	1
Medical call	0
Report made	0
Psychiatric emergency services	2
Department total	26

See page 22 for a complete breakdown of dispositions resulting from an encounter by race, age, and gender.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

Dispositions of Deputy Sheriff Initiated Detentions 96A.3(a)(6) & 96A.3(a)(7)	
Abated	0
Arrests	0
Citations	0
Detentions	1
Medical calls	0
Psychiatric emergency services	1
Report made	0
Department total	2

See page 23 for a complete breakdown of dispositions resulting from a detention by race, age, and gender.

Dispositions of Deputy Sheriff Initiated Traffic Stops 96A.3(a)(6) & 96A.3(a)(7)	
Abated	0
Arrests	2
Citations	5
Detentions	0
Medical calls	0
Psychiatric emergency services	0
Report Made	0
Department total	7

See page 24 for a complete breakdown of dispositions resulting from a traffic stop by race, age, and gender.

Department-Wide Use of Force:

Deputy Sheriff Uses of Force 96A.3(b)(1)	
Administration and Programs Divisions	0
Custody Operations Division	29
Field Operations Division	0
Planning and Special Projects	1
Off-duty use of force	1
Department total	31

The 33 instances of pepper spray below are extracted from the Custody Operations Division's total uses of force and are part of the division's total 38 uses of force.

Uses of Pepper Spray	
Uses of pepper spray only	27
Uses of pepper spray and additional force	4
Department total	31

During the Second quarter of 2017, a deputy's use of force did not result in death.

See page 25 for a complete breakdown of uses of force by race, age, and gender.

Department-Wide Arrests:

Deputy Sheriff Arrests 96A.3(c)(1)	
Administration and Programs Division	32
Custody Operations Division	41
Field Operations Division	102
Planning and Special Projects	0
Off-duty arrests	1
Department total	176

See page 26 for a complete breakdown of arrests by race, age, and gender.

Basis for Initiating Arrests 96A.3(d)	
Crime by prisoner	2
Mental health evaluation	0
Outstanding arrest warrant	113
Private persons arrest	10
Probable cause	33
Probation or parole violation	1
Reasonable suspicion	0
Release in error	0
Remand into custody	17
Facility security checkpoint violation	0
Traffic violation	0
Department total	176

See page 27 for a complete breakdown of the basis for initiation an arrest by race, age, and gender.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(a)(2)

Total Department Encounters

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Administration and Programs Division		Custody Operations Division		Field Operations Division		Planning and Special Projects		Off-duty deputies	
		Total	26	Total	0	Total	0	Total	26	Total	0	Total	0
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	1	4%	0	-	0	-	1	4%	0	-	0	-
	Black	6	23%	0	-	0	-	6	23%	0	-	0	-
	Hispanic	7	27%	0	-	0	-	7	27%	0	-	0	-
	Other	0	0%	0	-	0	-	0	0%	0	-	0	-
	White	12	46%	0	-	0	-	12	46%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-
Age	<18	0	0%	0	-	0	-	0	0%	0	-	0	-
	18 - 29	5	19%	0	-	0	-	5	19%	0	-	0	-
	30 - 39	6	23%	0	-	0	-	6	23%	0	-	0	-
	40 - 49	4	15%	0	-	0	-	4	15%	0	-	0	-
	50+	10	38%	0	-	0	-	10	38%	0	-	0	-
	Unknown	1	4%	0	-	0	-	1	4%	0	-	0	-
Gender	Male	23	88%	0	-	0	-	23	88%	0	-	0	-
	Female	3	12%	0	-	0	-	3	12%	0	-	0	-
	Transgender	0	0%	0	-	0	-	0	0%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(a)(2) & 96A.3(a)(7)
Total Department Encounters
Resulting in a Detention
By Race, Age, and Gender
April 1, 2018 - June 30, 2018

		Department total		Administration and Programs Division		Custody Operations Division		Field Operations Division		Planning and Special Projects		Off-duty deputies	
		Total	1	Total	0	Total	0	Total	1	Total	0	Total	0
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	0	0%	0	-	0	-	0	0%	0	-	0	-
	Black	1	100%	0	-	0	-	1	100%	0	-	0	-
	Hispanic	0	0%	0	-	0	-	0	0%	0	-	0	-
	Other	0	0%	0	-	0	-	0	0%	0	-	0	-
	White	0	0%	0	-	0	-	0	0%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-
Age	<18	0	0%	0	-	0	-	0	0%	0	-	0	-
	18 - 29	0	0%	0	-	0	-	0	0%	0	-	0	-
	30 - 39	0	0%	0	-	0	-	0	0%	0	-	0	-
	40 - 49	0	0%	0	-	0	-	0	0%	0	-	0	-
	50+	1	100%	0	-	0	-	1	100%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-
Gender	Male	1	100%	0	-	0	-	1	100%	0	-	0	-
	Female	0	0%	0	-	0	-	0	0%	0	-	0	-
	Transgender	0	0%	0	-	0	-	0	0%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(a)(2) & 96A.3(a)(7)
Total Department Encounters
Resulting in a Traffic Stop
By Race, Age, and Gender
April 1, 2018 - June 30, 2018

		Department total		Administration and Programs Division		Custody Operations Division		Field Operations Division		Planning and Special Projects		Off-duty deputies	
		Total	7	Total	0	Total	0	Total	7	Total	0	Total	0
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	0	0%	0	-	0	-	0	0%	0	-	0	-
	Black	3	43%	0	-	0	-	3	43%	0	-	0	-
	Hispanic	4	57%	0	-	0	-	4	57%	0	-	0	-
	Other	0	0%	0	-	0	-	0	0%	0	-	0	-
	White	0	0%	0	-	0	-	0	0%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-
Age	<18	0	0%	0	-	0	-	0	0%	0	-	0	-
	18 - 29	2	29%	0	-	0	-	2	29%	0	-	0	-
	30 - 39	1	14%	0	-	0	-	1	14%	0	-	0	-
	40 - 49	1	14%	0	-	0	-	1	14%	0	-	0	-
	50+	3	43%	0	-	0	-	3	43%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-
Gender	Male	5	71%	0	-	0	-	5	71%	0	-	0	-
	Female	2	29%	0	-	0	-	2	29%	0	-	0	-
	Transgender	0	0%	0	-	0	-	0	0%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(d)

Basis for Initiating an Encounter

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Consensual encounter		Facility security checkpoint violation		Mental health evaluation		Outstanding arrest warrant		Probable cause		Probation/Parole violation		Reasonable suspicion		Traffic violation	
		Total	26	Total	0	Total	0	Total	0	Total	0	Total	17	Total	0	Total	2	Total	7
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	1	4%	0	-	0	-	0	-	0	-	1	6%	0	-	0	0%	0	0%
	Black	6	23%	0	-	0	-	0	-	0	-	3	18%	0	-	0	0%	3	43%
	Hispanic	7	27%	0	-	0	-	0	-	0	-	2	12%	0	-	1	50%	4	57%
	Other	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	0%
	White	12	46%	0	-	0	-	0	-	0	-	11	65%	0	-	1	50%	0	0%
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	0%
Age	<18	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	0%
	18 - 29	5	19%	0	-	0	-	0	-	0	-	2	12%	0	-	1	50%	2	29%
	30 - 39	6	23%	0	-	0	-	0	-	0	-	4	24%	0	-	1	50%	1	14%
	40 - 49	4	15%	0	-	0	-	0	-	0	-	3	18%	0	-	0	0%	1	14%
	50+	10	38%	0	-	0	-	0	-	0	-	7	41%	0	-	0	0%	3	43%
	Unknown	1	4%	0	-	0	-	0	-	0	-	1	6%	0	-	0	0%	0	0%
Gender	Male	23	88%	0	-	0	-	0	-	0	-	16	94%	0	-	2	100%	5	71%
	Female	3	12%	0	-	0	-	0	-	0	-	1	6%	0	-	0	0%	2	29%
	Transgender	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	0%
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	0%
The department rounded percentages to the nearest whole number.																			

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(d)

Basis for Initiating a Detention

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Consensual encounter		Facility security checkpoint violation		Mental health evaluation		Probable cause		Reasonable suspicion		Traffic violation	
		Total	2	Total	0	Total	0	Total	0	Total	2	Total	0	Total	0
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
	Black	1	50%	0	-	0	-	0	-	1	50%	0	-	0	-
	Hispanic	1	50%	0	-	0	-	0	-	1	50%	0	-	0	-
	Other	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
	White	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
Age	<18	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
	18 - 29	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
	30 - 39	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
	40 - 49	1	50%	0	-	0	-	0	-	1	50%	0	-	0	-
	50+	1	50%	0	-	0	-	0	-	1	50%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
Gender	Male	2	100%	0	-	0	-	0	-	2	100%	0	-	0	-
	Female	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
	Transgender	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	-	0	0%	0	-	0	-
The department rounded percentages to the nearest whole number.															

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(d)

Basis for Initiating a Traffic Stop

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Consensual encounter		Facility security checkpoint		Outstanding arrest warrant		Probable cause		Probation/parole violation		Reasonable suspicion		Traffic violation	
		Total	7	Total	0	Total	0	Total	0	Total	0	Total	0	Total	0	Total	7
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	0	0%	0	-	0	-	0	-	0	-	0	-	0	-	0	0%
	Black	3	43%	0	-	0	-	0	-	0	-	0	-	0	-	3	43%
	Hispanic	4	57%	0	-	0	-	0	-	0	-	0	-	0	-	4	57%
	Other	0	0%	0	-	0	-	0	-	0	-	0	-	0	-	0	0%
	White	0	0%	0	-	0	-	0	-	0	-	0	-	0	-	0	0%
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	-	0	-	0	0%
Age	<18	0	0%	0	-	0	-	0	-	0	-	0	-	0	-	0	0%
	18 - 29	2	29%	0	-	0	-	0	-	0	-	0	-	0	-	2	29%
	30 - 39	1	14%	0	-	0	-	0	-	0	-	0	-	0	-	1	14%
	40 - 49	1	14%	0	-	0	-	0	-	0	-	0	-	0	-	1	14%
	50+	3	43%	0	-	0	-	0	-	0	-	0	-	0	-	3	43%
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	-	0	-	0	0%
Gender	Male	5	71%	0	-	0	-	0	-	0	-	0	-	0	-	5	71%
	Female	2	29%	0	-	0	-	0	-	0	-	0	-	0	-	2	29%
	Transgender	0	0%	0	-	0	-	0	-	0	-	0	-	0	-	0	0%
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	-	0	-	0	0%
The department rounded percentages to the nearest whole number.																	

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(a)(3)

Total Searches Conducted During Deputy Sheriff Encounters

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Administration and Programs Division		Custody Operations Division		Field Operations Division		Planning and Special Projects		Off-duty deputies	
		Total	16	Total	0	Total	0	Total	16	Total	0	Total	0
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	1	6%	0	-	0	-	1	6%	0	-	0	-
	Black	4	25%	0	-	0	-	4	25%	0	-	0	-
	Hispanic	3	19%	0	-	0	-	3	19%	0	-	0	-
	Other	0	0%	0	-	0	-	0	0%	0	-	0	-
	White	8	50%	0	-	0	-	8	50%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-
Age	<18	0	0%	0	-	0	-	0	0%	0	-	0	-
	18 - 29	3	19%	0	-	0	-	3	19%	0	-	0	-
	30 - 39	5	31%	0	-	0	-	5	31%	0	-	0	-
	40 - 49	3	19%	0	-	0	-	3	19%	0	-	0	-
	50+	5	31%	0	-	0	-	5	31%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-
Gender	Male	14	88%	0	-	0	-	14	88%	0	-	0	-
	Female	2	13%	0	-	0	-	2	13%	0	-	0	-
	Transgender	0	0%	0	-	0	-	0	0%	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(a)(5) & 96A.3(a)(7)

Total Searches Conducted During an Encounter

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Arrest		Consent		Cursory, Pat, Weapons		Exigent circumstances		Plain view seizure		Probation/Parole violation		Strip		Vehicle		Warrant	
		Total	16	Total	0	Total	0	Total	15	Total	0	Total	0	Total	0	Total	0	Total	0	Total	1
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	1	6%	0	-	0	-	1	7%	0	-	0	-	0	-	0	-	0	-	0	0%
	Black	4	25%	0	-	0	-	4	27%	0	-	0	-	0	-	0	-	0	-	0	0%
	Hispanic	3	19%	0	-	0	-	3	20%	0	-	0	-	0	-	0	-	0	-	0	0%
	Other	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	0%
	White	8	50%	0	-	0	-	7	47%	0	-	0	-	0	-	0	-	0	-	1	100%
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	0%
Age	<18	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	0%
	18 - 29	3	19%	0	-	0	-	3	20%	0	-	0	-	0	-	0	-	0	-	0	0%
	30 - 39	5	31%	0	-	0	-	5	33%	0	-	0	-	0	-	0	-	0	-	0	0%
	40 - 49	3	19%	0	-	0	-	3	20%	0	-	0	-	0	-	0	-	0	-	0	0%
	50+	5	31%	0	-	0	-	4	27%	0	-	0	-	0	-	0	-	0	-	1	100%
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	0%
Gender	Male	14	88%	0	-	0	-	13	87%	0	-	0	-	0	-	0	-	0	-	1	100%
	Female	2	13%	0	-	0	-	2	13%	0	-	0	-	0	-	0	-	0	-	0	0%
	Transgender	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	0%
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	0%

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(a)(5) & 96A.3(a)(7)

Types of Searches Conducted During a Detention

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Arrest		Consent		Cursory, Pat, Weapons		Exigent circumstances		Plain view seizure		Probation/Parole violation		Strip		Vehicle		Warrant	
		Total	2	Total	0	Total	0	Total	2	Total	0	Total	0	Total	0	Total	0	Total	0	Total	0
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	Black	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	Hispanic	2	100%	0	-	0	-	2	100%	0	-	0	-	0	-	0	-	0	-	0	-
	Other	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	White	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
Age	<18	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	18 - 29	1	50%	0	-	0	-	1	50%	0	-	0	-	0	-	0	-	0	-	0	-
	30 - 39	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	40 - 49	1	50%	0	-	0	-	1	50%	0	-	0	-	0	-	0	-	0	-	0	-
	50+	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
Gender	Male	2	100%	0	-	0	-	2	100%	0	-	0	-	0	-	0	-	0	-	0	-
	Female	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	Transgender	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(a)(5) & 96A.3(a)(7)

Types of Searches Conducted During a Traffic Stop

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Arrest		Consent		Cursory, Pat, Weapons		Exigent circumstances		Plain view seizure		Probation/Parole violation		Strip		Vehicle		Warrant	
		Total	2	Total	0	Total	0	Total	2	Total	0	Total	0	Total	0	Total	0	Total	0	Total	0
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	Black	2	100%	0	-	0	-	2	100%	0	-	0	-	0	-	0	-	0	-	0	-
	Hispanic	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	Other	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	White	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
Age	>18	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	18 - 29	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	30 - 39	1	50%	0	-	0	-	1	50%	0	-	0	-	0	-	0	-	0	-	0	-
	40 - 49	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	50+	1	50%	0	-	0	-	1	50%	0	-	0	-	0	-	0	-	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
Gender	Male	1	50%	0	-	0	-	1	50%	0	-	0	-	0	-	0	-	0	-	0	-
	Female	1	50%	0	-	0	-	1	50%	0	-	0	-	0	-	0	-	0	-	0	-
	Transgender	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-
	Unknown	0	0%	0	-	0	-	0	0%	0	-	0	-	0	-	0	-	0	-	0	-

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(a)(6)

Total Dispositions Resulting from Encounters

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Abated		Admonished		Arrests		Citations		Detentions		Medical call		Psychiatric Emergency Services		Report made	
		Total	26	Total	0	Total	2	Total	12	Total	9	Total	1	Total	0	Total	2	Total	0
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	1	4%	0	-	0	0%	1	8%	0	0%	0	0%	0	-	0	0%	0	-
	Black	6	23%	0	-	0	0%	3	25%	2	22%	1	100%	0	-	0	0%	0	-
	Hispanic	7	27%	0	-	0	0%	2	17%	4	44%	0	0%	0	-	1	50%	0	-
	Other	0	0%	0	-	0	0%	0	0%	0	0%	0	0%	0	-	0	0%	0	-
	White	12	46%	0	-	2	100%	6	50%	3	33%	0	0%	0	-	1	50%	0	-
	Unknown	0	0%	0	-	0	0%	0	0%	0	0%	0	0%	0	-	0	0%	0	-
Age	<18	0	0%	0	-	0	0%	0	0%	0	0%	0	0%	0	-	0	0%	0	-
	18 - 29	5	19%	0	-	0	0%	3	25%	2	22%	0	0%	0	-	0	0%	0	-
	30 - 39	5	19%	0	-	0	0%	3	25%	2	22%	0	0%	0	-	0	0%	0	-
	40 - 49	4	15%	0	-	0	0%	2	17%	1	11%	0	0%	0	-	1	50%	0	-
	50+	10	38%	0	-	1	50%	3	25%	4	44%	1	100%	0	-	1	50%	0	-
	Unknown	1	4%	0	-	1	50%	0	0%	0	0%	0	0%	0	-	0	0%	0	-
Gender	Male	23	88%	0	-	2	100%	10	83%	8	89%	1	100%	0	-	2	100%	0	-
	Female	3	12%	0	-	0	0%	2	17%	1	11%	0	0%	0	-	0	0%	0	-
	Transgender	0	0%	0	-	0	0%	0	0%	0	0%	0	0%	0	-	0	0%	0	-
	Unknown	0	0%	0	-	0	0%	0	0%	0	0%	0	0%	0	-	0	0%	0	-

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(a)(6) & 96A.(a)(7)

Total Dispositions Resulting from Detentions

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Admonished		Abated		Arrests		Citations		Detentions		Medical call		Psychiatric Emergency Services		Report made	
		Total	2	Total	0	Total	0	Total	0	Total	0	Total	1	Total	0	Total	1	Total	0
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	Black	1	50%	0	-	0	-	0	-	0	-	1	100%	0	-	0	0%	0	-
	Hispanic	1	50%	0	-	0	-	0	-	0	-	0	0%	0	-	1	100%	0	-
	Other	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	White	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
Age	>18	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	18 - 29	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	30 - 39	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	40 - 49	1	50%	0	-	0	-	0	-	0	-	0	0%	0	-	1	100%	0	-
	50+	1	50%	0	-	0	-	0	-	0	-	1	100%	0	-	0	0%	0	-
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
Gender	Male	2	100%	0	-	0	-	0	-	0	-	1	100%	0	-	1	100%	0	-
	Female	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	Transgender	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(a)(6) & 96A.(a)(7)

Total Dispositions Resulting from Detentions

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Admonished		Abated		Arrests		Citations		Detentions		Medical call		Psychiatric Emergency Services		Report made	
		Total	2	Total	0	Total	0	Total	0	Total	0	Total	1	Total	0	Total	1	Total	0
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	Black	1	50%	0	-	0	-	0	-	0	-	1	100%	0	-	0	0%	0	-
	Hispanic	1	50%	0	-	0	-	0	-	0	-	0	0%	0	-	1	100%	0	-
	Other	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	White	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
Age	>18	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	18 - 29	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	30 - 39	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	40 - 49	1	50%	0	-	0	-	0	-	0	-	0	0%	0	-	1	100%	0	-
	50+	1	50%	0	-	0	-	0	-	0	-	1	100%	0	-	0	0%	0	-
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
Gender	Male	2	100%	0	-	0	-	0	-	0	-	1	100%	0	-	1	100%	0	-
	Female	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	Transgender	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-
	Unknown	0	0%	0	-	0	-	0	-	0	-	0	0%	0	-	0	0%	0	-

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(b)(3)

Uses of Force

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Administration and Programs Division		Custody Operations Division		Field Operations Division		Planning and Special Projects		Off-duty deputies	
		Total	31	Total	0	Total	29	Total	1	Total	0	Total	1
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	0	0%	0	-	0	0%	0	0%	0	-	0	0%
	Black	14	45%	0	-	13	45%	0	0%	0	-	1	100%
	Hispanic	11	35%	0	-	10	34%	1	100%	0	-	0	0%
	Other	0	0%	0	-	0	0%	0	0%	0	-	0	0%
	White	6	19%	0	-	6	21%	0	0%	0	-	0	0%
	Unknown	0	0%	0	-	0	0%	0	0%	0	-	0	0%
Age	<18	0	0%	0	-	0	0%	0	0%	0	-	0	0%
	18 - 29	12	39%	0	-	11	38%	0	0%	0	-	1	100%
	30 - 39	12	39%	0	-	12	41%	0	0%	0	-	0	0%
	40 - 49	5	16%	0	-	4	14%	1	100%	0	-	0	0%
	50+	2	6%	0	-	2	7%	0	0%	0	-	0	0%
	Unknown	0	0%	0	-	0	0%	0	0%	0	-	0	0%
Gender	Male	29	94%	0	-	27	93%	1	100%	0	-	1	100%
	Female	2	6%	0	-	2	7%	0	0%	0	-	0	0%
	Transgender	0	0%	0	-	0	0%	0	0%	0	-	0	0%
	Unknown	0	0%	0	-	0	0%	0	0%	0	-	0	0%

The department rounded percentages to the nearest whole number.

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(c)(2)

Arrests

By Race, Age, and Gender

April 1, 2018 - June 30, 2018

		Department total		Administration and Programs Division		Custody Operations Division		Field Operations Division		Planning and Special Projects		Off-duty deputies	
		Total	176	Total	32	Total	41	Total	102	Total	0	Total	1
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	8	5%	0	0%	3	7%	5	5%	0	-	0	0%
	Black	75	43%	14	44%	19	46%	41	40%	0	-	1	100%
	Hispanic	30	17%	6	19%	6	15%	18	18%	0	-	0	0%
	Other	2	1%	0	0%	0	0%	2	2%	0	-	0	0%
	White	57	32%	10	31%	13	32%	34	33%	0	-	0	0%
	Unknown	4	2%	2	6%	0	0%	2	2%	0	-	0	0%
Age	<18	0	0%	0	0%	0	0%	0	0%	0	-	0	0%
	18 - 29	50	28%	10	31%	11	27%	28	27%	0	-	1	100%
	30 - 39	60	34%	9	28%	14	34%	37	36%	0	-	0	0%
	40 - 49	39	22%	10	31%	9	22%	20	20%	0	-	0	0%
	50+	27	15%	3	9%	7	17%	17	17%	0	-	0	0%
	Unknown	0	0%	0	0%	0	0%	0	0%	0	-	0	0%
Gender	Male	136	77%	26	81%	29	71%	80	78%	0	-	1	100%
	Female	40	23%	6	19%	12	29%	22	22%	0	-	0	0%
	Transgender	0	0%	0	0%	0	0%	0	0%	0	-	0	0%
	Unknown	0	0%	0	0%	0	0%	0	0%	0	-	0	0%
The department rounded percentages to the nearest whole number.													

San Francisco Sheriff's Department
Use of Force Report – Second Quarter of 2018

96A.3(d)
Basis for Initiating an Arrests
By Race, Age, and Gender
April 1, 2018 - June 30, 2018

		Department total		Consensual encounter		Crime by prisoner		Facility security checkpoint violation		Outstanding arrest warrant		Private persons arrest		Probable cause		Probation/parole violation		Release in error		Remanded into custody	
		Total	176	Total	0	Total	2	Total	0	Total	113	Total	10	Total	33	Total	1	Total	0	Total	17
		Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race	Asian/Pacific Islander	8	5%	0	-	0	0%	0	-	6	5%	1	10%	0	0%	0	0%	0	-	1	6%
	Black	75	43%	0	-	2	100%	0	-	47	42%	5	50%	14	42%	0	0%	0	-	7	41%
	Hispanic	30	17%	0	-	0	0%	0	-	21	19%	0	0%	5	15%	1	100%	0	-	3	18%
	Other	2	1%	0	-	0	0%	0	-	2	2%	0	0%	0	0%	0	0%	0	-	0	0%
	White	57	32%	0	-	0	0%	0	-	34	30%	4	40%	13	39%	0	0%	0	-	6	35%
Age	Unknown	4	2%	0	-	0	0%	0	-	3	3%	0	0%	1	3%	0	0%	0	-	0	0%
	<18	0	0%	0	-	0	0%	0	-	0	0%	0	0%	0	0%	0	0%	0	-	0	0%
	18 - 29	50	28%	0	-	1	50%	0	-	33	29%	3	30%	6	18%	1	100%	0	-	6	35%
	30 - 39	60	34%	0	-	0	0%	0	-	41	36%	3	30%	10	30%	0	0%	0	-	6	35%
	40 - 49	39	22%	0	-	1	50%	0	-	25	22%	1	10%	8	24%	0	0%	0	-	4	24%
	50+	27	15%	0	-	0	0%	0	-	14	12%	3	30%	9	27%	0	0%	0	-	1	6%
Gender	Unknown	0	0%	0	-	0	0%	0	-	0	0%	0	0%	0	0%	0	0%	0	-	0	0%
	Male	136	77%	0	-	2	100%	0	-	88	78%	9	90%	26	79%	1	100%	0	-	10	59%
	Female	40	23%	0	-	0	0%	0	-	25	22%	1	10%	7	21%	0	0%	0	-	7	41%
	Transgender	0	0%	0	-	0	0%	0	-	0	0%	0	0%	0	0%	0	0%	0	-	0	0%
	Unknown	0	0%	0	-	0	0%	0	-	0	0%	0	0%	0	0%	0	0%	0	-	0	0%
The department rounded percentages to the nearest whole number.																					

BOS-11

Commissioners
Eric Sklar, President
Saint Helena
Anthony C. Williams, Vice President
Huntington Beach
Jacque Hostler-Carmesin, Member
McKinleyville
Russell E. Burns, Member
Napa
Peter S. Silva, Member
Jamul

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

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SAN FRANCISCO

September 19, 2018

This is to provide you with a copy of the notice of proposed regulatory action relative to amending Section 29.15, Title 14, California Code of Regulations, relating to recreational take of red abalone, which is published in the California Regulatory Notice Register on September 21, 2018.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/>.

Tom Mason, Sr. Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Mason can be reached at (562) 342-7107 or by email at Tom.Mason@wildlife.ca.gov.

Sincerely,

Sheri Tiemann
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 260, 265, 399, 5520, 5521, and 7149.8 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 265, 275, 5520, 5521, 7145 and 7149.8 of said Code, proposes to amend Section 29.15, Title 14, California Code of Regulations, relating to recreational take of red abalone.

Informative Digest/Policy Statement Overview

Red abalone is a resource currently managed by the California Department of Fish and Wildlife (Department) under the Abalone Recovery and Management Plan (ARMP). The Fish and Game Commission (Commission) is the decision-making body that regulates the recreational take of abalone (sections 200 and 205, Fish and Game Code).

In September 2017, the Department identified wide-sweeping changes in density, occurrence, depth distribution, size and health of red abalone as well as the kelp upon which it depends for food. In addition, the Department found that the average density of red abalone populations has declined below the ARMP fishery closure trigger (0.30 abalone/m²), indicating that the stock could no longer support a fishery. In December 2017, the Commission adopted regulations to close the abalone fishery consistent with the ARMP and Department findings. The Commission also adopted a sunset provision for the closure; the fishery would re-open on April 1, 2019, or upon adoption of a Red Abalone Fishery Management Plan (FMP) and the guidance it provides for fishery reopening, whichever comes first. The regulations closing the recreational abalone fishery became effective on March 29, 2018.

Current recreational abalone fishing regulations in Section 29.15, Title 14, California Code of Regulations (CCR) specify: open areas, season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and minimum size limit. Subsection 29.15(i) closes all ocean waters to the take of abalone beginning on April 1, 2018. This regulation is only in effect until April 1, 2019; if the regulations are not amended to delete or extend that date (subsection 29.15(j)), the fishery will re-open on April 1, 2019, which will allow for the recreational take of abalone in open fishing areas during the open season (subsections 29.15(a), (b), and (c)).

Since the closure of the recreational fishery, the Department has found no meaningful changes in the abalone resource conditions. The limited data the Department has from public reports of dead or dying abalone washing ashore during this past winter and spring corroborates the findings of no meaningful positive changes. Department concludes that re-opening the fishery at this time would be inconsistent with the ARMP and detrimental to the recovery of the fishery. The Commission is proposing to amend subsection 29.15(j) to extend the closure of the abalone fishery for another two years, until April 1, 2021. Effective dates for take and possession contained in subsections 29.15 (a), (b) and (c) of the abalone fishing regulations would be updated as well to reflect the proposed change. The action is necessary to facilitate recovery of the red abalone population while the preparation of the Red Abalone FMP is currently underway.

Benefits of the Regulations

The proposed extension of the red abalone fishery closure will benefit the valuable red abalone resource by protecting it from fishing mortality during the current poor environmental conditions. Further conserving the red abalone resource now will allow it the opportunity to rebuild and be sustainable for the future.

Consistency and Compatibility with Existing Regulations

The Legislature has delegated authority to the Commission to promulgate recreational fishing regulations (Fish and Game Code, sections 200, 205, and 265); no other state agency has the authority to promulgate such regulations. The Commission has conducted a search of Title 14, CCR and determined that the proposed regulation is neither inconsistent nor incompatible with existing State regulations and that the proposed regulations are consistent with other recreational fishing regulations and marine protected area regulations in Title 14, CCR.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Radisson Fresno Conference Center, 1055 Van Ness Avenue, Fresno, California, on Wednesday, October 17, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the QLN Conference Center, 1938 Avenida del Oro, Oceanside, California, on Wednesday, December 12, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on November 29, 2018, at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed (to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090), or emailed to the Commission office, must be received before 12:00 noon on December 7, 2018. All comments must be received no later than December 12, 2018, at the hearing in Oceanside, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission's website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Tom Mason, Sr. Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Mason can be reached at (562) 342-7107 or by email at Tom.Mason@wildlife.ca.gov.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of

the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the regulatory action is not likely to significantly increase compliance costs, may or may not significantly impact fishery activity, and only applies to a fishery that is unique to the state of California.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission anticipates generalized benefits to the health and welfare of California residents through the sustainable management of the red abalone fishery.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates benefits to the States environment. The proposed action is designed to ensure the sustainability and quality of the fishery, promoting participation, fishing activity, and economic activity.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

No new costs or savings to State agencies. However, the proposed abalone fishery closure would result in the continued reduction in abalone report card sales with revenue deficits to the California Department of Fish and Wildlife of about \$533,375 for the 2019-20 and 2020-21 fiscal years based on the typical sales of 25,100 at \$21.25 per card. Federal funding to the state would not be impacted by this proposed change in recreational abalone fishing regulations.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Valerie Termini
Executive Director

Dated: September 21, 2018

BOS-11

Commissioners
Eric Sklar, President
Saint Helena
Anthony C. Williams, Vice President
Huntington Beach
Jacque Hostler-Carmesin, Member
McKinleyville
Russell E. Burns, Member
Napa
Peter S. Silva, Member
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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

Valerie Termini, Executive Director
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Sacramento, CA 94244-2090
(916) 653-4899
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www.fgc.ca.gov

BOA
SEP 21 PM 2:37
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September 19, 2018

This is to provide you with a copy of the notice of proposed regulatory action relative to amending sections 107, 174 and 176, Title 14, California Code of Regulations, regarding state logbook requirements for commercial broadbill swordfish harpoon, gill and trammel net fisheries, and trawl fisheries which is published in the California Regulatory Notice Register on September 21, 2018.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/>.

Traci Larinto, Sr. Environmental Specialist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Ms. Larinto can be reached at (562) 355-7061 or by email at Traci.Larinto@wildlife.ca.gov.

Sincerely,

Sheri Tiemann
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 7857, 7892, 8026, 8394, 8681 and 8682 of the Fish and Game Code and to implement, interpret or make specific sections 1050, 1700, 7852.2, 7857, 7892, 8026, 8394, 8394.5, 8568, 8573, 8577, 8680, 8681, 8682, 8683 and 8841 of said Code, proposes to amend sections 107, 174 and 176, Title 14, California Code of Regulations, relating to commercial logbooks.

Informative Digest/Policy Statement Overview

It is necessary to amend sections 107, 174 and 176, Title 14, California Code of Regulations (CCR) in order to eliminate the use of California forms by the affected fisheries in favor of federal forms. The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) either has or is in process of developing federal logs that will more accurately reflect the catch and discard in federally managed fisheries for highly migratory species (HMS) and groundfish under the federal Trawl Individual Quota (TIQ) program.

Under current regulations (subsection 107(c), Title 14, CCR) all State swordfish harpoon permittees are required to complete a State Swordfish Harpoon Log (DFG 107). The information required on this log is specifically related to fish behavior and catch success and does not include bycatch information. The log does not provide location information beyond fishing block that is included on landing receipts. Current federal regulation (CFR 660.708) requires completion of either a state or federal log for all federal HMS fishing activity.

Additionally, under current regulations (subsection 174(f), Title 14, CCR) all state general gill/trammel net permittees are required to complete a State Gill and Trammel Net Fishing Log (DFG 174). This includes State large mesh drift gill net permittees, as described in Fish and Game Code Section 8573, who are also required to have a general gill/trammel net permit. Current federal regulation (CFR 660.708) requires completion of either a state or federal log for all federal highly migratory species (HMS) fishing activity, including drift gill net. These permittees are required to carry a federal observer upon request to accurately document the incidental take of sea turtles, marine mammals, and seabirds. The State's General Gill/Trammel Net Fishing Log (DFG 174) does not record discard information for federal Endangered Species Act (ESA)-listed species needed for managing the federal HMS large mesh drift gill net fishery.

Current regulations (Section 176, Title 14, CCR) require that all trawl vessel operators fill out a State Trawl Trip Log (DFG 176). Additionally, current federal regulation (CFR 660.13) requires that federal groundfish TIQ permittees complete a state trawl log. The Pacific Fishery Management Council is adopting electronic monitoring for the groundfish TIQ fishery. Additionally, there is a need for real time data collection of catch as well as discards so that TIQ quota accounts can be updated within 48 hours. Waiting for a paper log to be submitted and entered into a database could result in TIQ vessels exceeding their individual quotas, given that the timing of logbook submission varies by state (California requires that they be submitted monthly). The State's Trawl Trip Log (DFG 176) does not record needed discard information of federal groundfish species necessary for catch accounting under the federal Trawl Individual Quota (TIQ) program.

AMEND SECTION 107

Subsection 107(c) would be deleted eliminating the need for State logs recording swordfishing activities, and subsections (d)-(h) would be renumbered and Form Swordfish Harpoon Log, DFG 107 (10/90) is deleted from Appendix A.

AMEND SECTION 174

Subsection 174(f) would be amended to exempt fishermen from the State log requirement: (1) targeting highly migratory species, and (2) using large mesh (greater than 14 inch) drift gill nets.

AMEND SECTION 176

Section 176, Title 14, CCR, requires all trawl fishermen to fill out a Trawl Trip Log (DFG 176), but does not specify which fisheries, thus some fishermen targeting invertebrates fill out the Trawl Trip Log (DFG 176) while other fill out the Shrimp/Prawn Trawl Log (DFG 120). To clarify the logbook requirement for each State managed fishery and to eliminate any potential redundancy between State and federal regulations for the groundfish trawl fishery, Section 176, Title 14, CCR, would be amended as follows:

- The first paragraph of Section 176 is deleted and rewritten as Subsection 176(a) and would require completion of the Trawl Trip Log (DFG 176) by these fisheries:
 - subsection (a)(1) all California halibut bottom trawl permittees.
 - subsection (a)(2) any finfish trawl fisheries without a specific permit to complete the Trawl Trip Log (DFG 176).
- Subsection (b) exempts federal TIQ permittees targeting federal groundfish from the state trawl log requirement.
- Subsection 176(c) would require completion of the Shrimp/Prawn Trawl Log (DFG 120) by these fisheries:
 - subsection (c)(1) all golden/ridgeback prawn trawl, northern pink shrimp trawl, and southern pink shrimp permittees.
 - subsection (c)(2) all sea cucumber trawl permittees.
 - subsection (c)(3) any invertebrate trawl fishery without a specific permit.

Benefit of the Regulations

Currently, the permittees in these fisheries complete multiple forms for both the State and federal governments. The State forms do not provide additional information that is necessary for managing the fisheries and, in some cases, will be replaced by more comprehensive electronic monitoring and logbooks. By eliminating the need for State forms and relying on the improved reporting on federal forms, and potentially the electronic forms, the fishery benefits from less paperwork and the State benefits from a better and more useful format for information gathering. The State also benefits from a reduction in staff time and expenses surrounding printing, processing, and maintaining these unnecessary forms.

Consistency with State Regulations

Department staff has conducted a review of the California Code of Regulations and determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the statutory authority to amend regulations pertaining to the logbooks used by these fisheries.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the QLN Conference Center, 1938 Avenida del Oro, Oceanside, California, on Wednesday, December 12, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on November 29, 2018, at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed (to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090), or emailed to the Commission office, must be received before 12:00 noon on December 7, 2018. All comments must be received no later than December 12, 2018, at the hearing in Oceanside, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission's website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and

available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Traci Larinto, Sr. Environmental Specialist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Ms. Larinto can be reached at (562) 355-7061 or by email at Traci.Larinto@wildlife.ca.gov.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This rulemaking proposes to increase clarity and efficiency by removing the state logbook requirement for various state and federal fisheries.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because this rulemaking proposes to increase clarity and efficiency by removing the state logbook requirement for various state and federal fisheries.

As stated under the Informative Digest/Policy Statement Overview above, these proposed regulations will provide for more improved and comprehensive monitoring systems, which will benefit fishermen and the state in terms of more streamlined submission requirements and administering processing and ultimately benefit the management of California fisheries.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department would realize a savings of about \$30,000 annually in printing and mailing costs as well as time-savings for existing personnel.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: September 21, 2018

Valerie Termini
Executive Director

BOS-11

Commissioners
Eric Sklar, President
Saint Helena
Anthony C. Williams, Vice President
Huntington Beach
Jacque Hostler-Carmesin, Member
McKinleyville
Russell E. Burns, Member
Napa
Peter S. Silva, Member
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STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

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2018 SEP 21 PM 2:37
AK

September 19, 2018

This is to provide you with a copy of the notice of proposed regulatory action relative to amending Sections 27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10 and 150.16, Title 14, California Code of Regulations, relating to recreational and commercial fishing regulations for federal groundfish and associated species for consistency with federal rules for 2019 and 2020, which is published in the California Regulatory Notice Register on September 21, 2018.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/>.

Laura Ryley, Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Ms. Ryley can be reached at (831) 649-7142 or by email at Laura.Ryley@wildlife.ca.gov.

Sincerely,

Sheri Tiemann
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 275, 702, 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 240, 265, 275, 1802, 7071 and 8585.5 of said Code and Title 50, Code of Federal Regulations, Part 660, Subpart G, proposes to amend 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10 and 150.16, Title 14, California Code of Regulations, relating to Recreational and Commercial Fishing Regulations for Federal Groundfish and Associated Species for Consistency with Federal Rules for 2019 and 2020.

Informative Digest/Policy Statement Overview

Biennially, the Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations. As part of that process, it recommends groundfish fisheries harvest limits and regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan (FGFMP).

These recommendations coordinate west coast management of recreational and commercial groundfish fisheries in the Exclusive Economic Zone (EEZ) (three to 200 miles offshore) off Washington, Oregon and California. These recommendations are subsequently implemented as federal fishing regulations by the National Oceanic and Atmospheric Administration National Marine Fisheries Service NOAA Fisheries.

Regulatory authority for most nearshore stocks is shared jointly between State and federal governments. For consistency, the California Fish and Game Commission (Commission) routinely adopts regulations to bring State law into conformance with federal law for groundfish and other federally-managed species. Nearshore stocks are managed based on both PFMC-established federal annual catch limits (ACL), and Commission-established total allowable catch (TAC) values. ACLs and TACs serve the same purpose of setting a limit on catch.

Current regulations establish recreational season lengths, depth constraints, methods of take, and size, bag and possession limits within the five groundfish management areas for all federal groundfish and associated species.

Current State regulations also provide for a statewide TAC for cabezon and greenlings of the genus *Hexagrammos* along with allocation of these TACs between the recreational and commercial fishery sectors, and commercial trip limits for cabezon and greenling. Until recently, TACs specified in Title 14 have been lower than the ACLs established in federal regulations. Starting in 2019, the federal ACL for cabezon will be lower than the State TAC.

Modest increases to trip limits can be accommodated under federal ACLs since commercial cabezon and greenling landings have fallen below ACLs in recent years.

Summary of Proposed Amendments

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations for federal groundfish regulations in 2019 and 2020. This approach will allow the Commission to adopt State recreational groundfish regulations to timely conform to those taking effect in federal ocean waters in January 2019.

The proposed regulatory changes will implement the following changes:

1. Increase the allowable depth for the recreational groundfish fishery from 60 to 75 fathoms in the Southern Management Area and from 20 to 40 fathoms in the Cowcod Conservation Area;
2. Increase the recreational season length for groundfish in the San Francisco Management Area by two weeks;
3. Increase the recreational season length for California scorpionfish by removing the September 1 to December 31 closure in the Mendocino, San Francisco, Central and Southern Management Areas;
4. Increase the recreational bag limit for canary rockfish from one to two fish statewide;
5. Decrease the recreational bag limit for lingcod from two to one fish in Mendocino, San Francisco, Central, and Southern Management Areas;
6. Replace language referencing numerical values for cabezon and greenling total allowable catch limits with references to federal annual catch limits in federal regulation;
7. Eliminate language referencing allocation limits for cabezon and greenling from Section 52.10; and
8. Increase commercial trip limits to 500 pounds for cabezon and 250 pounds for greenling.

The benefits of the proposed regulations are consistency with federal law, sustainable management of groundfish resources and promotion of businesses that rely on recreational and commercial groundfish fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt fishing regulations (Fish and Game Code, sections 200, 205 and 265). The proposed regulations are consistent with regulations for fishing in marine protected areas (Section 632, Title 14, CCR), with Nearshore Fishery Management Plan regulations (Sections 52.00 through 52.10, Title 14, CCR) and with general fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the take of groundfish.

Update to Authority and Reference Citations Based on Recent Legislation

Senate Bill 1473 (Stats. 2016, Ch. 546) made organizational changes to the Fish and Game Code that became effective January 1, 2017. The changes included moving the Commission's exemptions from specified Administrative Procedure Act time frames from Section 202 to Section 265 of the Fish and Game Code, and moving the Commission's effective period procedures from Section 220 to Section 275 of the Fish and Game Code. In accordance with these changes to the Fish and Game Code, sections 202 and 220 are removed from, and sections 265 and 275 are added to, the authority and reference citations for this rulemaking.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Radisson Fresno Conference Center, 1055 Van Ness Avenue, Fresno, California, on Wednesday, October 17, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the QLN Conference Center, 1938 Avenida del Oro, Oceanside, California, on Wednesday, December 12, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on November 29, 2018, at the address given below, or by email to FGC@fgc.ca.gov.

Written comments mailed (to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090), or emailed to the Commission office, must be received before 12:00 noon on December 7, 2018. All comments must be received no later than December 12, 2018, at the hearing in Oceanside, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission's website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Laura Ryley, Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Ms. Ryley can be reached at (831) 649-7142 or by email at Laura.Ryley@wildlife.ca.gov.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Department anticipates increased opportunities for the recreational and commercial groundfish fishery in 2019-2020 compared to 2018.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any significant impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of

businesses in California. The Department anticipates increased opportunities for the recreational and commercial groundfish fishery in 2019-2020 compared to 2018.

The Commission anticipates benefits to the health and welfare of California residents. Participation in sport fisheries opportunities fosters conservation through education and appreciation of California's wildlife.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport and commercial fishing resources.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: September 21, 2018

Valerie Termini
Executive Director

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: CPUC Notification - Verizon Wireless - City of SF Small Cells 9-17-18
Date: Monday, September 17, 2018 4:19:00 PM
Attachments: [CPUC Notification - Verizon Wireless - City of SF Small Cells 9-17-18.pdf](#)

From: West Area CPUC [mailto:WestAreaCPUC@VerizonWireless.com]
Sent: Monday, September 17, 2018 1:14 PM
To: CPC.Wireless <CPC.Wireless@sfgov.org>; Administrator, City (ADM) <city.administrator@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: GO159Areports@cpuc.ca.gov; West Area CPUC <WestAreaCPUC@VerizonWireless.com>
Subject: CPUC Notification - Verizon Wireless - City of SF Small Cells 9-17-18

This is to provide your agency with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC"). This notice is being provided pursuant to Section IV.C.2.

If you prefer to receive these notices by US Mail, please reply to this email stating your jurisdiction's preference.

Thank you



September 17, 2018

Ms. Anna Hom
Consumer Protection and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
GO159Areports@cpuc.ca.gov

RE: Notification Letter for City of SF Small Cells 9-17-18
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

This is to provide the Commission with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") for the projects described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact the representative below.

Sincerely,

Melinda Salem
Engr IV Spec-RE/Regulatory
15505 Sand Canyon Avenue, Irvine, CA 92618
WestAreaCPUC@VerizonWireless.com

CPUC Attachment A

Initial Build (new presence for Verizon Wireless)

VZW LEGAL ENTITY	JURISDICTION	PLANNING DIRECTOR	CITY ADMINISTRATOR	CLERK OF THE BOARD	COUNTY
GTE Mobilnet of CA Limited Partnership	City of San Francisco 1 Dr. Carlton B. Goodlett Pl San Francisco, CA 94102	CPC.Wireless@sfgov.org	city.administrator@sfgov.org	Board.of.Supervisors@sfgov.org	San Francisco

Site Name	Site Address	Site APN	Site Coordinates (NAD 83)	Project Description	Number & type of Antennas	Tower Design	Tower Appearance	Tower Height (in feet)	Size of Building or NA	Type of Approval	Approval Issue Date	Approval Effective Date	Approval Permit Number	Resolution Number
Pacific Heights SF_PAC020	3126 Clay Street San Francisco, CA 94115	N/A - public right-of-way	37 47 22.0 N 122 26 40.90 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON A REPLACEMENT SAN FRANCISCO PUBLIC UTILITIES COMMISSION CONCRETE LIGHT POLE IN THE PUBLIC RIGHT OF WAY.	1 cylindrical antenna	Steel Light Pole	Antenna RAD of 28'-11"	30'-2'	N/A	Wireless Box Permit	3/30/2018	3/30/2018	16WR-0117	N/A
SF LM PH2 SC 94	926 Howard St San Francisco, CA 94103	N/A - public right-of-way	37 46 51.79 N 122, 24 20.40 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN NEW ANCHOR POLE IN THE PUBLIC R-O-W	1 cylindrical antenna	Anchor Pole	Antenna RAD of 31'-11"	32'-11	N/A	Wireless Box Permit	11/16/2017	11/16/2017	17WR-0244	N/A
SF LM PH3 SC 135	1505 4TH ST SAN FRANCISCO, CA 94158	N/A - public right-of-way	37 46 9.07 N 122 23 28.19 W	INSTALLATION AND OPERATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING STEEL POLE IN THE PUBLIC RIGHT OF WAY	1 cylindrical antenna	Steel Light Pole	Antenna RAD of 22'-1"	23'-6'	N/A	Wireless Box Permit	12/28/2017	12/28/2017	17WR-0326	N/A
SF LM PH3 SC 140	409 ILLINOIS ST SAN FRANCISCO, CA 94158	N/A - public right-of-way	37 46 00.53 N 122, 23 16.97 W	INSTALLATION AND OPERATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING STEEL POLE IN THE PUBLIC RIGHT OF WAY	1 cylindrical antenna	Steel Pole	Antenna RAD of 22'-1"	23'-6	N/A	Encroachment Port Permit	9/21/2017	11/15/2017	E-2017-0113	N/A
SF LM PH3 SC 153	499 ILLINOIS ST SAN FRANCISCO, CA 94158	N/A - public right-of-way	37 45 57.92 N 122, 23 16.72 W	INSTALLATION AND OPERATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING STEEL POLE IN THE PUBLIC RIGHT OF WAY	1 cylindrical antenna	Steel Pole	Antenna RAD of 23'-6"	24'-11	N/A	Encroachment Port Permit	9/21/2017	11/15/2017	E-2017-0113	N/A
SF LM PH3 SC 154	555 MISSION BAY BLVD S SAN FRANCISCO, CA 94158	N/A - public right-of-way	37 46 14.03 N 122 23 26.67 W	INSTALLATION AND OPERATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING STEEL POLE IN THE PUBLIC RIGHT OF WAY	1 cylindrical antenna	Steel Light Pole	Antenna RAD of 33'-4"	34'-8	N/A	Wireless Box Permit	12/28/2017	12/28/2017	17WR-0327	N/A
SF LM SC 210	2 FOLSOM ST SAN FRANCISCO, CA 94105	N/A - public right-of-way	37 47 26.52 N 122, 23 29.81 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING SAN FRANCISCO PUBLIC UTILITIES COMMISSION LIGHT POLE IN THE PUBLIC RIGHT OF WAY.	1 cylindrical antenna	Light Pole	Antenna RAD of 30'-8"	31'-10	N/A	Wireless Box Permit	10/5/2017	10/6/2017	17WR-0141	N/A
SF LM SC 212	1 BRYANT ST SAN FRANCISCO, CA 94133	N/A - public right-of-way	37 47 12.42 N 122, 23 19.68 W	INSTALLATION OF A NEW WIRELESS COMMUNICATION SITE ON A WOODEN UTILITY POLE IN THE PUBLIC R-O-W	1 cylindrical antenna	Wooden Utility Pole	Antenna RAD of 33'-6"	34'-8	N/A	Encroachment Port Permit	6/5/2018	6/6/2018	E-2018-0032	N/A
SF LM SC 214	200 FOLSOM ST San Francisco, CA 94105	N/A - public right-of-way	37 47 23.93 N 122 23 33.88 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING SAN FRANCISCO PUBLIC UTILITIES COMMISSION LIGHT POLE IN THE PUBLIC RIGHT OF WAY	1 cylindrical antenna	City Street Steel Light Pole	Antenna RAD of 30'-10"	31'-11	N/A	Wireless Box Permit	10/18/2017	11/6/2017	17WR-0184	N/A
SF LM SC 215	201 MISSION ST SAN FRANCISCO, CA 94105	N/A - public right-of-way	37 47 27.14 N 122 23 37.91 W	INSTALLATION AND OPERATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN (E) STREET LIGHT POLE IN THE PUBLIC RIGHT OF WAY	1 cylindrical antenna	City Street Steel Light Pole	Antenna RAD of 31'-7"	32'-7	N/A	Wireless Box Permit	12/5/2017	12/5/2017	17WR-0185	N/A
SF LM SC 217	405 Howard St. San Francisco, CA 94105	N/A - public right-of-way	37 47 18.89 N 122, 23 40.20 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING SAN FRANCISCO PUBLIC UTILITIES COMMISSION LIGHT POLE IN THE PUBLIC RIGHT OF WAY	1 cylindrical antenna	City Street Steel Light Pole	Antenna RAD of 30'-8"	31'-10	N/A	Wireless Box Permit	10/26/2017	11/11/2017	17WR-0187	N/A
SF LM SC 218	401 Beale St San Francisco, CA 94105	N/A - public right-of-way	37 47 12.79 N 122, 23 25.10 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING SAN FRANCISCO PUBLIC UTILITIES COMMISSION LIGHT POLE IN THE PUBLIC RIGHT OF WAY.	1 cylindrical antenna	Steel Light Pole	Antenna RAD of 30'-8"	31'-10	N/A	Wireless Box Permit	11/14/2017	11/30/2017	17WR-0188	N/A
SF LM SC 219	321 FREMONT ST SAN FRANCISCO, CA 94105	N/A - public right-of-way	37 47 15.78 N 122, 23 35.13 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING SAN FRANCISCO PUBLIC UTILITIES COMMISSION LIGHT POLE IN THE PUBLIC RIGHT OF WAY. EXISTING LIGHT POLE CONCRETE FOUNDATION TO BE REMOVED AND REPLACED.	1 cylindrical antenna	City Street Steel Light Pole	Antenna RAD of 30'-10"	31'-11	N/A	Wireless Box Permit	10/23/2017	11/8/2017	17WR-0189	N/A



September 17, 2018

Ms. Anna Hom
Consumer Protection and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
GO159Areports@cpuc.ca.gov

RE: Notification Letter for San Francisco Small Cells 9-17-18
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

This is to provide the Commission with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") for the projects described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact the representative below.

Sincerely,

Melinda Salem
Engr IV Spec-RE/Regulatory
15505 Sand Canyon Avenue, Irvine, CA 92618
WestAreaCPUC@VerizonWireless.com

VZW LEGAL ENTITY	JURISDICTION	PLANNING DIRECTOR	CITY ADMINISTRATOR	CLERK OF THE BOARD	COUNTY
GTE Mobilnet of California Limited Partnership	City of San Francisco 1 Dr. Carlton B. Goodlett Pl San Francisco, CA 94102	CPC.Wireless@sfgov.org	city_administrator@sfgov.org	Board.of.Supervisors@sfgov.org	San Francisco

CPUC Attachment A

Initial Build (new presence for Verizon Wireless)



Site Name	Site Address	Site APN	Site Coordinates (NAD 83)	Project Description	Number & type of Antennas	Tower Design	Tower Appearance	Tower Height (in feet)	Size of Building or NA	Type of Approval	Approval Issue Date	Approval Effective Date	Approval Permit Number	Resolution Number
Marina MRN017	1800 Chestnut Street San Francisco, CA 94123	N/A - public right-of-way	37 48 4.83 N 122 25 58.52 W	INSTALLATION AND OPERATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING STEEL LIGHT POLE IN THE PUBLIC RIGHT OF WAY.	1 cylindrical antenna	Steel Light Pole	Antenna RAD of 32'-2"	33-5'	N/A	Wireless Box Permit	4/12/2018	4/30/2018	16WR-0015	N/A
Pacific Heights SF_PAC038	2534 Washington Street San Francisco, CA 94115	N/A - public right-of-way	37 47 29.71 N 122 26 05.81 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON A REPLACEMENT SFPUC CONCRETE LIGHT POLE IN THE PUBLIC RIGHT OF WAY.	1 cylindrical antenna	Concrete Light Pole	Antenna RAD of 30'-10"	32-0'	N/A	Wireless Box Permit	8/3/2018	8/3/2018	18WR-0101	N/A
Pacific Heights SF_PAC039	2599 Sacramento Street San Francisco, CA 94115	N/A - public right-of-way	37 47 22.63 N 122 26 06.98 W	INSTALLATION AND OPERATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN (E) STREET LIGHT POLE IN THE PUBLIC RIGHT OF WAY	1 cylindrical antenna	Steel Light Pole	Antenna RAD of 31'-4"	32-4'	N/A	Wireless Box Permit	5/23/2018	6/8/2018	17WR-0053	N/A
Pacific Heights SF_PAC048	2224 Washington Street San Francisco, CA 94115	N/A - public right-of-way	37 47 31.97 N 122 25 48.01 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON A REPLACEMENT SFPUC CONCRETE LIGHT POLE IN THE PUBLIC RIGHT OF WAY.	1 cylindrical antenna	Concrete Light Pole	Antenna RAD of 30'-10"	32-0'	N/A	Wireless Box Permit	8/17/2018	8/17/2018	18WR-0131	N/A
Pacific Heights SF_PAC059	3512 Clay Street San Francisco, CA 94118	N/A - public right-of-way	37 47 19.12 N 122 27 03.80 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING SFPUC LIGHT POLE IN THE PUBLIC RIGHT OF WAY.	1 cylindrical antenna	Steel Light Pole	PGE brown pole (RAD of 27'-1")	28-3'	N/A	Wireless Box Permit	2/23/2018	2/28/2018	16WR-0139	N/A
Pacific Heights SF_PAC060	2938 Divisadero Street San Francisco, CA 94123	N/A - public right-of-way	37 47 48.20 N 122 26 31.59 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON A REPLACEMENT SFPUC CONCRETE LIGHT POLE IN THE PUBLIC RIGHT OF WAY.	1 cylindrical antenna	Concrete Light Pole	Antenna RAD of 30'-9"	32-0'	N/A	Wireless Box Permit	8/24/2018	8/24/2018	18WR-0096	N/A
SF LM SC 211	345 Spear Street San Francisco, CA 94105	N/A - public right-of-way	37 47 20.94 N 122 23 22.85 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING SFPUC LIGHT POLE IN THE PUBLIC ROW.	1 cylindrical antenna	Steel Light Pole	Antenna RAD of 30'-9"	31-11'	N/A	Wireless Box Permit	8/8/2018	8/8/2018	18WR-0011	N/A
SF LM SC 213	365 Main Street San Francisco, CA 94105	N/A - public right-of-way	37 47 18.63 N 122 23 26.22 W	INSTALLATION OF AN ANTENNA AND ASSOCIATED EQUIPMENT ON AN EXISTING SFPUC LIGHT POLE IN THE PUBLIC ROW.	1 cylindrical antenna	Steel Light Pole	Antenna RAD of 30'-6"	31-8'	N/A	Wireless Box Permit	8/17/2018	8/17/2018	18WR-0012	N/A

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: CAVO Statement to EAC regarding US election systems 9/7/2018
Date: Tuesday, September 18, 2018 1:01:00 PM
Attachments: [EAC letter.pdf](#)

From: Brent Turner [mailto:turnerbrentm@gmail.com]

Sent: Monday, September 17, 2018 1:03 PM

To: Bob Nash <bobjnash@sbcglobal.net>; Bob Mulholland <chicobob@msn.com>; Wozniak, Richard <Richard.Wozniak@mail.house.gov>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Thomas Hicks <thicks@eac.gov>

Subject: CAVO Statement to EAC regarding US election systems 9/7/2018

Dear Elections Assistance Commissioners and all interested parties:

We write this letter of concern and solution proposal after speaking with many members of the federal, state, and county governments. Thanks to EAC Director Hancock for encouraging this letter.

It is our assumed duty to again reach out in hope of providing information regarding election system security and best practice. The undersigned is a collective of concerned citizens and technologists focused on protecting our United States election systems from manipulation. Our represented group partially consists of technologists, solution providers and activists.

It is our understanding and conclusion that, as of this date, there has been little progress toward properly securing the election systems for the United States. This is the cause of our grave concern. It is our further conclusion and concern that although properly defensible election system technology is available for deployment, that technology is being deterred and delayed by corporations attempting to protect market share and shareholder interest to the detriment of the national security.

1. BACKGROUND

For context, in 2004 Open Voting Consortium demonstrated an open source election system: <https://www.nytimes.com/2004/04/01/business/technology-briefing-software-voting-software-to-be-demonstrated.html>

In 2005, the Government Accountability Office directed the technology transfer aspect of a National Science Foundation multi-million dollar grant (grantee ACCURATE) to include the open source pioneering work of Open Voting Consortium. This directive was ignored by the ACCURATE group and that grant money yielded no specific public benefit. Other disturbing activity has been noted attached to the ACCURATE absorption of the grant.

In 2006, Dr. Rebecca Mercuri filed documentation of inappropriate action by the ACCURATE working group with the NSF's Inspector General :

<http://www.notablessoftware.com/ACCURATE/ACCURATE.html>

This initial diversion away from open source voting systems caused substantial delay and altered the United States government's path toward proper election system security. To this day, the same controlling group from ACCURATE (i.e., David Dill -VERIFIED VOTING) has tendered opinion at the

highest levels of government. Currently the affiliate network under VERIFIED VOTING (Center for American Progress, League of Women Voters, Lawyers Committee for Civil Rights, etc.) is properly touting audits and paper ballots, but improperly continuing to omit the necessary component of open source technology. This is hereby noted and the opinion assumed affected by corporate interests:

<https://www.nytimes.com/2017/08/03/opinion/open-source-software-hacker-voting.html>

<http://www.sfoxaminer.com/securing-u-s-election-systems-paper-ballot-isnt-enough/>

Conversely, there has been election system security progress in the State of New Hampshire with Dr. Juan Gilbert's open source, paper ballot Prime III system. The State of Ohio recently certified open source software for absentees and San Francisco County has allocated 1.7 million dollars toward the initial build-out of an open source election system project:

<http://news.ufl.edu/articles/2016/05/how-universal-design-can-help-every-voter-cast-a-ballot.php>

https://www.theregister.co.uk/2016/02/10/san_francisco_to_open_source_voting_systems/

2. INTERFERENCE WITH U.S. ELECTIONS

It is now generally acknowledged that the proprietary election systems sold by vendors to the United States via Help America Act funds are deficient and cannot be cured by the mere addition of a paper ballot or an after the fact audit. Though ballots and audits are ostensibly in the positive column, the position of experts is that the software cannot remain private and secret as "security by obscurity" is now recognized as a failed concept. The scientific position for open source software voting system security is further bolstered by the conclusions of NASA and the DOD. Experts omitting this piece of the security conversation must be questioned regarding source of motivation. Also, technologists devising new licenses under the banner of open source are likewise properly scrutinized for motivation. Los Angeles County has recently announced an "open source" system but has not revealed the software. See the Los Angeles County "open source voting" project:

<https://statescoop.com/los-angeles-countys-new-open-source-vote-tallying-system-isnt-open-source-just-yet>

It is fair to state some of the same experts omitting open source solutions to the election system crisis in advocacy work are also pushing for the purchase of yet another round of proprietary voting systems. This is an untenable position in the wake of the intelligence community findings of easily conducted interference with the proprietary systems.

3. OUTREACH TO GOVERNMENT FROM THE PRIVATE "DO-GOODER" SECTOR

The National Association of Voting Officials was formed as California Association of Voting Officials with a mission toward education and availability toward a public-private open source voting software quality assurance program. CAVO / NAVO and its preceding OVC has reached out to veritably ALL politicians and good government groups in the election security space for the purpose of heightening awareness and moving toward the deployment of solution voting systems. The response has been less than stellar as the time frame windows now close on our ability to secure the U.S. voting systems by 2020. Political will ebbs and flows as Microsoft and those government advocacy groups who "bob in their wake" continue to cause delay via fear, uncertainty and doubt tactics.

4. VENDORS SEEKING TO LOCK IN PRIVATIZATION OF ELECTIONS CONTINUE TOWARD FAILED SECURITY

https://motherboard.vice.com/en_us/article/mb4ezy/top-voting-machine-vendor-admits-it-installed-remote-access-software-on-systems-sold-to-states?utm_campaign=sharebutton

<https://www.yahoo.com/news/former-trump-official-no-one-minding-store-white-house-cyberthreats-090017630.html>

5. LOS ANGELES COUNTY

As the U. S. largest jurisdiction, many have awaited the unveiling of the new Los Angeles voting system. Though the design is less than optimal as it is based in proprietary hardware (with reference appropriate to the sole source contracts inherent), the promised software is open source. Unfortunately, as of the date of this letter, Los Angeles County has not evidenced their claims that the voting system will actually be open source as defined by Open Source Initiative and other recognized authorities. The EAC should also make public statement that the definition of open source is in keeping with the OSI definition: <https://opensource.org/osd-annotated>

More specifically, the following language in a proposed California ballot measure for 2020 (Election Transparency and Security Act of 2020) includes the meaning of open source voting. Please see clauses Ch.5, Article 1, 19401 of the measure:

(c) “Open source software” means software actually distributed to the public under software licenses that provide that every licensee is free to make copies of the software or derivative works thereof, to distribute them without payment of royalties or other consideration, and to access and use the complete source code of the software.

(d) “Open source voting system” means a voting system that uses open source software for all voting-specific components.

6. CONCLUSIONS AND SOLUTIONS

Based on the above statements the undersigned are agreed that the security interests of the United States of America are best served by the immediate creation, certification and deployment of General Public License open source election systems to replace proprietary voting systems. These open source voting systems should be deployed (with paper ballots and robust audits) as soon as possible. The Elections Assistance Commission should waive (as a national emergency) any and all fees for such systems to apply for and complete immediate certification.

Also, The EAC, NIST, DNI, DHS, and all other relevant bodies should convene in an emergency setting to devise best methods of creating public-private partnerships for the said purpose of the aforementioned open source voting system deployment. The EAC should also, as stated in section 5 herein, make public statement that the definition of open source is in keeping with the OSI definition.

Respectfully submitted,

Brent Turner
Secretary
California Association of Voting Officials

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS Legislation, \(BOS\)](#)
Subject: FW: Notification of PMND Appeal Hearing--5 Third Street
Date: Tuesday, September 18, 2018 12:55:00 PM
Attachments: [PMND Appeal Hearing Notice 5 Third Street 091718.pdf](#)

From: Pollak, Josh (CPC)
Sent: Monday, September 17, 2018 5:52 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Secretary, Commissions (CPC) <commissions.secretary@sfgov.org>
Subject: Notification of PMND Appeal Hearing--5 Third Street

Hello,

Please see attached for notification of a PMND appeal hearing on the 5 Third Street project. This notification is being sent as the Planning Commission, Historic Preservation Commission, and the Board of Supervisors would issue approvals for the project should the appeal be withdrawn or overturned.

Thank you,
Josh

Josh Pollak, AICP
Senior Environmental Planner

San Francisco Planning Department
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-8766 | www.sfplanning.org
[San Francisco Property Information Map](#)
Email: josh.pollak@sfgov.org



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF HEARING ON APPEALS OF A OF PRELIMINARY MITIGATED NEGATIVE DECLARATION

September 17, 2018

You are hereby notified of a hearing to be held by the City Planning Commission on an appeal concerning the environmental review of the following project:

File No. 2016-007303ENV: 5 Third Street – The project site [assessors' block 3707, lot 057] is located on the southeast corner of Market and Third streets at the Hearst Building, an approximately 131,650-gross-square-foot, 13-story, 187 foot-tall building, and zoned in a C-3-O (Downtown Office) Use District. The project site currently houses a bar/nightclub within the basement level, ground floor retail uses, and commercial office space on floors 2 through 12. The Hearst Building, built in 1909, is designated as Category I under Article 11 of the Planning Code, which means the building is judged to be individually important and have excellent or very good architectural design for historic preservation purposes.

The proposed project would convert the existing Hearst Building from office use to a mixed-use hotel, including modifications to the rooftop to include new event space and rooftop bar and patio. The new mixed-use building would include ground level retail, restaurant/bar, and hotel lobby space. Levels 2 and 3 would include a mix of commercial office space, hotel rooms, and event space. Levels 4 through 12 would be occupied by hotel rooms. Level 4 would have an outdoor terrace event space overlooking Stevenson Street, and level 13 will be used as an indoor/outdoor event space with a kitchen, rooftop bar and patio overlooking the adjacent Monadnock building to the east. The proposed project would result in an approximately 131,550 gross square foot building, with up to 170 hotel rooms, 5,920 square feet of office space, and 11,393 square feet of retail space, including 422 square feet of general retail, and 4,005 square feet of restaurant/bar uses. The project would include seismic and structural building system upgrades, and would also meet LEED Gold building efficiency standards.

The project site is included on the following list compiled pursuant to Section 65962.5 of the California Government Code:

List: Leaking Underground Storage Tank Sites, State Water Resources Control Board
Regulatory Identification Number: 38-1287 (Regional Board), 11164 (Local Agency)
Address of Listed Site: 5 Third Street, San Francisco, CA 94103
Assessor's Block/Lot: 3707/057
Date of List: May 23, 1996 (Completed, case closed October 8, 1999)

An initial evaluation conducted by the San Francisco Planning Department determined that the proposed project COULD NOT have a significant effect on the environment, and that no environmental impact report is required. Accordingly, a PRELIMINARY MITIGATED NEGATIVE DECLARATION has been prepared.

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

This determination by the Department has been appealed by two parties to the City Planning Commission, which will hold a public hearing on this appeal and other matters in Room 400, City Hall, 1 Dr. Carlton B. Goodlett Place, on Thursday, **October 11, 2018**. At this time, the item will be proposed for continuance to Thursday, **November 15, 2018** at 1:00 p.m. or later. For a more specific time, please call (415) 558-6422 for a recorded message the week of the hearing.

If you have any questions concerning this matter, please call me at (415) 575-8766 or via email at josh.pollak@sfgov.org.

Thank you,

Josh Pollak
Senior Environmental Planner

cc: Rachel Mansfield-Howlett, Provencher & Flatt, LLP, on behalf of Friends of Hearst Building
Yasin "Sal" Salma
Caroline Guibert Chase, Colbentz Patch Duffy & Bass LLP
Planning Commission Secretary
Historic Preservation Commission Secretary
Clerk of the Board of Supervisors
Department of Building Inspection, Attn: Tom Hui
San Francisco Department of Public Works, Bureau of Street Use and Mapping
SFMTA, Sustainable Street Division
Bay Area Rapid Transit (BART), Attn: Val Menotti
Notification List

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Committee file No. 180630
Date: Thursday, September 20, 2018 4:43:00 PM
Attachments: [bag041613_130279.pdf](#)

From: Allen Jones <jones-allen@att.net>
Sent: Thursday, September 20, 2018 11:06 AM
To: Carroll, John (BOS) <john.carroll@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: L Waxmann <lwaxmann@sfoxaminer.com>; metro@sfchronicle.com; newstips <newstips@sfoxaminer.com>
Subject: Committee file No. 180630

Attention: All Members of the San Francisco Board of Supervisors **And Members of Government Audit & Oversight Committee:**

I have been following racism in San Francisco for quite some time. When I attended the committee hearing, dealing with workforce hiring, retention and promotional opportunities, I knew the outcome from the first person to speak, SF Director Micki Callahan.

How can the main problem of racist treatment by San Francisco's HR department be allowed to offer solutions?

If Ms Callahan was successful she would be getting credit for a problem she allowed to go on under her watch for so long. In other words, the headline would read: **San Francisco's Racist HR director gets credit for fixing San Francisco's racist practices.**

I have been to many forums in San Francisco where Black city workers vent about how badly they have been treated by San Francisco's HR department. The name I continue to hear quite often is Micki Callahan.

The attached settlement document is how I first learned of who Ms Callahan was in 2013. The City paid Thomas Willis \$210,000.00 where Micki Callahan was one of the defendants in a discrimination lawsuit against The City.

The shame of this particular settlement proves that a heterosexual Black male is not welcome in The City's Human Rights Commission, which was formed in 1964 to fight discrimination or racism against San Francisco Blacks.

Yesterday's hearing was a lipstick on a pig hearing. The woman currently charged with fixing the problem of racist treatment against Black city workers has been at the least covering up racist treatment for The City for years.

Secondly, I submit this link to an article where I am the author. This was not mentioned at the hearing but when one considers the understandable two minutes given to members of the public, this tells a more full story of what many Black employees have experienced:

<http://sfbayview.com/2016/10/bizarre-sf-juvenile-hall-dog-and-pony-show/>

But I need to explain why I wrote it. I sat in the court room for most of the testimony in this case, which I learned of by reading the SF Examiner. The Examiner and the Chronicle took no interest in this case of what I view as injustice. They simply lost interest because the plaintiff Byron Gill lost his case. In reading the piece it is clear there is more to a story than a courtroom defeat.

Opinion on Implicit bias training:

<http://gbmnews.com/wp/archives/15976>

I know The City is sold on the need for this training. But if you carefully look at how Mikie Callahan has done her job it appears that she has exempted herself from this training. There is nothing implicit about her bias and her subordanants know it.

Allen Jones

jones-allen@att.net

(415) 756-7733

goodneighborcoalition.org

The only thing I love more than justice is the freedom to fight for it.

--Allen Jones--

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Testimony to the GAO Committee on African-American Workforce, File No. 180630
Date: Monday, September 24, 2018 7:53:00 AM

From: pmonette-shaw [<mailto:pmonette-shaw@earthlink.net>]

Sent: Monday, September 17, 2018 5:02 PM

To: Kim, Jane (BOS) <jane.kim@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>

Cc: Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>; Kittler, Sophia (BOS) <sophia.kittler@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>

Subject: Testimony to the GAO Committee on African-American Workforce, File No. 180630

Government Audit and Oversight Committee

The Honorable Jane Kim, Chair

The Honorable Aaron Peskin, Member

The Honorable Vallie Brown, Member

Please find enclosed my testimony for Wednesday's GAO hearing on African-American workforce hiring, retention, etc. My testimony is based on public records I have received in response to records requests to the City Attorney's Office and DHR.

Of note:

DHR provided the racial/ethnicity breakout of City employees at the end of FY 09–10 and FY 17–18. Table 1.1 in my testimony shows that citywide, an additional 6,810 total employees were added across all departments during that period, representing a 25.1% percent change increase.

Of note, although an additional 2,912 Asian/Pacific Islander employees were added, representing a 45.1% percent change increase, there were only 667 African-Americans added, representing a 14.8% percent change increase. Of the 6,810 additional City employees 3,448 were either Asian/Pacific Islanders or Filipino employees, representing 50.1% — or half — of the total increase during the tenure of former-Mayor Ed Lee, potentially signaling bias in workforce hiring.

Of the 1,459 additional employees added at DPH during the same period in DPH, 867 were either Asian/Pacific Islanders or Filipino employees, 59.4% — well over half — of the increase during former-Mayor Ed Lee's tenure, again potentially signaling bias in hiring. That contrasts with the 196 additional African-Americans who represent just 13.4% of the 1,459 employees added in DPH.

Separately, DHR also provided the number of racial discrimination complaints for calendar years 2016 and 2017, claiming it does not have racial discrimination complaint data for previous years, and does not produce annual reports on the racial discrimination complaints received.

Table 2 in my testimony shows that of the 198 total complaints received during the two calendar years, 107 (54%) were filed by African-American city employees.

Data provided incrementally over the years from the City Attorney documents at least 329 prohibited personnel practices lawsuits have cost the City \$70 million in total costs between

January 1, 2007 and December 22, 2017, including settlement awards and City Attorney time and expenses hoping to squash or derail the lawsuits. Of the 329 lawsuits 142 (43.2%) involved just three prohibited personnel practices: Racial discrimination, sexual harassment and discrimination, and wrongful termination. Those 142 cases cost \$43 million in total costs, fully 61.3% of the \$70 million total.

My full testimony summarizes those 142 lawsuits, including 52 lawsuits involving racial discrimination that has cost the City a total of \$13.4 million between settlements awarded and costs of City Attorney time and expenses.

Of the 52 racial discrimination lawsuits, the race/ethnicity of each Plaintiff was not completely available on the Superior Court web site, but Table 3.4 in my full testimony illustrates that 10 Racial Discrimination lawsuits filed by African-Americans received just \$586,631 in settlement awards, while the 3 Racial Discrimination lawsuits filed by Caucasian/White's received three times as much — \$1,585,258 — in settlement awards for only one-third the number of lawsuits.

Table 4 in my testimony shows that of the 142 lawsuits across the three categories (racial discrimination, sexual harassment and discrimination, and wrongful termination), 26 (18.3%) of them were filed by employees in the Department of Public Health, with total costs of \$5.7 million of the \$43 million total.

I include a number of recommendations in my testimony to increase reporting requirements in File No. 180546: *Harassment Prevention Training and Reporting Requirements* that is languishing in the Board of Supervisors Rules Committee.

The Government Audit and Oversight Committee should request during your September 19 hearing that many amendments need to be made and incorporated into File No. 180546 *Harassment Prevention Training* to expand protections for City employees, and expand reporting requirements, particularly reports to the full Board of Supervisors.

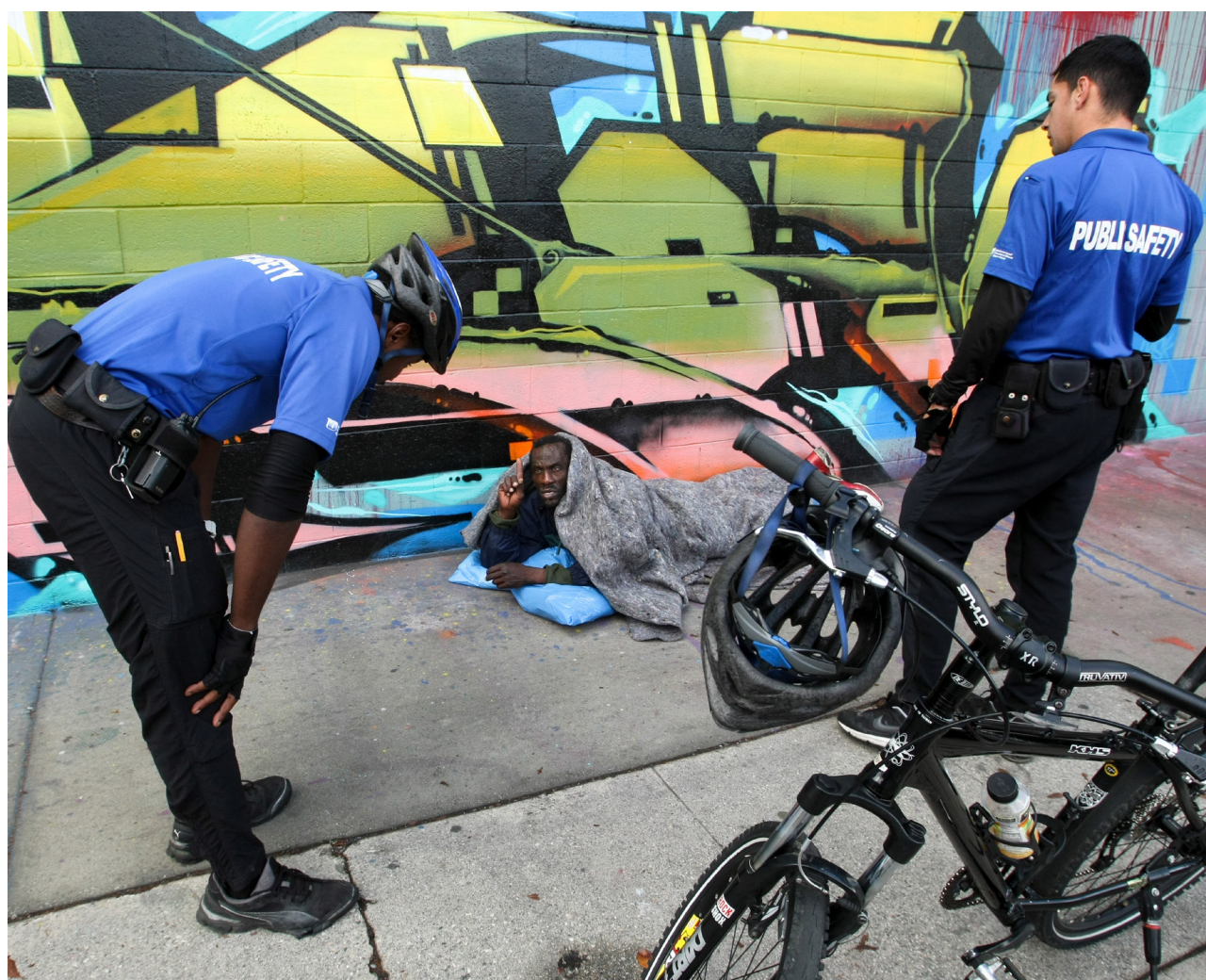
There's much more information in my testimony. Please take a few minutes to read my full testimony and recommendations.

Thanks,

Patrick Monette-Shaw

HOMELESS EXCLUSION DISTRICTS

HOW CALIFORNIA BUSINESS IMPROVEMENT DISTRICTS
USE POLICY ADVOCACY AND POLICING PRACTICES TO
EXCLUDE HOMELESS PEOPLE FROM PUBLIC SPACE



2018

ACKNOWLEDGMENTS

THE POLICY ADVOCACY CLINIC prepared this report for the Western Regional Advocacy Project (“WRAP”). The report was researched and drafted by UC Berkeley School of Law students Josh Epstein, Laura Lim, and Shelby Nacino, UC Berkeley School of Public Policy student Paula Wilhelm, and UC Berkeley undergraduate student Hannah Stommel under the supervision of Clinic Director Jeffrey Selbin and Clinic Supervising Attorney Stephanie Campos-Bui and in collaboration with WRAP’s Executive Director Paul Boden.

Clinic Teaching Fellow Ahmed Lavalais and Clinic Research and Policy Fellow Angela Carter contributed to the research and analysis. UC Berkeley Law Library Associate Director Michael Levy provided expert research guidance, and Clinical Program Legal Case Manager Olivia Layug Balbarin and Director of Administration Amy Utstein provided invaluable editorial assistance. Prior Clinic students upon whose work this report is built include Cindy Dinh, Sasha Feldstein, Marina Fisher, Nathaniel Miller, and Lindsay Walter.

We are indebted to the many stakeholders and experts we interviewed, including Business Improvement District officials, people experiencing homelessness, and homeless advocates. In addition, we are grateful to the following people who provided feedback on drafts of the report (institutional affiliations are listed for identification purposes only): Tristia Bauman (National Law Center on Homelessness and Poverty); Paul Boden (Western Regional Advocacy Project), Scott Cummings (UCLA School of Law); Allie Frankel, Scout Katovich, and Hillary Vedvig (alumnae of the Yale Law School Allard K. Lowenstein International Human Rights Clinic); Terese Howard (Denver Homeless Out Loud); Sara Rankin (Seattle University School of Law); Peter Schuck (Yale Law School); Quiver Watts (San Francisco Coalition on Homelessness); and Dilara Yarbough (San Francisco State University).

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EXECUTIVE SUMMARY

BUSINESS IMPROVEMENT DISTRICTS (“BIDs”) are private entities funded by local property assessments that play an increasingly large role in managing public space in California cities. First authorized by state law in the 1960s to help revitalize struggling urban areas, BIDs have grown considerably in number and influence, especially since 1994 when the State Legislature reduced public oversight of BIDs and expanded their assessment and spending authority. Today, approximately 200 California BIDs collect hundreds of millions of dollars annually in compulsory property assessment revenue, which they spend on a wide range of activities.

Researchers and policymakers have paid little attention to the rise of BIDs and their growing influence on municipal and state affairs. BIDs typically are located in downtown areas where businesses are concentrated. These same areas, especially in California, often have a high concentration of homeless people, including many people who are unsheltered. The interests and activities of BIDs and homeless people intersect and conflict in several important ways, including in the areas of public policy, policing practices, and social services.

In this report, we share research findings about the relationship between California BIDs and homelessness. We conducted a literature review, studied municipal laws that target or disproportionately impact homeless people, researched the legal framework authorizing BIDs, and surveyed BIDs in California’s 69 largest cities. To help interpret the data from these sources, we conducted in-depth case studies of eleven BIDs in the cities of Berkeley (2), Chico, Los Angeles, Oakland (2), Sacramento (2), San Diego, and San Francisco (2), including analysis of public records, interviews with BID officials, and surveys and interviews of homeless people.

Our key findings are that BIDs exclude homeless people from public spaces in their districts through policy advocacy and policing practices. BID involvement in social services is experienced by homeless people as an additional form of policing, surveillance, and harassment.

POLICY ADVOCACY: BIDs use property assessment revenue, including from public properties, to advocate for the enactment, preservation, and strengthening of local and state laws that punish people experiencing homelessness for engaging in life-sustaining activities that they have no choice but to undertake in public, such as sitting, resting, sleeping, and food sharing (“anti-homeless laws”). The proliferation of anti-homeless laws correlates strongly with the increase in the number and authority of BIDs since 1994.

POLICING PRACTICES: BIDs coordinate closely with local police departments—and sometimes use their own private security—to enforce anti-homeless laws and otherwise exclude or remove homeless people from their districts. In prior research, we found that such enforcement in California is growing and is increasingly based on homeless people’s status rather than their behavior. The rising enforcement of anti-homeless laws also correlates with the growing number of BIDs statewide.

SOCIAL SERVICES: While advocating for anti-homeless policies and enforcing anti-homeless laws, some BIDs work with homeless service providers and refer homeless people to services. Homeless people often experience such “help” as another form of policing, surveillance, and harassment. Considered in the context of their anti-homeless policy advocacy and policing practices, BID involvement in social services contributes to the exclusion of homeless people from business districts.

Our findings raise several legal concerns. When BIDs spend property assessment revenue on local and statewide policy advocacy, they may violate California law. BID spending on policy advocacy with revenue from assessments of publicly owned properties raises special statutory and constitutional concerns. Further, BID policing practices may violate the legal rights of people experiencing homelessness and expose BIDs to criminal liability.

Homelessness has reached crisis proportions in many California cities, and decades of government divestment from affordable housing and other public services is a leading cause. Like state and local lawmakers, business owners have a legitimate interest in helping to address the crisis. But our findings suggest that BID policy advocacy and policing practices to date have exacerbated the problem by excluding homeless people from public places without addressing the causes and conditions of homelessness. Several recommendations flow from our findings and legal concerns:

RECOMMENDATIONS

First, **THE STATE LEGISLATURE** should amend state laws that grant BIDs broad authority to collect and spend property assessment revenue and to operate largely independent of government oversight. Lawmakers should:

- (1) prohibit BIDs from spending property assessment revenue on policy advocacy and policing,
- (2) repeal BID authority to spend property assessment revenue on security (and thereby policing), and
- (3) restrict BID authority to assess revenue from publicly owned properties.

Second, **CITY GOVERNMENTS** should provide more careful scrutiny and regulation of BID activities within their jurisdictions. Existing state laws could be strengthened, but cities can act immediately to:

- (1) reject BIDs that propose to engage in policy advocacy or policing practices,
- (2) refuse to collaborate with BIDs that violate the rights of homeless people, and
- (3) disestablish BIDs that spend assessment revenue on policy advocacy and policing.

Third, **BIDs** should have greater accountability to all district residents and visitors. The state and cities should act to curb BID activities that harm homeless people, but BIDs should:

- (1) stop engaging in anti-homeless policy advocacy,
- (2) end policing practices that target or disproportionately impact homeless people, and
- (3) collaborate with homeless people, advocates, and service providers.

I. BUSINESS IMPROVEMENT DISTRICTS

BUSINESS IMPROVEMENT DISTRICTS (“BIDs”) developed as a response to mid-twentieth-century economic decline in U.S. cities.¹ As urban populations across the country dropped, so did property values, prompting national, state, and local efforts to revitalize city centers.² The federal government bankrolled urban renewal projects while local business and property owners formed downtown associations to compete with suburban shopping malls for business.³ California’s taxpayer revolt in the 1970s placed more downward pressure on local government revenue, further incentivizing the growth of urban business associations.⁴

Authorized by various state and federal laws, business associations took many forms, including local development authorities,⁵ enterprise zones,⁶ tax increment financing districts,⁷ and BIDs. BIDs were created as “privately directed and publicly sanctioned organizations that supplement public services within geographically defined boundaries by generating multiyear revenue through a compulsory assessment on local property owners and/or businesses.”⁸ Unlike redevelopment policies that cut taxes for businesses, or business associations that relied on voluntary dues, BIDs generate revenue by assessing all businesses or properties within a district.⁹

In 1965, the California Legislature enacted one of the first statutes in the country authorizing BIDs.¹⁰ The state currently has four such statutes—the Parking and Business Improvement Area Law of 1965, the Parking and Business Improvement Area Law of 1989, the Property and Business Improvement District Law of 1994, and the Multifamily Improvement District Law of 2004.¹¹ For reasons described more fully below, the 1994 law is the most relevant and influential BID enabling statute. A summary of each statute is provided in Appendix A.

The exact number of BIDs in California is unknown, as the state does not maintain a registry of such entities. However, we identified 189 BIDs in 69 California cities, most of which were formed after the 1994 law was enacted.¹² Under the 1994 law, property or business owners can petition their city council to form a district.¹³ The petition must include a “management district plan” specifying the boundaries, assessments, services, and governance of the proposed district.¹⁴ Before adopting resolutions to form a district or levy an assessment, the city council must provide notice of a public hearing to property or business owners who would be assessed in such a district.¹⁵ Those who would pay 50 percent or more of the assessment can block district formation as well as proposals to levy new or increased assessments.¹⁶

The State Legislature has increased BID influence through three key amendments to the early enabling laws. First, under the 1965 and 1989 laws, BIDs could collect revenue only from business license

fees.¹⁷ In contrast, the 1994 law authorized BIDs to collect revenue through city-administered property assessments.¹⁸ Based on available budget data from our case study BIDs, we estimate that BIDs in California annually collect hundreds of millions of dollars in property assessment revenue.¹⁹

Second, the 1994 law allows BIDs to spend assessment revenue on services such as security and sanitation, which were not authorized in the earlier laws.²⁰ Under the 1994 law, BIDs can also spend assessment revenue on economic development and “other services provided for the purpose of conferring special benefit upon [assessed properties or businesses].”²¹ As described below, such spending is now common in BIDs, including on private security.

Third, the 1994 law reduced cities’ overall management of BIDs. The 1965 law solely authorized cities to manage BIDs, but the 1994 law requires cities to contract with a private nonprofit corporation if the BID management district plan states that an owners’ association will provide services.²² Thus, cities’ primary role under the 1994 law is to approve proposed management district plans and to review BID annual reports.²³ The 1994 law also authorizes cities to dissolve BIDs under specified conditions and subjects the nonprofit organizations that manage BIDs to California’s public records and open meeting laws.²⁴

Significantly, California voters approved Proposition 218 in 1996, amending the Constitution to require that special assessment districts like BIDs confer “special benefits” to property owners subject to assessments.²⁵ A special benefit is “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.”²⁶ For example, street-cleaning services might provide BID property owners with a benefit unavailable to properties outside the BID and is therefore “special.” The Constitution also requires all BIDs to prepare an engineer’s report that details the special benefits of assessment-funded services.²⁷

In 1994, state lawmakers granted BIDs greater access to revenue, expanded BID spending authority, and reduced municipal oversight of BIDs. While the California Constitution requires that such assessments be used only for activities that result in “special benefits,” BIDs today operate as autonomous entities that engage in a broad array of activities largely independent of state and local oversight. In the next section, we describe our findings about the relationship between BIDs and the enactment and enforcement of laws that target or disproportionately harm homeless people.

II. RESEARCH FINDINGS

IN LIGHT OF THEIR GROWING ROLE in California cities, we researched the relationship between BIDs and the enactment and enforcement of laws that target or disproportionately harm homeless people (“anti-homeless laws”).²⁸ We report our findings from several sources, including:

- responses to a survey of 189 BIDs in 69 cities;
- data from in-depth case studies of eleven BIDs in Berkeley (2), Chico, Los Angeles, Oakland (2), Sacramento (2), San Diego, and San Francisco (2); and
- street outreach surveys and interviews of homeless people in Chico, Sacramento, and San Francisco.²⁹

For the BIDs survey instrument, see Appendix B; for the homeless outreach survey instrument, see Appendix C.

As described below, we found that BIDs exclude homeless people from their districts through policy advocacy and policing practices.³⁰ BIDs engage in policy advocacy to enact, preserve, and strengthen state and local anti-homeless laws.³¹ To enforce such laws, BIDs collaborate closely with local police departments and hire or contract with private security. We also found that some BIDs work with service providers in conjunction with their policy advocacy and policing practices, which often contributes to the exclusion of homeless people from public spaces.

A. BIDS AND POLICY ADVOCACY

Most of the BIDs reported engaging in policy advocacy in one form or another, including direct expenditures, staffing, and membership in a BID trade association.³² Just under half of the BIDs (46%) cited policy advocacy as one of their main expenditures, and almost one in three (31%) reported that they have a policy, advocacy, or government relations person on their staff.³³ More than one-third (36%) also reported that they are members of the California Downtown Association or the International Downtown Association, trade groups that advocate for the interests of BIDs.³⁴

The survey and case study data described below yield three findings about BIDs and policy advocacy:

1. BIDs frequently engage in local and state advocacy to enact, maintain, and strengthen anti-homeless laws;

2. BIDs spend property assessment revenue, including revenue from publicly owned properties, on anti-homeless policy advocacy; and
3. The growing number of BIDs established after 1994 correlates with a sharp rise in the number of anti-homeless laws.

1. BIDs advocate to enact, maintain, and strengthen anti-homeless laws

BIDs advocate at the local and state levels for their policy preferences on a variety of issues that they believe affect property owners. While we did not attempt to identify and catalog every type of policy advocacy in which BIDs engage, we found that BIDs seek to enact, maintain, and strengthen laws that criminalize activity like sitting, resting, sleeping, panhandling, and food sharing in public spaces. At the local level, BIDs often support or defend municipal anti-homeless ordinances by testifying at city council meetings and in other public forums.

Examples of BID involvement in local policy advocacy include:

- In 2010, San Francisco’s Union Square BID submitted letters of support and testified at numerous public forums for Proposition L, an anti-homeless measure to restrict sitting or lying on public sidewalks between 7 a.m. and 11 p.m. (so-called “sit-lie” laws).³⁵
- In 2012, the CEO of the nonprofit that manages the Downtown Berkeley BID was the major individual financial contributor to the campaign for Measure S, a proposed sit-lie law.³⁶
- In 2013, the Downtown Chico Business Association advocated for the enactment of a sit-lie law by testifying in front of the City Council, encouraging its members to attend a city council information-gathering meeting, and coordinating with the police department.³⁷
- In 2015, the Downtown Industrial BID advocated for Los Angeles to amend its municipal code to preserve the city’s ability to confiscate homeless people’s property.³⁸
- In 2016, the Downtown Sacramento Partnership urged the city to retain its anti-camping ordinance in the face of repeal efforts by homeless advocates.³⁹ The BID also vocally supported expanding Sacramento’s aggressive anti-panhandling ordinance.⁴⁰

BIDs also work together to oppose state-level civil rights legislation designed to decriminalize homelessness. Sometimes, BIDs advocate collectively through the California Downtown Association (“CDA”), a trade association that “represents thousands of diversified businesses throughout California within its network of downtown associations, cities, chambers of commerce, business districts, supportive vendors and consultants.”⁴¹ In recent years, the CDA actively mobilized its BID members to oppose Assembly Bill 5, the Homeless Person’s Bill of Rights and Fairness Act, and Senate Bill 608, the Homeless Right to Rest Act.⁴²

Individual BIDs may take the lead in organizing other BIDs to oppose state-level homeless rights legislation. For example, during the 2015–16 legislative session, the Downtown Sacramento Partnership (“DSP”) monitored bills, developed strategies, and coordinated positions with allied organizations to oppose SB 608 and two other bills designed to decriminalize homelessness. For example, Assembly Bill 718 would have prohibited the enforcement of city or county ordinances that penalize sleeping or resting in legally parked vehicles.⁴³ The DSP and other CDA members opposed AB 718 via letters, phone

calls, and personal contact with state legislators and their staff members as part of a coalition of business interests.⁴⁴

AB 718 died in the Senate following a late-night session in which Emilie Cameron, DSP's Director of Policy and Communications, worked closely with a lobbyist to maintain key "no" votes and abstentions from senators representing CDA districts.⁴⁵ In an email to a core group of CDA advocates, Cameron praised the coalition's role in halting the bill's progress:

Knowing that AB 718 (Chu) was up for a Senate floor vote this week, DSP has been active walking the halls of the State Capitol meeting with Legislators and sharing our concerns . . . We're happy to report we were successful! . . . This is a great example of the potential influence CDA has under the dome. We have a unique constituency and potentially a very strong voice that can sway Legislators on critical issues.⁴⁶

2. BIDs spend property assessment revenue, including revenue from publicly owned properties, on policy advocacy

As noted above, state law requires BIDs to describe how they calculate property assessments and spend assessment revenue, including the specific "improvements, maintenance, and activities" paid for with assessment revenue.⁴⁷ Unfortunately, the required management district plans, engineer's reports, and annual reports do not always indicate whether BID property assessment revenue is used to pay for policy advocacy. Further, the nonprofit organizations that operate BIDs collect and spend assessment revenue alongside funds from non-assessment sources, which makes it difficult to determine whether BIDs are complying with state law when they engage in policy advocacy.⁴⁸

We examined the most recently available engineers' reports from our case study BIDs. We found that on average approximately 16.8 percent of total assessment revenue in these eleven districts was derived from publicly owned properties, ranging from approximately 5 percent in three BIDs to more than 50 percent in San Francisco's Civic Center BID (Table 1).⁴⁹

Downtown Berkeley	17.7%
Telegraph (Berkeley)	21.6%
Downtown Chico	18.1%
Downtown Industrial (Los Angeles)	4.7%
Jack London (Oakland)	23.3%
Lake Merritt (Oakland)	4.6%
Downtown Sacramento	17.5%
Midtown (Sacramento)	7.4%
Downtown San Diego	13.4%
Civic Center (San Francisco)	51.7%
Union Square (San Francisco)	5.2%

Table 1: Percentage BID Assessment Revenue from Publicly Owned Properties

Examples of BIDs using assessment revenue to pay staff to work on policy advocacy include:

- San Francisco’s Union Square BID spends assessment revenue on policy advocacy under a category of services labeled “Marketing, Advocacy, Beautification and Streetscape Improvements,” and its executive director is a lobbyist registered on behalf of the BID with the City and County of San Francisco.⁵⁰
- Los Angeles’ Downtown Industrial BID does not mention policy advocacy in its planning documents, yet in its quarterly reports to the city, it classifies activities like testifying at city council meetings and meeting with council staffers as assessment-funded “Economic Development and Communications” programming.⁵¹
- Assessment-funded policy advocacy expenses in the Union Square BID, the Downtown Sacramento Partnership, and Oakland’s Jack London Improvement District represent the full or partial salary costs of various personnel who engage in policy advocacy.⁵²

In addition to specifying how BID revenue will be spent, engineer’s reports and management district plans must establish that assessed properties receive “special benefits” from each type of service offered by the BID.⁵³ BID officials who engage in policy advocacy sometimes described the special benefits of these activities in terms of representation: property owners benefit by having their views on many issues expressed to elected officials.⁵⁴ BIDs also frame their advocacy in pursuit of broad policy goals. For example, the Downtown Sacramento Partnership’s management district plan notes that all BID services are “focused on removing barriers and creating incentives that promote economic activity” and briefly mentions “advocacy for business-friendly policies.”⁵⁵

Properties within a BID may be assessed at different rates to reflect the services or benefits they receive by specific geographic area and/or property type.⁵⁶ For example, Sacramento’s Midtown Association BID does not use assessments on governmental entities to fund policy advocacy efforts because public entities “benefit to a lesser degree than parcels occupied by for profit businesses” insofar as “they do not enjoy the benefits of increased profits resulting from increased commerce.”⁵⁷ The Midtown BID’s engineer’s report further states that public entities “will not be assessed for or receive advocacy services because they are owned by the public agencies at which advocacy efforts are directed.”⁵⁸

Other BIDs do not make this distinction and assess public properties for policy advocacy services. For example, San Francisco’s Civic Center BID—where more than half of all assessment revenue comes from publicly owned properties—expressly states in its engineer’s report that all properties “will benefit from the improvements or services to be funded regardless of ownership including publicly owned parcels.”⁵⁹ The Downtown Sacramento Partnership BID also assesses public parcels within its district at the same rate as other similarly situated properties.⁶⁰

3. The growing number of BIDs established after 1994 correlates with a sharp rise in the number of anti-homeless laws

Almost 80 percent of California BIDs responding to our survey were established since the 1994 law expanded their ability to collect and spend revenue.⁶¹ In prior studies, we researched municipal anti-homeless ordinances in 82 California cities, which have enacted hundreds of such laws in recent

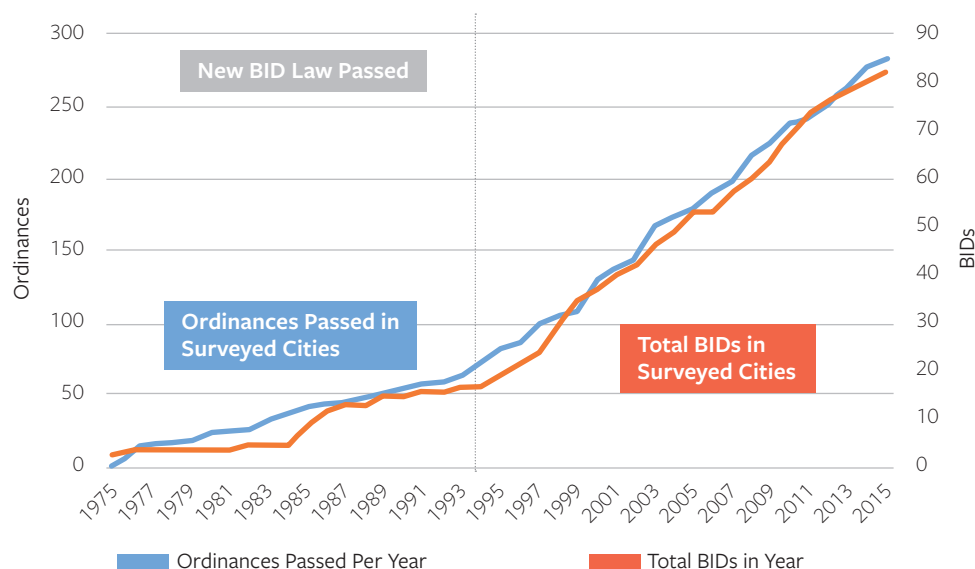


Figure 1: BIDs and Local Anti-Homeless Ordinances in California, 1975–2015

decades.⁶² Figure 1 charts available data about the rise in the total number of BIDs established with the growing enactment of local anti-homeless laws since 1975.⁶³

As depicted in Figure 1, the number of BIDs and the number of anti-homeless laws have risen since 1975, with an inflection point after the passage of the 1994 BID law. During the 20 years from 1975 to 1994, 13 BIDs were established and 61 anti-homeless laws were enacted, or approximately one BID and three laws per year. During the 20 years from 1995 to 2014, 60 BIDs were established and 193 anti-homeless laws were enacted, or approximately three BIDs and 10 laws per year. In other words, the number of BIDs and the number of anti-homeless laws have risen roughly three times more sharply in the 20 years since the 1994 law than in the 20 years prior to the law.

Available data do not permit us to establish a causal relationship between the rise of BIDs and the increase in anti-homeless laws. BIDs are only one actor that might have influenced the enactment of anti-homeless laws. However, the strong correlation together with our other data about BID activities—including BID descriptions of their successful policy advocacy efforts—suggest a positive relationship between BID policy advocacy and the rising enactment of anti-homeless laws.

B. BIDS AND POLICING PRACTICES

Almost all BIDs engage in policing practices that impact homeless people. More than 90 percent of BID survey respondents said that they work with local police to enforce laws.⁶⁴ More than two-thirds of BIDs reported using either paid security patrols (59%) or volunteer security patrols (9%) for safety and security.⁶⁵

BID policing practices appear to be driven by their perception that the presence of homeless people is a public safety issue. Over 80 percent of BIDs identified “panhandling and loitering” as “one of the most important issues that the BID has faced in terms of safety and security.”⁶⁶ Several survey respondents added written comments identifying “the perception of crime,” “public nuisance,” and “homelessness” as safety and security issues.⁶⁷

The survey and case study data reveal two key findings about the relationship between BIDs and anti-homeless policing practices:

1. BIDs collaborate with local police departments to enforce anti-homeless laws, and
2. BIDs directly enforce anti-homeless laws.

1. BIDs collaborate with local police departments to enforce anti-homeless laws

Almost all BIDs surveyed report collaborating with police departments to enforce local laws.⁶⁸ Sacramento BIDs exemplify this collaboration. From January through October 2015, Sacramento BID executives, high-ranking members of the Sacramento Police Department (“SPD”), and other city officials exchanged almost 2,000 pages of emails regarding homeless people.⁶⁹ Beginning in 2016, the Midtown BID’s Clean and Safe Coordinator participated in a “Weekly Hot Spot Collaboration” to list and report on “problem areas” frequented by homeless people.⁷⁰

Sacramento BID executives also emailed the SPD to request specific enforcement of laws prohibiting camping and loitering.⁷¹ For example, the executive director of one Sacramento BID emailed the police stating:

[There’s] been quite a few homeless hanging out behind the donut shop at 26th and Franklin again . . . Hoping you can help out. It seems odd that the donut shop owner [doesn’t] seem to mind this type of activity right behind his business?”⁷²

In fact, the Downtown Sacramento Partnership BID persuaded the Sacramento Police Department to realign a neighborhood beat with the BID’s boundaries.⁷³

BIDs also ask their cities and communities to provide more police officers in areas where anti-homeless laws are enforced:

- San Francisco’s Union Square BID lobbied for more police officers to enforce anti-homeless laws and received a \$3 million grant from the Silicon Valley Community Foundation “to increase police patrols during the holidays and to install security cameras.”⁷⁴
- The Downtown Chico Business Association partnered with the Chico Police Department and others to form the Clean and Safe Action Group, which requested and received increased police staffing to address “rising concerns about panhandling, aggressive behavior, loitering, vandalism, and camping.”⁷⁵
- The Downtown Oakland and Lake Merritt/Uptown District Association advocated successfully for the deployment of a new Oakland Police Department “Metro Unit” for the downtown corridor that works in partnership with the BID’s Ambassador Program and its Community Watch Program.⁷⁶

BIDs sometimes request that police remove homeless people from public spaces within their districts in the absence of alleged violations of law. In an email to a police official, one Sacramento BID executive asked, “Can someone swing by our building [. . .] and remove the homeless person hanging around in the corner?”⁷⁷ Another email from a Sacramento BID to a police lieutenant asked: “When one of your officers has a chance, could s/he please ask the homeless person who is sleeping in front of

Suite C/D to leave. They are sleeping on the concrete walkway with a hacking cough . . . not very enticing for customers.”⁷⁸ In a separate response forwarded to a BID official, one Sacramento police officer acknowledged that: “We are still struggling with having the legal authority and penal code to deal with [homeless people] at our RT bus stops.”⁷⁹

Consistent with BID calls for enforcement, homeless people experience substantial police interactions within BID boundaries. Sixty-two of 72 homeless people we surveyed who were living within BID boundaries in Chico, Sacramento, and San Francisco reported being approached by the police.⁸⁰ Some survey respondents described frequent encounters with the police in response to their presence in public:

- A homeless person in San Francisco’s Union Square BID stated: “Everyday BID employees ask me to move. [. . .] If I don’t move, [the] cops are called.”⁸¹
- “Nearly every time I’m sleeping, the cops approach me,” reported one homeless person in Chico. Another homeless person in Chico stated: “I am approached daily by the police. They won’t leave me alone. They threw me in jail.”⁸²

While we did not survey homeless people about their experiences outside of BID boundaries, our findings suggest that BIDs play a role in the significant police presence experienced by homeless people within their boundaries.

2. BIDs directly enforce anti-homeless laws

In addition to collaborating with police to enforce anti-homeless laws, BIDs enforce such laws directly. For example, employees of the Los Angeles Downtown Industrial BID (“DIBID”)’s Clean and Safe Program attempted to enforce the Los Angeles Municipal Code by confiscating homeless people’s property in Skid Row. Four Skid Row residents sued DIBID, its managing nonprofit, and the City of Los Angeles for violating constitutional due process rights by removing their property from public areas without prior notice or subsequent information as to where the property was taken.⁸³ In settling with the plaintiffs, DIBID and the City of Los Angeles agreed to restrict the scope of permissible confiscation, to provide notice and storage procedures when confiscation was allowed, and to limit City collaboration with the BID.⁸⁴

BIDs enforce anti-homeless laws and policies through a variety of employees and programs. First, some BIDs hire private security guards to police their districts:

- The Downtown San Diego Partnership’s private security company patrols the district on foot, bicycle, or by vehicle, to ensure “unimpeded access to the public right of way for citizens, visitors, and residents.”⁸⁵
- The Downtown Chico Business Association hired a private security company to serve as a “command presence,” and “a deterrent on private property” regarding alleged vandalism, loitering, and drug use.⁸⁶
- In Los Angeles, BID private security guards arrested a homeless person for sitting on the sidewalk, using citizen’s arrest rights as justification.⁸⁷

Second, nearly half of BIDs (47%) reported using “ambassadors” to police their districts.⁸⁸ BID ambassadors perform generalized visitor-assistance tasks in addition to patrolling and monitoring the dis-

trict.⁸⁹ Many ambassadors are private security guards who coordinate with local law enforcement.⁹⁰ They report suspicious behavior while also directly enforcing anti-homeless laws:

- The Downtown Sacramento Partnership’s Downtown Guides (ambassadors) “direct and assist visitors, serve as the eyes and ears for local law enforcement, and deter aggressive panhandling.”⁹¹ Their job description includes “[m]onitor[ing] assigned area[s] for persons breaking city/state codes and laws . . . [and] either report[ing] such individuals to the proper authorities or advis[ing] them of the statute which is being violated.”⁹²
- The Downtown Chico Business Association’s ambassadors seek “voluntary compliance on the rules/ordinances downtown, and engage with individuals as necessary to do so,” but also have a “communication protocol” with the police, under which the ambassadors “report crimes and refer certain behaviors to social service outreach teams.”⁹³
- San Francisco’s Union Square BID contracts with Block by Block (“BBB”) for safety services.⁹⁴ According to BBB, “one of the most pressing issues affecting Union Square is the visible presence of homeless persons and those persons involved in quality of life issues.”⁹⁵ BBB “safety ambassadors” patrol the district on bikes to deter “unwanted behaviors,” engage with homeless persons, and report “unwanted activities” to the police.⁹⁶

We found evidence that BIDs develop security programs and promote practices that identify, target, and monitor specific homeless individuals. For example, the Downtown Oakland and Lake Merritt/Uptown District Association directs its BBB “security ambassadors” to log panhandlers in a “Known Persons Database.”⁹⁷ In a 2015 document entitled “Top Quality of Life Issues Downtown,” the Oakland Association identified five homeless people by name and stated with respect to three of them that the BID was trying to “continually engage [the person]” and “make it clear [to the person] that [he or she] is not anonymous.”⁹⁸

For homeless people, BID policing efforts result in feelings of being surveilled and harassed:

- A homeless person in Sacramento’s Downtown Sacramento Partnership BID stated: “I heard [BID employees] on their walkie-talkies saying ‘they’re smoking here.’”⁹⁹
- A homeless person in Chico stated: “[The private security guards] have restrained me and don’t allow me to sit anywhere. They follow me and 100% they are not the police.”¹⁰⁰

More generally, homeless people often experience BID attempts to remove them as unjustified and cruel. One-third of respondents to a survey of homeless people in Chico, Sacramento, and San Francisco (33%) said they had been approached by BID employees and asked to leave the area. More than one in four respondents (26%) described being “hassled” or questioned.¹⁰¹

- A homeless person in the Downtown Sacramento Partnership BID stated: “I’ve seen [BID employees] call the police at the Cathedral where they pass out blankets . . . [They said] ‘We can’t have you lying here.’ But it was raining. And I was just trying to stay dry.”¹⁰²
- In the San Diego Partnership BID, a homeless man complained that a private security guard harassed people by ordering them to leave downtown areas even when there is “no infraction

of law,” and a homeless woman described how a private BID security guard ran his bike into her multiple times to wake her while she was sleeping in a public space.¹⁰³

C. BIDS AND SOCIAL SERVICES

In addition to policy advocacy and policing practices, BIDs report various forms of other involvement in homelessness policy and services. More than 40 percent of BIDs stated that they “engage in activities with homeless people” in their districts.¹⁰⁴ Ninety percent of those BIDs engaging in activities with homeless people reported that they refer homeless people to social services and/or partner with social services organizations to provide services.¹⁰⁵ In our survey of homeless people, however, 18 percent said that BID employees had referred them to services.¹⁰⁶

Through our case studies and research with stakeholders, we found that:

1. BIDs occasionally work with homeless service providers and refer homeless people to services.
2. BID service work is consistent with their anti-homeless advocacy and policing.
3. BID role in social services often contributes to the exclusion of homeless people.

1. BIDs occasionally work with homeless service providers and refer homeless people to services

Some BIDs report working with organizations that serve homeless people and serve on local homeless advisory bodies:

- The Downtown Oakland and Lake Merritt/Uptown District Association partners with the Alameda County TRUST Clinic to train ambassadors to refer people to the clinic.¹⁰⁷
- San Francisco’s Union Square BID contracts with a nonprofit organization that recruits homeless people to perform “beautification” tasks in the neighborhood in exchange for a non-cash stipend and access to case management and job training.¹⁰⁸
- Representatives from two Sacramento BIDs sit on the city’s Continuum of Care Advisory Board, which coordinates a broad range of nonprofit services to homeless people.¹⁰⁹
- Los Angeles’ citywide BID Consortium is represented on the Regional Homelessness Advisory Council, which provides “an enduring forum for broadbased, collaborative and strategic leadership on homelessness in Los Angeles County.”¹¹⁰

Some BIDs report referring homeless people to shelter or other resources:

- The Downtown Berkeley Association’s 2016 Annual Report tallies 2,166 “Referral[s] to Shelter/Resources” by BID ambassadors.¹¹¹
- The Downtown Sacramento Partnership BID reports that it manages a grant-funded Navigator Team that helped house 84 people in 2016.¹¹²

We do not have data from BIDs on the quality of referrals or on service outcomes. A 2015 study in San Francisco that included a survey of 351 homeless people and 43 in-depth interviews found that less than 12 percent of respondents forced to move by authorities were offered “services.”¹¹³ Further, when police (not BID employees) offered services to homeless people, they were most often provided with

a pamphlet, a sandwich, and occasionally a one-night shelter bed, after which people were back on the street without housing or food.¹¹⁴

In our outreach to homeless people, with a smaller sample than the 2015 San Francisco survey, 38 percent of survey respondents who were referred to services by BID employees found the referral “helpful.”¹¹⁵ Many survey respondents, however, also characterized referrals to service providers as not helpful for a variety of reasons.¹¹⁶ In particular, homeless people reported feeling discriminated against or dehumanized when interacting with BID employees:

- In San Francisco, one homeless person said that while some BID employees are respectful, others are “downright disrespectful” and “call us names.”¹¹⁷
- A homeless person in Sacramento said: “Aren’t you supposed to be City guides? Not out here harassing the homeless. Interrogating.”¹¹⁸
- One homeless person in Chico said: “[J]ust b[ecause] we are homeless, we are not second-rate citizens. I would like to be left alone.” Another stated: “They look at us like we’re trash.”¹¹⁹

2. BID service work is consistent with their anti-homeless advocacy and policing

The relationship between BIDs and homeless service providers is complicated. BID policy advocacy and policing practices are premised on the idea that laws criminalizing activities like sitting, resting, sleeping, and food sharing help homeless people. In this view, anti-homeless laws encourage homeless people to access social services:

- Proponents of Measure S, including the head of the Downtown Berkeley Association, argued that a proposed 2012 law criminalizing sitting and lying in public would “help people get social services,” even though the measure did not provide funding for or mention social services to homeless people.¹²⁰
- The Downtown Chico Business Association launched a 2013 “Generosity Campaign,” which encouraged people to give money to service providers rather than homeless people because “handouts increase the time an individual spends on the streets, delays treatment, and potentially encourages panhandlers to come to our community.”¹²¹
- In opposing the 2016 Homeless Right to Rest Act, which would have afforded civil rights protections to homeless people, the Downtown Sacramento Partnership’s Clean and Safe director said:

*We saw [the Act] as a real burden to working with the clients . . . [i]n Sacramento County, you lose 25 years of your life by being homeless—by having the right to rest on the streets. . . . [T]hat legislation, from just a humanity side, did not really fit [overall] with how we are trying to help individuals off the street.*¹²²

In prior research, we did not find evidence that the enforcement of anti-homeless laws encourage homeless people to access services or meaningfully helps them in any other way.¹²³ Our findings are consistent with recent research on “therapeutic policing,” which is designed to “push” homeless people into social services. Forrest Stuart’s five-year study of Los Angeles’ Skid Row found that “[f]or those on the receiving end, therapeutic policing feels less like helpful guidance and more like abuse.”¹²⁴

3. BID role in social services often contributes to the exclusion of homeless people

As noted above, we found that BID involvement in homeless service provision takes a number of forms. At least one BID sought to facilitate access to services near or within the BID's geographic boundary.¹²⁵ We also found at least one BID that—while opposing civil rights protections for homeless people—expressed support for affordable housing, including permanent supportive housing and other services for homeless people.¹²⁶ However, other BID outreach efforts appear to be directed at pushing homeless people out of BIDs.¹²⁷

In San Francisco, the Union Square BID attempts to move lawful (nonaggressive) panhandlers from the district.¹²⁸ Because such panhandling is not prohibited by law, BID ambassadors are instructed first to “inform the person that their behavior is not supported by downtown businesses and actually harms the image of downtown.”¹²⁹ If the person continues to panhandle, the ambassador is to then “stand approximately 15’ away from the panhandler educating the public not to give to panhandlers, but rather agencies that can help” and will “continue this around the panhandlers [sic] area (until they move outside of the district).”¹³⁰

In Sacramento, Wind Youth Services (“Wind”), a drop-in center for homeless youth, moved from North Sacramento to the Midtown District to better serve its target population.¹³¹ Almost immediately, the Midtown Association began documenting complaints related to Wind and the homeless youth population it served.¹³² The Midtown Association's Executive Committee said that if loitering during and after Wind's service hours continued, the Association would seek to “relocate Wind to eliminate the public nuisance.”¹³³

Consistent with the goal of relocation, the BID contacted the city to determine whether Wind was violating Sacramento's zoning ordinance by feeding youth without a conditional use permit.¹³⁴ Wind relocated outside the BID shortly thereafter. According to a newspaper account, Wind's Executive Director Suzi Dotson said that the drop-in center moved because of unaffordable rent, and that “the MBA played no role in Wind's move to Oak Park.”¹³⁵ However, according to the Midtown Association's executive director, the BID helped Wind search for a new location and made a small grant to assist with Wind's relocation costs.¹³⁶

In 2017, all 11 Sacramento BIDs opposed an amendment to the city code that would have removed conditional use permitting requirements for churches and faith congregations hoping to serve as small temporary residential shelters for adults.¹³⁷ The letter cited the “unintended impacts rogue operators providing homeless services can have in our neighborhoods” as one reason for requiring conditional use permits for each small temporary residential shelter at or within 500 feet of a church or faith congregation.¹³⁸

III. LEGAL CONCERNS

OUR RESEARCH FINDINGS raise several legal concerns. First, BIDs violate California law when they spend property assessment revenue on policy advocacy that is not narrowly tailored to provide a special benefit to property owners in the district. Second, BIDs may violate additional state laws when they spend assessment revenue collected from public properties within their districts on policy advocacy. Finally, BIDs and their agents may violate state, federal, and international law through their policing practices, including infringing on the legal rights of homeless people.

A. BIDS VIOLATE STATE LAW BY SPENDING ASSESSMENT REVENUE ON POLICY ADVOCACY

The California Constitution requires that all assessment spending provide a “special benefit” for assessed properties in the district distinct from any benefits enjoyed by members of the general public.¹³⁹ When members of the general public—i.e., parties that do not pay BID assessments—benefit from BID services, the services are considered, at least in part, “general benefits.”¹⁴⁰ Thus, state law requires BIDs to identify the proportion of a total benefit rendered by a service that is a general benefit, and to fund that proportion using revenue from sources other than property assessments.¹⁴¹

BIDs may argue that conducting policy advocacy on behalf of district property owners is a special benefit that justifies the use of assessment revenue because it responds to owners’ needs.¹⁴² However, to be lawful, the benefits of BID policy advocacy must be properly and proportionally linked to district parcels or confined to district boundaries.¹⁴³ In our case study BIDs, we did not find one engineer’s report that adequately calculated the special and general benefits of policy advocacy.¹⁴⁴ This is likely because it is not possible to defensibly and consistently calculate the constitutionally required special and general benefits of advocacy meant to influence local or state law, which by its nature affects many people and properties inside and outside of BID boundaries.¹⁴⁵

Assessment districts can be dissolved for failing to adhere to constitutional requirements. In 2011, a California Court of Appeal dissolved a maintenance assessment district in part because the engineer’s report did not “establish that the general public within and outside the District would not receive some benefit” from services like “homelessness patrolling, Web site information, and special events [that] provide obvious benefit to the general public.”¹⁴⁶ The court noted that the report’s attempt to dismiss some of the general benefit as “minimal” did not meet the strict constitutional requirement that “only special benefits are assessable.”¹⁴⁷

In 2013, a Los Angeles Superior Court judge ordered the dissolution of the Arts District BID because its “economic development” activities, such as marketing, provided no special benefits.¹⁴⁸ In 2014, a coalition of BIDs successfully lobbied the State Legislature to expand the statutory meaning of special benefits so a benefit is deemed “special” even when it is not unique to assessed property owners and may include “incidental or collateral effects that benefit property or persons not assessed.”¹⁴⁹ Courts have yet to consider whether the amended statute is consistent with the California Constitution, which still requires conferral of a special benefit to assessed properties.¹⁵⁰

B. BIDS VIOLATE ADDITIONAL STATE LAWS BY SPENDING ASSESSMENT REVENUE FROM PUBLIC PROPERTIES ON POLICY ADVOCACY

The 1994 BID law permitted districts to collect assessment revenue from publicly owned properties and it increased BID spending authority. State law, however, does not authorize BIDs to spend assessment revenue from public parcels on all kinds of policy advocacy.¹⁵¹ In fact, state laws prohibit the use of public funds to support or oppose local or state candidates and ballot measures.¹⁵² Interpreting one such law, the California Supreme Court said: “A fundamental precept of this nation’s democratic electoral process is that the government may not ‘take sides’ in election contests or bestow an unfair advantage on one of several competing factions.”¹⁵³

In general, when BIDs use assessment revenues from publicly owned properties for policy advocacy, the public—as owners of assessed property—is being taxed to fund advocacy on behalf of businesses. We found specific instances in which BIDs or BID officials engaged in formal lobbying, support for ballot measures, and other policy advocacy.¹⁵⁴ We also found examples of BIDs and their officials making financial contributions in local elections.¹⁵⁵ Through the use and leveraging of assessment revenue from publicly owned properties, BIDs are spending government revenue to take sides in the democratic process.

BID use of public funds for policy advocacy may sometimes result in expenditures that local agencies themselves could not make. For example, under state law, cities and counties may spend public funds to lobby if the city or county has deemed passage or opposition of the legislation at issue to be beneficial or detrimental to the city or county.¹⁵⁶ When BIDs spend assessment revenues from publicly owned properties to lobby on issues that only their managing nonprofits have identified as priorities, they bypass legal requirements designed to ensure that taxpayer funds are used to advance the public’s interests.

C. BIDS VIOLATE THE RIGHTS OF HOMELESS PEOPLE THROUGH THEIR POLICING PRACTICES

The 1994 BID law expanded BID authority to spend assessment revenue on “private security, sanitation, graffiti removal, [and] street and sidewalk cleaning.”¹⁵⁷ As described above, we found that BIDs often hire private security guards and ambassadors to perform security and sanitation tasks, and they frequently collaborate with the police and other local agencies to police homeless people and their property. Under state law, companies that furnish private security guards and ambassadors are private patrol operators regulated by the Department of Consumer Affairs.¹⁵⁸

While private security guards and ambassadors may patrol public spaces, they are not peace officers, and they have no more authority to enforce laws than any other private citizen.¹⁵⁹ When BID per-

sonnel attempt to remove homeless people from public spaces, they may be committing crimes. Attempts to harass or remove homeless people can cause unwanted contact, as in San Diego where a BID private security guard tried to wake a homeless woman by running into her with his bike.¹⁶⁰ In Los Angeles and Berkeley, BID personnel assaulted homeless people.¹⁶¹

BID actors who confiscate the property of homeless people may violate state and federal law.¹⁶² In a 1999 lawsuit, Skid Row residents alleged that BID private security guards confiscated, destroyed, and damaged their possessions without notice or warning for the stated purpose of clearing and cleaning sidewalks.¹⁶³ As noted above, in 2014, Skid Row residents sued the DIBID, its managing nonprofit, and the City of Los Angeles alleging that BID “public safety ambassadors” and Los Angeles Police Department officers violated their constitutional rights by confiscating personal property without notice and without information as to where the property was taken.¹⁶⁴

More generally, BID policing activities can violate state, federal, and international law. Federal courts have held that it is cruel and unusual punishment to treat homeless people as criminals for performing necessary and unavoidable life-sustaining acts in public.¹⁶⁵ Enforcing anti-homeless laws may also infringe on people’s rights under domestic and international law, including their privacy and property rights and their freedom of speech, assembly, and movement.¹⁶⁶ Finally, many anti-homeless laws are vague and overbroad, which can result in arbitrary and unequal enforcement.¹⁶⁷

IV. POLICY RECOMMENDATIONS

BASED ON OUR RESEARCH FINDINGS AND LEGAL CONCERNS, we make several recommendations to end BID activities that exclude and harm homeless people. First, the State Legislature should amend state laws that have granted BIDs excessive authority to collect and spend property assessment revenue. Second, cities should more carefully scrutinize and regulate BID creation, activities, and disestablishment. Third, BIDs should have greater accountability to district residents and visitors.

A. THE STATE LEGISLATURE SHOULD AMEND STATE LAWS THAT GRANT BIDS EXCESSIVE AUTHORITY

The divestment of traditional public authority to private BIDs—entities the state does not regulate or even track—results in the promotion of business interests over other interests, with particularly harmful consequences for vulnerable populations like homeless people. The State Legislature should amend state laws that grant BIDs broad authority to collect and spend property assessment revenue and to operate largely independent of local management. In particular, the State Legislature should prohibit BIDs from spending property assessment revenue on policy advocacy, repeal BID authority to spend property assessment revenue on security, and restrict BID authority to assess revenue from publicly owned properties.

1. Prohibit BIDs from spending property assessment revenue on policy advocacy

The 1994 BID law authorizes BIDs to spend assessment revenues only on activities that confer a special benefit. In 1996, voters amended the California Constitution to state unambiguously that “only special benefits are assessable.”¹⁶⁸ Yet, we found that many BIDs neither acknowledge nor account for the general benefits conferred by their policy advocacy. BIDs engage in policy advocacy to influence state and local laws with wide-reaching effects to people who do not pay assessments and who may not reside within BIDs. The State Legislature should amend the 1994 BID law to prohibit the use of property assessment revenue for policy advocacy.

2. Repeal BID authority to spend property assessment revenue on security

The 1994 BID law authorizes BIDs to spend assessment revenues on private security. With this authority, BIDs have hired private security guards and ambassadors to enforce municipal anti-homeless laws and to police homeless people even when they are not violating any laws. Enforcing anti-homeless

laws does not address the complex issue of homelessness and makes it more difficult for homeless people to find housing. Moreover, BIDs should not be allowed to harass and remove homeless people from public spaces. The State Legislature should amend the 1994 BID law to prohibit expenditures of property assessment revenue on private security.

3. Restrict BID authority to collect revenue from publicly owned properties

The 1994 BID law greatly expanded BIDs' revenue base by authorizing the assessment of publicly owned properties. We found that BIDs collect significant revenue from such properties, which they use to fund a wide array of activities, including policy advocacy and policing practices. Although the California Constitution places the burden on local government to demonstrate that publicly owned properties should be exempt from assessment, the State Legislature should amend the 1994 BID law to clarify that BIDs may not collect assessment revenue from publicly owned properties for the purpose of policy advocacy or policing practices.

B. CITIES SHOULD MORE CAREFULLY SCRUTINIZE AND REGULATE BIDS

BIDs are approved by local elected officials and rely on city resources to collect assessment revenue. Cities should scrutinize BID activities to ensure that they do not promote the interests of business and property owners at the expense of other local constituents such as homeless people. Cities can require more detailed accounting of BID spending and activities at their establishment and during ongoing operations. They can reject BIDs that propose to engage in policy advocacy or policing practices, refuse to collaborate with BIDs that violate the rights of homeless people, and disestablish BIDs that spend assessment revenue on policing and policy advocacy.

1. Reject BIDs that propose to engage in policy advocacy or policing practices

Under the 1994 BID law, city councils must approve any BIDs that are established within their boundaries. Many California cities appear to approve BIDs with little scrutiny over their proposed activities. The general public has no say in the establishment of BIDs, so city governments must ensure that the interests of residents, including homeless people, are considered in the process. Cities can negotiate the terms and conditions of BID establishment. They should reject the establishment of BIDs that intend to engage in policy advocacy or policing practices, and they should memorialize expectations and policies in establishment resolutions and all management contracts between the city and the BID's managing nonprofit.

2. Refuse to collaborate with BIDs that violate the rights of homeless people

Although the 1994 BID law reduced local oversight of BIDs, cities can still influence BID operations. As a result of the 2014 lawsuit described above, the Los Angeles Police Department issued an internal guidance memo to officers instructing them to process allegations of theft by homeless persons like any other theft of property and to restrict the department's collaboration with DIBID. Cities do not need to formulate such policies only in response to litigation. They should act affirmatively to design and implement policies that restrict inappropriate departmental collaboration with BIDs to ensure that public resources are not used to exclude and harm vulnerable district residents and visitors.

3. Disestablish BID that spend assessment revenue on policy advocacy and policing

Under the 1994 BID law, cities may disestablish BIDs upon a finding that there has been a “misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district.”¹⁶⁹ BID policy advocacy and policing practices both raise significant legal concerns that can serve as the basis for disestablishment proceedings. As noted above, courts have dissolved assessment districts, including a BID, for spending assessment revenue on activities that failed to provide special benefits to property owners.¹⁷⁰ Cities need not rely on courts to dissolve BIDs—they should take independent action to disestablish BIDs engaging either in prohibited policy advocacy or in policing practices that violate the rights of homeless people.

C. BIDS SHOULD ASSUME GREATER RESPONSIBILITY TO ALL DISTRICT RESIDENTS AND VISITORS

Finally, BIDs should act as more responsible stewards of the public resources to which they have been granted access by state and local government. BIDs collect hundreds of millions of dollars in property assessment revenue and have an increasingly outsized influence on municipal affairs relative to other stakeholders, especially homeless people. To assume greater responsibility for the safety and health of all residents and visitors, BIDs should stop spending assessment revenue on policy advocacy, end all forms of policing activity, and collaborate with local homeless service providers to improve the well-being of all district residents and visitors.

1. Stop engaging in anti-homeless policy advocacy

BIDs spend property assessment revenue, including from public properties, on local and state policy advocacy. Such advocacy raises serious legal concerns, as described above. As a practical matter, BID efforts to enact, maintain, and strengthen laws that criminalize homelessness make life more difficult for homeless people. Savlan Hauser, Executive Director of Oakland’s Jack London Improvement District, described her office as a “community center” and added:

*We also focus on economic vitality. Homelessness is a major impediment to economic development for people experiencing homelessness. We think it’s part of our mission to help because we have an interest in economic development for everyone.*¹⁷¹

To advance economic development for everyone, BIDs should stop engaging in policy advocacy, especially advocacy for policies that harm homeless people.

2. End policing practices that target homeless people

BIDs work closely with local police to enforce laws against homeless people, and they employ paid and volunteer security guards and ambassadors to police their districts directly. These policing practices raise legal concerns described above, and policing is fundamentally a state and local government function. There is also no evidence that such policing practices help connect homeless people to services or otherwise promote their well-being. Criminalizing homeless people for activities they have no choice but to conduct in public creates another barrier to exiting homelessness. To reduce harm to

homeless people and increase the likelihood they can be housed, BIDs should end policing practices that target homeless people.

3. Collaborate with homeless people, advocates, and service providers

BIDs engage in anti-homeless policy advocacy and policing practices while sometimes referring homeless people to social services. BIDs also advocate against the presence of services and shelters for homeless people within their boundaries. Some BIDs have started to rethink this approach. One San Francisco BID executive director acknowledged the tension between BID support for exclusionary policies and their efforts to help homeless people:

I think you may have seen an evolution on how BIDs are responding to homelessness since we all first started . . . [In the past] some might have said ‘not here on my doorstep.’ But I think we’ve realized . . . that you have to help people where they’re at and point them in the direction of the social services . . . it’s not going to help them if you just move them from one doorstep to another.¹⁷²

BIDs should work closely with homeless people, advocates, and service providers to determine how best to support homeless residents.

V. CONCLUSION

WE REPORT FINDINGS from the first in-depth study of California's business improvement districts. BIDs were first authorized in the 1960s to replace government disinvestment in city centers. In 1994, state lawmakers greatly increased the authority of BIDs to collect and spend property assessment revenue, and they reduced government oversight of BID activities. With enhanced resources, authority, and autonomy, BIDs exercise a growing influence on municipal and state affairs, including through policy advocacy and policing practices.

Our key research findings are that BIDs engage in policy advocacy and policing practices that exclude homeless people from public space in their districts. These findings raise important legal concerns about how BIDs spend property assessment revenue, including revenue from publicly owned properties, and how they treat homeless people. Several recommendations flow from these findings and legal concerns for state lawmakers, city governments, and BIDs:

RECOMMENDATIONS

- (1) the **STATE LEGISLATURE** should amend state laws that grant BIDs broad authority to collect and spend property assessment revenue with little public oversight;
- (2) **CITY GOVERNMENTS** should more carefully scrutinize BID policy and policing activities at all stages from their initial formation through their operation and disestablishment; and
- (3) **BIDS** should have greater accountability to all residents and visitors in their districts, including homeless people.

Finally, we need more research. Because the state does not track them, we do not yet have a complete, accurate, and up-to-date picture of BIDs statewide. We do not know the number and types of BIDs, or how much money they assess, collect, and spend every year and for what purposes. Policymakers could also benefit from a clearer picture of how BIDs differ from other assessment districts in terms of their resources, authority, and autonomy from public oversight.

VI. APPENDICES

A. SUMMARY OF BID ENABLING STATUTES

Year	Purpose	Assessments	Expenditures
1965	Allow BIDs to levy business license assessments to fund services in addition to infrastructure.	Business License	<ul style="list-style-type: none"> • Parking facilities • Decoration of public places • Promotion of public events • Musical performances • General promotion of retail trade
1989	Aid “economically disadvantaged” businesses and expand acceptable expenditures.	Business License	<ul style="list-style-type: none"> • All expenditures authorized under the 1965 BID Law • Benches • Trash receptacles • Street lighting • Parks • Fountains • Promotion of tourism and other services benefiting businesses in the area
1994	Allow assessment of property owners in addition to business licenses and expand acceptable expenditures.	Business License and Property	<ul style="list-style-type: none"> • Expenditures authorized under prior BID laws • Public restrooms • Planting areas • Facilities or equipment to enhance security, security personnel, marketing, and economic development • Sanitation • Graffiti removal and “other services” conferring a special benefit upon properties or businesses within a district
2004	Allow assessment of multifamily residential properties and expand acceptable expenditures.	Business License and Property	<ul style="list-style-type: none"> • Expenditures authorized under prior BID laws • Maintenance and irrigation of landscapes • Marketing and advertising geared toward retaining and recruiting tenants • Managerial services for multifamily residential buildings • Supplemental building inspection and code enforcement services for multifamily residential buildings • Alteration of existing street size • Addition of ramps, sidewalks, plazas, and pedestrian malls • Rehabilitation or demolition of existing structures

B. BID SURVEY INSTRUMENT

1. Name of BID
2. City
3. Website
4. Main Contact Name
5. Main Contact Role
6. Main Contact Email
7. Main Contact Phone
8. What is the name of the BID?
9. What is the BID's city?
10. What year was the BID legally established?
11. Please provide a link to the BID's website.
12. Who was the BID formed by? Check all that apply.
Local government
Business owners
Property owners
Other
13. What is the BID's enabling statute?
Parking and Business Improvement Area Law of 1965
Parking and Business Improvement Area Law of 1979
Parking and Business Improvement Law of 1989
Property and Business Improvement District Law of 1994
Multifamily Improvement District Law
Other, please state:
Do not know
14. What type of assessments does the BID collect?
Property
Business
Both property & business
Do not know
15. What is the BID's filing status and administrative body? Check all that apply.
501(c)(3)
501(c)(4)
501(c)(6)
Local/Municipal Government
Private agency

Other

Do not know

16. Does the BID have a policy, advocacy, or governmental relations staff person? Y or N

17. Is the BID a member of any of the following associations? Check all that apply.

California Downtown Association

International Downtown Association

Neither

Other

18. Please list the BID's main expenditures. Check all that apply.*

Capital Improvements (e.g., installing pedestrian-scale lighting and street furniture; planting trees and shrubbery)

Consumer Marketing (e.g., producing festivals and events; coordinating sales promotions; producing maps and newsletters)

Economic Development (e.g., offering incentives such as tax abatements or loans to new and expanding businesses)

Maintenance (e.g., collecting rubbish; removing litter and graffiti; washing sidewalks; shoveling snow; trimming trees)

Parking and Transportation (e.g., managing a public parking system; maintaining transit shelters)

Policy Advocacy (e.g., promoting public policies to the community; lobbying government on behalf of business interests)

Public Space Regulation (e.g., managing sidewalk vending; discouraging panhandling; controlling vehicle loading)

Security (e.g., providing supplementary security guards; buying and installing electronic security systems; working with city police force)

Social Services (e.g., aiding the homeless; providing job training; supplying youth services)

Other, please state:

*Respondents were asked to indicate the percentage of the BID's funds spent on each expenditure.

19. Does the BID engage in activities with homeless people in the district? Y or N

20. If so, which of the following activities does the BID engage in? Check all that apply.

Connecting homeless people to social services

Partnering with social service organizations to provide services

Neither

Other

21. Does the BID track the number of homeless people in its district? Y or N

If yes, please indicate how many homeless people are in the district and the date of the most recent count.

22. Does the BID have an ambassador program?

Yes, we administer our own ambassador program.

Yes, we contract through a private agency to provide an ambassador program.

Yes, other (please state):

No

23. Does the BID keep records of ambassadors' interactions with homeless people? Y or N

24. Does the BID hire homeless people, or contract with organizations that hire homeless people, to perform duties for the BID? Y or N

If yes, please indicate what duties the BID hires them to perform.

25. What have been the most important issues that the BID has faced in terms of safety and security? Please check the three most important issues.

Homicide

Rape

Robbery

Assault

Theft

Vandalism/graffiti

Prostitution

Panhandling/loitering

Other

26. Which of the following has been used as a method to ensure safety and security? Check all that apply.

Paid security patrols

Volunteer security patrols

Working with the local police department to enforce laws

Closed circuit television/surveillance cameras

Computerized crime mapping

Neighborhood watch-type programs

Increase number of visitors/outdoor events

Sealing vacant buildings, rapid graffiti removal

Other

27. Do you have any additional comments? Please write them here.

28. Please include a link to the BID's most recent annual report.

29. Who may we contact with follow-up questions? Check all that apply.

Self

Other (please give name and contact info):

C. HOMELESS OUTREACH SURVEY INSTRUMENT

1. Do you know this is a Business Improvement District (BID) area? Y or N

2. How regularly are you approached by BID employees in this area?

Every time I come here

Almost every time I come here

About half the time I come here

Occasionally

Never

3. If you have been approached by a BID employee, what was the end result of the interaction? Choose one or more options that best describe what happened.

The employee asked me to leave the area

The employee called the police

The employee hassled me/asked me questions

The employee referred me to services

If so, what services were offered?

Were the services helpful? Y or N

Other (please describe):

4. How would you describe most of your interactions with BID employees: respectful or disrespectful?

Respectful

Disrespectful

Neutral

Comments:

5. If police were called during your interaction with BID employees, what was the end result of your interaction with police?

The police told me to leave the area.

The police wrote me a ticket. If so, for what?

The police arrested me. If so, for what?

The police used physical force. If so, what kind?

The police referred me to services.

If so, was the referral helpful? Y or N

Other (please describe):

6. How regularly are you approached by police in this area?

Every time I come here

Almost every time I come here

About half the time I come here

Occasionally

Never

Is there anything you would like to add about your experiences with business improvement districts or their staff?

NOTES

- 1 See Lorlene Hoyt & Devika Gopal-Agge, *The Business Improvement District Model: A Balanced Review of Contemporary Debates*, 1 *Geography Compass* 946, 948 (2007) (linking the arrival of BIDs to the decline of city and town centers, urban sprawl, new retail forms, shrinking local government tax bases, and a shift to public-private partnerships for revitalization efforts); see also Richard Briffault, *A Government for Our Time? Business Improvement Districts and Urban Governance*, 99 *Colum. L. Rev.* 365, 420 (1999) (arguing that BIDs are an effort to deal with the challenges associated with “suburbanization, new regional growth patterns, and a changing economy.”).
- 2 See Derek Hyra, *Conceptualizing the New Urban Renewal: Comparing the Past to the Present*, 48 *URB. AFF. REV.* 498, 502 (2012) (explaining that the decline of aggregate urban populations across the country was linked to white flight from expanding “Black Belts” in Northern and Midwestern cities).
- 3 See Hoyt & Gopal-Agge, *supra* note 1, at 947 (explaining that the first of these associations formed during the 1930s and 1940s and that they continued their activities during the 1950s and 1960s); see Briffault, *supra* note 1, at 457 (explaining that “[m]any BIDs are sponsored and managed by pre-existing public-private partnerships, chambers of commerce, merchants’ associations, and local development corporations” and that the affiliations between BIDs and such organizations “raise concerns regarding potential conflicts of interest, the improper utilization of BID funds and, in the case of BID managers, the actual time spent working for the BID.”).
- 4 See Jack Meek & Paul Hubler, *Business Improvement Districts in Southern California: Implications for Local Governance*, 29 *INT’L J. PUB. ADMIN.*, 31, 32 (2006) (arguing that California’s taxpayer revolt, embodied now in Article XIII A of the California Constitution, was an additional factor in the growth of BIDs in California).
- 5 Local development authorities were designed to alleviate blight in targeted areas through demolition, relocation, bond issuance, and investment. See NANCEY GREEN LEIGH, BROOKINGS INST., *THE STATE ROLE IN URBAN LAND REDEVELOPMENT* 19 (2003), <http://dls.virginia.gov/groups/VHC/meetings/2004Meetings/blight/092304/leigh.pdf>.
- 6 *Id.* at 16–17.
- 7 Tax increment financing districts generate funding for development projects by borrowing against future increases in property values. *Id.* at 18.

- 8 Hoyt & Gopal-Agge, *supra*, note 1, at 946. Although the BID model is unique, it has roots in two much older legal entities—special assessment and special purpose districts. See David Kennedy, *Restraining the Power of Business Improvement Districts: The Case of the Grand Central Partnership*, 15 YALE L. & POL’Y REV. 283, 288 (1996) (arguing that the nineteenth-century ancestors of BIDs are the special assessment districts of the frontier west, which were designed to help manage water, and the municipal assessment districts of Eastern and Midwestern cities, which provided specific services, such as street paving, in Jacksonian defiance of centralized governmental authority); see also Briffault, *supra* note 1, at 414–20 (describing the BID as a mixture of the special assessment district, which also typically levies mandatory assessments on select properties, and special purpose districts, which are typically governed by independent boards and enjoy autonomy from local government).
- 9 See Kennedy, *supra* note 8, at 306 (distinguishing enterprise zones—which are principally designed to improve the poorest of neighborhoods—from BIDs, which often end up serving wealthier areas); see also Briffault, *supra* note 1, at 425 (arguing that BIDs are different from other local public-private development mechanisms in that they operate by increasing costs on businesses or property owners rather than offering tax cuts on the assumption that the benefits provided will offset the cost increase). Through compulsory assessments, BIDs solved the free rider problem that had plagued voluntary downtown associations. See Hoyt & Gopal-Agge, *supra* note 1, at 947 (describing how the “free rider” problem was the impetus for the enactment of Toronto’s BID enabling statute).
- 10 See CAL. STS. & HIGH. CODE §§ 36000–81 (Parking and Business Improvement Area Law of 1965).
- 11 See CAL. STS. & HIGH. CODE §§ 36000–81 (1965 BID law), 36500–51 (1989 BID law), 36600–71 (1994 BID law), 36700–45 (2004 BID law). The 1989 BID law repealed a 1979 BID law and retained the 1965 BID law’s establishment procedures. See CAL. STS. & HIGH. CODE § 36500 *et seq.* In addition to state statutes, some California charter cities have adopted their own local BID ordinances which augment or alter state law requirements. See, e.g., BERKELEY MUN. CODE § 7.94 *et seq.*, S.F. BUS. & TAX CODE arts. 15 & 15A, OAKLAND MUN. CODE § 4.48 *et seq.*, SANTA MONICA MUN. CODE § 2.38 *et seq.*, CULVER CITY MUN. CODE § 15.11 *et seq.*, SAN JOSE MUN. CODE § 14.31 *et seq.*
- 12 Fifty-four percent of BID survey respondents (32 of 59 responding to the question) reported that they were formed under the 1994 law, and 79% of BID survey respondents (65/82) reported that they were formed since 1994. Although the Multifamily Improvement District Law of 2004 is a BID enabling statute, we did not find a BID created under the statute.
- 13 CAL. STS. & HIGH. CODE § 36621(a).
- 14 CAL. STS. & HIGH. CODE § 36621(b).
- 15 CAL. STS. & HIGH. CODE § 36623.
- 16 CAL. STS. & HIGH. CODE §§ 36623(b), 36624, 36625.
- 17 CAL. STS. & HIGH. CODE §§ 36000 (stating the purpose of the 1965 statute is to “impose a tax on businesses”); 36060 *et seq.* (governing business license taxation under the 1965 statute); 36502 (stating the purpose of the 1989 statute is to “levy assessments on businesses”).
- 18 Compare CAL. STS. & HIGH. CODE §§ 36000 and 36502, with § 36601(c). See Meek & Hubler, *supra* note 4, at 34 (stating that according to BID experts, property assessments generate more revenue and are easier to administer than assessments on business licenses).

- 19 We derived the revenue estimate by extrapolating from a random sample of California BIDs. We calculated the mean assessment revenue across the sample and multiplied the mean by the total number of BIDs we identified. Since we did not identify all BIDs in California, the statewide estimate is likely conservative.
- 20 *Compare* CAL. STS. & HIGH. CODE § 36000, with § 36606.
- 21 *See* CAL. STS. & HIGH. CODE § 36606(d), (f).
- 22 *See* CAL. STS. & HIGH. CODE § 36651 (provision of the 1994 BID law providing that “[i]f the management district plan designates an owners’ association, the city shall contract with the designated nonprofit corporation to provide services.”). *Cf.* CAL. STS. & HIGH. CODE § 36003 (provision of the 1965 BID law providing that “[t]he city council shall have sole discretion as to how the revenue derived from the tax is to be used within the scope of the above purposes”).
- 23 CAL. STS. & HIGH. CODE §§ 36622 (describing the contents of the management district plan, which include the extent of the proposed assessment and services); 36623 (requiring notice and a public hearing where cities propose to levy new or increased assessments); 36624 (empowering cities to reduce proposed assessments); 36533 (requiring BIDs to submit to the parent city a purely forward-looking annual report that details any proposed changes to BID assessment, collection, or expenditures); 36622(h) (providing that a new district expires after five years and then after ten years each time it is renewed); 36670 (requiring the city council to notice a hearing on disestablishment if: (1) the council finds there has been a “misappropriation of funds, malfeasance, or a violation of law in connection with management of the district,” or (2) property or business owners who pay more than 50% of the assessments levied petitions for disestablishment).
- 24 CAL. STS. & HIGH. CODE §§ 36622(h) (providing that a new district expires after five years and then after ten years each time it is renewed); 36670 (requiring the city council to notice a hearing on disestablishment if: (1) the council finds there has been a “misappropriation of funds, malfeasance, or a violation of law in connection with management of the district,” or (2) property or business owners who pay more than 50% of the assessments levied petitions for disestablishment). Courts can also dissolve BIDs for failing to meet statutory or constitutional requirements. § 36612 (“An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners’ association shall comply with the Ralph M. Brown Act [open meeting law . . .] at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act [. . .] for all records relating to activities of the district.”).
- 25 CAL. CONST. art. XIII D § 4.
- 26 CAL. CONST. art. XIII D § 2(i).
- 27 *See* CAL. CONST. art. XIII D § 4(b) (stating that “[a]ll assessments shall be supported by a detailed engineer’s report prepared by a registered professional engineer certified by the State of California”).
- 28 For a comprehensive review of California’s anti-homeless laws, see MARINA FISHER ET AL., POLICY ADVOCACY CLINIC, BERKELEY LAW, UNIV. OF CAL., CALIFORNIA’S NEW VAGRANCY LAWS: THE GROWING ENACTMENT AND ENFORCEMENT OF ANTI-HOMELESS LAWS IN THE GOLDEN STATE (2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2558944 [hereinafter PAC California’s New Vagrancy Laws 2015], and SASHA FELDSTEIN ET AL., POLICY ADVOCACY CLINIC, BERKELEY LAW, UNIV. OF CAL., CALIFORNIA’S NEW VAGRANCY LAWS: THE GROWING ENACTMENT AND ENFORCEMENT OF ANTI-HOMELESS LAWS IN THE GOLDEN STATE (2016 Update),

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2794386 [hereinafter PAC California's New Vagrancy Laws 2016].

- 29 We report all survey data as a percentage of BIDs responding to the specific question in our survey, not as a percentage of all BIDs surveyed. Response rates varied by question. All survey responses are on file with the clinic.
- 30 For a description of the role of BIDs in excluding “undesirable” members of society such as homeless people from public space, see ALEX GLYMAN, *BLURRED LINES: HOMELESSNESS & THE INCREASING PRIVATIZATION OF PUBLIC SPACE*, SEATTLE UNIVERSITY SCHOOL OF LAW, HOMELESS RIGHTS ADVOCACY PROJECT (Sara K. Rankin ed., 2016), <https://ssrn.com/abstract=2776876>.
- 31 Our prior studies, and those conducted by other researchers, have documented how such laws in California are inhumane, ineffective, and costly. See PAC California's New Vagrancy Laws 2015 and PAC California's New Vagrancy Laws 2016, *supra* note 28 (documenting the rising enactment and enforcement of anti-homeless laws in California); and CHRIS HERRING & DILARA YARBROUGH, *COAL. ON HOMELESSNESS, S.F., PUNISHING THE POOREST: HOW THE CRIMINALIZATION OF HOMELESSNESS PERPETUATES POVERTY IN SAN FRANCISCO 2* (2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2620426 (documenting the criminalization of homelessness in San Francisco, California). Studies nationally and in other states have found similar harmful impacts of anti-homeless laws. See NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, *NO SAFE PLACE* 18-26 (2014), https://www.nlchp.org/documents/No_Safe_Place [hereinafter NLCHP No Safe Place] (documenting the increasing criminalization of homelessness nationally); JUSTIN OLSON, ET AL., SEATTLE UNIVERSITY HOMELESS RIGHTS ADVOCACY PROJECT, *WASHINGTON'S WAR ON THE VISIBLY POOR: A SURVEY OF CRIMINALIZING ORDINANCES & THEIR ENFORCEMENT* (2015), <https://ssrn.com/abstract=2602318> (documenting the criminalization of homelessness in Washington); ALLARD K. LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC, YALE LAW SCHOOL, “FORCED INTO BREAKING THE LAW”: THE CRIMINALIZATION OF HOMELESSNESS IN CONNECTICUT (2016), https://law.yale.edu/system/files/documents/pdf/news/criminalization_of_homelessness_report_for_web_full_report.pdf [hereinafter Forced into Breaking the Law] (documenting the criminalization of homelessness in Connecticut); NANTIYA RUAN, STURM COLLEGE OF LAW HOMELESS ADVOCACY POLICY PROJECT, *TOO HIGH A PRICE: WHAT CRIMINALIZING HOMELESSNESS COSTS COLORADO* (2016), <https://ssrn.com/abstract=3169929> (documenting the criminalization of homelessness in Colorado); and OREGON AMERICAN CIVIL LIBERTIES UNION, *DECRIMINALIZING HOMELESSNESS: WHY RIGHT TO REST LEGISLATION IS THE HIGH ROAD FOR OREGON* (2017), https://aclu-or.org/sites/default/files/field_documents/aclu-decriminalizing-homelessness_full-report_web_final.pdf (documenting the criminalization of homelessness in Oregon).
- 32 Policy Advocacy Clinic, Berkeley Law, Univ. of Cal., Survey of 189 California BIDs (Spring 2017) [hereinafter PAC Survey of California BIDs] (on file with clinic). We use the term “policy advocacy” to refer broadly to actions taken to influence legislation or policy that may not meet federal, state, or municipal legal definitions of lobbying. For example, offering public comment at a city council meeting or writing a letter to a state legislator are forms of policy advocacy that may not necessarily constitute lobbying.
- 33 *Id.*
- 34 *Id.* See CAL. DOWNTOWN ASS'N, <http://californiadowntown.com/> (last visited Dec. 27, 2017); INT'L DOWNTOWN ASS'N, <https://www.ida-downtown.org/eweb/> (last visited Dec. 27, 2017).
- 35 Proposition L passed with 54.3% of the vote. *Results Summary: November 2, 2010–Consolidated General Election*, CITY & COUNTY OF S.F. DEP'T OF ELECTIONS, <http://www.sfelections.org/results/20101102/> (last visited Mar. 5, 2017). BID representatives testified before the Board of Supervisors' Public Safety Committee and the

Planning Commission. Union Square Business Improvement District (“USBID”) Lobbying Tracking Form (Apr. 18, 2010) (on file with clinic); USBID’s Board of Directors Regular Meeting Minutes (Sept. 16, 2010) (on file with clinic); USBID’s Public Affairs Advocacy & Advisory Committee 2010 Accomplishments (July 8, 2011) (on file with clinic). Proposition L is codified at article 2, section 168 of the 2010 San Francisco, California, Police Code.

- 36 Downtown Berkeley Association’s CEO John Caner provided a \$5,000 interest-free loan to the campaign, plus an additional \$530 to cover payments for canvassers. California Form 460 Statement Covering the Period from October 21, 2012 through December 31, 2012 (filed electronically on Nov. 6, 2013). Following the election, the Berkeley Fair Campaign Practices Committee investigated the Yes on S campaign because Caner “admitted to paying 52 homeless people in cash on election day to campaign against themselves.” Carol Denney, *Downtown Berkeley Association CEO John Caner Investigated for Campaign Violations*, STREET SPIRIT (Oct. 3, 2013). Prior to the election, Caner expressed his desire for “a system in which [BID] ambassadors would quietly shoo homeless people away from the city’s main commercial districts, making them cleaner and more pedestrian-friendly, while creating an uptick in foot traffic to bolster local businesses.” Rachel Swan, *Unfounded Fears*, EAST BAY EXPRESS (Oct. 3, 2012). The “Yes on S” campaign was eventually fined for the violations. Emilie Raguso, *\$2,750 Fine Assessed After Measure S Campaign Violations*, BERKELEYSIDE (Jan. 16, 2014), <http://www.berkeleyside.com/2014/01/16/2750-fine-assessed-after-measure-s-campaign-violations>.
- 37 The Clean and Safe Action Group is an advocacy body consisting of the Downtown Chico Business Association, the Chico Chamber of Commerce, and the City Police Department. At an initial presentation to the City Council, the Clean and Safe Action Group complained of an inability to address “transients” downtown. See Minutes of Chico City Council, Item 4.5 (Mar. 5, 2013), http://chico-ca.granicus.com/MediaPlayer.php?view_id=2&clip_id=373&meta_id=31388 (Lieutenant Jennifer Gonzales noting absence of a Sit-Lie Ordinance). The Clean and Safe Action Group then mobilized its members to attend a City Council study session. See *Ten Things You Can Do to Change Downtown Chico*, CLEAN & SAFE CHICO BLOG (Oct. 22, 2013) (on file with clinic) (“Tonight’s council study session is a great opportunity to let your voice be heard. There is mounting frustration with vagrancy downtown and the effect of anti-social (and criminal) behavior.”). At the one-year review of Chico’s Sit-Lie Ordinance, Chico Chamber of Commerce President Katie Simmons stated that “Clean and Safe was initially the group that brought forward the concept of the Sit-Lie in partnership with the Police Department.” See also Minutes of Chico City Council, Item 4.2 (Dec. 16, 2014), http://chico-ca.granicus.com/MediaPlayer.php?view_id=2&clip_id=525.
- 38 The Downtown Industrial BID (“DIBID”) made several appearances before the City Council and its committees to support an amendment to Los Angeles Municipal Code Section 56.11. See *City Council Meeting—Tuesday*, CITY OF L.A., CAL. (Jan. 20, 2015), http://lacity.granicus.com/MediaPlayer.php?view_id=129&clip_id=14105 (DIBID Executive Director Raquel Beard addressing the Council); *City Council Meeting—Tuesday*, CITY OF L.A., CAL. (Nov. 17, 2015), http://lacity.granicus.com/MediaPlayer.php?view_id=129&clip_id=14105 http://lacity.granicus.com/MediaPlayer.php?view_id=129&clip_id=15299 (Executive Director Beard addressing the City Council); *Public Works & Gang Reduction Committee Meeting*, L.A. CITY (Jan. 25, 2016), http://lacity.granicus.com/MediaPlayer.php?view_id=46&clip_id=15489 (Executive Director Beard addressing the Public Works & Gang Reduction Committee meeting); L.A. CITY, *Homelessness & Poverty Committee Special Meeting*, L.A. CITY (Mar. 17, 2016), http://lacity.granicus.com/MediaPlayer.php?view_id=46&clip_id=15646 (Executive Director Beard addressing the Homelessness and Poverty Committee meeting).
- 39 Letter from Michael Ault, Executive Director, Downtown Sacramento Partnership (“DSP”), to Kevin Johnson, Mayor of Sacramento, and Sacramento City Council Members (Feb. 8, 2016) (on file with clinic).

- 40 Ryan Lillis, *Is a Crackdown on Aggressive Panhandling Coming to Sacramento?*, SACRAMENTO BEE (July 24, 2017), <http://www.sacbee.com/news/local/news-columns-blogs/city-beat/article163340968.html>. The ordinance was adopted in November 2017 with the support of the Downtown Sacramento Partnership and other business groups. Ryan Lillis, *As Complaints Mount, Sacramento Will Crack Down on Panhandling*, SACRAMENTO BEE (Nov. 14, 2017), <http://www.sacbee.com/news/local/news-columns-blogs/city-beat/article184687023.html>. In April 2018, homeless advocates sued the City to prevent enforcement of the ordinance. Sam Stanton & Ryan Lillis, *Sacramento Hit with Federal Lawsuit Seeking to Overturn City's Panhandling Ordinance*, SACRAMENTO BEE (Apr. 12, 2018), <http://www.sacbee.com/news/local/homeless/article208595844.html>.
- 41 Thirty-five percent of CDA members are BIDs and other merchant associations. *Membership*, CAL. DOWNTOWN ASS'N, <http://californiadowntown.com/membership/> (last visited Dec. 14, 2016).
- 42 *Legislation*, CAL. DOWNTOWN ASS'N, <http://californiadowntown.com/legislation/> (last visited May 12, 2018) (“Our position, is to OPPOSE this proposal [SB 608]. It is essentially a rehash of AB 5 which we opposed last year along with many CDA members, and thankfully was soundly defeated. [. . .] Note that [the bill] states that there is no opposition, but since this summary was prepared the California BID community has mobilized and many of our members already have sent opposition letters. We are urging all CDA members to please write to State Senator Carol Liu’s office to oppose SB 608. A sample letter template for you to put on your BID letterhead and fill in your specific information can be accessed by clicking here”). AB 5 and SB 608 would have extended certain civil rights protections to homeless people. *AB 5 Homelessness*, CAL. LEGIS. INFO., https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB5 (last visited June 6, 2018); *SB 608 Homelessness*, CAL. LEGIS. INFO., https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB608 (last visited June 6, 2018).
- 43 *SB 876 Homelessness*, CAL. LEGIS. INFO., https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB876 (last visited June 6, 2018); *AB 718 Local Government: Powers*, CAL. LEGIS. INFO., https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB718 (last visited Dec. 15, 2016).
- 44 DSP officials sent multiple emails in 2015-16 to state legislators, legislative staff members, and other organizations and associations opposing SB 876 and AB 718 (on file with clinic). The CDA also actively opposed AB 718. Letter from Lauren Schlau, President, CDA, to Honorable Kansen Chu, Cal. State Assembly (Aug. 12, 2015) (on file with clinic).
- 45 The DSP and CDA do not appear to employ a registered lobbyist or to register with the state as lobbyist employers. Emails indicate that in relation to AB 718, DSP may have been working with a registered lobbyist. See Email from Michael Ault, Executive Director, DSP, to Jason Bryant, Principal Consultant, Bryant Government Affairs (Nov. 20, 2015) (on file with clinic). On September 10, the DSP sent an email alert to select BIDs requesting immediate action to help defeat the bill: “*The author of AB 718 is possibly making a last minute effort to bring the bill back. We will know within the hour, in the meantime we’ve identified the top three senators who’s [sic] votes may be in play, we encourage you to contact their office right way [sic] to reiterate your concerns with the legislation*” Email from Emilie Cameron, Public Affairs & Communications Director, DSP, to Michael Ault, Executive Director, DSP, and Dion Dwyer, Director of Community Services, DSP (Sept. 10, 2015) (on file with clinic). Based on subsequent email traffic, BIDs from Los Angeles, Santa Cruz, and Santa Barbara responded to DSP’s request and lobbied senators during the bill’s final hours (on file with clinic).
- 46 Email from Emilie Cameron, Public Affairs & Communications Director, DSP, to CDA member PBIDs (Sept. 2, 2015) (on file with clinic).

- 47 CAL. STS. & HIGH CODE §§ 36621 (requiring a management district plan), 36622 (specifying plan contents), 36650 (requiring annual reports); CAL. CONST. art. XIIIID § (4)(b) (requiring engineer's reports).
- 48 Other sources of revenue often include special events, private foundation grants, and city or county contracts. For example, the Downtown Berkeley Association BID uses non-property assessment revenue (e.g., sponsorships and contracts) to underwrite a portion of the Executive Director's salary that is then allocated to policy advocacy activities. *See* Interview with John Caner, Executive Director, Downtown Berkeley Association (Apr. 21, 2017). *See also* DOWNTOWN BERKELEY PROP.-BASED IMPROVEMENT DIST., FINAL ENGINEER'S REPORT 6–7 (2016) (on file with clinic).
- 49 KRISTIN LOWELL INC., DOWNTOWN BERKELEY PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT (PBID): FINAL ENGINEER'S REPORT (2016); CIVITAS, TELEGRAPH PROPERTY AND BUSINESS IMPROVEMENT DISTRICT: MANAGEMENT DISTRICT PLAN AND ENGINEER'S REPORT (2016); KRISTIN LOWELL INC., DOWNTOWN CHICO PROPERTY BASED BUSINESS IMPROVEMENT DISTRICT: MANAGEMENT DISTRICT PLAN (2017); KRISTIN LOWELL INC., DOWNTOWN INDUSTRIAL DISTRICT BUSINESS IMPROVEMENT DISTRICT ENGINEER'S REPORT (2014); URBAN TRANSFORMATION, MANAGEMENT DISTRICT PLAN FOR THE JACK LONDON [BUSINESS] IMPROVEMENT [MANAGEMENT] DISTRICT (JLID) 2013–OAKLAND, CALIFORNIA (2013); MARCO LI MANDRI, NEW CITY AM., INC., FINAL PLAN: MANAGEMENT DISTRICT PLAN FOR THE LAKE MERRITT/UPTOWN COMMUNITY BENEFIT DISTRICT–OAKLAND, CALIFORNIA (2008); CIVITAS, DOWNTOWN SACRAMENTO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT: 2016–2025 MANAGEMENT DISTRICT PLAN & ENGINEER'S REPORT–DISTRICT NO. 2014–06 (2014) [hereinafter DOWNTOWN SACRAMENTO PBID MANAGEMENT DISTRICT PLAN & ENGINEER'S REPORT]; CIVITAS, 2017–2026 MIDTOWN SACRAMENTO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT: MANAGEMENT DISTRICT PLAN AND ENGINEER'S REPORT–DISTRICT NO. 2016–02 (2015) [hereinafter MIDTOWN SACRAMENTO PBID MANAGEMENT DISTRICT PLAN & ENGINEER'S REPORT]; SHILTS CONSULTANTS, INC., CITY OF SAN DIEGO DOWNTOWN PROPERTY & BUSINESS IMPROVEMENT DISTRICT: ENGINEER'S REPORT AND MANAGEMENT PLAN–FISCAL YEAR 2005–06 AND DISTRICT RENEWAL (2005); NBS, CITY AND COUNTY OF SAN FRANCISCO CIVIC CENTER COMMUNITY BENEFIT DISTRICT: ENGINEER'S REPORT (rev. 2010) [hereinafter SAN FRANCISCO CIVIC CENTER COMMUNITY BENEFIT DISTRICT ENGINEER'S REPORT]; NBS, CITY AND COUNTY OF SAN FRANCISCO GREATER UNION SQUARE BUSINESS IMPROVEMENT DISTRICT: ENGINEER'S REPORT (2009) (all reports on file with clinic). We calculated the percentages for each location by dividing the total assessment revenue from publicly owned properties by the total assessment revenue for that year.
- 50 GREATER UNION SQUARE BUS. IMPROVEMENT DIST., MANAGEMENT PLAN (2009) (on file with clinic); *Individual Lobbyist Detail: Flood, Karin*, CITY & COUNTY OF S.F. ETHICS COMMISSION, <https://netfile.com/lobbyistpub/#/sfo/detail/lobbyist/SFO-153758/2018/2> (last visited Mar. 13, 2018) (identifying USBID Executive Director Karin Flood as a lobbyist for the Union Square Business Improvement District).
- 51 *See* DOWNTOWN INDUS. DIST. BUS. IMPROVEMENT DIST., MANAGEMENT DISTRICT PLAN 3 (May 2014) (on file with clinic). CCEA, QUARTERLY REPORT 5 (Apr. 2016) (the Central City East Association, or CCEA, is the nonprofit business corporation that administers the DIBID).
- 52 *See* Interview with Karin Flood, Executive Director, Union Square Business Improvement District (May 12, 2017) (on file with clinic) [hereinafter May 2017 Interview with Karin Flood]; interview with Savlan Hauser, Executive Director, Jack London Improvement District (Apr. 21, 2017) (on file with clinic) [hereinafter Apr. 2017 Interview with Savlan Hauser]; interview with Michael Ault, Executive Director, DSP; Danielle Biller, Deputy Director, DSP; and Dion Dwyer, Director of Community Services, DSP (Mar. 21, 2017) [hereinafter Mar. 2017 Interview with DSP] (on file with clinic) (stating that DSP's "policy position" is "100%" within the PBID budget and that the expenses are "predominantly" payroll).

- 53 CAL. STS. & HIGH. CODE § 36622; CAL. CONST. art. XIII D § 4(b). The local government has the burden to establish that publicly owned parcels do not receive a special benefit proportionate to the service being provided. CAL. CONST. art. XIII D § 4(a).
- 54 In response to a question about what the special benefits of opposing legislation like the Right to Rest Act (SB 876), DSP Executive Director Michael Ault replied: “[W]e really bring to them issues and when they communicate to us and we hear directly from them on potential impacts and what that would be . . . Staff’s role is to advocate for the priority issues that property owners do communicate to us.” Mar. 2017 Interview with DSP, *supra* note 52. Other executives described their BIDs as existing to represent the interest of property and business owners. See interview with John Caner, Executive Director, Downtown Berkeley Association (Apr. 21, 2017) (on file with clinic) (“We’ve tried to create a balance of being compassionate [to homeless people]. But you know, we do represent the property owners, the merchants.”). In describing assessment-funded policy advocacy, USBID Executive Director Karin Flood stated: “As Executive Director, I’m responsible for advocating for legislation that is going to make the area cleaner, safer, and promote business down here. [. . .] [F]irst and foremost we’re advocating for [. . .] policies that will improve the cleanliness and safety of Union Square.” May 2017 Interview with Karin Flood, *supra* note 52.
- 55 DOWNTOWN SACRAMENTO PBID MANAGEMENT DISTRICT PLAN & ENGINEER’S REPORT, *supra* note 49, at 6–7.
- 56 CAL. STS. & HIGH. CODE §§ 36632, 36628.
- 57 MIDTOWN SACRAMENTO PBID MANAGEMENT DISTRICT PLAN & ENGINEER’S REPORT, *supra* note 49, at 22.
- 58 *Id.*
- 59 SAN FRANCISCO CIVIC CENTER COMMUNITY BENEFIT DISTRICT ENGINEER’S REPORT, *supra* note 49, at 11. The Civic Center CBD specifies that “the areas of public streets, public avenues, public lanes, public roads, public drives, public easements and rights-of-way” are exempt from assessment. *Id.* at 9.
- 60 Email from Danielle Biller, Deputy Director, Downtown Sacramento Partnership, to author (May 3, 2017) (on file with clinic).
- 61 PAC Survey of California BIDs, *supra* note 32.
- 62 PAC California’s New Vagrancy Laws 2015 and PAC California’s New Vagrancy Laws 2016, *supra* note 28. We defined anti-homeless laws as restrictions on activities in four categories used by the National Law Center on Homelessness and Poverty: (1) sleeping, camping, lying and sitting, and vehicles; (2) loitering and vagrancy; (3) begging; and (4) food sharing. See NLCHP No Safe Place, *supra* note 31.
- 63 Figure 1 reflects patterns in cities with at least one BID responding to our survey for which PAC had data on anti-homeless ordinances. We calculated cumulative frequencies of BIDs and ordinances from 1975 to 2015.
- 64 PAC Survey of California BIDs, *supra* note 32.
- 65 *Id.*
- 66 *Id.* Panhandling is generally a protected form of speech under the First Amendment, though it may be subject to restrictions against aggressive acts or in certain areas (e.g., near ATMs). Loitering is also lawful unless it is with the intent to commit a crime or, for example, at a school or other place where children congregate. See Forced into Breaking the Law, *supra* note 32 (for a comprehensive consideration of panhandling and loitering laws).
- 67 PAC Survey of California BIDs, *supra* note 32.

- 68 We also found that BIDs collaborate closely with other local agencies like City sanitation departments and parks and recreation departments. *See* Complaint at 12, *L.A. Catholic Worker v. L.A. Downtown Indus. Dist.*, No. CV 14-07344 (C.D. Cal. Sept. 19, 2014), ECF No. 1 [hereinafter *Catholic Worker Complaint*] (describing collaboration between BID workers, the LAPD, and the City of Los Angeles' Bureau of Street Services); Civic San Diego, Ordinance Adding Fault Line Park and Cortez Hill Park to Downtown Parks with 24-Hour Alcohol Bans and Nighttime Curfews – East Village and Cortez Neighborhoods of the Downtown Community Plan Area (May 27, 2015) (on file with clinic) (describing collaboration between San Diego's East Village Association and the City's Parks and Recreation Department to establish curfews aimed at preventing homeless people from sleeping in parks).
- 69 Emails between Midtown Business Association officials, Downtown Sacramento Partnership officials, SPD, and other city officials (Jan.–Oct. 2015) (on file with clinic).
- 70 *See e.g.*, Emails from Kelly Hoskin, Operations Director, Midtown Business Association, and Luis Villa, Clean & Safe Coordinator, Midtown Business Association, to Lieutenant Jason Bassett, SPD (Apr. 11, 2016) (on file with clinic).
- 71 *See, e.g.*, Email from Lieutenant Lisa Hinz, SPD, to David Plag, Executive Director, Del Paso Boulevard Partnership BID (Sept. 16, 2015) (on file with clinic) (“I will get Sgt Daryld [sic] Bryan this information. His team focuses on removal of homeless camps. They do amazing work and will get this cleaned up asap.”); email from Lieutenant Glen Faulkner, SPD, to Dawn Carlson, Program Manager of Power Inn Alliance BID (Jan. 5, 2015) (on file with clinic) (explaining a delay in a camp removal, stating: “Unfortunately, I have two officers who are dedicated full time to these camp eradications for all of downtown and the east area, so having to wait a couple days is not unusual.”).
- 72 Email from Marti Brown, Executive Director, North Franklin District Business Association, to Lieutenant Steve Oliveira, SPD (Jan. 30, 2015) (on file with clinic).
- 73 Email from Michael Ault, Executive Director, DSP, to Downtown Sacramento Partnership Board Members (Mar. 13, 2015).
- 74 USBID, Public Affairs & Advocacy Advisory Committee Meeting Minutes (Dec. 11, 2012) (on file with clinic); USBID, GRANT REPORT TO SILICON VALLEY COMMUNITY FOUNDATION (July 31, 2015) (on file with clinic). UNION SQUARE BUS. IMPROVEMENT DIST., 2014-2015 ANNUAL REPORT (2015), http://www.visitunionsquaresf.com/sites/default/files/_/PDFs/UnionSquareAnnualReport_FINAL_2015-08-07_highres.pdf. The grant included \$866,926 to fund additional 10B officers (off-duty police officers hired by businesses) for the Safe Shopper Directive, or the Holiday “Safe Shopper” program. *Id.* at 2. According to the report, 898 officers were added from the Tenderloin, Central, and Southern Police Stations. *Id.* at 4.
- 75 *See* Clean & Safe Chico, A Public Outreach Campaign Presentation at City Council Meeting (Mar. 5, 2013) (on file with clinic). In 2014, the Clean and Safe Group released a Police Staffing Strategic Plan calling for the addition of seventeen patrol officers, four detectives, four traffic cops, three street crime officers, and three school officers over four years. CLEAN & SAFE CHICO, POLICE STAFFING STRATEGIC PLAN (2014). In March 2016, the organization requested higher staffing levels. CLEAN & SAFE CHICO, POLICE STAFFING PLAN (2016).
- 76 Downtown Oakland & Lake Merritt/Uptown District Association, Activities Report Presentation (2015) (on file with clinic).
- 77 Email from Marti Brown, Executive Director, North Franklin District Business Association, to Lieutenant Steve Oliveira, SPD (June 19, 2015).

- 78 Email from Marti Brown, Executive Director, North Franklin District Business Association, to Lieutenant Steve Oliveira, SPD (Jan. 27, 2015).
- 79 Email from Lieutenant Mark Greenlee, SPD, to Captain William Champion, SPD (Mar. 26, 2015) (describing a message that was forwarded to several police officers as well as to Dion Dwyer of the Downtown Sacramento Partnership with regards to a downtown bus stop described as a “constant problem”).
- 80 Policy Advocacy Clinic, Berkeley Law, Univ. of Cal., Survey of 72 Homeless People in San Francisco, Chico, and Sacramento (Spring 2017) [hereinafter PAC Survey of Homeless People] (on file with clinic).
- 81 *Id.* Another homeless person in Sacramento said: “[In] this town, the cops harass the homeless. If you tell them you are homeless, it’s like a death sentence. They act like they have better things to do.” *Id.*
- 82 *Id.*
- 83 Catholic Worker Complaint, *supra* note 68. Plaintiffs also alleged violation of their civil rights through interference by threat, intimidation, or coercion, as well as conversion and trespass to personal property. *See id.* at 30–32. The *L.A. Catholic Worker* case was not the first case filed against the association that administered the DIBID for confiscation of homeless people’s property. In 1999, the American Civil Liberties Union filed a class action on behalf of a group of Skid Row residents alleging that BID private security guards confiscated, destroyed, and damaged their possessions without notice or warning, using the stated purpose of sidewalk cleanings and obstruction clearing. *Cervantes v. Int’l Servs., Inc.*, No. BC220226 (Cal. Super. Ct. 2002).
- 84 Stipulated Judgment, *L.A. Catholic Worker*, No. CV 14-07344 (outlining the terms of plaintiffs’ settlement agreement with DIBID); Request for Dismissal, *L.A. Catholic Worker*, No. CV 14-07344 (outlining the terms of plaintiffs’ settlement agreement with the City of Los Angeles).
- 85 Services Contract Agreement for the Downtown San Diego Partnership Clean and Safe Program with Universal Service (July 1, 2015) (on file with clinic).
- 86 Sara Calvosa, *R-Talk with Armed Guards*, SYNTHESIS WEEKLY (Nov. 11, 2013), <https://issuu.com/synthesischico/docs/synw2013>.
- 87 In 2015, four private security guards hired by the Hollywood Business Improvement District arrested a homeless person after he refused to get up from the sidewalk or answer the officers’ questions. Prior to the arrest, the officers informed the man that he was violating Los Angeles Municipal Code 41.18(d), which prohibited him from sitting on the sidewalk. The officers handcuffed the man, citing “private person’s arrest” as justification for doing so, and contacted the Los Angeles Police Department. *See ANDREWS INT’L PRIVATE SEC., ARREST REPORT*, BOOKING NO. 4508650 (Nov. 23, 2015).
- 88 PAC Survey of California BIDs, *supra* note 32.
- 89 Ambassadors may wear distinct uniforms to help visitors recognize them, and their duties may include cleaning streets and giving directions. *See GLYMAN, supra* note 30, at 11.
- 90 *See, e.g.*, Block by Block’s Public Safety Ambassadors. *See Cal. Dep’t of Consumer Affairs: BreEZe-Search by Name*, ST. OF CAL., <https://www.breeze.ca.gov/datamart/searchByName.do> (last visited Apr. 19, 2017) (identifying Block by Block, Inc., as a private patrol operator).
- 91 *Downtown Guides*, DOWNTOWN SACRAMENTO PARTNERSHIP, <https://downtownsac.org/services/safe-streets/downtown-guides/> (last visited Dec. 12, 2016).

- 92 Downtown Sacramento P'ship, Community Service Guide Position Description, https://downtownsac.org/wp-content/uploads/2015/01/Guide-Job-Description_updated-2.4.16-copy.pdf (last visited Apr. 19, 2017).
- 93 *Frequently Asked Questions*, Chico Downtown Ambassadors (on file with clinic); Memo from Clean & Safe to Chico City Council (June 2, 2014) (on file with clinic).
- 94 Service Agreement between USBID and Mydatt Services, Inc., dba Block by Block (Jan. 12, 2015) (on file with clinic).
- 95 Block by Block Proposal to USBID for Hospitality, Safety, Cleaning, and Ambassador Services 5 (Mar. 3, 2014) [hereinafter Block by Block Proposal to USBID] (on file with clinic).
- 96 *Id.* at 14.
- 97 Block by Block Proposal to Downtown Oakland & Lake Merritt-Uptown Associations for Security Services 7 (Nov. 1, 2012) (on file with clinic). Other BIDs that contract with BBB utilize similar databases. *See e.g.*, Block by Block Proposal to USBID, *supra* note 95, at 5, 7, 14.
- 98 Downtown Oakland & Lake Merritt/Uptown Community Benefit Districts, Top Quality of Life Issues Downtown (Jan. 20, 2015) (on file with clinic).
- 99 PAC Survey of Homeless People, *supra* note 80.
- 100 *Id.*
- 101 *Id.*
- 102 *Id.* Another homeless person in the Downtown Sacramento Partnership BID stated: "I've seen them take a guy who was sleeping and kick him." Yet another homeless person in Sacramento stated: "[Midtown Business Association], years ago, pepper sprayed me in my sleep." *Id.*
- 103 San Diego Partnership Clean & Safe Program, Citizen Complaint Form, Greg Weatherly (May 7, 2013) (stating that he was sitting up against a wall drinking orange juice when he was told "sternly and abruptly to vacate" by a private security guard.). San Diego Partnership Clean & Safe Program, Citizen Complaint Form, Phyllis Amos (Feb. 27, 2013) [hereinafter Phyllis Amos Citizen Complaint] ("It is my understanding that the people who ride around on bikes waking up the homeless are not supposed to put their hands on anyone. . . . If I'm breaking the law, a San Diego Police Officer is to do something about it—not some flunkie on a bike who has no badge, [and] who won't tell me his name [. . .]).
- 104 PAC Survey of California BIDs, *supra* note 32.
- 105 *Id.*
- 106 PAC Survey of Homeless People, *supra* note 80.
- 107 DOWNTOWN OAKLAND & LAKE MERRITT/UPTOWN DIST. ASS'N, EXECUTIVE MANAGEMENT ACTIVITIES REPORT (Dec. 2, 2014) (on file with clinic).
- 108 May 2017 Interview with Karin Flood, *supra* note 52. *See also Model*, DOWNTOWN STREETS TEAM, <http://streetsteam.org/model> (last visited Jan. 28, 2017).
- 109 HUD's Continuum of Care program provides funds "for nonprofit providers, State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness." *See Continuum of Care CoC Program*, HUD EXCHANGE, <https://www.hudexchange.info/programs/coc/> (last visited Dec. 15, 2016).

- 110 CTY. OF L.A. HOMELESS INITIATIVE, REGIONAL HOMELESSNESS ADVISORY COUNCIL AND IMPLEMENTATION COORDINATION (2016), <http://www.lacdc.org/docs/default-source/default-document-library/e17.pdf?sfvrsn=0>; *Los Angeles Continuum of Care*, L.A. HOMELESS SERV. AUTHORITY (Jan. 28, 2018), <https://www.lahsa.org/continuum-of-care>.
- 111 DOWNTOWN BERKELEY ASS'N, 2015 ANNUAL REPORT 4 (2015), http://www.downtownberkeley.com/docs/AnnualReport_2015_Web.pdf.
- 112 See DOWNTOWN SACRAMENTO P'SHIP, 2016 ANNUAL REPORT 19 (2016), https://www.downtownsac.org/wp-content/uploads/2015/01/DP_AnnualReport_FINAL.pdf; Mar. 2017 Interview with DSP, *supra* note 52. The Sacramento Midtown Association's 2016-2020 strategic plan states that the BID hopes to connect 20 homeless people to housing annually. MIDTOWN ASSOCIATION, MIDTOWN REPORT: JANUARY 1, 2012-JUNE 30, 2016, 12 (2016), http://exploremidtown.org/wp-content/uploads/2016/07/MA_AnnualReport-Spreads_.pdf.
- 113 HERRING & YARBROUGH, *supra* note 31.
- 114 *Id.* at 2.
- 115 PAC Survey of Homeless People, *supra* note 80. For example, one homeless person in Sacramento's Old Town neighborhood, where ambassadors are employed by the Downtown Sacramento Partnership, said that BID employees are "cordial with me now . . . [they] don't complain anymore about my ukulele playing." *Id.* A respondent from Chico said that BID employees "come and say hi . . . and ask me how I'm doing. Most of them know my name." *Id.*
- 116 Some homeless people reported that they already knew about the referred resources. *Id.* Two homeless people in Sacramento who reported being referred to the police characterized the referrals as unhelpful. *Id.*
- 117 *Id.*
- 118 *Id.*
- 119 *Id.*
- 120 Proponents of Measure S, *Argument in Favor of Measure S* (Aug. 17, 2012) (on file with clinic).
- 121 See Press Release, Clean and Safe Chico, Clean and Safe Chico Launches Generosity Campaign Urging Community to Give to Service Providers Not Panhandlers (Apr. 8, 2013) (on file with clinic).
- 122 Mar. 2017 Interview with DSP, *supra* note 52. Sacramento's Midtown Association BID opposed the repeal of the city's Unlawful Camping Ordinance in an email to the mayor and city council by arguing that "[r]epealing, suspending or scaling back the current ordinance will not help those experiencing homelessness. It will instead send the message that Sacramento is willing to allow those experiencing homelessness to be in unsafe conditions." Email from Emily Baime Michaels, Executive Director, Midtown Association, to Mayor and City Council (Feb. 9, 2016) (on file with clinic) (regarding Midtown's Position on Camping Ordinance).
- 123 JOSEPH COOTER, ET AL., POLICY ADVOCACY CLINIC, BERKELEY LAW, UNIV. OF CAL., DOES SIT-LIE WORK: WILL BERKELEY'S 'MEASURE S' INCREASE ECONOMIC ACTIVITY AND IMPROVE SERVICES TO HOMELESS PEOPLE? (2012), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2165490. See also HERRING & YARBROUGH, *supra* note 31, at 67 (finding through a survey of 351 homeless people and in-depth interviews with 43 homeless people that police almost never offered services or referrals and that when they did, they primarily were in the form of a "pamphlet, one-night shelter bed, or sandwich").

- 124 FORREST STUART, DOWN, OUT, AND UNDER ARREST: POLICING AND EVERYDAY LIFE IN SKID ROW (2015). In San Francisco, researchers found that “criminalization failed to reduce homelessness in public space, but also perpetuates homelessness, racial and gender inequality, and poverty even once one has exited homelessness.” HERRING & YARBROUGH, *supra* note 31, at 1.
- 125 See e.g., DOWNTOWN OAKLAND & LAKE MERRITT/UPTOWN DIST. ASS’N, EXECUTIVE MANAGEMENT ACTIVITIES REPORT, *supra* note 107 (describing a partnership with Alameda County TRUST Clinic, located approximately two blocks outside BID boundaries).
- 126 See, e.g., Letter from Michael Ault, Executive Director, DSP, to Speaker of the California Assembly Toni Atkins (May 14, 2015) (on file with clinic) (supporting the Building Homes and Jobs Act, which would have generated increased funding for affordable housing including supportive housing, emergency shelters, and transitional housing). See also Letter from Michael Ault, Executive Director, DSP, to California State Senator Carol Liu (Apr. 2, 2015) (on file with clinic) (opposing SB 608, the Right to Rest Act, but announcing support for affordable housing).
- 127 For example, the Downtown San Diego Partnership BID established a 501(c)(3) organization called the Downtown San Diego Partnership Foundation which raises money to pay some housing expenses for newly housed individuals and also to provide bus tickets to homeless individuals with family members in other states. Andrew Keatts, *The Rise of the Downtown Partnership*, VOICE OF SAN DIEGO (June 6, 2013), <http://www.voiceofsandiego.org/mayoral-election-issues-2014/the-rise-of-the-downtown-partnership/>; see also *Clean & Safe Homeless Outreach*, DOWNTOWN SAN DIEGO PARTNERSHIP, <https://downtownsandiego.org/clean-and-safe/homeless-outreach/> (last visited Oct. 21, 2017).
- 128 Block by Block, Block by Block Safety Scenarios: Recommended Protocol for Common QOL Scenarios (undated) (on file with clinic).
- 129 *Id.*
- 130 *Id.*
- 131 Interview with Niki Jones & Erica Fonseca, Wind Youth Services (Nov. 16, 2016) [hereinafter Jones & Fonseca Nov. 2016 Interview] (on file with clinic) (describing an increase in visits post-move).
- 132 See Midtown Ass’n, Memo (Feb. 13, 2015 to Jan. 25, 2016) (on file with clinic). The memo is a list of incident reports pertaining to “hot spots” or areas for which the Midtown Association has received multiple requests for service. A BID ambassador generated the first incident report on February 13, 2015, only weeks after Wind’s move, stating that at around 8 p.m., there were “a couple of young adults behind the alley way of the Wind Center” who were being “disruptive.” Of 84 incident reports in the memo, 57 involve complaints of youth loitering, congregating, or hanging out at locations throughout Midtown. See also Jones & Fonseca Nov. 2016 Interview, *supra* note 131; Raheem F. Hosseini, *Wind Youth Services Drop-In Center for Homeless Youth Closes*, SACRAMENTO NEWS & REV. (June 5, 2014), <https://www.newsreview.com/sacramento/wind-youth-services-drop-in-center/content?oid=13620294>; Ryan Lillis, *Group Aiding Homeless Youth Gets Pushback in Midtown*, SACRAMENTO BEE (Apr. 19, 2015), <http://www.sacbee.com/news/local/news-columns-blogs/city-beat/article18957810.html> (reporting on the tension that emerged after Wind’s arrival in Midtown); Steph Rodriguez, *Midtown Business Association Hears Complaints Against Sacramento Provider for Homeless Youth*, SACRAMENTO NEWS & REV. (Apr. 23, 2015), <http://www.newsreview.com/sacramento/pageburner/blogs/post?oid=16935518> (describing complaints MBA received from Midtown residents and business owners since Wind opened and Wind’s response).

- 133 Midtown Ass'n, Memo, *supra* note 132 at 5–6 (summarizing the highlights of the BID's March 13, 2015, Executive Committee meeting).
- 134 Email from Emily Baime Michaels, Executive Director, Midtown Association, to Consuelo Hernandez, District Director, City of Sacramento Councilmember Steve Hansen (Mar. 4, 2015) (on file with clinic) (explaining that Ms. Michaels had just spoken with Captain Lester who informed her that based on the size of the facility, Wind could offer snacks without a permit).
- 135 Raheem Hosseini, *Sacramento's Only Youth Homeless Organization Is Moving Again*, SACRAMENTO NEWS & REV. (May 5, 2016), <https://www.newsreview.com/sacramento/sacramentos-only-youth-homeless-organization/content?oid=20807915>. Wind closed its shelter in February 2016 due to a funding shortage, which was resolved when Wind and Goodwill announced a partnership in May 2016. *See Wind Joins the Goodwill Family of Nonprofits*, WIND YOUTH SERV. (May 12, 2016), <https://www.windyouth.org/wind-joins-goodwill-family-nonprofits/>.
- 136 Email from Emily Baime Michaels, Executive Director, Midtown Association, to Mike Wiley, CEO/General Manager of Sacramento Regional Transit, and Keri Thomas, Regional Director of Community and Government Relations for Sutter Health (Aug. 3, 2015) (on file with clinic). Ms. Michaels stated she could be convinced to “assist with relocation costs if that creates a win for all.” The Midtown Association ended up authorizing a \$5,000 contribution to Wind's IT-related relocation expenses, though the actual cost to the BID ended up being \$650. Email from Emily Baime Michaels, Executive Director, Midtown Association, to Melinda Walker, Broker Agent, Property and Asset Manager at University Capital Management (Aug. 10, 2015) (on file with clinic); email from Emily Baime Michaels Executive Director, Midtown Association, to Hannah Gugino, Administrative Coordinator, Midtown Association (Apr. 25, 2016) (on file with clinic) (authorizing the \$5,000); email from Emily Baime Michaels, Executive Director, Midtown Association, to Sotiris Kolokotronis, Owner, SKK Developments, and Keri Thomas, Regional Director of Community and Government Relations for Sutter Health (May 31, 2016) (on file with clinic) (explaining that the final cost of the IT service was \$1,945, of which MBA paid a third).
- 137 Letter from Michael T. Ault, Executive Director, DSP, Patty Kleinknecht, Executive Director, River District, Emily Baime Michaels, Executive Director, Midtown Association, Michelle Smira Bratmiller, Administrator, R Street Partnership and Executive Director, Greater Broadway District, Bill Knowlton, Chairman, Stockton Boulevard Partnership, Nathan Ulsh, Executive Director, Franklin Blvd. Business Association, Tracey Schaal, Executive Director, Power Inn Alliance, Jenna Abbott, Executive Director Mack Road Partnership, David Plag, Executive Director, Del Paso Boulevard Partnership, and Corey A. De Roo, Executive Director, Florin Road Partnership to Mayor Darrell Steinberg and Sacramento City Councilmembers (July 31, 2017) (on file with clinic).
- 138 *Id.*
- 139 Cal. Const. art. XIII D §§ 2(i) (defining “special benefit” as a “particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large”), 4(a) (stating that “only special benefits are assessable”).
- 140 A person walking through a district with no intention of stopping at a business or other property benefits from enjoying a cleaner street. And an adjacent parcel benefits from the cleaner street it sits on. The benefits that these parties receive are “general benefits,” as neither members of the general public nor immediately adjacent parcels pay assessments to support the benefits they receive.

- 141 See *Golden Hill Neighborhood Assn. v. City of San Diego*, 199 Cal. App. 4th 416, 436–37 (Cal. Ct. App. 2011) (stating that Article XII D § 4 requires that the engineer’s report “estimate the *amount* of special benefit land-owners would receive from the project or service, as well as the *amount* of ‘general benefit’” (emphasis in original) because assessments may only fund the “proportionate share of cost to provide the special benefit”—“[t]hat is, if special benefits represent 50 percent of total benefits, local government may use assessments to recoup half the project or service’s costs”) (citing *Beutz v. Cty. of Riverside*, 184 Cal. App. 4th 516 (Cal. Ct. App. 2010)).
- 142 E.g., Mar. 2017 Interview with DSP, *supra* note 52 (describing how DSP “brings” issues to property owners and listens to property owners’ communications on what issues are important to them).
- 143 See, e.g., *Golden Hill*, 199 Cal. App. 4th at 439.
- 144 In order to calculate the amount of general benefit accruing as a result of BID services, BIDs generally summed the benefits to non-assessed adjacent parcels of land and the benefits to members of the public at-large passing through the district with no intention of engaging in parcel-related activities. BIDs did not account for potential “benefits” arising from their policy advocacy on local and state legislation, which affects members of the public at large when they are not within district boundaries. See *Golden Hill*, 199 Cal. App. 4th at 439 (describing benefits to the general public both within and outside the district as within the category of general benefits required to be calculated).
- 145 See *Town of Tiburon v. Bonander*, 180 Cal. App. 4th 1057, 1088–89 (Cal. App. Ct. 2009) (stating that many approaches to measure and apportion special benefits may be valid, but that they “must be both defensible and consistently applied”).
- 146 See *Golden Hill*, 199 Cal. App. 4th at 439.
- 147 *Id.* at 439. Cf. *Dahms v. Downtown Pomona Prop. & Bus. Improvement Dist.*, 174 Cal. App. 4th 708, 724 (Cal. Ct. App. 2009). The *Dahms* court interpreted the proportionality requirement of article XIII D, section 4(a) of the California Constitution as permitting BIDs to assess up to but not above the reasonable cost of directly providing a service to an assessed parcel. Thus, if a service provided directly to a parcel reasonably costs \$100,000 to provide and results in \$70,000 of additional general benefits, the BID may assess up to the reasonable cost of providing the service (\$100,000) but may not assess parcels for a total cost of \$170,000.
- 148 The court concluded that the Arts District BID’s expenditures on “economic development services”—like distribution of marketing materials to attract investment to the area and providing real estate investors with tours of the neighborhood—failed to provide any special benefits. See Hearing on Return of Writ; Motion of Petitioners for Attorney’s Fees at 1, *LC2121, LLC v. City of Los Angeles (Arts District Case)*, No. BS133012 (Cal. Super. Ct., May 10, 2013).
- 149 See *AB-2618 Property and Business Improvement Areas: Benefits Assessments—History*, CAL. LEGIS. INFO., http://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201320140AB2618 (last visited Nov. 20, 2016).
- 150 Compare CAL. STS. & HIGH. CODE § 36615.5 (defining “special benefit” to mean “a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large” and clarifying that “special benefit” includes incidental or collateral effects that arise from improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed”), with CAL. CONST. art. XIII D § 2(i) (defining “special benefit” to mean “a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large.”).

- 151 See CAL. STS. & HIGH. CODE § 36000 (authorizing a tax on businesses and the limiting use of proceeds under the 1965 BID enabling statute to “the acquisition, construction or maintenance of parking facilities for the benefit of the area,” “decoration of any public place in the area,” “promotion of public events which are to take place on or in public places in the area,” “furnishing of music in any public place in the area,” and “the general promotion of retail trade activities in the area”). State law authorizes districts to lobby, but generally excludes assessment districts or improvement districts from the definition of “district.” CAL. GOVT. CODE § 56036 (the Cortese-Knox-Hertzberg Act, which governs changes in the boundaries and organization of cities, explicitly excludes BIDs from both the definition of “district” and “special district”). The only BIDs in existence at the time the section was last amended in 1971 were established under the 1965 BID law and were authorized only to spend revenue from business licenses on a limited array of retail-promoting purposes. *Id.* §§ 50023, 50001 (authorizing county, city, and city and county lobbying), 53060.5 (authorizing district lobbying), 56036 (excluding assessment districts and improvement districts from the definition of district).
- 152 For example, state or local officers may not use or permit others to use public resources for “campaign activity,” defined to include non-incidental, non-minimal contributions, and expenditures made “[f]or purposes of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure.” State or local officers are also prohibited from using or permitting others to use public resources for “personal purposes,” defined as non-incidental, non-minimal “activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business.” See CAL. GOVT. CODE §§ 8314, 82015, 82025. Furthermore, local agencies may not use public funds in support of or opposition to local or state candidates or ballot measure campaigns. *Id.* § 54964 (general statutory prohibition on use of funds by “officer[s], employee[s], and consultant[s]” of local agencies).
- 153 *Stanson v. Mott*, 17 Cal. 3d 206, 217 (1976) (en banc) (stating further that “past authorities have not drawn such a distinction between ‘ballot measure’ and ‘candidate’ campaigning; to date the judicial decisions have uniformly held that the use of public funds for campaign expenses is as improper in bond issues or other non-candidate elections as in candidate elections.”). See also *Vargas v. City of Salinas*, 47 Cal. 4th 1, 27-30 (2009).
- 154 See Section II.A.
- 155 The Downtown Industrial BID in Los Angeles, for example, made donations to several political candidates in 2002 and 2015. See L.A. City Ethics Comm’n, Contributions of the Central City East Association (Oct. 4, 2016) (on file with clinic). As a lobbyist on behalf of the Union Square BID in San Francisco, Executive Director Karin Flood made \$3,000 in various political contributions to state and local candidates between April 2016 and December 2017. See City & Cty. of S.F. Ethics Comm’n, *Political Contributions of Karin Flood* (Mar. 18, 2018) (on file with clinic). See also *supra* note 36 and accompanying text.
- 156 CAL. GOVT. CODE § 50023 (authorizing city and county lobbying when it “present[s] information to aid the passage of legislation which the legislative body deems beneficial to the local agency or to prevent the passage of legislation which the legislative body deems detrimental to the local agency”).
- 157 CAL. STS. & HIGHS. CODE § 36606(e) (1994 law defining ‘activities’ to include a security provision). Cf. *id.* § 36513 (1989 law defining ‘activities’), and *id.* § 36000 (1965 law enumerating permitted expenditures).
- 158 See CAL. BUS. & PROF. CODE § 7582.1. The Department sets forth licensing standards, including training requirements and disciplinary review committees for on-the-ground employees. *Id.* §§ 7580 *et seq.*

- 159 See Joint Request for Order of Dismissal at 2, 16, *L.A. Catholic Worker v. L.A. Downtown Indus. Dist.*, No. CV 14-07344 (C.D. Cal. Sept. 19, 2014) [hereinafter *Catholic Worker Joint Request for Order of Dismissal*] (LAPD training bulletin clarifying that “BIDs are separate and distinct from the City. BID officers, employees, and representatives are not employees or agents of the City. Importantly, BID employees have no more authority than private citizens to enforce the law.”) See CAL. PEN. CODE § 830.1 (enumerating persons who are peace officers). See also *id.* §§ 834 (authority for citizen’s arrest), 837 (circumstances under which a private person may arrest). Cf. *id.* § 836 (circumstances under which a peace officer may arrest).
- 160 See Phyllis Amos Citizen Complaint, *supra* note 103.
- 161 See e.g. Marla Dickerson, *Fashion District Group Agrees to Settle Homeless Lawsuit*, L.A. TIMES (Aug. 14, 2001), <http://articles.latimes.com/2001/aug/14/business/fi-33812> (discussing a settlement with homeless residents in Los Angeles’ Fashion District BID, where residents alleged harassment and assault by BID private security guards); Darwin Bond Graham, *Downtown Berkeley Association Security Ambassador Fired After Assault Caught on Camera*, EAST BAY EXPRESS (Mar. 26, 2016), <https://www.eastbayexpress.com/SevenDays/archives/2015/03/26/downtown-berkeley-association-security-ambassador-fired-after-assault-caught-on-camera> (discussing a video of a Downtown Berkeley Association Ambassador “starting a fight” with a homeless person).
- 162 See, e.g., *Bennion v. City of Los Angeles*, No. C637718 (L.A. Super. Ct. 1987) (resulting in a restraining order against the City’s seizures of property and requiring City employees to post prominent, written notices 12 hours before removing property thought to be abandoned); *Justin v. City of Los Angeles*, No. CV 00-12352 (C.D. Cal. Nov. 20, 2001) (resulting in a permanent injunction against the City incorporating the terms of the *Bennion* restraining order and holding that confiscated property must be stored for 90 days); *Lavan v. City of Los Angeles*, 693 F.3d 1022, 1024–25 (9th Cir. 2012) (enjoining the City from “seizing property in Skid Row absent an objectively reasonable belief that it is abandoned, presents an immediate threat to public health or safety, or is evidence of a crime, or contraband”); *Mitchell v. City of Los Angeles*, No. 16-01750 (C.D. Cal. Mar. 17, 2016) (enjoining the City from destroying homeless people’s property pursuant to arrests or street cleanups and requiring 90-day storage for confiscated property). For an argument that BID agents should be considered state actors, see Heather Barr, *More Like Disneyland: State Action*, 42 U.S.C. § 1983, and *Business Improvement Districts in New York*, 28 COLUM. HUM. RTS. L. REV. 393, 409, 412–428 (1997). For a discussion of the state action doctrine as it applies to private security generally, see David Alan Sklansky, *The Private Police*, 46 UCLA L. REV. 1165; see also M. Rhead Enion, *Constitutional Limits on Private Policing and the State Allocation of Force*, 59 DUKE L.J. 519, 543 (2009) (arguing that Constitutional due process should apply when private police satisfy a public demand).
- 163 *Cervantes v. Int’l Servs., Inc.*, No. BC220226 (Cal. Super. Ct. 2002). The case was eventually settled through two separate agreements with the defendant BIDs and security firms. *Cervantes v. Int’l Servs., Inc., Statement of Decision Re: Final Approval of Class Action Settlement* (July 23, 2004).
- 164 *Catholic Worker Complaint*, *supra* note 68. The confiscation of homeless people’s belongings by BID personnel may also constitute property crimes. Pursuant to the *Catholic Worker* litigation, the Los Angeles Police Department issued an internal training bulletin to instruct officers to treat the BID’s taking or confiscation of homeless people’s property like any other claims of theft or robbery. *Catholic Worker Joint Request for Order of Dismissal*, *supra* note 161, at 2, 16 (“If a [homeless] person claims that a BID officer or employee has improperly taken or confiscated his or her personal belongings, Department personnel should treat that claim the same as any other report consistent with LAPD policy and procedure.”).

- 165** Jones v. City of Los Angeles, 444 F.3d 1118, 1132 (9th Cir. 2006), *vacated as moot*, 505 F.3d 1006 (9th Cir. 2007); Pottinger v. City of Miami, 40 F.3d 1155, 1156 (11th Cir. 1994).
- 166** See, e.g., Forced into Breaking the Law, *supra* note 31 at 19–34 (for a detailed discussion of how enforcement of state and local laws criminalizing homelessness may violate state, federal, and international law).
- 167** *Id.* at 27–31.
- 168** CAL. CONST. art. XIII D § 4.
- 169** CAL. STS. & HIGH. CODE § 36670.
- 170** Golden Hill Neighborhood Assn. v. City of San Diego, 199 Cal. App. 4th 416, 439 (Cal. Ct. App. 2011); Hearing on Return of Writ; Motion of Petitioners for Attorney’s Fees at 1, LC2121, LLC v. City of Los Angeles (Arts District Case), No. BS133012 (Cal. Super. Ct., May 10, 2013).
- 171** Apr. 2017 Interview with Savlan Hauser, *supra* note 52.
- 172** May 2017 Interview with Karin Flood, *supra* note 52.

PHOTO CREDIT: (*Back cover*) Women from St. Mary's Center protesting in 2015
against the harassment of homeless people by the Union Square Business Improvement
District in San Francisco, used with the permission of Janny Castillo.



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From: LARRY BUSH
To: [Cohen, Malia \(BOS\)](#); [Ronen, Hillary](#); [Fewer, Sandra \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Tang, Katy \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Kim, Jane \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Rafael Mandelman](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Cc: [Pelham, Leeann \(ETH\)](#); [Hulda Garfalo](#); [Oliver Luby](#); [Joseph Kelly](#); [Charles Marsteller](#); [Elena Schmid](#); [Paul H.Melbostad](#); [Marc Saloman](#); [Bob Planthold](#); [Joe Julian](#); [Sharyn Saslafsky](#); [alleggra Fortunati](#); [John Sinclair](#); [bob dockendorff](#); [Robert van Ravenswaay](#); [Charles Head](#); [Benjamin Becker](#); [John Eller](#); [Bettina Cohen](#); [Tim Redmond](#); [Chiu, Daina \(ETH\)](#)
Subject: Request consideration of updated Disclosure of Conflict Rules for SF Officials
Date: Sunday, September 23, 2018 10:13:47 AM
Attachments: [The Ethics Commission should take action to upgrade and improve required disclosure by city officers to ensure transparency and accountability.docx](#)

The message below was sent by me to the Ethics Commissioners and lead staff with a request to act on their agenda item last week.

However, Ethics did not discuss this request, did not make the request public for others to see as is usually done with communications to them, and did not pass it with any action to the Board of Supervisors.

I am providing this same request to the Board with a request that when Ethics forwards their recommendation on Statements of Economic Interests that the Board give due considerations to these critically important issues of transparency and accountability and include them in the Board's action.

I regret that the Ethics Commission is not performing its due diligence in meeting its public obligation, including notably listing inaccurate information on its own web site for the upcoming November election by listing a November 2019 election and at the same time a November 2018 election that is actually supposed to be November 2019 election. This not only confuses the public, but misleads the public about upcoming candidates, ballot measures and independent expenditures.

Greater oversight is needed of the Ethics Commission.

Thank you for your consideration.

Larry Bush
 Founder, Friends of Ethics

Begin forwarded message:

From: LARRY BUSH <sfwtrail@mac.com>
Subject: My recommendation for Ethics Commission this week
Date: September 18, 2018 at 4:07:42 PM PDT
To: daina.chiu@sfgov.org, "rennepar85@gmail.com" <rennepar85@gmail.com>, Quentin Kopp <quentinlkopp@gmail.com>, "Lee, Yvonne (ETH)" <yvonne.lee1@sfgov.org>
Cc: "Pelham, Leeann (ETH)" <leeann.pelham@sfgov.org>, "Thaikkendiyil, Gayathri (ETH)" <gayathri.thaikkendiyil@sfgov.org>, "Ford, Patrick (ETH)" <patrick.ford@sfgov.org>, Dennis Herrera <djherrera62@yahoo.com>

Chair Chiu, Commissioners, staff:

The agenda for this month's Commission meeting (September 21) includes Item 5 "Conflict of Interest Update."

While this is specifically about disclosure requirements and conflicts for the Ethics Commissioners and staff, it has been the practice of the Commission to adopt for itself a standard to serve as a model for other city departments and filers.

I respectfully ask the Commission to give full consideration of the following additions to the Commission's policy and practices:

The general areas are: Statements of Economic Interests (Form 700) by filers, Statements of Incompatible Activities by departments and agency, and Internet posting for recusals and disclosures required by city and state laws and regulations.

These changes are critical to establishing transparency and accountability for the benefit of the public, to better educate filers regarding applicable rules and to enhance oversight.

1. Filers should disclose of board memberships or officer positions with voluntary and unpaid organizations, including nonprofit entities. The Statement of Economic Interest deals largely with financial interests and compensated positions. However, San Francisco's Campaign and Government Code Section 3.214 and Ethics Commission Regulation 3.214-5 requires disclosure of "a professional relationship based on regular contact in a professional capacity, including regular contact in conducting volunteer and charitable activities." I recommend that this information be recorded in Schedule C of Form 700. This is most salient when colleagues serving on a board have pending matters before the officer's organization, department or commission but should be included for all filers.

2. The application of this disclosure standard and potential conflicts involving unpaid voluntary relationships is established in common law according to guidance by the California Attorney General and the explication in the decision in *Clark v City of Hermosa Beach* (1996) 48 Cal.App.4th 1152 and in the Attorney General's opinion (fn18:92 Ops Cal Atty Gen 19 (2009)).

3. Statements of Incompatible Activities for each agency should be updated at the same time as filers are informed about Statements of Economic Interest. Specifically, city agency Statements of Incompatible Activities appear to be in direct conflict with some provisions of state law. Section 84308 "prohibits an appointed officer from soliciting, accepting or directing campaign contributions of more than \$250 from any party, participants or agency of a party or participating while a proceeding is pending before the officer's agency and for three months following the date of the decision. This prohibition applies even where the contribution is directed to a person other than the officer." This would appear to be in conflict with the Commission on the Status of Women Statement of Incompatible Activities that states "nothing in this section precludes an officer or employee from performing volunteer functions with or making charitable contributions to organizations that are under the jurisdiction of or that receive funds from the Commission or Department."

Similar language exists in the Planning Department's Statement which

includes “Nothing in this Statement shall be construed to restrict an officer’s or employee’s ability to perform volunteer functions with nonprofit charitable organizations as long as those volunteer functions do not conflict with official duties, require excessive time demands or are subject to the review of the Department.”

There are notable examples of commissioners involvement in fundraising.

4. Form 700 filings should include under Schedule D disclosure of behest payments, including those made to Section 527 tax-exempt organizations involved in political activity. This disclosure is required under Ordinance 001-17 effective January 1, 2018. By including it in the Form 700 filings it will assist in transparency and accountability in meeting the 84308 requirements that limits fundraising. It also places the relevant information in a single location rather than requiring a hunt through various Ethics Commission sites.

5. For filers who seek and obtain advice on conflicts or incompatible activities, requests for advance written determinations and written determinations including approvals and denials are public records. This information should be posted on each agency’s Internet site by the name of the filer, the issue, and the type of issue. This fact that this information is public is already law; Ethics would direct that the information be posted on the internet site.

6. In the case of filers who do not file with Ethics but file with their own agency, the Ethics internet site for City Officers should list by name and agency those who file instead at the Department level, with a link to where that specific agency record can be accessed on the internet.

7. The Commission should seek to have the City Attorney rescind its January 5, 2018 letter to FPPC’s Chloe Hackert that asserts “a public official employed by a nonprofit organization does not have a conflict of interest arising from persons who donate to the officer’s employer, unless the official solely controls the nonprofit, a donation constitutes a significant portion of the salary that the official receives from the nonprofit, or a donation is directed to the official as an employee of the nonprofit entity.” This should be replaced with a new advice letter that cites San Francisco law regarding soliciting behest donations by city officers, and recusals in cases of contributions, and its application of those with a “professional association” with the officer through a nonprofit entity. If the City Attorney declines this request, the Ethics Commission should issue its own advisory letter to be circulated to all officers and appropriate agencies. As the letter now stands, it offers advice that is a direct violation of the law (see above).

Respectfully,

Larry Bush
sfwtrail@mac.com

SELECTED EXAMPLES OF CITY OFFICERS WHO ALSO
SERVE AS NONPROFIT BOARD MEMBERS

SPUR SF Board of Directors

V. Fei Tsen, Chair, Treasure Island Board

Tilly (Doris) Chang, SF Transportation Agency Executive Director

Carmen Chu, SF Assessor

Nicholas Josefowitz, Redevelopment Successor Agency member
until June 2018

Hydra Mendoza, Deputy Mayor Chief of Staff, Board of Education
member

Joaquin Torres, Housing Authority Commissioner and Director
Office of Economic and Workforce Development

Paul Woolford, Arts Commission member

FRIENDS OF CITY PLANNING

Peter Cohen, Citizen Committee on Community Development

YIMBY Action

Sam Moss, DBI Commission (very recently left YIMBY Action
Board)

SAN FRANCISCO FOUNDATION

Francesca Vietor, SF Public Utilities Commission

CALIFORNIA ALLIANCE FOR JOBS

Vince Courtney, SF Public Utilities Commission

Ken Cleaveland, Fire Commission

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Sam Moss, DBI Commission (very recently left YIMBY Action
Board)

SAN FRANCISCO FOUNDATION

Francesca Vietor, SF Public Utilities Commission

CALIFORNIA ALLIANCE FOR JOBS

Vince Courtney, SF Public Utilities Commission

Ken Cleaveland, Fire Commission

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Community Response Letter to Aug 30 Shooting Incident at Balboa High
Date: Tuesday, September 18, 2018 1:00:00 PM
Attachments: [8-30-18 Response Letter.pdf](#)

-----Original Message-----

From: jorge palafox [<mailto:jpalafox@earthlink.net>]
 Sent: Friday, September 14, 2018 2:39 PM
 To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; SFPD, Commission (POL) <SFPD.Commission@sfgov.org>; Mayor London Breed (MYR) <mayorlondonbreed@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Carroll, MaryEllen (DEM) <maryellen.carroll@sfgov.org>; leighm@sfusd.edu; SlaughterC@sfusd.edu; WilliamsK3@sfusd.edu; MattHaney@sfusd.edu; Hydra.Mendoza@sfusd.edu; EmilyMurase@sfusd.edu; RachelNorton@sfusd.edu; ShamannWalton@sfusd.edu
 Cc: PatrickW@sfusd.edu; Andy Melomet <amelomet@aol.com>; DPH - mousecollector <mousecollector@msn.com>; Chris Dillon <nabby@comcast.net>; CIA Jorge R Palafox <jpalafox@earthlink.net>; Glenda Hope <sfnm@pacbell.net>; Jack Koujakian <hagop@koujakian.com>; Jane Merschen <nanieadult@comcast.net>; Mel Noguera <melvin4149@att.net>; Nikhil Pujari <mpnikhil@live.com>; jastachni@gmail.com; Renee Anderson <renee@propellance.com>; Spaniak,Patti <pspaniak@mac.com>
 Subject: Community Response Letter to Aug 30 Shooting Incident at Balboa High

Esteemed Colleagues, City Officials and Representatives

Attached is a letter from the Resiliency Chair of the Cayuga Improvement Association (CIA) regarding the shooting incident on August 30, 2018 at Balboa High.

We believe that this is of grave concern and the matters should be resolved as immediate as possible to ensure the safety of the community, our school children, and all staff of our educational facilities.

Thank you for your prompt attention.

Respectfully Submitted

Jorge R Palafox
 CIA Resiliency Chair
 31 Sala Terrace
 415-584-1711



September 14, 2018

To Whom it may concern:

This letter is in regards to the accidental discharge of a firearm at Balboa High School on August 30, 2018. First, I would like to say how thankful I am that it was not an "active shooter" type incident which would have resulted in a more tragic outcome. It is a relief to know that the SFPD, under the direction of Captain John Hart and his coordinated effort with the leadership of Denman Middle School and Balboa, prevented this incident from being more horrific to the well-being of the children in our Outer Mission community.

I sit on a community work group with the Ingleside Station that focuses on neighborhood resiliency and the emergency response issues of our neighborhood that would affect preparedness and planning. We have long raised issues as the residents of the area to the lack of preparedness at many public institutions along the Cayuga Avenue corridor. In earlier meetings with local school officials, we have raised concerns about the lack of first aid training for teachers and wound/injury management kits at school locations in the City. This recent incident points to potential detrimental implications because of the lack of these resources and training.

While I understand the concern for privacy and political priorities that have been raised by school and City leadership, classroom safety is of the utmost concern that must be immediately addressed by the City and School Administration. Captain Hart has developed an excellent relationship with the school principals in the area and works with the community promoting dialogue and improved planning strategies. These efforts have definitely contributed to the management of the incident, which is outstanding from a response perspective. To this day, the schools of San Francisco lack a cohesive response plan that includes critical first aid training to teaching staff and the necessary equipment and supplies, such as kits to manage bleeding.

Captain John Hart should be commended for his outstanding work and dedication to the community, and the City needs to include focus on the classroom safety of our children that ensure the proper training and equipment are deployed to every school site. We have been fortunate to date that a catastrophic disaster has not yet occurred.

Thank you for your prompt attention and action to this matter.

Respectfully submitted,

Jorge R Palafox
Emergency Management Consultant
Cayuga Improvement Association (CIA) Resiliency Chair
31 Sala Terrace, 94112
415-584-1711

cc: Mayor's Office, Ahsha Safai, Board of Supervisors, SFUSD Administration, Police Commission, DEM,
Chronicle, Examiner, Ingleside Light

From: Anastasia Glikshtern
To: [Valdez, Anthony \(ENV\)](#)
Cc: [Raphael, Deborah \(ENV\)](#); [Geiger, Chris \(ENV\)](#); [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary; Kim, Jane \(BOS\)](#); [Tang, Katy \(BOS\)](#); [Cohen, Malia \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Mayor London Breed \(MYR\)](#); [BrownStaff; Jackson, Jen \(ENV\)](#)
Subject: Comment: item 7 on the agenda, 9-25-2018 meeting, "Reduced" Risk Pesticide List.
Date: Monday, September 24, 2018 5:18:28 PM

Commissioners,

Overabundance of chemicals in the environment is the cause of grave concern, although chemical companies propaganda says that they are not only safe but absolutely necessary for our very survival.

Herbicides are special, since the plants they are trying to kill do not constitute any danger to human health (like malaria) but the poisons used to eliminate them certainly do. Despite our local Sierra Club love of herbicides and hate of plants they call "invasive," the herbicides cannot possibly help "biodiversity" or "sensitive" species via poisoning soil, water, and air.

I'm confident that (despite all "native-invasive" propaganda) the majority of SF residents would rather have sour grass, cala lilies, and eucalyptus trees than Roundup poisoning them.

In 2001 when I first saw Notices of Pesticide Applications regularly popping up on "Natural" Mt. Davidson, the response to my complaints was the extreme safety of Roundup and "it doesn't go anywhere" (according to manufacturer) mantra.

Nowadays, when you can send your urine for test, paying under \$100, to see just how much glyphosate/Roundup is in you, the response is "we have much more toxic herbicides which are the first priority for replacement." Garlon was a "priority for replacement" at least since 2009, when SF Forest Alliance first started keeping track. It will likely remain so for another decade.

Tier I & II non-organic herbicides should not be used - they should be removed from the "Reduced" Risk Pesticide list.

Please reject the proposed list.

Please request that Department of the Environment works with the herbicide opponents and, at the very least, forbids the use of those herbicides in "natural" areas (which are neighborhood parks for people living near them) and on the watershed.

Sincerely,

Anastasia Glikshtern

From: Robert Feinbaum
To: [Kim, Jane \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Tang, Katy \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Cohen, Malia \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary](#); [Mandelman, Rafael \(BOS\)](#); [Brown, Vallie \(BOS\)](#)
Subject: RAB Resolution
Date: Tuesday, September 18, 2018 12:37:04 PM
Attachments: [rab.resolution.9.10.18.odt](#)

SAVE MUNI

September 18, 2018

Chair Aaron Peskin and members of the SFCTA Board,

Re: RAB Resolution

Save Muni urges the SFCTA Board to strongly support the Downtown Extension of Caltrain (DTX) to fulfill a 20 year old promise to San Franciscans who voted overwhelmingly to make the downtown extension the city's highest transit priority.

We have submitted clarifying language to the Resolution before you today to recognize that the DTX should be considered as a two phase project.

Phase 1 is to bring Caltrain to the Salesforce Transit Center along the current, environmentally approved alignment at the earliest possible time (which according to the RAB would be 2027) and

Phase 2 is to construct the grade separation for 16th and 7th Streets by tunneling under Pennsylvania Avenue to the Caltrain station at 4th and King Streets when funding becomes available.

We also urge the SFCTA Board to identify the city's share of the costs of the currently approved alignment and commit to providing the necessary funds to assure timely completion of the first phase of the DTX.

Sincerely,

Bob Feinbaum
Chair, Save Muni

From: **SAVE MUNI**
To: SFTA Board
Re:: Agenda Item 7 (BD0911118)
Date: September 10, 2018

Amendments to Suggested Resolution:

Resolution title: RESOLUTION REGARDING THE DOWNTOWN EXTENSION OF CALTRAIN
AND POTENTIAL GRADE SEPARATIONS ALONG THE ROUTE

Resolutions Clauses (substitute for current Resolved clauses):

Resolved that the Transportation Authority Board expresses its strong support for the Downtown Extension of Caltrain to be completed, as specified in the RAB report by the end of 2027

Resolved that the Board supports a phased approach to completion of this vital project.

Phase 1 would construct the Downtown Extension of Caltrain along the existing, environmentally cleared route from the 4th and King station to the Salesforce Transit Center

Phase 2 would separate the train tracks from automobile traffic through construction of a tunnel from roughly Caesar Chavez Street to the Caltrain station at 4th and King along Pennsylvania Avenue.

Resolved that the Board communicate this recommendation to the Transbay Joint Powers Authority and other governmental entities.



SAN FRANCISCO
PLANNING DEPARTMENT

BOS-11

MEMO

Notice of Electronic Transmittal

**Planning Department Report
Housing Balance Report No. 7
20 September 2018**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: 20 September 2018
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: John Rahaim, Director – Planning Department (415) 558-6411
Teresa Ojeda, Planning Department (415) 558-6251
RE: *Housing Balance Report No. 7*
HEARING DATE: To be arranged. Informational item

In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents," the Planning Department has attached the *Housing Balance Report No. 7* in digital format.

A hard copy of this document is available from the Clerk of the Board.

Additional hard copies may be requested by contacting Teresa Ojeda of the Planning Department at 415-558-6251 or teresa.ojeda@sfgov.org.

Digital copies are also available on the Planning Department's web site from this link:
<http://sf-planning.org/housing-balance-report> .



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: 20 September 2018

TO: **Honorable Members of the
San Francisco Board of Supervisors**

FROM: John Rahaim, Director of Planning

RE: **HOUSING BALANCE REPORT No. 7
1 July 2008 – 30 June 2018**

STAFF CONTACT: Teresa Ojeda, 415 558 6251

1650 Mission St.
Suite 400
San Francisco,
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SUMMARY

This report is submitted in compliance with Ordinance No. 53-15 requiring the Planning Department to monitor and report on the housing balance between new market rate and new affordable housing production. One of the stated purposes of the Housing Balance is "to ensure that data on meeting affordable housing targets Citywide and within neighborhoods informs the approval process for new housing development." This report is the seventh in the series and covers the ten-year period from 1 July 2008 through 30 June 2018.

The "Housing Balance" is defined as the proportion of all new affordable housing units to the total number of all new housing units for a 10-year "Housing Balance Period." In addition, a calculation of "Projected Housing Balance" which includes residential projects that have received approvals from the Planning Commission or Planning Department but have not yet received permits to commence construction will be included.

In the 2008 Q3 -2018 Q2 Housing Balance Period, about 24% of net new housing produced was affordable. By comparison, the expanded Citywide Cumulative Housing Balance is 26%, although this varies by districts. Distribution of the expanded Cumulative Housing Balance over the 11 Board of Supervisor Districts ranges from -277% (District 4) to 72% (District 5). This variation, especially with negative housing balances, is due to the larger number of units permanently withdrawn from rent control protection relative to the number of total net new units and net affordable units built in those districts.

The Projected Housing Balance Citywide is 16%. Three major development projects were identified in the ordinance for exclusion in the projected housing balance calculations until site permits are obtained. Remaining phases for these three projects will add up to over 21,570 net units, including some 4,920 affordable units; this would increase the projected housing balance to 20% if included in the calculations.

BACKGROUND

On 21 April 2015, the Board of Supervisors passed Ordinance No. 53-15 amending the *Planning Code* to include a new *Section 103* requiring the Planning Department to monitor and report on the Housing Balance between new market rate housing and new affordable housing production. The *Housing Balance Report* will be submitted bi-annually by April 1 and October 1 of each year and will also be published on a visible and accessible page on the Planning Department's website. *Planning Code Section 103* also requires an annual hearing at the Board of Supervisors on strategies for achieving and maintaining the required housing balance in accordance with the City's housing production goals. (See *Appendix A* for complete text of Ordinance No. 53-15.)

The stated purposes for the Housing Balance Monitoring and Reporting are: a) to maintain a balance between new affordable and market rate housing Citywide and within neighborhoods; b) to make housing available for all income levels and housing need types; c) to preserve the mixed-income character of the City and its neighborhoods; d) to offset the withdrawal of existing housing units from rent stabilization and the loss of single-room occupancy hotel units; e) to ensure the availability of land and encourage the deployment of resources to provide sufficient housing affordable to households of very low, low, and moderate incomes; f) to ensure adequate housing for families, seniors and the disabled communities; g) to ensure that data on meeting affordable housing targets Citywide and within neighborhoods informs the approval process for new housing development; and h) to enable public participation in determining the appropriate mix of new housing approvals.

Specifically, the *Housing Balance Report* will supplement tracking performance toward meeting the goals set by the City's *Housing Element* and Proposition K. Housing production targets in the City's *Housing Element*, adopted in April 2015, calls for 28,870 new units built between 2015 and 2022, 57%¹ of which should be affordable. As mandated by law, the City provides the State Department of Housing and Community Development an annual progress report.² In November 2014, San Francisco's voters endorsed Proposition K, which set as city policy a goal to help construct or rehabilitate at least 30,000 homes by 2020, at least 33% of which will be affordable to low- and moderate-income households. In addition, Mayor Ed Lee set a similar goal of creating 30,000 new and rehabilitated homes by 2020, pledging at least 30% of these to be permanently affordable to low-income families as well as working, middle income families.³

This *Housing Balance Report* was prepared from data gathered from previously published sources including the Planning Department's annual *Housing Inventory* and quarterly *Pipeline Report* data,

¹ The Ordinance inaccurately stated that "22% of new housing demands to be affordable to households of moderate means"; San Francisco's Regional Housing Needs Assessment (RHNA) allocation for moderate income households is 19% of total production goals.

² Printed annual progress reports submitted by all California jurisdictions can be accessed here – <http://www.hcd.ca.gov/community-development/housing-element/annual-progress-reports/index.php> -- or by calling HCD at 916-263-2911 for the latest reports as many jurisdictions now file reports online.

³ For more information on and tracking of 30K by 2020, see <http://sfmayor.org/housing-for-residents> .

San Francisco Rent Board data, and the Mayor’s Office of Housing and Community Development’s *Weekly Dashboard*.

CUMULATIVE HOUSING BALANCE CALCULATION

Planning Code Section 103 calls for the Housing Balance “be expressed as a percentage, obtained by dividing the cumulative total of extremely low, very low, low, and moderate income affordable housing (all units 0-120% AMI) minus the lost protected units, by the total number of net new housing units within the Housing Balance Period.” The ordinance requires that the “Cumulative Housing Balance” be provided using two calculations: a) one consisting of net housing built within a 10 year Housing Balance period, less units withdrawn from protected status, plus net units in projects that have received both approvals from the Planning Commission or Planning Department and site permits from the Department of Building Inspection, and b) the addition of net units gained through acquisition and rehabilitation of affordable units, HOPE SF and RAD units. “Protected units” include units that are subject to rent control under the City’s Residential Rent Stabilization and Arbitration Ordinance. Additional elements that figure into the Housing Balance include completed HOPE SF and RAD public housing replacement, substantially rehabilitated units, and single-room occupancy hotel units (SROs). The equation below shows the second, expanded calculation of the Cumulative Housing Balance.

$$\begin{array}{rcl}
 & \text{[Net New Affordable Housing +} & \\
 & \text{Completed Acquisitions \& Rehabs + Completed} & \\
 & \text{HOPE SF + RAD Public Housing Replacement +} & \\
 & \text{Entitled \& Permitted Affordable Units]} & \\
 - & \text{[Units Removed from Protected Status]} & \\
 \hline
 & & = \text{CUMULATIVE HOUSING BALANCE} \\
 & \text{[Net New Housing Built + Net Entitled \& Permitted Units]} &
 \end{array}$$

The first “Housing Balance Period” is a ten-year period starting with the first quarter of 2005 through the last quarter of 2014. Subsequent housing balance reports will cover the 10 years preceding the most recent quarter. This report covers July 2008 (Q3) through June 2018 (Q2).

Table 1A below shows the Cumulative Housing Balance for 10-year reporting period (2008 Q3 – 2018 Q2) is 18% Citywide. With the addition of RAD units, the expanded Cumulative Housing Balance is 26% (Table 1B). In 2016, the Board of Supervisors revised the ordinance to include Owner Move-Ins (OMIs) in the Housing Balance calculation. Although OMIs were not specifically called out by in the original Ordinance in the calculation of the Housing Balance, these were included in earlier reports because this type of no-fault eviction results in the loss of rent controlled units either permanently or for a period of time.

Table 1A
Cumulative Housing Balance Calculation, 2008 Q3 – 2018 Q2

BoS Districts	Net New Affordable Housing Built	Acquisitions & Rehabs and Small Sites Completed	Units Removed from Protected Status	Total Entitled Affordable Units Permitted	Total Net New Units Built	Total Entitled Units	Cumulative Housing Balance
BoS District 1	170	5	(527)	4	336	155	-70.9%
BoS District 2	45	24	(319)	2	875	189	-23.3%
BoS District 3	209	6	(313)	6	931	244	-7.8%
BoS District 4	-	-	(462)	7	28	136	-277.4%
BoS District 5	601	293	(359)	162	1,443	646	33.4%
BoS District 6	3,406	1,137	(146)	1,122	16,613	6,260	24.1%
BoS District 7	99	-	(236)	-	553	1,101	-8.3%
BoS District 8	244	28	(605)	90	1,413	328	-14.0%
BoS District 9	210	406	(606)	406	948	919	22.3%
BoS District 10	1,565	-	(295)	1,351	4,694	3,341	32.6%
BoS District 11	28	21	(395)	9	161	317	-70.5%
TOTALS	6,577	1,920	(4,263)	3,159	27,995	13,636	17.8%

Table 1B below shows the Expanded Cumulative Housing Balances for Board of Supervisor Districts ranging from -277% (District 4) to 72% (District 5). Negative balances in Districts 1 (-42%), 7 (-2%), and 11 (-77%) resulted from the larger numbers of units removed from protected status relative to the net new affordable housing and net new housing units built in those districts.

Table 1B
Expanded Cumulative Housing Balance Calculation, 2008 Q3 – 2018 Q2

BoS Districts	Net New Affordable Housing Built	Acquisitions & Rehabs and Small Sites Completed	RAD Program and Hope SF Replacement Units	Units Removed from Protected Status	Total Entitled Affordable Units Permitted	Total Net New Units Built	Total Entitled Units	Expanded Cumulative Housing Balance
BoS District 1	170	5	144	(527)	4	336	155	-41.5%
BoS District 2	45	24	251	(319)	2	875	189	0.3%
BoS District 3	209	6	577	(313)	6	931	244	41.3%
BoS District 4	-	-	-	(462)	7	28	136	-277.4%
BoS District 5	601	293	806	(359)	162	1,443	646	71.9%
BoS District 6	3,406	1,137	561	(146)	1,122	16,613	6,260	26.6%
BoS District 7	99	-	110	(236)	-	553	1,101	-1.6%
BoS District 8	244	28	330	(605)	90	1,413	328	5.0%
BoS District 9	210	406	268	(606)	406	948	919	36.6%
BoS District 10	1,565	-	436	(295)	1,351	4,694	3,341	38.0%
BoS District 11	28	21	-	(395)	9	161	317	-70.5%
TOTALS	6,577	1,920	3,483	(4,263)	3,159	27,995	13,636	26.1%

PROJECTED HOUSING BALANCE

Table 2 below summarizes residential projects that have received entitlements from the Planning Commission or the Planning Department but have not yet received a site or building permit. Overall projected housing balance at the end of the second quarter of 2018 is 16%. This balance is expected to change as several major projects have yet to declare how their affordable housing requirements will be met. In addition, three entitled major development projects – Treasure Island, ParkMerced, and Hunters Point – are not included in the accounting until applications for building permits are filed or issued as specified in the ordinance. Remaining phases from these three projects will yield an additional 21,570 net new units; 23% (or 4,920 units) would be affordable to low and moderate income households.

The Projected Housing Balance also does not account for affordable housing units that will be produced as a result of the Inclusionary Housing Fee paid in a given reporting cycle. Those affordable housing units are produced several years after the fee is collected. Units produced through the Fee typically serve lower income households than do the inclusionary units, including special needs populations requiring services, such as seniors, transitional aged youth, families, and veterans.

Table 2
Projected Housing Balance Calculation, 2018 Q2

BoS District	Very Low Income	Low Income	Moderate	TBD	Total Affordable Units	Net New Units	Total Affordable Units as % of Net New Units
BoS District 1	-	-	-	-	-	3	0.0%
BoS District 2	-	-	-	-	-	40	0.0%
BoS District 3	-	-	8	178	186	267	69.7%
BoS District 4	-	-	-	-	-	2	0.0%
BoS District 5	-	-	12	3	15	479	3.1%
BoS District 6	-	179	98	47	324	3,030	10.7%
BoS District 7	-	-	-	-	-	40	0.0%
BoS District 8	-	-	3	-	3	44	6.8%
BoS District 9	-	-	46	6	52	382	13.6%
BoS District 10	-	718	79	810	1,607	9,234	17.4%
BoS District 11	-	-	-	-	-	-	0.0%
TOTALS	-	897	246	1,044	2,187	13,521	16.2%

CUMULATIVE HOUSING BALANCE ELEMENTS

Because the scope covered by the Housing Balance calculation is broad, each element – or group of elements – will be discussed separately. The body of this report will account for figures at the Board of Supervisor district level. The breakdown of each element using the Planning Department District geographies, as required by *Section 103*, is provided separately in an *Appendix B*. This is to ensure simple and uncluttered tables in the main body of the report.

Affordable Housing and Net New Housing Production

Table 3 below shows housing production between 2008 Q3 and 2018 Q2. This ten-year period resulted in a net addition of almost 28,000 units to the City's housing stock, including almost 6,580 affordable units (or about 24%). A majority (59%) of net new housing units and affordable

units built in the ten-year reporting period were in District 6 (over 16,310 and 3,400 respectively). District 10 follows with over 4,690 net new units, including 1,565 affordable units.

The table below also shows that almost 24% of net new units built between 2008 Q3 and 2018 Q2 were affordable units, mostly (52%) in District 6. While District 1 saw modest gains in net new units built, half of these were affordable (51%).

Table 3
New Housing Production by Affordability, 2008 Q3 – 2018 Q2

BoS District	Very Low	Low	Moderate	Middle	Total Affordable Units	Total Net Units	Affordable Units as % of Total Net Units
BoS District 1	170	-	-	-	170	336	50.6%
BoS District 2	-	-	45	-	45	875	5.1%
BoS District 3	161	2	46	-	209	931	22.4%
BoS District 4	-	-	-	-	-	28	0.0%
BoS District 5	335	183	83	-	601	1,443	41.6%
BoS District 6	1,620	1,258	505	23	3,406	16,613	20.5%
BoS District 7	70	29	-	-	99	553	17.9%
BoS District 8	131	92	21	-	244	1,413	17.3%
BoS District 9	138	40	32	-	210	948	22.2%
BoS District 10	671	559	335	-	1,565	4,694	33.3%
BoS District 11	-	7	21	-	28	161	17.4%
TOTAL	3,296	2,170	1,088	23	6,577	27,995	23.5%

It should be noted that units affordable to Extremely Very Low Income (EVLI) households are included under the Very Low Income (VLI) category because certain projects that benefit homeless individuals and families – groups considered as EVLI – have income eligibility caps at the VLI level.

Acquisition and Rehabilitation of Affordable Housing Units

Table 4a below lists the number of units that have been rehabilitated and/or acquired between 2008 Q3 and 2018 Q2 to ensure permanent affordability. These are mostly single-room occupancy hotel units that are affordable to extremely very low and very low income households.

Table 4a
Acquisitions and Rehabilitation of Affordable Housing, 2008 Q3 – 2017 Q2

BoS District	No. of Buildings	No. of Units
BoS District 2	1	24
BoS District 5	2	290
BoS District 6	12	1,085
BoS District 9	2	319
TOTALS	17	1,718

Small Sites Program

The San Francisco Small Sites Program (SSP) is an initiative of the Mayor's Office of Housing and Community Development (MOHCD) to acquire small rent-controlled buildings (with four to 25 units) where tenants are at risk of eviction through the Ellis Act or owner move-ins. Since its inception in 2014, some 26 buildings with 202 units have been acquired, as shown in Table 4b.

Table 4b
Small Sites Program, 2014-2018 Q2

BoS District	No. of Buildings	No. of Units
BoS District 1	1	5
Bos District 3	1	6
BoS District 5	1	3
BoS District 6	4	52
BoS District 8	6	28
BoS District 9	12	87
BoS District 11	1	21
TOTALS	26	202

RAD Program

The San Francisco Housing Authority's Rental Assistance Demonstration (RAD) program preserves at risk public and assisted housing projects. According to the Mayor's Office, RAD Phase I transferred 1,425 units to developers in December 2015. An additional 2,058 units were transferred as Phase II in 2016.

Table 5
RAD Affordable Units, 2015-2018 Q2

BoS District	No of Buildings	No of Units
BoS District 1	2	144
BoS District 2	3	251
BoS District 3	4	577
BoS District 5	7	806
BoS District 6	4	561
BoS District 7	1	110
BoS District 8	4	330
BoS District 9	2	268
BoS District 10	2	436
BoS District 11	-	-
TOTALS	29	3,483

Units Removed From Protected Status

San Francisco's Residential Rent Stabilization and Arbitration Ordinance protects tenants and preserves affordability of about 175,000 rental units by limiting annual rent increases. Landlords can, however, terminate tenants' leases through no-fault evictions including condo conversion, owner move-in, Ellis Act, demolition, and other reasons that are not the tenants' fault. The Housing Balance calculation takes into account units permanently withdrawn from rent stabilization as loss of affordable housing. The following no-fault evictions affect the supply of rent controlled units by removing units from the rental market: condo conversion, demolition, Ellis Act, and owner move-ins (OMIs). It should be noted that initially, OMIs were not specifically called out by the Ordinance to be included in the calculation. However, because owner move-ins have the effect of the losing rent controlled units either permanently or for a substantial period of time, these numbers are included in the Housing Balance calculation as intended by the legislation's sponsors. Some of these OMI units may return to being rentals and will still fall under the rent control ordinance. On 14 November 2016, the Board of Supervisors amended Planning Code Section 103 to include OMIs as part of the housing balance calculation.

Table 6 below shows the distribution of no-fault eviction notices issued between July 2008 and June 2018. Eviction notices have been commonly used as proxy for evictions. Owner Move-In and Ellis Out notices made up the majority of no fault evictions (59% and 30% respectively). Distribution of these no-fault eviction notices is almost evenly dispersed, with Districts 9 and 8 leading (both with 14%).

Table 6
Units Removed from Protected Status, 2008 Q3 – 2018 Q2

BoS District	Condo Conversion	Demolition	Ellis Out	Owner Move-In	Units Removed from Protected Status
BoS District 1	2	22	152	351	527
BoS District 2	18	10	89	202	319
BoS District 3	7	10	176	120	313
BoS District 4	-	74	81	307	462
BoS District 5	15	16	97	231	359
BoS District 6	1	75	57	13	146
BoS District 7	-	31	56	149	236
BoS District 8	21	31	228	325	605
BoS District 9	5	50	213	338	606
BoS District 10	2	26	52	215	295
BoS District 11		68	56	271	395
TOTALS	71	413	1,257	2,522	4,263

Entitled and Permitted Units

Table 7 lists the number of units that have received entitlements from the Planning Commission or the Planning Department. These pipeline projects have also received site permits from the Department of Building Inspection and most are under construction as of the final quarter of 2017. Over half of these units are being built in or will be built in District 6 (52%). Twenty percent of units that have received Planning entitlements and site permits from the DBI will be affordable.

Table 7
Permitted Units, 2018 Q2

BoS District	Very Low Income	Low Income	Moderate	TBD	Total Affordable Units	Net New Units	Total Affordable Units as % of Net New Units
BoS District 1	-	-	4	-	4	155	2.6%
BoS District 2	-	2	-	-	2	189	1.1%
BoS District 3	-	-	6	-	6	244	2.5%
BoS District 4	-	-	7	-	7	136	5.1%
BoS District 5	-	112	50	-	162	646	25.1%
BoS District 6	-	793	244	85	1,122	6,260	17.9%
BoS District 7	-	-	-	-	-	1,101	0.0%
BoS District 8	-	85	5	-	90	328	27.4%
BoS District 9	-	378	28	-	406	919	44.2%
BoS District 10	-	670	681	-	1,351	3,341	40.4%
BoS District 11	-	-	9	-	9	317	2.8%
TOTALS	-	2,040	1,034	85	3,159	13,636	23.2%

PERIODIC REPORTING AND ONLINE ACCESS

This report complies with *Planning Code Section 103* requirement that the Planning Department publish and update the *Housing Balance Report* bi-annually on April 1 and October 1 of each year. *Housing Balance Reports* are available and accessible online, as mandated by the ordinance, by going to this link: <http://www.sf-planning.org/index.aspx?page=4222>.

ANNUAL HEARING

An annual hearing on the Housing Balance before the Board of Supervisors will be scheduled by April 1 of each year. The Mayor's Office of Housing and Community Development, the Mayor's Office of Economic and Workforce Development, the Rent Stabilization Board, the Department of Building Inspection, and the City Economist will present strategies for achieving and maintaining a housing balance consistent with the City's housing goals at this annual hearing. The ordinance also requires that MOHCD will determine the amount of funding needed to bring the City into the required minimum 33% should the cumulative housing balance fall below that threshold.

APPENDIX A
Ordinance 53-15

	AMENDED IN COMMITTEE 4/6/15	ORDINANCE NO. 53-15
1	[Planning Code - City Housing Balance Monitoring and Reporting]	
2		
3	Ordinance amending the Planning Code to require the Planning Department to monitor	
4	the balance between new market rate housing and new affordable housing, and publish	
5	a bi-annual Housing Balance Report; requiring an annual hearing at the Board of	
6	Supervisors on strategies for achieving and maintaining the required housing balance	
7	in accordance with San Francisco's housing production goals; and making	
8	environmental findings, Planning Code, Section 302 findings, and findings of	
9	consistency with the General Plan, and the eight priority policies of Planning Code,	
10	Section 101.1.	
11		
12	NOTE: Unchanged Code text and uncodified text are in plain Arial font.	
13	Additions to Codes are in <u>single-underline italics Times New Roman font</u> .	
14	Deletions to Codes are in strikethrough italics Times New Roman font .	
15	Board amendment additions are in <u>double-underlined Arial font</u> .	
16	Board amendment deletions are in strikethrough Arial font .	
17	Asterisks (* * * *) indicate the omission of unchanged Code	
18	subsections or parts of tables.	
19		
20	Be it ordained by the People of the City and County of San Francisco:	
21		
22	Section 1. Findings.	
23	(a) The Planning Department has determined that the actions contemplated in this	
24	ordinance comply with the California Environmental Quality Act (California Public Resources	
25	Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of	
	Supervisors in File No. 150029 and is incorporated herein by reference. The Board of	
	Supervisors affirms this determination.	
	(b) On March 19, 2015, the Planning Commission, in Resolution No. 19337, adopted	
	findings that the actions contemplated in this ordinance are consistent, on balance, with the	
	Supervisor Kim	
	BOARD OF SUPERVISORS	
		Page 1

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. 150029, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
4 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth
5 in Planning Commission Resolution No. 150029 and the Board incorporates such reasons
6 herein by reference.

7
8 Section 2. The Planning Code is hereby amended by adding new Section 103 to read
9 as follows:

10 **SEC. 103. HOUSING BALANCE MONITORING AND REPORTING.**

11 **(a) Purposes.** *To maintain a balance between new affordable and market rate housing City-*
12 *wide and within neighborhoods, to make housing available for all income levels and housing need*
13 *types, to preserve the mixed income character of the City and its neighborhoods, to offset the*
14 *withdrawal of existing housing units from rent stabilization and the loss of single-room-occupancy*
15 *hotel units, to ensure the availability of land and encourage the deployment of resources to provide*
16 *sufficient housing affordable to households of very low, low, and moderate incomes, to ensure adequate*
17 *housing for families, seniors and the disabled community, to ensure that data on meeting affordable*
18 *housing targets City-wide and within neighborhoods informs the approval process for new housing*
19 *development, and to enable public participation in determining the appropriate mix of new housing*
20 *approvals, there is hereby established a requirement, as detailed in this Section 103, to monitor and*
21 *regularly report on the housing balance between market rate housing and affordable housing.*

22 **(b) Findings.**

23 *(1) In November 2014, the City voters enacted Proposition K, which established City*
24 *policy to help construct or rehabilitate at least 30,000 homes by 2020. More than 50% of this housing*
25 *would be affordable for middle-class households, with at least 33% affordable for low- and moderate-*

1 income households, and the City is expected to develop strategies to achieve that goal. This section
2 103 sets forth a method to track performance toward the City's Housing Element goals and the near-
3 term Proposition K goal that 33% of all new housing shall be affordable housing, as defined herein.

4 (2) The City's rent stabilized and permanently affordable housing stock serves very low-,
5 low-, and moderate-income families, long-time residents, elderly seniors, disabled persons and others.
6 The City seeks to achieve and maintain an appropriate balance between market rate housing and
7 affordable housing City-wide and within neighborhoods because the availability of decent housing and
8 a suitable living environment for every San Franciscan is of vital importance. Attainment of the City's
9 housing goals requires the cooperative participation of government and the private sector to expand
10 housing opportunities to accommodate housing needs for San Franciscans at all economic levels and to
11 respond to the unique needs of each neighborhood where housing will be located.

12 (3) For tenants in unsubsidized housing, affordability is often preserved by the
13 Residential Rent Stabilization and Arbitration Ordinance's limitations on the size of allowable rent
14 increases during a tenancy. As documented in the Budget and Legislative Analyst's October 2013
15 Policy Analysis Report on Tenant Displacement, San Francisco is experiencing a rise in units
16 withdrawn from rent controls. Such rises often accompany periods of sharp increases in property
17 values and housing prices. From 1998 through 2013, the Rent Board reported a total of 13,027 no-fault
18 evictions (i.e., evictions in which the tenant had not violated any lease terms, but the owner sought to
19 regain possession of the unit). Total evictions of all types have increased by 38.2% from Rent Board
20 Year (i.e. from March through February) 2010 to Rent Board Year 2013. During the same period, Ellis
21 Act evictions far outpaced other evictions, increasing by 169.8% from 43 in Rent Board Year 2010 to
22 116 in Rent Board Year 2013. These numbers do not capture the large number of owner buyouts of
23 tenants, which contribute further to the loss of rent-stabilized units from the housing market. Any fair
24 assessment of the affordable housing balance must incorporate into the calculation units withdrawn
25 from rent stabilization.

1 (4) Pursuant to Government Code Section 65584, the Association of Bay Area
2 Governments (ABAG), in coordination with the California State Department of Housing and
3 Community Development (HCD), determines the Bay Area's regional housing need based on regional
4 trends, projected job growth, and existing needs. The regional housing needs assessment (RHNA)
5 determination includes production targets addressing housing needs of a range of household income
6 categories. For the RHNA period covering 2015 through 2022, ABAG has projected that at least 38%
7 of new housing demands for San Francisco will be from very low and low income households
8 (households earning under 80% of area median income), and another 22% of new housing demands to
9 be affordable to households of moderate means (earning between 80% and 120% of area median
10 income). Market-rate housing is considered housing with no income limits or special requirements
11 attached.

12 (5) The Housing Element of the City's General Plan states: "Based on the growing
13 population, and smart growth goals of providing housing in central areas like San Francisco, near jobs
14 and transit, the State Department of Housing and Community Development (HCD), with the
15 Association of Bay Area Governments (ABAG), estimates that in the current 2015-2022 Housing
16 Element period San Francisco must plan for the capacity for roughly 28,870 new units, 57% of which
17 should be suitable for housing for the extremely low, very low, low and moderate income households to
18 meet its share of the region's projected housing demand." Objective 1 of the Housing Element states
19 that the City should "identify and make available for development adequate sites to meet the City's
20 housing needs, especially permanently affordable housing." Objective 7 states that San Francisco's
21 projected affordable housing needs far outpace the capacity for the City to secure subsidies for new
22 affordable units.

23 (6) In 2012, the City enacted Ordinance 237-12, the "Housing Preservation and
24 Production Ordinance," codified in Administrative Code Chapter 10E.4, to require Planning
25 Department staff to regularly report data on progress toward meeting San Francisco's quantified

1 production goals for different household income levels as provided in the General Plan's Housing
2 Element. That Ordinance requires data on the number of units in all stages of the housing production
3 process at various affordability levels to be included in staff reports on all proposed projects of five
4 residential units or more and in quarterly housing production reports to the Planning Commission. The
5 Planning Department has long tracked the number of affordable housing units and total number of
6 housing units built throughout the City and in specific areas and should be able to track the ratio called
7 for in this Section 103.

8 (7) As the private market has embarked upon, and government officials have urged, an
9 ambitious program to produce significant amounts of new housing in the City, the limited remaining
10 available land makes it essential to assess the impact of the approval of new market rate housing
11 developments on the availability of land for affordable housing and to encourage the deployment of
12 resources to provide such housing.

13 **(c) Housing Balance Calculation.**

14 (1) For purposes of this Section 103, "Housing Balance" shall be defined as the
15 proportion of all new housing units affordable to households of extremely low, very low, low or
16 moderate income households, as defined in California Health & Safety Code Sections 50079.5 et seq.,
17 as such provisions may be amended from time to time, to the total number of all new housing units for a
18 10 year Housing Balance Period.

19 (2) The Housing Balance Period shall begin with the first quarter of year 2005 to the
20 last quarter of 2014, and thereafter for the ten years prior to the most recent calendar quarter.

21 (3) For each year that data is available, beginning in 2005, the Planning Department
22 shall report net housing construction by income levels, as well as units that have been withdrawn from
23 protection afforded by City law, such as laws providing for rent-controlled and single resident
24 occupancy (SRO) units. The affordable housing categories shall include net new units, as well as
25 existing units that were previously not restricted by deed or regulatory agreement that are acquired for

1 preservation as permanently affordable housing as determined by the Mayor's Office of Housing and
2 Community Development (MOHCD) (not including refinancing or other rehabilitation under existing
3 ownership), protected by deed or regulatory agreement for a minimum of 55 years. The report shall
4 include, by year, and for the latest quarter, all units that have received Temporary Certificates of
5 Occupancy within that year, a separate category for units that obtained a site or building permit, and
6 another category for units that have received approval from the Planning Commission or Planning
7 Department, but have not yet obtained a site or building permit to commence construction (except any
8 entitlements that have expired and not been renewed during the Housing Balance Period). Master
9 planned entitlements, including but not limited to such areas as Treasure Island, Hunters Point
10 Shipyard and Park Merced, shall not be included in this latter category until individual building
11 entitlements or site permits are approved for specific housing projects. For each year or approval
12 status, the following categories shall be separately reported:

13 (A) Extremely Low Income Units, which are units available to individuals or
14 families making between 0-30% Area Median Income (AMI) as defined in California Health & Safety
15 Code Section 50106, and are subject to price or rent restrictions between 0-30% AMI;

16 (B) Very Low Income Units, which are units available to individuals or families
17 making between 30-50% AMI as defined in California Health & Safety Code Section 50105, and are
18 subject to price or rent restrictions between 30-50% AMI;

19 (C) Lower Income Units, which are units available to individuals or families
20 making between 50-80% AMI as defined in California Health & Safety Code Section 50079.5, and are
21 subject to price or rent restrictions between 50-80% AMI;

22 (D) Moderate Income Units, which are units available to individuals or families
23 making between 80-120% AMI, and are subject to price or rent restrictions between 80-120% AMI;

24 (E) Middle Income Units, which are units available to individuals or families
25 making between 120-150% AMI, and are subject to price or rent restrictions between 120-150% AMI;

1 (F) Market-rate units, which are units not subject to any deed or regulatory
2 agreement with price restrictions;

3 (G) Housing units withdrawn from protected status, including units withdrawn
4 from rent control (except those units otherwise converted into permanently affordable housing),
5 including all units that have been subject to rent control under the San Francisco Residential Rent
6 Stabilization and Arbitration Ordinance but that a property owner removes permanently from the
7 rental market through condominium conversion pursuant to Administrative Code Section 37.9(a)(9),
8 demolition or alterations (including dwelling unit mergers), or permanent removal pursuant to
9 Administrative Code Section 37.9(a)(10) or removal pursuant to the Ellis Act under Administrative
10 Code Section 37.9(a)(13);

11 (H) Public housing replacement units and substantially rehabilitated units
12 through the HOPE SF and Rental Assistance Demonstration (RAD) programs, as well as other
13 substantial rehabilitation programs managed by MOHCD.

14 (4) The Housing Balance shall be expressed as a percentage, obtained by dividing the
15 cumulative total of extremely low, very low, low and moderate income affordable housing units (all
16 units 0-120% AMI) minus the lost protected units, by the total number of net new housing units within
17 the Housing Balance Period. The Housing Balance shall also provide two calculations:

18 (A) the Cumulative Housing Balance, consisting of housing units that have
19 already been constructed (and received a Temporary Certificate of Occupancy or other certificate that
20 would allow occupancy of the units) within the 10-year Housing Balance Period, plus those units that
21 have obtained a site or building permit. A separate calculation of the Cumulative Housing Balance
22 shall also be provided, which includes HOPE SF and RAD public housing replacement and
23 substantially rehabilitated units (but not including general rehabilitation / maintenance of public
24 housing or other affordable housing units) that have received Temporary Certificates of Occupancy
25

1 within the Housing Balance Period. The Housing Balance Reports will show the Cumulative Housing
2 Balance with and without public housing included in the calculation; and

3 (B) the Projected Housing Balance, which shall include any residential project
4 that has received approval from the Planning Commission or Planning Department, even if the
5 housing project has not yet obtained a site or building permit to commence construction (except any
6 entitlements that have expired and not been renewed during the Housing Balance period). Master
7 planned entitlements shall not be included in the calculation until individual building entitlements or
8 site permits are approved.

9 (d) **Bi-annual Housing Balance Reports.** Within 30 days of the effective date of this
10 Section 103 By June 1, 2015, the Planning Department shall calculate the Cumulative and Projected
11 Housing Balance for the most recent two quarters City-wide, by Supervisorial District, Plan Area, and
12 by neighborhood Planning Districts, as defined in the annual Housing Inventory, and publish it as an
13 easily visible and accessible page devoted to Housing Balance and Monitoring and Reporting on the
14 Planning Department's website. By ~~August~~ **September 1st** and ~~February~~ **March 1st** of each year, the
15 Planning Department shall publish and update the Housing Balance Report, and present this report at
16 an informational hearing to the Planning Commission and Board of Supervisors, as well as to any
17 relevant body with geographic purview over a plan area upon request, along with the other quarterly
18 reporting requirements of Administrative Code Chapter 10E.4. The annual report to the Board of
19 Supervisors shall be accepted by resolution of the Board, which resolution shall be introduced
20 by the Planning Department. The Housing Balance Report shall also be incorporated into the
21 Annual Planning Commission Housing Hearing and Annual Report to the Board of Supervisors
22 required in Administrative Code Chapter 10E.4.

23 (e) **Annual Hearing by Board of Supervisors.**

24 (1) The Board of Supervisors shall hold a public Housing Balance hearing on an annual
25 basis by April 1 of each year, to consider progress towards the City's affordable housing goals.

1 including the goal of a minimum 33% affordable housing to low and moderate income households, as
2 well as the City's General Plan Housing Element housing production goals by income category. The
3 first hearing shall occur no later than 30 days after the effective date of this ordinance, and by April 1
4 of each year thereafter.

5 (2) The hearing shall include reporting by the Planning Department, which shall present
6 the latest Housing Balance Report City-wide and by Supervisorial District and Planning District; the
7 Mayor's Office of Housing and Community Development, the Mayor's Office of Economic and
8 Workforce Development, the Rent Stabilization Board, by the Department of Building Inspection, and
9 the City Economist on strategies for achieving and maintaining a housing balance in accordance with
10 San Francisco's housing production goals. If the Cumulative Housing Balance has fallen below 33% in
11 any year, MOHCD shall determine how much funding is required to bring the City into a minimum
12 33% Housing Balance and the Mayor shall submit to the Board of Supervisors a strategy to accomplish
13 the minimum of 33% Housing Balance. City Departments shall at minimum report on the following
14 issues relevant to the annual Housing Balance hearing: MOHCD shall report on the annual and
15 projected progress by income category in accordance with the City's General Plan Housing Element
16 housing production goals, projected shortfalls and gaps in funding and site control, and progress
17 toward the City's Neighborhood Stabilization goals for acquiring and preserving the affordability of
18 existing rental units in neighborhoods with high concentrations of low and moderate income
19 households or historically high levels of evictions; the Planning Department shall report on current
20 and proposed zoning and land use policies that affect the City's General Plan Housing Element
21 housing production goals; the Mayor's Office of Economic and Workforce Development shall report on
22 current and proposed major development projects, dedicated public sites, and policies that affect the

1 City's General Plan Housing Element housing production goals; the Rent Board shall report on the
2 withdrawal or addition of rent-controlled units and current or proposed policies that affect these
3 numbers; the Department of Building Inspection shall report on the withdrawal or addition of
4 Residential Hotel units and current or proposed policies that affect these numbers; and the City
5 Economist shall report on annual and projected job growth by the income categories specified in the
6 City's General Plan Housing Element.

7 (3) All reports and presentation materials from the annual Housing Balance hearing
8 shall be maintained by year for public access on the Planning Department's website on its page
9 devoted to Housing Balance Monitoring and Reporting.

10
11 Section 4. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: 
19 MARLENA BYRNE
Deputy City Attorney

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Supervisor Kim
BOARD OF SUPERVISORS

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City and County of San Francisco
Tails
Ordinance

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

File Number: 150029

Date Passed: April 21, 2015

Ordinance amending the Planning Code to require the Planning Department to monitor the balance between new market rate housing and new affordable housing, and publish a bi-annual Housing Balance Report; requiring an annual hearing at the Board of Supervisors on strategies for achieving and maintaining the required housing balance in accordance with San Francisco's housing production goals; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

April 06, 2015 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

April 06, 2015 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

April 14, 2015 Board of Supervisors - PASSED, ON FIRST READING

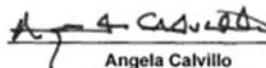
Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

April 21, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150029

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/21/2015 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved

APPENDIX B

CUMULATIVE HOUSING BALANCE REPORT No 7 TABLES BY PLANNING DISTRICTS

Table 1A

Cumulative Housing Balance Calculation, 2008 Q3 – 2018 Q2

Planning Districts	New Affordable Housing Built	Acquisitions & Rehabs and Small Sites Completed	Units Removed from Protected Status	Total Entitled Affordable Units Permitted	Total Net New Units Built	Total Entitled Permitted Units	Cumulative Housing Balance
1 Richmond	219	5	(599)	4	567	166	-50.6%
2 Marina	1	24	(186)	-	215	141	-45.2%
3 Northeast	197	6	(330)	2	783	200	-12.7%
4 Downtown	1,685	851	(120)	371	5,996	2,561	32.6%
5 Western Addition	513	293	(182)	136	1,513	374	40.3%
6 Buena Vista	199	5	(225)	111	1,028	413	6.2%
7 Central	110	-	(340)	5	430	125	-40.5%
8 Mission	344	403	(543)	559	1,527	2,204	20.5%
9 South of Market	2,091	262	(134)	1,376	13,110	4,749	20.1%
10 South Bayshore	1,091	-	(104)	579	1,966	1,069	51.6%
11 Bernal Heights	-	50	(187)	-	51	45	-142.7%
12 South Central	11	21	(466)	9	135	324	-92.6%
13 Ingleside	116	-	(198)	-	551	1,089	-5.0%
14 Inner Sunset	-	-	(188)	-	98	42	-134.3%
15 Outer Sunset	-	-	(461)	7	25	134	-285.5%
TOTALS	6,577	1,920	(4,263)	3,159	27,995	13,636	17.8%

Table 1B**Expanded Cumulative Housing Balance Calculation, 2008 Q3 – 2018 Q2**

Planning Districts	New Affordable Housing Built	Acquisitions & Rehabs and Small Sites Completed	RAD Program & HopeSF Replacement Units	Units Removed from Protected Status	Total Entitled Affordable Units Permitted	Total Net New Units Built	Total Entitled Permitted Units	Expanded Cumulative Housing Balance
1 Richmond	219	5	144	(599)	4	567	166	-31.0%
2 Marina	1	24	138	(186)	-	215	141	-6.5%
3 Northeast	197	6	577	(330)	2	783	200	46.0%
4 Downtown	1,685	851	285	(120)	371	5,996	2,561	35.9%
5 Western Addition	513	293	919	(182)	136	1,513	374	89.0%
6 Buena Vista	199	5	132	(225)	111	1,028	413	15.4%
7 Central	110	-	107	(340)	5	430	125	-21.3%
8 Mission	344	403	91	(543)	559	1,527	2,204	22.9%
9 South of Market	2,091	262	276	(134)	1,376	13,110	4,749	21.7%
10 South Bayshore	1,091	-	436	(104)	579	1,966	1,069	66.0%
11 Bernal Heights	-	50	268	(187)	-	51	45	136.5%
12 South Central	11	21	-	(466)	9	135	324	-92.6%
13 Ingleside	116	-	-	(198)	-	551	1089	-5.0%
14 Inner Sunset	-	-	110	(188)	-	98	42	-55.7%
15 Outer Sunset	-	-	-	(461)	7	25	134	-285.5%
TOTALS	6,577	1,920	3,483	(4,263)	3,159	27,995	13,636	26.1%

Table 2
Projected Housing Balance Calculation, 2018 Q2

BoS District	Very Low Income	Low Income	Moderate	TBD	Total Affordable Units	Net New Units	Total Affordable Units as % of Net New Units
1 Richmond	-	-	-	-	-	3	0.0%
2 Marina	-	-	-	-	-	36	0.0%
3 Northeast	-	-	8	178	186	265	70.2%
4 Downtown	-	60	73	-	133	1,578	8.4%
5 Western Addition	-	-	-	3	3	264	1.1%
6 Buena Vista	-	-	15	-	15	242	6.2%
7 Central	-	-	-	-	-	12	0.0%
8 Mission	-	107	46	6	159	968	16.4%
9 South of Market	-	423	32	689	1,144	4,565	25.1%
10 South Bayshore	-	-	72	168	240	4,935	4.9%
11 Bernal Heights	-	-	-	-	-	2	0.0%
12 South Central	-	307	-	-	307	608	50.5%
13 Ingleside	-	-	-	-	-	8	0.0%
14 Inner Sunset	-	-	-	-	-	33	0.0%
15 Outer Sunset	-	-	-	-	-	2	0.0%
TOTALS	-	897	246	1,044	2,187	13,521	16.2%

Table 3
New Housing Production by Affordability, 2008 Q3 – 2018 Q2

Planning Districts	Very Low	Low	Moderate	Middle Income	Total Affordable Units	Total Net Units	Affordable Units as % of Total Net Units
1 Richmond	207	12	-	-	219	567	38.6%
2 Marina	-	-	1	-	1	215	0.5%
3 Northeast	161	2	34	-	197	783	25.2%
4 Downtown	954	481	227	23	1,685	5,996	28.1%
5 Western Addition	266	171	76	-	513	1,513	33.9%
6 Buena Vista	71	74	54	-	199	1,028	19.4%
7 Central	92	18	-	-	110	430	25.6%
8 Mission	214	62	68	-	344	1,527	22.5%
9 South of Market	590	1,000	501	-	2,091	13,110	15.9%
10 South Bayshore	671	314	106	-	1,091	1,966	55.5%
11 Bernal Heights	-	-	-	-	-	51	0.0%
12 South Central	-	7	4	-	11	135	8.1%
13 Ingleside	70	29	17	-	116	551	21.1%
14 Inner Sunset	-	-	-	-	-	98	0.0%
15 Outer Sunset	-	-	-	-	-	25	0.0%
TOTALS	3,296	2,170	1,088	23	6,577	27,995	23.5%

Table 4a
Acquisitions and Rehabilitation of
Affordable Housing, 2008 Q3 – 2018 Q2

Planning District	No. of Buildings	No. of Units
2 Marina	1	24
4 Downtown	6	826
5 Western Addition	2	290
8 Mission	2	319
9 South of Market	6	259
TOTALS	17	1,718

Table 4b
Small Sites Program Acquisitions, 2014 Q1 – 2018 Q2

Planning District	No. of Buildings	No. of Units
1 Richmond	1	5
3 Northeast	1	6
4 Downtown	2	25
5 Western Addition	1	3
6 Buena Vista	1	5
8 Mission	11	84
9 South of Market	1	3
11 Bernal Heights	2	50
12 South Central	1	21
TOTALS	21	202

Table 5
RAD Affordable Units, 2015 Q1 – 2018 Q2

Planning District	No of Buildings	No of Units
1 Richmond	2	144
2 Marina	2	138
3 Northeast	4	577
4 Downtown	3	285
5 Western Addition	8	919
6 Buena Vista	2	132
7 Central	1	107
8 Mission	1	91
9 South of Market	1	276
10 South Bayshore	2	436
11 Bernal Heights	2	268
12 South Central	-	-
13 Ingleside	-	-
14 Inner Sunset	1	110
15 Outer Sunset	-	-
TOTALS	29	3,483

Table 6
Units Removed from Protected Status, 2008 Q3 – 2018 Q2

Planning District	Condo Conversion	Demolition	Ellis Out	Owner Move-In	Total Units Permanently Lost
1 Richmond	4	26	187	382	599
2 Marina	11	4	38	133	186
3 Northeast	12	11	175	132	330
4 Downtown	-	68	48	4	120
5 Western Addition	7	9	34	132	182
6 Buena Vista	4	5	91	125	225
7 Central	18	17	95	210	340
8 Mission	2	30	260	251	543
9 South of Market	3	18	36	77	134
10 South Bayshore	-	11	12	81	104
11 Bernal Heights	5	24	53	105	187
12 South Central	-	64	58	344	466
13 Ingleside	-	37	32	129	198
14 Inner Sunset	5	15	57	111	188
15 Outer Sunset	-	74	81	306	461
Totals	71	413	1,257	2,522	4,263

Table 7
Entitled and Permitted Units, 2018 Q2

BoS District	Very Low Income	Low Income	Moderate	TBD	Total Affordable Units	Net New Units	Total Affordable Units as % of Net New Units
1 Richmond	-	-	-	-	-	3	0.0%
2 Marina	-	-	-	-	-	36	0.0%
3 Northeast	-	-	8	178	186	265	70.2%
4 Downtown	-	60	73	-	133	1,578	8.4%
5 Western Addition	-	-	-	3	3	264	1.1%
6 Buena Vista	-	-	15	-	15	242	6.2%
7 Central	-	-	-	-	-	12	0.0%
8 Mission	-	107	46	6	159	968	16.4%
9 South of Market	-	423	32	689	1,144	4,565	25.1%
10 South Bayshore	-	-	72	168	240	4,935	4.9%
11 Bernal Heights	-	-	-	-	-	2	0.0%
12 South Central	-	307	-	-	307	608	50.5%
13 Ingleside	-	-	-	-	-	8	0.0%
14 Inner Sunset	-	-	-	-	-	33	0.0%
15 Outer Sunset	-	-	-	-	-	2	0.0%
TOTALS	-	897	246	1,044	2,187	13,521	16.2%