



STATE LEGISLATION COMMITTEE
Wednesday, July 15, 2020
11:00am – 1:00pm

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Public Comment Call-In

1-(877)-336-1829 / Meeting ID: 9194891

(Public Comment Instructions available on page 6)

MEMBERS:

Mayor's Office (Chair) -- Edward McCaffrey
Board President Norman Yee -- Jen Low
Supervisor Sandra Fewer -- Ian Fregosi
Assessor's Office -- Holly Lung
City Attorney's Office -- Mary Jane Winslow
Controller's Office -- Dan Kaplan
Treasurer's Office -- Amanda Fried

AGENDA

I. ROLL CALL

II. APPROVAL OF MEETING MINUTES (Action Item). Discussion and possible action to approve the minutes from the meeting of March 11, 2020.

III. STATE LOBBYIST OVERVIEW AND UPDATE (Discussion Item). The City's state lobbyist will present to the Committee an update on State legislative matters.

IV. PROPOSED LEGISLATION (Discussion and Action). Discussion and possible action item: the Committee will review and discuss state legislation affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

New Business

San Francisco Municipal Transportation Agency

Presenter: Jadie Wasilco

1. SB 288 (Wiener) California Environmental Quality Act: exemptions
Recommended Position: Support

This bill would provide new statutory exemptions within the California Environmental Quality Act (CEQA) for specified sustainable transportation projects.

Office of the Treasurer & Tax Collector

Presenter: Michelle Lau

2. SB 1290 (Durazo) Juveniles costs.

Recommended Position: Support

This bill proposes to end the harmful collection of administrative fees from families with youth in the juvenile legal system and from young people 21 and under in the criminal (adult) legal system. SB 1290 will further the aim of Senate Bill 190 (2017), a bipartisan bill that prohibited counties from charging youth and their families new administrative fees starting January 1, 2018. SB 190 did not, however, stop counties from collecting fees assessed prior to 2018.

3. AB 2325 (Carrillo) Child support: suspension.

Recommended Position: Support

In 2016, a new federal rule was introduced concerning child support orders when a noncustodial parent is incarcerated. The rule makes clear that noncustodial parents have the right to adjust their order if they are impoverished as a result of institutionalization. This law was allowed to sunset on January 1, 2020. AB 2325 would restore the law and set a new sunset.

4. AB 2338 (Weber) Courts contempt orders.

Recommended Position: Support

would permit a court to grant probation or a conditional sentence, as defined, instead of imprisonment for a non-custodial parent found in contempt for failure to comply with a child support order. This bill is necessary to comply with federal child support regulation.

Department on the Status of Women

Presenter: Elizabeth Newman

5. AB 2517 (Gloria) Domestic violence: personal property and liens.

Recommended Position: Support

This bill helps protect domestic violence survivors from further financial abuse, by allowing the court to include in the restraining order a finding that specific debts were incurred as the result of domestic violence and without the consent of the victim.

Mayor's Office of Housing and Community Development

Presenter: Amy Chan

6. AB 434 (Daly) Housing finance programs: uniform procedures.

Recommended Position: Support and Amend

This bill would require the California Department of Housing and Community Development (HCD) to administer, make funds available, rate and rank, and

award program funds for the Infill Incentive Grant Program (IIG), Transit Oriented Development Program (TOD), Housing for Healthy California (HHC), Joe Serna, Jr. Farmworker Housing Grant Program, and various veterans programs to be consistent with the Multifamily Housing Program (MHP). HCD would be authorized to create set-asides under the MHP program for specific project types or projects that serve specific target populations.

7. AB 2829 (Ting) Property taxation: welfare exemption: rental housing: moderate-income housing.

Recommended Position: Support

This bill amends Section 214 the Revenue and Taxation Code to extend the welfare tax exemption to all units that are initially occupied by moderate-income households up to 120% AMI. The units must have a deed restriction and lien date on or after January 1, 2020, and before January 1, 2041, be constructed on public land and receiving local or state subsidy or have minimum 20% of units restricted to moderate-income households, rents must be 20% below fair market rents as demonstrated by a market study, and funds that would have otherwise been used to pay property taxes must be used to maintain the affordability of the units.

Department of Public Health

Presenter: Claire Lindsay

8. AB 2077 (Ting) Hypodermic needles and syringes.

Recommended Position: Support

This bill would remove the existing law sunset date to ensure syringes will continue to be available at pharmacies without a prescription.

9. AB 2377 (Chiu) Adult residential facilities: closures and resident transfers.

Recommended Position: Support

This bill reduces the risk of homelessness for vulnerable residents of board and care facilities by creating stronger closure requirements for Adult Residential Facilities.

V. GENERAL PUBLIC COMMENT

Members of the public may address the Committee on items of interest that are within the Committee's subject matter jurisdiction and that do not appear on the agenda.

VI. ADJOURNMENT

Disability Access

Room 201 of City Hall is located at 1 Dr. Carlton B. Goodlett Place and is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible Muni lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness, as well as Muni Metro stations at Van Ness and Civic Center. For more information about Muni accessible services, call 923-6142. There is accessible parking at the Civic Center Plaza garage.

Know Your Rights Under the Sunshine Ordinance

The government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Donna Hall at Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, by phone at 415-554-7724, by fax at 415-554-7854, or email the Sunshine Ordinance Taskforce Administrator at sotf@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by contacting the Task Force, or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at www.sfgov.org/sunshine.htm.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Sec. 2.100 –2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone 415-581-2300, fax 415-581-2317, Internet website: www.sfgov.org/ethics.

Cell Phones and Pagers

The ringing and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Public Comment

Public Comment will be taken on each item on the agenda before or during consideration of that item.

Document Review

Documents that may have been provided to members of the State Legislation Committee in connection with the items on the agenda include proposed state legislation, consultant reports, correspondence and reports from City departments, and public correspondence. These may be inspected by contacting Edward McCaffrey, Manager, State and Federal Affairs, Mayor's Office at: (415) 554-6588.

Health Considerations

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals.

Microsoft Teams Remote Meeting Access Information

View the meeting (Via Microsoft Teams) - <https://bit.ly/StateLegCommittee-July-20>

NOTE: Depending on your broadband/WIFI connection, there may be a 30-second to 2-minute delay when viewing the meeting live.

PUBLIC COMMENT CALL-IN: 1-(877)-336-1829 / Meeting ID: 9194891

After entering the access code, press # twice to listen to the meeting
(*There is no delay when listening to the meeting using this number.*)

Information Regarding Providing Public Comment

- Each individual may comment 1 time per agenda item.
- Each individual may speak for up to 2 minutes; after which time the line is automatically silenced.
- To make public comment on a specific agenda item, dial in using the information above, when the item is called.
- Dial **10** to be added to the public comment queue for this item.
- When it is your time to speak, you will hear “Your line has been unmuted.”
- Ensure you are in a quiet location.
- Before you speak, mute the sound of any equipment around you including televisions, radios, and computers. It is especially important that you **mute your computer** so there is no echo sound when you speak.
- When the Commission Secretary states, “Next Caller,” you are encouraged to state your name clearly. As soon as you speak, your 2 minute allotment will begin.
- After you speak, you will go back to listening mode. You may stay on the line to provide public comment on another item.



STATE LEGISLATION COMMITTEE
Wednesday, March 11, 2020
11:00am – 1:00pm
City Hall, Room 201

MEMBERS:

Mayor's Office (Chair) -- Edward McCaffrey
Board President Norman Yee -- Jen Low
Supervisor Sandra Fewer -- Ian Fregosi
Assessor's Office -- Holly Lung
City Attorney's Office -- Mary Jane Winslow
Controller's Office -- Dan Kaplan
Treasurer's Office -- Eric Manke

Meeting commenced at 11:04 a.m.

AGENDA

I. ROLL CALL

Present: Edward McCaffrey, Ian Fregosi, Holly Lung, Eric Manke

Absent: Jen Low (joined at 12:06 p.m.), Dan Kaplan (joined at 12:06 p.m.), Mary Jane Winslow (joined at 12:25 p.m.)

Edward McCaffrey motioned to recess meeting at 11:05 a.m.

Seconded by Holly Lung

Approved: 4-0

Meeting recommenced at 12:06 p.m.

II. APPROVAL OF MEETING MINUTES (Action Item). Discussion and possible action to approve the minutes from the meeting of February 12, 2020.

No public comment.

Motion to approve: Dan Kaplan

Seconded by: Ian Fregosi

Approved: 6-0

III. STATE LOBBYIST OVERVIEW AND UPDATE (Discussion Item).

The City's state lobbyist will present to the Committee an update on State legislative matters.

IV. PROPOSED LEGISLATION (Discussion and Action). Discussion and possible action item: the Committee with review and discuss state legislation affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

Mary Jane Winslow was noted present at 12:25 p.m.

New Business

Department of Public Health

Presenter: Max Gara

1. AB 2258 (Reyes) Doula care: Medi-Cal pilot program

Recommended Position: Support

The bill would support efforts to address maternal-child health inequities by requiring Medi-Cal to pilot full-spectrum doula care as a fully covered benefit for 3 years in the 14 California counties that have the highest number of Black births, including San Francisco.

No public comment.

Motion to Support: Jen Low

Seconded by: Ian Fregosi

Approved: 7-0

2. SB 855 (Wiener): Health coverage: mental health or substance abuse disorders

Recommended Position: Support

This bill would improve access to behavioral health services by requiring insurance companies to cover all medically necessary mental health care and substance use disorder treatments, not just emergency crisis care.

No public comment.

Motion to Support: Ian Fregosi

Seconded by: Mary Jane Winslow

Approved: 7-0

3. SB 888 (Wiener): Substance use disorder services: contingency management services

Recommended Position: Sponsor

This bill seeks to address the increase in methamphetamine use and overdose deaths by expanding substance use disorder treatment

options covered under Medi-Cal by requiring Medi-Cal to pay for contingency management.

No public comment.
Motion to Sponsor: Dan Kaplan
Seconded by: Edward McCaffrey
Approved: 7-0

Presenter: Israel Nieves

4. SB 932 (Wiener): HIV counselors

Recommended Position: Support

This bill aims to address the major increase in syphilis infections by allowing HIV counselors to perform rapid testing for syphilis in addition to testing counselors are already allowed to provide for HIV and hepatitis C virus (HCV). The bill would also allow HIV counselors to receive HIV counseling training through a course that has been certified by the Office of AIDS.

No public comment.
Motion to Support: Eric Manke
Seconded by: Holly Lung
Approved: 7-0

V. GENERAL PUBLIC COMMENT

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No public comment.

VI. ADJOURNMENT

Meeting concluded at 12:34 p.m.

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Date Submitted	7/5/2020
Submitting Department	SFMTA, Planning
Contact Name	Jadie Wasilco
Contact Email	Jadie.wasilco@sfmta.com
Contact Phone	415-646-2714
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

SB 288
Sen. Wiener, District 11, Democrat
California Environmental Quality Act: exemptions

Recommended Position

- SPONSOR SUPPORT
 SUPPORT if amended OPPOSE
 OTHER & Describe

Summary

This bill would provide new statutory exemptions within the California Environmental Quality Act (CEQA) for specified sustainable transportation projects.

Background/Analysis

The California Environmental Quality Act (CEQA) requires a lead agency to prepare an environmental impact report on proposed projects that may have a significant effect on the environment, adopt a negative declaration if it finds that the project will not have a significant effect, or prepare a mitigated negative declaration for a project that may have a significant effect on the environment.

The environmental impacts of sustainable transportation projects are often analyzed multiple times, through sustainable communities strategies, general plans, specific plans, and through the National Environmental Policy Act (NEPA) for those receiving federal funding. Each of these takes time, costs money, and introduces new litigation risk. When sued, it regularly takes 3-4 years and tens of millions of dollars to resolve a single CEQA lawsuit.

Recognizing this, several CEQA exemptions already exist, including for transportation

projects that increase passenger or commuter services on existing rail or highway rights-of-way, and projects to increase passenger or commuter service on existing high-occupancy vehicle lanes.

Challenge

As we work to recover from the immediate impacts of COVID-19, we need to be able to implement key transportation projects included in our Transportation Recovery Plan that will help everyone stay safe and healthy while traveling throughout the City. This includes restoring and improving Muni service, and building new bicycle and pedestrian infrastructure. If the projects proposed require CEQA review, such as creating new transit-only lanes or parking protected bike lanes, it would likely take years before they receive final approval, which will be too late to help us address the City's immediate needs for a successful transportation recovery.

If people turn to driving rather than returning to Muni, walking, or biking, we could see a drastic increase in congestion on City streets.

Solution/Recommended Proposal

SB 288 would amend CEQA's existing provisions for statutory exemptions by adding new exemptions for sustainable transportation projects. As a result, it will be significantly faster and more cost-effective to:

- Implement rapid transit service on dedicated lanes and on highways
- Expand local bicycle networks, complete streets and pedestrian facilities
- Modernize and build new transit stations
- Modernize existing parking facilities that support transit
- Build new maintenance, repair and storage facilities for transit
- Install new electric vehicle charging infrastructure.

The bill requires that projects eligible for statutory exemption must also:

- Have a robust public engagement process
- Reduce greenhouse gas emissions and vehicle miles traveled
- Be located in an urbanized area or connect urbanized areas as defined by CEQA
- Receive programmatic level CEQA approval
- Be located on existing public rights of way

In addition to helping streamline sustainable transportation projects, this bill provides economic and environmental co-benefits. Advancing projects into construction faster would help rebuild the economy by providing opportunities for employment and economic mobility.

In addition, by restoring transit ridership and growing the number of people who walk and bike for many of their daily needs, the City can make significant progress towards meeting both the City and State’s greenhouse gas emissions reductions goals.

Departments Impacted & Why

SF Planning Department

Fiscal Impact

If passed, this legislation could save the City a significant amount of money otherwise spent on environmental review and CEQA litigation.

Support / Opposition

Support:

SPUR
 Bay Area Council
 Silicon Valley Leadership Group

Date Submitted	7/6/2020
Submitting Department	Office of the Treasurer and Tax Collector
Contact Name	Amanda Fried
Contact Email	amanda.fried@sfgov.org
Contact Phone	415-554-0889
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

SB 1290
Sen. Durazo, District 24, Democrat
Juveniles costs

Recommended Position

- SPONSOR SUPPORT
 SUPPORT if amended OPPOSE
 OTHER & Describe

Summary

SB 1290 proposes to end the harmful collection of administrative fees from families with youth in the juvenile legal system and from young people 21 and under in the criminal (adult) legal system. SB 1290 will further the aim of Senate Bill 190 (2017), a bipartisan bill that prohibited counties from charging youth and their families new administrative fees starting January 1, 2018. SB 190 did not, however, stop counties from collecting fees assessed prior to 2018.

Background/Analysis

SB 190 was passed in 2017 and eliminated a number of fees counties were previously authorized to charge for a youth's involvement in the juvenile justice system. Specifically, SB 190 prohibited counties from assessing new fees for a youth's detention, representation by counsel, electronic monitoring, probation supervision, and drug testing. In addition, SB 190 prohibited counties from assessing new fees for home detention, electronic monitoring, and drug testing for individuals under 21 years of age and prosecuted in the adult criminal system.

The passage of SB 190 demonstrates growing recognition that juvenile and criminal legal system fees are regressive and racially discriminatory. A 2017 study by the Policy

Advocacy Clinic at U.C. Berkeley found charging juvenile administrative fees undermines rehabilitation and public safety, disproportionately impacts low-income families of color, and produces little to no net revenue. Prior to SB 190, 57 counties charged families juvenile administrative fees and most counties charged young people in adult court.

Challenge

Today, 40 counties have voluntarily ended the collection of more than \$300 million in previously assessed juvenile fees, and San Francisco has never charged juvenile administrative fees. However, 18 counties are pursuing more than \$44 million in outstanding juvenile fees from the families of system-involved youth and an unknown amount of fees assessed to youth 21 and under in the adult system.

Without the statewide protection afforded by SB 1290, ongoing juvenile fee collections will continue to be an injustice that disproportionately impacts low-income families of color. California must continue its role as a leader in the movement for youth justice across the county. With the passage of SB 1290, California will set the national standard for fee abolition that advances both rehabilitation and public safety.

Solution/Recommended Proposal

SB 1290 formally discharges fees assessed prior to January 1, 2018 and will relieve families and youth from the hardships

imposed by the outstanding fees, including negative impacts on credit scores and wage garnishment. SB 1290 vacates county-assessed or court-ordered costs imposed prior to January 1, 2018 and makes them unenforceable and uncollectable. While the majority of California counties have already voluntarily taken actions to end collections and formally discharge outstanding fees, SB 1290 will ensure that access to debt-free justice is not determined by geography.

Departments Impacted & Why

No impact to City and County of San Francisco departments. San Francisco has never charged juvenile administrative fees.

Fiscal Impact

No fiscal impact to the City and County of San Francisco. San Francisco has never charged juvenile administrative fees.

Support / Opposition

Support

Western Center on Law and Poverty (co-sponsor)
Youth Justice Coalition (co-sponsor)
A New Way of Life Reentry Project
Asian Americans Advancing Justice, California
California Attorneys for Criminal Justice
California Coalition for Youth
California Public Defenders Association
Californians for Safety and Justice
Center for Responsible Lending
Coalition of California Welfare Rights Organizations, Inc.
Community Legal Services in East Palo Alto
County of San Diego
Drug Policy Alliance
East Bay Community Law Center
Ella Baker Center for Human Rights
Fines and Fees Justice Center
GLIDE
Homeboy Industries
Initiate Justice
Insight Center for Community Economic Development
Legal Services for Prisoners with Children
Los Angeles County Public Defenders Local
148

National Association of Social Workers, California Chapter
National Center for Youth Law
National Compadres Network
Resilience Orange County
Root & Rebound
Rubicon Programs
San Francisco Financial Justice Project
San Francisco Public Defender
Young Women’s Freedom Center

Oppose

None on file

Date Submitted	7/6/2020
Submitting Department	Office of the Treasurer and Tax Collector
Contact Name	Amanda Fried
Contact Email	amanda.fried@sfgov.org
Contact Phone	415-554-0889
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	N/A

AB 2325
Asm. Carrillo, District 51, Democrat
Child support: suspension

Recommended Position

- | | |
|---|---|
| <input type="checkbox"/> SPONSOR | <input checked="" type="checkbox"/> SUPPORT |
| <input type="checkbox"/> SUPPORT if amended | <input type="checkbox"/> OPPOSE |
| <input type="checkbox"/> OTHER & Describe | |

Summary

In 2016, there was a new federal rule concerning child support orders when a noncustodial parent is incarcerated. The rule makes clear that noncustodial parents have the right to adjust their order if they are impoverished as a result of institutionalization. This law was allowed to sunset on January 1, 2020. AB 2325 would restore the law and set a new sunset.

Background/Analysis

When noncustodial parents are incarcerated, unless they seek a modification of their child support order, their support obligation continues unabated, despite the incarcerated parent's lack of income, and interest accrues on the unpaid debt. According to a study of California's child support caseload by the Urban Institute, only about half of incarcerated child support obligors had reported incomes in the two years prior to their incarceration and, of those, their median annual net income was just under \$3,000, while their median arrears were \$14,564. Researchers have discovered that the build-up of uncollectible child support while an obligor is incarcerated has implications not just for the obligor, but also for the state and the family. A just-released

obligor, with a large support debt and few employment prospects, is far more likely to avoid the formal economy and, therefore, pay no child support and have little or no contact with their children. In addition, the failure to collect ongoing child support will result in the state receiving less incentive funding from the federal government. Finally, recidivism rates appear to increase for obligors with large child support debts.

The Legislature created a pilot program through July 1, 2015 for cases being enforced by the state child support program to suspend the obligation to pay child support for the period of time in which an obligor was incarcerated or involuntarily institutionalized, unless the obligor otherwise had the means to pay support while incarcerated or institutionalized. Upon release, the obligation to pay child support immediately resumed to the amount specified in the child support order prior to the suspension of that obligation.

The Legislature, through AB 610 reinstated and expanded the original pilot program until January 1, 2020, and allowed Local Child Support Agencies to administratively adjust orders based on the suspension. Data indicates that the expanded pilot was successful. Of 8,389 cases identified, 498 (or 5.9%) were administratively adjusted and 105 cases (or 1.3%) were adjusted in court, while the vast majority of cases (92.8%) were not adjusted under the pilot program. That program sunset on January 1, 2020.

Challenge

Of the 2.2 million people incarcerated in the United States, about half are parents, and at least 1 in 5 has a child support obligation. The significant number of these parents were poor when they were arrested, and their families remain poor while they are in prison. Meanwhile, these low-income parents are unable to work at jobs that pay fair wages while in prison. In California, over 42,000 people in prison work, earning between \$0.08 and \$1.00 an hour, from which, CDCR deducts a mandatory 55% for restitution and administrative fees, leaving no money for child support payments. When a parent is incarcerated, they have no choice but to be determined a "non-custodial parent."

Under federal law, all parents in prison are entitled to have their child support order reviewed and reduced, if it is determined by a court that they don't have the ability to pay the standing order. Because the process to adjust a child support order can be time consuming and costly, for the parent, the county, and the courts, federal law also allows for states to simplify the process for the large percentage of incarcerated parents who are entitled to a \$0 order. Sunsetting California's law to simplify this process has not made people less entitled to reduced child-support orders, it has only made it costlier for administrators to adhere to the law and increase the likelihood of litigation resulting from failure to ensure that this entitlement is provided.

Solution/Recommended Proposal

AB 2325:

- Reestablishes, until January 1, 2023, a program to suspend the obligation to pay child support when the obligor is incarcerated or involuntarily institutionalized.
- Requires the child support obligation to resume on the first day of the first full month following release in the amount previously ordered.
- Requires the Department of Child Support Services (DCSS), by January 1, 2022, in consultation with the Judicial

Council, to develop forms to implement these provisions.

- Requires DCSS and the Judicial Council to conduct an evaluation of the effectiveness of this process.

Departments Impacted & Why

Minor costs to the San Francisco Department of Child Support Services to implement programmatic changes.

Fiscal Impact

According to the Assembly Appropriations Committee, AB 2325 would lead to minor and absorbable costs for Judicial Council and DCSS to continue evaluating the effectiveness of the administrative adjustment process and report to the Legislature by February 1, 2023 and likely minor and absorbable General Fund costs for DCSS to implement programmatic changes to the Child Support Enforcement Program.

Support / Opposition

Support

Center for Employment Opportunities (co-sponsor)
Western Center on Law and Policy (co-sponsor)
A New Way of Life Reentry Project
American Civil Liberties Union of California
California Association of Certified Family Law Specialists
California Attorneys for Criminal Justice
California Public Defenders Association
Child Support Directors Association
Homeboy Industries
Legal Services for Prisoners with Children
San Bernardino Fatherhood
San Francisco Financial Justice Project

Oppose

None on file

Date Submitted	7/7/2020
Submitting Department	Office of the Treasurer and Tax Collector
Contact Name	Amanda Fried
Contact Email	amanda.fried@sfgov.org
Contact Phone	415-554-0889
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

AB 2338
Asm. Weber, District 79, Democrat
Courts contempt orders

Recommended Position

- SPONSOR SUPPORT
 SUPPORT if amended OPPOSE
 OTHER & Describe

Summary

AB 2338 would permit a court to grant probation or a conditional sentence, as defined, instead of imprisonment for a non-custodial parent found in contempt for failure to comply with a child support order. This bill is necessary to be in compliance with federal child support regulation.

Background/Analysis

When noncustodial parents fall behind on payments, they face significant repercussions. They are charged ten percent compound interest. Their driver's licenses can be suspended, making it very difficult to get or keep a job and to visit their children. Parents who cannot pay back public assistance can even be incarcerated for nonpayment as a result of a contempt of court finding.

When non-custodial parents fail to make child support payments to families or the government (such is the case when a child is in receipt of public benefits), they can be found in contempt of court and incarcerated for failing to comply with their child support order. Incarceration is designed to be a tool of last resort to force fathers who are willfully refusing to pay. However, as the majority of non-custodial parents who owe public child support debt are low-income,

they are often simply unable to pay. While custodial parents are able to waive jail time for debt owed to them and their family, that is not the case for public assistance pay back debt. There is no evidence that imprisonment helps people who owe child support orders become more able to pay child support orders. Furthermore, when parents are incarcerated, under child support debt, including debt owed to pay back public assistance, can grow exponentially. Even worse, there is plenty of evidence that incarcerating a child's parent significantly interferes with the child-parent relationship and the ability of the child to thrive.

Challenge

Currently, a court may only order community service, imprisonment, or both when a person is found in contempt for failure to comply with the family court. This can subject individuals to significant imprisonment time, especially if they are charged with multiple counts of contempt.

Although contempt may be a useful tool for gaining compliance with a court order, actual imprisonment or community service does not assist in getting a support order paid. Granting probation or a conditional sentence would in many cases have the advantage of increasing the odds of obtaining compliance.

AB 2338 will prevent incarceration of low-income non-custodial parents whose child support debt is owed to the government

and, by doing so, ensure that California is compliant with federal law.

Solution/Recommended Proposal

AB 2338 provides an alternative punishment of probation or a conditional sentence for parties found in contempt of a family law court order or judgement. The bill provides that in lieu of an order of imprisonment, community service, or both, for a person found in contempt for failure to comply with a court order under the Family Code, the court may grant probation, as defined, or a conditional sentence, as defined, for a period not to exceed one year upon a first finding of contempt, a period not to exceed two years upon a second finding of contempt, and a period not to exceed three years upon a third or any subsequent finding of contempt.

Departments Impacted & Why

No impact to City and County of San Francisco departments.

Fiscal Impact

No fiscal impact.

Support / Opposition

Support

California Attorneys for Criminal Justice
California Lawyers Association, Family Law Section
Los Angeles County Bar Association, Family Law Section
Western Center on Law and Poverty

Oppose

None on record.

Date Submitted	July 8, 2020
Submitting Department	Department on the Status of Women
Contact Name	Elizabeth Newman
Contact Email	Elizabeth.newman@sfgov.org
Contact Phone	651-230-4265
Reviewed and approved by Department Head?	X YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES X NO <input type="checkbox"/> N/A

AB 2517
Asm., Gloria, Asm District 78, Democrat
Domestic Violence: Personal Property and Liens.

Recommended Position

- | | |
|--|--|
| <input type="checkbox"/> SPONSOR | <input checked="" type="checkbox"/> SUPPORT |
| <input type="checkbox"/> SUPPORT if amended | <input type="checkbox"/> OPPOSE |
| <input type="checkbox"/> OTHER & Describe | |

Summary

Assembly Bill 2517 helps protect domestic violence survivors from further financial abuse, by allowing the court to include in the restraining order a finding that specific debts were incurred as the result of domestic violence and without the consent of the victim. The Department on the Status of Women recommends supporting AB 2517 as it provides domestic violence survivors a quicker path to financial stability by establishing some protections the court can use in determining who is responsible for paying off incurred debt.

Background/Analysis

Existing law, Family Code Section 6324, authorizes a court to issue an ex parte order determining the temporary use, possession, and control of real or personal property of the parties and the payment of any liens or encumbrances coming due during the period the order is in effect. Family Code Section 6320.5 provides only temporary orders which last 21 days or, if there is good cause, 25 days.

Challenge

Financial abuse occurs in 99% of domestic violence cases, and is often cited as the

main reason victims are unable to leave their abusive partners. Financial abuse can include tactics to conceal information, limit access to assets, and reduce accessibility to family finances, such as food, shelter and medicine, not allowing the victim access to bank accounts or make any financial decisions, forcing the victim file fraudulent tax returns, running up large amounts of debt on joint accounts, refusing to pay bills, and ruining their victims' credit score. An abuser can also create personal debt for their victim or force the victim to create the debt themselves, creating additional financial abuse and potential causing long-term harm to the victim and their children. This bill expands the ability to divide property and debt as part of a restraining order. The COVID-19 pandemic created and intensified economic hardships for thousands of Californians, including domestic violence survivors and their families. Survivors are especially vulnerable to poverty and returning to their abusive partners at this time. Ensuring the economic security and stability of survivors will enhance the safety of this already vulnerable population.

Solution/Recommended Proposal

AB 2517 would authorize, on and after January 1, 2022, the court to issue an order determining the use, possession, and control of real or personal property of the parties during the period the order is in effect and

the payment of any liens or encumbrances coming due during that period. The bill would authorize a court to include in the protective order after hearing a finding that specific debts were incurred as the result of domestic violence and without the consent of one of the parties. AB 2517 ensures that the court establishing the protective order can also determine whose debt is whose and help protect a victim of financial abuse, whether for five years or even, potentially, permanently. The bill provides that acts that support a finding that a debt was incurred as the result of domestic violence may include, but are not limited to, obtaining a party's personal identifying information and using it for any unlawful purpose, including to obtain, or attempt to obtain, credit, goods, services, real property, or medical information without the consent of that person. This allows for domestic violence survivors to use a restraining order as proof for civil debt relief under Civil 1798.93 which requires a person to establish a preponderance of the evidence.

Departments Impacted & Why

There are no anticipated further impacts.

Fiscal Impact

As currently in print this bill is keyed non-fiscal.

Support/Opposition

Support (As of 5/7/2020):

The California Partnership to End Domestic Violence (sponsor)
California Low-Income Consumer Coalition
Casa de Esperanza
Community Resource Center
National Association of Social Workers, California Chapter
Peace Over Violence
Project: PeaceMakers, Inc.
StrengthUnited
Walnut Avenue Family & Women's Center

Opposition (As of 5/7/2020):

California Land Title Association (unless amended)

Date Submitted	7/7/2020
Submitting Department	Mayor's Office of Housing and Community Development
Contact Name	Amy Chan
Contact Email	amy.chan@sfgov.org
Contact Phone	415-701-5508
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

AB 434
Asm. Daly, District 69, Democrat
Housing finance programs: uniform procedures

Recommended Position

- SPONSOR SUPPORT
 SUPPORT and amended OPPOSE
 OTHER & Describe

Summary

This bill would require the California Department of Housing and Community Development (HCD) to administer, make funds available, rate and rank, and award program funds for the Infill Incentive Grant Program (IIG), Transit Oriented Development Program (TOD), Housing for Healthy California (HHC), Joe Serna, Jr. Farmworker Housing Grant Program, and various veterans programs to be consistent with the Multifamily Housing Program (MHP). HCD would be authorized to create set-asides under the MHP program for specific project types or projects that serve specific target populations. Additionally, the bill would eliminate the requirement for localities to be joint applicants with developers under the IIG and TOD programs, and instead require developers to be the sole applicant for funding.

Background/Analysis

HCD administers multiple housing loan and grant programs that provide funding for affordable housing projects. These programs have separate application processes and scoring criteria, which create 1) administrative burden due to submission of multiple applications on different timelines, 2) challenge of overlaying

different programmatic criteria to access multiple funding sources 3) asset management burden with reporting on multiple programmatic criteria.

Solution/Recommended Proposal

This bill would streamline the process for accessing state funding for affordable housing projects by conforming multiple loan and grant programs under one uniform application and conforming the availability of funds, the scoring and ranking of applications and the administration of funds under the MHP program. Additionally, eliminating the requirement for localities to be a joint applicant with developers for the IIG and TOD programs removes further administrative burden on localities.

MOHCD recommends that the bill be amended to eliminate the requirement that IIG and HHC funding applications be approved by the local jurisdiction. This requirement is administratively burdensome and duplicative because the local jurisdiction is also required to approve the HCD contract/standard agreement after the project is awarded. While MOHCD recommends this amendment, we are not conditioning our support of the bill on this amendment due to the benefits of the bill.

Departments Impacted & Why

As MOHCD and developers have been the applicants for these programs, no other departments will be impacted.

Fiscal Impact

According to the Assembly Committee on Appropriations, HCD estimates \$331,000 in General Fund over two years to develop and implement a universal application and upgrade associated application management systems. No fiscal impact on San Francisco's budget.

Support / Opposition

Supported by:
California Housing Partnership Corporation

Opposed by:
None on record

Date Submitted	7/7/20
Submitting Department	Mayor's Office of Housing and Community Development
Contact Name	Amy Chan
Contact Email	Amy.chan@sfgov.org
Contact Phone	415-701-5508
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

AB 2829
Asm. Ting, District 19, Democrat
Property taxation: welfare exemption: rental housing:
moderate income housing

Recommended Position

- | | |
|--|---|
| <input type="checkbox"/> SPONSOR | <input checked="" type="checkbox"/> SUPPORT |
| <input type="checkbox"/> SUPPORT <i>if amended</i> | <input type="checkbox"/> OPPOSE |
| <input type="checkbox"/> OTHER & Describe | |

Summary

AB 2829 would amend Section 214 the Revenue and Taxation Code to extend the welfare tax exemption to all units that are initially occupied by moderate-income households up to 120% AMI. The units must have a deed restriction and lien date on or after January 1, 2020 and before January 1, 2041, be constructed on public land and receiving local or state subsidy or alternatively have minimum 20% of units restricted to moderate-income households, rents must be 20% below fair market rents as demonstrated by a market study, and funds that would have otherwise been used to pay property taxes must be used to maintain the affordability of the units. The bill would also require an annual report to assess the effectiveness of the exemption.

Background/Analysis

Existing property tax law provides for a "welfare exemption" for property used exclusively for religious, hospital, scientific, or charitable purposes and that is owned or operated by certain types of nonprofit entities if the property is used exclusively for rental housing and the units are initially occupied by low-income households up to

80% AMI, or by moderate-income households up to 120% AMI if they are senior or disabled households.

San Francisco has not met RHNA production goals for moderate-income housing at 80-120% AMI. While San Francisco's 2019 housing bond included \$30 million for middle-income housing, there are very scare resources to incentivize middle-income housing production. Most resources cap affordability at 80% AMI.

Solution/Recommended Proposal

AB 2829 would incentivize the production of moderate-income housing. By reducing the operating cost of these units, the project would be able to support more permanent debt and in turn require less gap funding.

An estimated savings of \$7,000/unit in annual property taxes, based on FY18-19 tax rate of 1.1630%, would result in approximately \$100K/unit in savings. Assuming an annual production of 50 moderate-income units, this would result in \$350,000 in foregone property tax revenue but \$5,000,000 savings annually that MOHCD can invest in more affordable housing.

Departments Impacted & Why

No department would be directly impacted by a loss of property tax revenue, but there is foregone tax revenue to the City's general

fund and local agencies. See below for fiscal impact.

Fiscal Impact

Property tax revenue collected by the County are distributed to its general fund, its voter-approved debt obligations, and local jurisdictions, which include, the San Francisco Unified School District, the San Francisco Community College District, the Bay Area Rapid Transit District, and the Bay Area Air Quality Management District.

Because only units with government deed restrictions that are owned by charitable organizations are eligible to receive the exemption under Section 214, the projected foregone tax revenue loss is very small.

It is important to note that public sector, school, and college district employees represent some of the primary beneficiaries of moderate income housing, and are among the populations who have the most difficult time affording housing in high-cost cities such as San Francisco.

AB 2829 also exempts the State from having to reimburse local agencies for foregone tax revenue.

Support / Opposition

Supported by:
None on record

Opposed by:
None on record

Date Submitted	7/7/20
Submitting Department	Department of Public Health
Contact Name	Claire Lindsay; 415-554-2667
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Contact Phone	Sneha Patil; 415-554-2795 Sneha.patil@sfdph.org
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

AB 2077
Asm. Ting, District 19, Democrat
Hypodermic needles and syringes

Recommended Position

- SPONSOR SUPPORT
 SUPPORT if amended OPPOSE
 OTHER & Describe

Summary

This bill would remove the existing law sunset date so that syringes will continue to be available at pharmacies without a prescription. Syringe access through pharmacies is a proven public health disease prevention tool.

Background/Analysis

The sale of hypodermic needles and syringes has been allowed in California since the passage of SB 1159 in 2004. SB 1159 established a five-year pilot program to allow California pharmacies to sell up to 10 syringes to an adult without a prescription, with authorization from local government. A 2010 analysis of the pilot program showed an increased number of intravenous drug users reported using pharmacies as a source of their syringes, and a significantly lower portion of intravenous drug users reported sharing of needles.

The pilot program was subsequently suspended in 2011 with the passage of SB 41 which authorized pharmacies to sell up to 10 syringes to an adult without a prescription statewide. This bill was further expanded upon in 2014 with AB 1743, to allow for an

unlimited number of syringes that could be purchased without a prescription.

This existing law permits physicians and pharmacists to provide hypodermic needles and syringes to those 18 years of age or older and permits those 18 years of age and older to obtain hypodermic needles and syringes without a prescription or license for personal use. However, the existing law has a sunset date of January 1, 2021.

Challenge

In San Francisco, there are an estimated 24,500 people who inject drugs. According to the California Department of Public Health (CDPH) Office of AIDS, a lack of access to new, sterile syringe injection equipment is one of the primary risk factors that leads to syringe sharing. This puts people who inject drugs (PWID) at greater risk for acquiring and transmitting Hepatitis C and HIV.

The San Francisco Department of Public Health (SFDPH)'s Harm Reduction policy promotes methods of reducing the physical, social, emotional, and economic harms associated with harmful behaviors that impact individuals and their community. Syringe Access programs are an example of Harm Reduction, and in San Francisco this includes the best practice of providing multiple access points. Access points for sterile syringes include community sites and pharmacies for purchase. Pharmacies also

provide another option for syringe disposal. With the number of injection drug users continuing to increase in San Francisco, allowing the purchase of syringes without a prescription is necessary to reduce the spread of Hepatitis C and HIV.

Solution/Recommended Proposal

Research has shown that allowing adults to purchase sterile syringes from pharmacists without prescriptions is a key component to the prevention and control of HIV and hepatitis C.

Existing law, which allows pharmacists to sell and adults to possess sterile syringes for personal use without a prescription, is set to sunset on January 1, 2021.

This bill will remove the sunset on this law and ensure that we are continuing to stem the spread of HIV and viral hepatitis by allowing pharmacists to sell and adults to possess sterile syringes for personal use without a prescription.

Departments Impacted & Why

This bill would positively impact SFDPH's syringe access programs by continuing to allow multiple points of access to sterile syringes for purchase at pharmacies.

Fiscal Impact

This bill will likely have negligible fiscal impact.

Support / Opposition

Cosponsors

The Drug Policy Alliance
San Francisco AIDS Foundation
The Health Officers Association of California

Opposition

California Sheriff's Association

Date Submitted	7/7/20
Submitting Department	Department of Public Health
Contact Name	Claire Lindsay; 415-554-2667
Contact Email	Claire.lindsay@sfdph.org
Contact Phone	Sneha Patil; 415-554-2795 Sneha.patil@sfdph.org
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

AB 2377
Asm. Chiu; District 17, Democrat
Adult residential facilities: closures and resident transfers

Recommended Position

- SPONSOR SUPPORT
 SUPPORT if amended OPPOSE
 OTHER & Describe

Summary

This bill reduces the risk of homelessness for vulnerable residents of board and care facilities by creating stronger closure requirements for Adult Residential Facilities.

Background/Analysis

Adult Residential Facilities (ARF) and Residential Care Facilities for the Elderly (RCFE), commonly referred to as "Board and Cares", offer supportive residential living for individuals who are no longer able to live safely and independently. ARFs are licensed to serve individuals ages 18-59; RCFEs are licensed to serve older adults age 60 years and older.

San Francisco Department of Public Health (SFPDH), through its Transitions Division, places clients in appropriate levels of care including RCFEs and ARFs with the goal of supporting stability in the most appropriate and least restrictive setting. Clients include persons with serious mental illness and San Francisco Health Network members with multiple complex characteristics (e.g., mental health, substance use, medically compromised). In total, 572 DPH clients are

placed in either an ARF or RCFE, 53 percent of whom reside in an ARF (April 2019).

Challenge

Throughout the State, ARFs and RCFEs are closing at an alarming rate, with San Francisco alone having lost 43 facilities between 2012 and 2019 (a nine percent decline). In 2019 alone, Los Angeles lost more than 200 beds for low-income people with serious mental illness.

State law establishes relocation rights and protections for residents evicted from RCFEs and ARFs due to facility closure; however, the rights are different for each type of facility. Historically, the RCFE resident population was perceived to have greater levels of vulnerability than ARF resident populations, and therefore RCFE operators have stricter requirements for their closure process (e.g. longer notification times, required resident evaluation and closure planning, etc.).

ARFs are increasingly serving greater numbers of vulnerable residents, including individuals with serious mental illnesses and other chronic conditions. The current closing requirements for ARFs, which are less protective than those for RCFEs, increase the challenges residents face when facilities close. Already, a third of those experiencing homelessness are suffering from mental illness. Because of their vulnerability and the

current housing crisis, residents are especially at risk of becoming homeless.

these types of facilities to other care settings in the event of a closure.

Solution/Recommended Proposal

To ensure the growing vulnerable ARF resident population is provided similar protections that residents of RCFEs have when a facility closes, AB 2377 will align ARF closure requirements with those of RCFEs. Specifically, AB 2377 will require the following before closure:

- Requires that ARF operators provide written 180-day notice to residents prior to relocation;
- Requires that ARF operators develop Resident Relocation Evaluations for residents, which includes: (i) recommendations on the type of facility that would meet resident needs; (ii) facility listings, within a 60-mile radius of the closing facility, that meet the resident's needs;
- Mandates that the ARF must submit a closure plan to the State for approval if seven or more residents are impacted;
- Requires the State to take certain actions if the ARF fails to provide required relocation services, and authorizes residents to take civil action for violation of rights provided by the bill;
- Mandates that the ARF must notify the City and County in which the facility is located and including whether there is intent to sell the property no later than 180-days before proposed closure;
- Requires that the City and County in which the facility is located is given right of first refusal to purchase the property.

By improving ARF closure requirements, California will be better able to reduce the risk of homelessness and protect some of the state's most vulnerable communities.

Departments Impacted & Why

AB 2377 will positively impact SFDPH and Department of Disability and Aging Services (DAS) by expanding closure protections to ARF residents. These protections will better ensure the safe transition of DPH and DAS clients and other city residents who live in

Fiscal Impact

Bill would likely have a fiscal impact on California Department of Social Services Community Care Licensing, which would be required to develop new regulations to implement the protection requirements, and enforce the new rules.

Support / Opposition

Sponsored by the City and County of San Francisco.

No opposition on file as of 5/6/2020