



Legislative Review: BOS File #240412 Repealing Deemed Approved Off-Sale Alcohol Use Nuisance Ordinance
Sponsor: Stefani
Date Introduced: 4/23/24
Scheduled for BOS Committee: Rules Committee

Legislative Overview: This legislation repeals the Deemed Approved Off-Street Alcohol Use Nuisance Ordinance, known as the Deemed Approved Ordinance, which was enacted in 2006 and established conditions for all off-sale liquor establishments as a strategy to address high crime rates around areas adjacent to corner stores.

Amendments to Current Law

The Deemed Approved Ordinance was intended to ensure that alcohol sales occur in a manner that protects the health, safety, and welfare of San Francisco residents. The Deemed Approved Ordinance established conditions, such as window transparency requirements and following good neighbor practices, for all off-sale liquor establishments. Department of Public Health enforcement of this ordinance is complaint based.

The conditions required under the Deemed Approved Ordinance mirror State regulations and standards set forth by the Alcohol Beverage Control Board. The vast majority of businesses subject to the Deemed Approved Ordinance are in compliance, though they are still required to pay annual fees and have inspections. This ordinance would repeal the Deemed Approved Ordinance, leaving the State regulations in place. The Alcohol Beverage Control Board conducts enforcement through randomized inspections and responds to complaints.

Background, Issues, and Considerations

- Who benefits from or will be burdened by your proposal (geographically, ethnically, linguistically)? What are your strategies for advancing racial equity or mitigating unintended consequences?

This legislation would benefit businesses with off-sale liquor licenses who are subject to the Deemed Approved Ordinance, many of which are immigrant or BIPOC owned businesses.

- What was the development process of this proposal? Whose input have you sought out? What feedback did you hear and did you incorporate it into this proposal? If not, why not?

In 2019 the Small Business Commission established the Economic Mitigation Working Group to develop a set of recommendations to support businesses impacted by tobacco control laws. Repealing the Deemed Approved Ordinance was one of the recommendations to come out of that working group.

- Is this proposal punitive or enforcement based? What are the other alternatives for proactive compliance?

This proposal eliminates a set of local requirements that are duplicative to State regulations.