



City and County of San Francisco

Meeting Minutes

Public Safety and Neighborhood Services Committee

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

Members: Rafael Mandelman, Catherine Stefani, Shamann Walton

Clerk: John Carroll (415) 554-4445

Thursday, November 12, 2020

10:00 AM

Regular Meeting

Present: 3 - Rafael Mandelman, Catherine Stefani, and Shamann Walton

The Public Safety and Neighborhood Services Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Thursday, November 12, 2020, with Chair Rafael Mandelman presiding. Chair Mandelman called the meeting to order at 10:00 a.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand.

Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>. Members of the public may participate by phone or may submit their comments by email to: john.carroll@sfgov.org; all comments received will be made a part of the official record. Regularly-scheduled Public Safety and Neighborhood Services Committee meetings begin at 10:00 a.m. on the second and fourth Thursdays of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Mandelman, Vice Chair Stefani, and Member Walton were noted present.

A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

200133 [Hearing - San Francisco Housing Conservatorship Preliminary Evaluation Report]

Sponsor: Mandelman

Hearing to discuss the San Francisco Housing Conservatorship Preliminary Evaluation Report; and requesting the Department of Public Health and Office of the Public Conservator to report.

02/04/20; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

02/12/20; REFERRED TO DEPARTMENT. Referred to the Department of Public Health and the Office of the Public Conservator, care of the Human Services Agency, for informational purposes.

06/25/20; CONTINUED. Heard in Committee. Speakers: Dr. Angelica Almeida (Department of Public Health); Jill Nielsen (Department of Aging and Adult Services); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Jennifer Esteen (Housing Conservatorship Working Group); Gabby Ruiz (Tenderloin Community Development Corporation); Zach Carlson; Michael Lyon (Senior and Disability Action); Juliana Morris (Do No Harm Coalition); Sherry Park; Tom Metz; Carolyn Kennedy; Chelsea (Coalition on Homelessness); Lauren; Dr. Allen Cooper; Ashley; Raia Small (Senior and Disability Action); Gracie; Rachel Rodriguez (Housing Conservatorship Working Group); David Brighton; Fred Winograd; Carolyn Thomas; David Mauroff (San Francisco Pretrial Diversion Project); Jennifer; Jessica Lehman, Executive Director (Senior and Disability Action); spoke on various concerns related to the hearing matter.

07/23/20; CONTINUED. Heard in Committee. Speakers: Dr. Angelica Almeida (Department of Public Health); Jill Nielsen (Human Services Agency); presented information and answered questions raised throughout the discussion. Paulina Fayer; Michael Lyon (Senior and Disability Action); Justin; Michael Godwin; Reya Small; Linda Chapman; Carolyn Thomas; Darby Morris; Carolyn Kennedy; Marlayne Morgan (Cathedral Hill Neighborhood Association); Ben Bleiman (Discover Polk Community Benefit District); Jennifer; Curtis Bradford (Tenderloin People's Congress); Cheryl Travers (Rescue SF); Gabby Ruiz (Tenderloin Community Development Corporation); Francis Gorman (Rescue SF); Anakh Sul Rama (Community Housing Partnership); George Wooding; Lauren; Raul de la Rosa; spoke on various concerns related to the hearing matter.

09/24/20; CONTINUED. Heard in Committee. Speaker: Dr. Angelica Almeida (Department of Public Health); presented information and answered questions raised throughout the discussion.

Heard in Committee. Speakers: None.

Chair Mandelman moved that this Hearing be CONTINUED to the Public Safety and Neighborhood Services Committee meeting of December 10, 2020. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

201265 [Health Code - No Smoking in Multi-Unit Housing Complexes]**Sponsors: Yee; Fewer and Walton**

Ordinance amending the Health Code to prohibit smoking inside all private dwelling units in multi-unit housing complexes containing three or more units and all common areas; remove the exception for child care facilities located in private homes; require the Department of Public Health (DPH) to initiate a public information campaign to raise awareness of the smoking prohibition; require DPH to initiate the imposition of administrative penalties by issuance of a notice of violation in lieu of a citation; suspend the provision of the Health Code (mooted by this Ordinance) which requires owners or managers of multi-unit housing complexes to provide certain disclosures regarding whether smoking is authorized in certain units; and affirming the Planning Department's determination under the California Environmental Quality Act.

11/03/20; ASSIGNED to Public Safety and Neighborhood Services Committee. 11/5/20 - President Yee waived the 30-day rule pursuant to Board Rule No. 3.22.

11/05/20; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

11/05/20; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines, Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

11/06/20; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, the Mayor's Office of Housing and Community Development, and the San Francisco Housing Authority for informational purposes.

Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); Maryna Spiegel and Jennifer Callewaert (Department of Public Health); presented information and answered questions raised throughout the discussion. Bob Gordon (San Francisco Tobacco Free Coalition); Patrick Hagen (American Cancer Society); Nathan Cohen; Kate Clevenger; Kathy Lipscomb; Speaker; Leslie Martinez; Speaker; John Maa (American Heart Association); Speaker; Carol McGruder (African American Tobacco Control Leadership Council); Calyn Kelley (San Francisco Tobacco Free Coalition); Jade Bley; spoke in support of the hearing matter. Speaker; Connie Pak; Brian Davis; Ted Guggenheim; Stanton Glanz; Speaker; Liz Williams (Americans For Non-Smoker's Rights); Pamela Granger; Tom Yan; Lizzie Velten (American Heart Association); Rosalyn Moya (San Francisco Tobacco Free Coalition); Maya Vijayaraghavan (University of California San Francisco); Chris Schulman; Speaker; spoke on various concerns related to the hearing matter.

Member Walton moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, on Page 2, Lines 20-21, to read "'Multi-unit housing complex" means a public or private building, or portion thereof, containing two or more dwelling or other housing units.'; on Page 3, Lines 17-19, to specify that smoking is prohibited in public buildings including Child care facilities located in private homes; on Page 3, Lines 21-22, by specifying that smoking is prohibited in enclosed common areas of multi-unit housing complexes; on Page 3, Line 25, through Page 4, Line 5, by striking 'This prohibition shall extend to private dwelling units in multi-unit housing complexes, and to all common areas in multi-unit housing complexes (including, without limitation' and inserting 'Enclosed common areas are those accessible to and usable by residents of different units and include but are not limited to'; on Page 4, Lines 13-19, by inserting '(2) In multi-unit housing complexes containing three or more dwelling or other housing units, smoking is prohibited in the private dwelling or housing units. Notwithstanding the foregoing sentence, it is not prohibited for a medicinal cannabis patient who possesses a physician's recommendation to smoke medicinal cannabis for medical purposes in such private dwelling or housing units. For purposes of this subsection (f)(2), "medicinal cannabis" has the meaning set forth in Section 1602 of the Police Code, as may be amended from time to time.'; on Page 7, Lines 14-16, to read '(j) Violation of any part of this Article 19F is not grounds for eviction of residential tenants. Nor does it require a landlord to change terms of an existing tenancy so as to prohibit smoking in a multi-unit housing complex.'; on Page 8, Lines 3-4, by inserting 'Residential buildings containing only one dwelling or housing unit, except where such building is used as a child care facility.'; and making other conforming and clerical changes. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

Ordinance amending the Health Code to prohibit smoking inside all private dwelling units in multi-unit housing complexes containing three or more units and all common areas; remove the exception for child care facilities located in private homes; exempt smoking of medicinal cannabis for a medicinal cannabis patient who possesses a physician's recommendation to smoke medicinal cannabis for medical purposes; require the Department of Public Health (DPH) to initiate a public information campaign to raise awareness of the smoking prohibition; require DPH to initiate the imposition of administrative penalties by issuance of a notice of violation in lieu of a citation; suspend the provision of the Health Code (mooted by this ordinance) which requires owners or managers of multi-unit housing complexes to provide certain disclosures regarding whether smoking is authorized in certain units; and affirm the Planning Department's determination under the California Environmental Quality Act.

Chair Mandelman moved that this Ordinance be **REFERRED WITHOUT RECOMMENDATION AS AMENDED** to the Board of Supervisors. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

ADJOURNMENT

There being no further business, the Public Safety and Neighborhood Services Committee adjourned at the hour of 11:41 a.m.

N.B. The Minutes of this meeting set forth all actions taken by the Public Safety and Neighborhood Services Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.