

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Victor Young, Assistant Clerk *Victor Young*
Rules Committee

DATE: May 28, 2021

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Rules Committee

The Board of Supervisors' Rules Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 210598

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

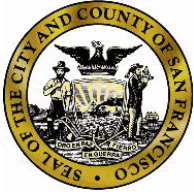
Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ **No Comment**

_____ **Recommendation Attached**

Chairperson, Small Business Commission



City and County of San Francisco

Master Report

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

File Number: 210598 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Administrative Code - Reimbursement for Broken Windows Due to Vandalism **Date Introduced:** 05/25/2021

Requester: _____ **Cost:** _____ **Final Action:** _____

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

Sponsor: Mandelman

History of Legislative File 210598

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	05/25/2021	ASSIGNED UNDER 30 DAY RULE	Rules Committee	06/24/2021	

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

2
3 **Ordinance amending the Administrative Code to provide reimbursement to qualifying**
4 **businesses for the costs of repairing or replacing storefront windows broken due to**
5 **vandalism or break-ins, create a special fund for this purpose, and establish a sunset**
6 **date of two years after enactment.**

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

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

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

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

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

25 *(b) Definitions.*

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

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

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

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

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

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

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

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

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

23 (f) **Graffiti Removal and Abatement Ordinance.** Nothing in this Section 2A.272 shall limit or
24 supersede the application or operation of Article 23 of the Public Works Code, the Graffiti Removal
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1 and Abatement Ordinance, or relieve a property owner of any responsibilities or obligations under
2 Article 23.

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

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

12
13 Section 2. Article XIII of Chapter 10 of the Administrative Code is hereby amended by
14 adding Section 10.100-65, to read as follows:

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

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

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

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

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

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

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

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LEGISLATIVE DIGEST

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

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

Existing Law

Current law does not require the City to reimburse businesses for the costs of repairing or replacing storefront windows broken due to vandalism or break-ins.

Amendments to Current Law

The proposed ordinance would amend the Administrative Code to require the City, through the Office of Economic and Workforce Development (OEWD), to reimburse qualifying businesses for costs of repairing or replacing storefront windows broken due to vandalism or in connection with a break-in at the premises. A business could seek reimbursement in an amount of up to \$2,000 per incident, for up to two incidents occurring within a 12 month period. To be eligible for reimbursement, the business would have to have a total annual revenue of less than \$5 million and could not be a Formula Retail use.

The ordinance would also create a special fund to receive monies appropriated for this program.

The ordinance would expire two years after the date of enactment.

Background Information

In September 2020, the San Francisco District Attorney's Office launched a pilot program providing victim assistance program for small businesses impacted by broken windows in Supervisorial District 5. (<https://www.sfdistrictattorney.org/victim-services/district-5-business-broken-window-reimbursement>) Eligible businesses can be reimbursed up to \$1,000 of the cost of replacing a storefront window with a maximum of two reimbursements per year. (*Id.*)

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

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

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

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

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

Sponsor(s):

Mandelman

Subject:

Administrative Code - Reimbursement for Broken Windows Due to Vandalism

The text is listed:

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

Signature of Sponsoring Supervisor:

For Clerk's Use Only

From: [Mandelman, Rafael \(BOS\)](#)
To: [Temprano, Tom \(BOS\)](#); [BOS Legislation. \(BOS\)](#)
Subject: RE: Introduction: Administrative Code - Reimbursement for Broken Windows Due to Vandalism
Date: Tuesday, May 25, 2021 4:04:43 PM

Confirmed.
Rafael

From: Temprano, Tom (BOS) <tom.temprano@sfgov.org>
Sent: Tuesday, May 25, 2021 4:01 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>
Subject: Introduction: Administrative Code - Reimbursement for Broken Windows Due to Vandalism

Hello,

Attached please find documents re: Supervisor Mandelman's introduction of an Ordinance amending the Administrative Code to provide reimbursement to qualifying businesses for the costs of repairing or replacing storefront windows broken due to vandalism or break-ins, create a special fund for this purpose, and establish a sunset date of two years after enactment..

Supervisor Mandelman is the signatory on the introduction form and can confirm his signature via email.

Best,

Tom Temprano 譚盼龍
Legislative Aide
Office of Supervisor Rafael Mandelman
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 284
San Francisco, California 94102
(415) 554-6987 | tom.temprano@sfgov.org
Pronouns: he, him, his

From: [Somera, Alisa \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Subject: FW: Ordinance for Introduction - Reimbursement for Broken Windows Due to Vandalism
Date: Monday, May 17, 2021 9:42:04 AM
Attachments: [01532282.DOCX](#)
[01528331.DOCX](#)

Alisa Somera

Legislative Deputy Director
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
415.554.7711 direct | 415.554.5163 fax
alisa.somera@sfgov.org

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

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

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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

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**From:** Owen, Thomas (CAT) <Thomas.Owen@sfcityatty.org>  
**Sent:** Monday, May 17, 2021 8:34 AM  
**To:** Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Temprano, Tom (BOS) <tom.temprano@sfgov.org>  
**Cc:** PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; ZAREFSKY, PAUL (CAT) <Paul.Zarefsky@sfcityatty.org>; BUTA, ODAYA (CAT) <Odaya.Buta@sfcityatty.org>; SAPERSTEIN, ALLIE (CAT) <Allie.Saperstein@sfcityatty.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; GIVNER, JON (CAT) <Jon.Givner@sfcityatty.org>  
**Subject:** Ordinance for Introduction - Reimbursement for Broken Windows Due to Vandalism

Supervisor Mandelman and Tom,

Please find attached Word versions of the following ordinance and legislative digest for submission to the Clerk of the Board of Supervisors upon introduction:

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

Please note that my electronic signature at the end of the ordinance reflects that I have approved this ordinance as to form. Let me know if you have any questions or would like any additional information.

CONFIDENTIAL AND PRIVILEGED  
ATTORNEY-CLIENT PRIVILEGE/ATTORNEY WORK PRODUCT

**Thomas J. Owen**

Deputy City Attorney

Office of City Attorney Dennis Herrera

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Please note I work Monday through Wednesday.

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

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3 **Ordinance amending the Administrative Code to provide reimbursement to qualifying**  
4 **businesses for the costs of repairing or replacing storefront windows broken due to**  
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16                   (4) Present a claim to the Director of OEWD within 120 days of the incident or within  
17 120 days of the start of the program.

18                  (e) **Rules and Regulations.** The Director of OEWD may adopt reasonable rules and  
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22 monies available for this purpose under Administrative Code Section 10.100-65.

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24 supersede the application or operation of Article 23 of the Public Works Code, the Graffiti Removal

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1 and Abatement Ordinance, or relieve a property owner of any responsibilities or obligations under  
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APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

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

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