



STATE LEGISLATION COMMITTEE

Wednesday, August 19, 2020

11:00am – 1:00pm

Join online [HERE](#)

Meeting ID: 146 178 3613 / Meeting Password: JSncD7dWV36

Join by Phone at 415-655-0001

(Public Comment Instructions available on page #5)

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 July 15, 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 with review and discuss state legislation affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

Unfinished Business

Continued from the July 15, 2020 meeting

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.

New Business

Department on the Status of Women

Presenter: Elizabeth Newman

2. SB 1257 (Sen. Durazo) – Employment safety standards: household domestic services and in-home child care services

Recommended Position: Support

Senate Bill 1257 removes the household domestic service exemption from the California Occupational Safety and Health Act (Cal/OSHA) definition of employment. The bill would also convene two advisory committees. One would evaluate the need to develop industry-specific regulations related to household domestic service in consultation with the California Health and Human Service Agency and the other would make recommendations to the standards board concerning domestic workers paid by specific government funded programs. The Department on the Status of Women recommends supporting SB 1257 as it ensures domestic workers are afforded basic health and safety protections and removes a racist historical exclusion of basic labor protections from domestic workers.

3. SB 1383 (Sen. Jackson) – Ensuring Job Protection for Paid Family Leave

Recommended Position: Support

Senate Bill 1383 makes sure that those who pay into the state paid family leave (PFL) program can take paid leave to care for their own health or that of their family without fear of losing their jobs. It addresses gaps in job protection for family leave by expanding the California Family Rights Act (CFRA) to employers with 5 or more employees from those with 50 plus and adds domestic partners, grandparents, grandchildren, siblings, and parents in-law to the definition of family under CFRA to align with Paid Family Leave. Employees would still need to work for one year to be covered under the job protection.

Office of the Treasurer and Tax Collector

Presenter: Eric Manke

4. SB 908 (Sen. Wieckowski) – Debt Collection Licensing Act

Recommended Position: Support

The Debt Collection Licensing Act (DCLA) would create Department of Business Oversight (DBO) licensing requirements for debt collectors. In addition to requiring licenses, the bill would also install limits on who can be debt collectors by adding a mandatory background check to all applicants, and require that all debt collection calls, emails, and other communications would need to firmly establish the debt collector's name and license # as warranted.

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

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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.

WebEx Remote Meeting Access Information

View the meeting:

<https://ccsf.webex.com/ccsf/onstage/g.php?MTID=e8e99bdcd2edf87e68a2aa02ec2ceae99>

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: 415-655-0001 Access code: 146 178 3613

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 *3 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
DRAFT MINUTES**

Wednesday, July 15, 2020

11:00am – 1:00pm

Watch online at bit.ly/StateLegCommittee-July-20

Public Comment Call-In

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

(Public Comment Instructions available on page #)

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 11:00 a.m.

AGENDA

I. ROLL CALL

Present: Edward McCaffrey, Jen Low, Ian Fregosi, Holly Lung, Dan Kaplan

Absent: Mary Jane Winslow, Eric Manke (joined at 11:07 a.m.)

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

No public comment.

Motion to approve: Edward McCaffrey

Seconded by: Holly Lung

Approved: 5-0

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.

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.

No public comment.

Motion to Continue to August Meeting: Jen Low

Seconded by: Ian Fregosi

Approved: 4-1, Edward McCaffrey dissenting

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.

No public comment.

Motion to Support: Ian Fregosi

Seconded by: Edward McCaffrey

Approved: 5-0

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.

No public comment.

Motion to Support: Edward McCaffrey

Seconded by: Holly Lung

Approved: 6-0

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.

No public comment.

Motion to Support: Eric Manke

Seconded by: Jen Low

Approved: 6-0

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.

No public comment.

Motion to Support: Jen Low

Seconded by: Dan Kaplan

Approved: 6-0

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.

No public comment.

Motion to Support: Edward McCaffrey

Seconded by: Eric Manke

Approved: 6-0

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.

No public comment.

Motion to Continue to the Call of the Chair: Edward McCaffrey

Seconded by: Ian Fregosi

Approved: 6-0

Mayor's Office of Housing and Community Development

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.

No public comment.

Motion to Support: Edward McCaffrey

Seconded by: Holly Lung

Approved: 6-0

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.

No public comment.

Motion to Support: Holly Lung

Seconded by: Dan Kaplan

Approved: 6-0

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.

No public comment.

VI. ADJOURNMENT

Meeting concluded at 12:18 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 | 8/10/2020 |
| Submitting Department | Department on the Status of Women |
| Contact Name | Elizabeth Newman |
| Contact Email | Elizabeth.newman@sfgov.org |
| Contact Phone | 651-230-4265 (cell) |
| 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 |

SB 1257
Sen. Durazo, Sen District 24, Democrat
Employment safety standards: household domestic services
and in-home child care services

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

Senate Bill 1257 removes the household domestic service exemption from the California Occupational Safety and Health Act (Cal/OSHA) definition of employment. The bill would also convene two advisory committees. One would evaluate the need to develop industry-specific regulations related to household domestic service in consultation with the California Health and Human Service Agency and the other would make recommendations to the standards board concerning domestic workers paid by specific government funded programs. The Department on the Status of Women recommends supporting SB 1257 as it ensures domestic workers are afforded basic health and safety protections and removes a racist historical exclusion of basic labor protections from domestic workers.

Background/Analysis

Existing law, the California Occupational Safety and Health Act, assures safe and healthful working conditions for California workers, requires employers to establish, implement and maintain an effective Injury and Illness Prevention Program. Cal/OSHA has an exception for household domestic service. Domestic work is defined as services

related to the care of persons in private households or maintenance of private households or their premises, including childcare providers, caregivers of people with disabilities, sick, convalescing, or elderly persons, house cleaners, housekeepers, maids, and other household occupations.

Challenge

The US has a longstanding history of denying domestic workers, largely women, immigrants, and people of color, the most basic labor protects. This tradition has been upheld by all key federal labor laws, the National Labor Relations Act, the Fair Labor Standards Act, and OSHA, which have at some point or still currently exclude domestic workers. These exclusions of domestic workers further undervalue domestic work, labeling it unproductive and unimportant.

In California approximately two million households hire a domestic worker. The number of households employing domestic workers is expected to rise by more than 50% by 2022. Domestic work can often be dangerous, a recent UCLA report found that 51% of surveyed domestic workers reported that their employers pressured them to work in dangerous conditions. Domestic workers are now even more vulnerable to workplace injuries and illnesses, as they have been essential workers throughout the COVID-19 crisis caring for our most at-risk populations, yet remain unprotected themselves.

Solution/Recommended Proposal

SB 1257 bill would remove the historical exclusion of domestic workers from Cal/OSHA and move us towards more equitable labor laws that support people of color, immigrants, and women. This bill grants domestic workers with proper occupational health and safety standards.

Departments Impacted & Why

There are no anticipated impacts.

Fiscal Impact

There are no anticipated local fiscal impacts.

According to the Senate Appropriations Committee, the Department of Industrial Relations indicates that it would incur annual costs in the millions of dollars to implement the provisions of the bill (Labor Enforcement and Compliance Fund). Under this bill, any one of California's 13 million households that hires a domestic worker would now be subject to Cal/OSHA's enforcement authority. This will likely generate significant new workload related to investigations, enforcement and litigation. However, given the uncertainty around this bill's impact, specific costs are unknown.

Support / Opposition

SUPPORT: As of 6/18/20

California Domestic Workers Coalition (co-source)
California Employment Lawyers Association (co-source)
Equal Rights Advocates (co-source)
United Domestic Workers of America, AFSCME Local 3930 (co-source)
Alliance of Californians for Community Empowerment Action
American Association of University Women - California
Asian Americans Advancing Justice - California
Asian Pacific Environmental Network
Bet Tzedek Legal Services
California Employment Lawyers Association
California Healthy Nail Salon Collaborative
California Immigrant Policy Center
California Labor Federation, AFL-CIO

California Rural Legal Assistance Foundation
California Women's Law Center
Centro Laboral De Graton
Change Californians for a Healthy and Green Economy
Chinese Progressive Association of San Francisco
Clean Carwash Campaign
Clean Water Action
Coalition for Humane Immigrant Rights
Consumer Attorneys of California
Courage California
Diversity in Health Training Institute
Drug Policy Alliance
El Centro Cultural De Mexico, Santa Ana
Filipino Advocates for Justice
Filipino Community Center
Filipino Migrants Center
Gabriela Oakland
Garment Worker Center
Hand in Hand: the Domestic Employers Network
Instituto De Educacion Popular Del Sur De California
Koreatown Immigrant Workers Alliance
Legal Aid at Work
Los Angeles Worker Center Network
Mujeres Unidas Y Activas
National Council of Jewish Women California
National Domestic Workers Alliance
National Employment Law Project
North Bay Jobs with Justice
North Bay Labor Council
OneJustice
People's Association of Workers and Immigrants East Bay
Pilipino Association of Workers and Immigrants Santa Clara
Poder
Pomona Economic Opportunity Center
Public Counsel
Restaurant Opportunities Center of Los Angeles
Santa Clara County Wage Theft Coalition
SEIU California
Teamsters Local 665
The Women's Foundation of California
Voices for Progress
Work Equity Action Fund
Worksafe Youth Leadership Institute

OPPOSITION: As of 6/18/20 – None received

| | |
|--|---|
| Date Submitted | 8/10/2020 |
| Submitting Department | Department on the Status of Women |
| Contact Name | Elizabeth Newman |
| Contact Email | Elizabeth.newman@sfgov.org |
| Contact Phone | 651-230-4265 (cell) |
| 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 |

SB 1383

Sen. Jackson, Sen District 19, Democrat

SB 1383, Ensuring Job Protection for Paid Family Leave

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

Senate Bill 1383 makes sure that those who pay into the state paid family leave (PFL) program can take paid leave to care for their own health or that of their family without fear of losing their jobs. It addresses gaps in job protection for family leave by expanding the California Family Rights Act (CFRA) to employers with 5 or more employees from those with 50 plus and adds domestic partners, grandparents, grandchildren, siblings, and parents in-law to the definition of family under CFRA to align with Paid Family Leave. Employees would still need to work for one year to be covered under the job protection.

Background/Analysis

In 2004, California implemented the nation's first Paid Family Leave program, which is entirely worker-funded by paycheck deductions through the State Disability Insurance program. However, no job protection was directly associated with the program, thus Californians have had to rely on separate and inadequate job protection laws, primarily the CFRA, to take the PFL benefits they pay for without risking their economic security and livelihoods while doing so. These job protection laws exclude up to 40% of workers in California, because

their employer is too small. Low-wage workers of color are disproportionately more likely to work for small employers. A 2018 survey by the California Economic Development Department found that fear of job loss was a top reason for not using PFL and, therefore, low-wage workers were less likely to use PFL, even though they pay into it. Access to Paid Family Leave is associated with improved family health and economic security, including maternal physical and mental wellbeing, infant health, and mothers' return to employment.

Challenge

Part of the budget agreement reached between Governor Newsom and legislative leaders, this bill will ensure that nearly all Californians can use the Paid Family Leave benefits they pay for without fear of job loss. San Francisco's Paid Parental Leave Ordinance addressed the issue of inadequate wage replacement for low-wage earners by requiring employers with 20 or more employees to supplement PFL; however, job protection remained a gap. The COVID-19 pandemic has added urgency to the need for equitable family leave, with families across the state needing time off from work to care for themselves or a sick family member to keep themselves and their workplaces healthy and safe. Low-wage workers of color are disproportionately excluded from job-protected leave and are particularly vulnerable to COVID-19 because of preexisting systemic barriers to health care. Existing family leave law is inconsistent

in defining family and fails to recognize the diversity in family formation in California, particularly those that are LGBTQ and/or multigenerational.

Newly enacted federal leave tied to COVID-19 leaves out up to 80% of the workforce and expires at the end of the year, making this bill necessary to ensure California workers affected by the coronavirus can take time to care for themselves or a sick family member and keep their workplaces and communities healthy and safe.

Solution/Recommended Proposal

Expanding the definition of family to include a greater number of family relationships and extending job protected leave to small businesses will increase equity in access to paid family leave and could help improve health equity for some of California's most vulnerable populations. SB 1383 helps realize the promise of California's Paid Family Leave program, that families can be there for each other in times of need. It will:

- Ensure job-protected leave for those who work for an employer with 5 or more employees, to bond with a newborn, care for a seriously ill family member, address a military exigency or care for their own illness under the California Family Rights Act (CFRA).
- Bring the California Family Rights Act definition of family in line with the definition of family under the California Paid Family Leave program, recognizing the value of more diverse, multigenerational family relationships;

Employees would still need to have worked for an employer for one year and at least 1,250 hours to be eligible.

Departments Impacted & Why

This bill would affect City policy to allow City employees to take leave to care for a family member to include those listed above.

Fiscal Impact

There are no known local fiscal impacts. According to the Senate Appropriations Committee, the Department of Industrial Relations (DIR) indicates that, minimally, it would incur first year costs of \$198,000, and

\$186,000 annually thereafter, to implement the provisions of the bill (special fund).

Support / Opposition

SUPPORT: As of July 29, 2020

Bay Area Council*
California Labor Federation*
California Pan-Ethnic Health Network*
First 5 California*
Legal Aid at Work*
Small Business Majority*
SEIU*
UNITE-LA*
*Members of Governor Newsom's Paid Family Leave Task Force

605 Citizenship Project
9to5 National Association of Working Women
A Better Balance
AARP California
AAUW of California
Academy of Lactation Policy and Practice
ACCE
ACCESS Women's Health Justice
ACCRC
ACT for Women and Girls
Advancing Justice – Asian Law Caucus
Alliance of Californian's for Community Empowerment (ACCE) Action
Alzheimer's Association
American Academy of Pediatrics – California (AAP-CA)
American Association of University Women – California
American Nurses Association – California
Anti-Eviction Mapping Project
API Forward Movement (APIFM)
APLA Health
Asian Americans Advancing Justice – California
Association of California Caregiver Resource Centers
B of California
Baby Café Bakersfield
Bet Tzedek Legal Services
Beverly Care
BFUU Social Justice Committee
Birth with Empowerment
Birthing & Babies
Breast Cancer Action
Breastfeed LA
Bright Beginnings

Bryan Schwartz Law
Business & Professional Women of Nevada
County
California Advanced Lactation Institute
California Advocates for Nursing Home
Reform
California Alliance for Retired Americans
California Alternative Payment Program
Association
California Asset Building Coalition
California Breastfeeding Coalition
California Child Care Resource & Referral
Network
California Domestic Workers Coalition
California Employment Lawyers Association
California Family Resource Association
California Immigrant Policy Center
California Latinas for Reproductive Justice
California National Organization for Women
California Nurse-Midwives Association
California Partnership
California Partnership to End Domestic
Violence
California Rural Legal Assistance
California Teachers Association
California WIC Association
California Women's Law Center
California Work & Family Coalition
CAPP Children's Foundation
Career Ladders Project
Center for Law and Social Policy
Center for Popular Democracy
Center for Workers' Rights
Central Coast Early Childhood Advocacy
Network
Centro Binacional para el Desarrollo
Indígena Oaxaqueño
Centro Legal de la Raza
ChangeLab Solutions
Chichihualli LA
Child Care Law Center
Children Now
Children's Defense Fund – California
Children's Institute
Chinese Progressive Association
Citizens For Choice
Clergy and Laity United for Economic Justice
Closing the Women's Wealth Gap
Coalition for Humane Immigrant Rights
(CHIRLA)
Coalition of California Welfare Rights
Organizations

Common Sense
Communications Workers of America, District
9
Community Legal Services in East Palo Alto
Consortium for Early Learning Services
Consumer Attorneys of California
Contra Costa Breastfeeding Task Force
CradleSong Birthing
CRLA Foundation
CurvedWear
CWA 9400
Disability Rights California
Disability Rights Education and Defense Fund
Disability Rights Legal Center
Diversity Uplifts, Inc.
Early Ed Consulting
Education and Leadership Foundation
Ella Baker Center for Human Rights
End Child Poverty in CA Campaign/GRACE
Institute
End Hunger
Equality California
Equal Rights Advocates
EveryChild California
Evolve California
Family Caregiver Alliance
Family Values @ Work
Family Violence Appellate Project
FASD Network of Southern California
First 5 Association of California
First 5 Fresno County
First 5 San Bernardino
First 5 San Mateo County
First 5 Santa Clara County
First 5 Santa Cruz County
Food Empowerment Project
FreeForm
Friends Committee of Legislation of California
Grace Institute/End Child Poverty in CA
Grass Roots Neighbors
Ground Game LA
Hand in Hand: The Domestic Employers
Network
Having Our Say Coalition
Health Access California
Health Kids Happy Faces
Healthy Families Solano
Hero Birth Services
Hollywood NOW
Home-Safe, Vista Del Mar
Hope Paul Productions

Housing Equality & Advocacy Resource Team (HEART)
Human Impact Partners
IDEPSA
If/When/How: Lawyering for Reproductive Justice
IMMA Lactation, LLC
Inglewood First United Methodist Church
Inland Empire Breastfeeding Coalition
Inner City Law Center
InnerCity Struggle
Instituto Laboral de la Raza
Jewish Center for Justice
Justice in Aging
Kidango
KIWA (Koreatown Immigrant Workers Alliance)
Korean Community Center of the East Bay
LA Best Babies Network
LA Forward
LA Partnership for Early Childhood Investment
La Raza Centro Legal
LA Voice
Labor Occupational Health Program
Lake County Breastfeeding Coalition
Legal Aid Society of San Mateo County
Legal Services for Prisoners with Children
LIFT, Inc
Los Angeles Black Worker Center
Los Angeles Worker Center Network
Los Gatos Lactation
LOOM
Mahmee
Materna Lactation Services
Maternal and Child Health Access
Mendocino County Breastfeeding Coalition
Mi Familia Vota
Military Officers Association of America-California Council of Chapters
Mother's Own Milk Matters
MUA
My Nursing Coach
NARAL Pro-Choice California
National Association of Social Workers (NASW) California
National Council of Jewish Women CA
National Council of Jewish Women Los Angeles
National Domestic Workers Alliance
National Employment Law Project
National Health Law Program
National Immigration Law Center

National Lawyers Guild – SF Bay Area Legislative Reform Committee
National Lawyers Guild of Los Angeles
National Organization for Women Hollywood Chapter
National Women's Political Caucus of California
Native Breastfeeding Council
NCJW-LA
Nevada County Citizens for Choice
One Redwood City
Opportunity Institute
Optimal Solutions Consulting
Orange County Equality Coalition
Our Family Coalition
Pacifica Progressive Alliance, Pacifica Peace Peoples, Pacifica Social Justice
Parent Voices SF
Parents Voices California
PICO California
Pilipino Workers Center for Southern California
PL+US: Paid Leave for the United States
Planned Parenthood Affiliates of California
PLUS
Presque, Inc.
Progressive Asian Network for Action (PANA)
Public Counsel
Public Law Center
Raising California Together
Religious Coalition for Reproductive Choice of California
Restaurant Opportunities Center of The Bay
Rhythm and Truth
ROC Los Angeles
Rubicon Programs
Runyon Saltzman, Inc.
San Diego County Breastfeeding Coalition
San Francisco Senior & Disability Action
San Joaquin Breastfeeding Coalition
Santa Barbara Women's Political Committee
SIREN (Services, Immigrant Rights and Education Network)
South Bay Baby Care Nursing Services, Inc.
Street Level Health Project
Stronger California Advocates Network
Support for Families of Children with Disabilities
TEACH (Training in Early Abortion for Comprehensive Healthcare)
TechEquity Collaborative
Thai Community Development Center
The Children's Movement Fresno
The Children's Partnership
The Sidewalk Project
TIME's UP Now
TODEC Legal Center
Tradeswomen Inc.

UC Student Workers' Union – UAW 2865
URGE: Unite for Reproductive & Gender
Equity
UFCW
United Food and Commercial Workers,
Western States Council (UFCW)
Vietnam Veterans of America-California
State Council
VietRISE
Village Connect
Voices for Progress
Warehouse Worker Resource Center
Watsonville Law Center
Western Center Law and Poverty
Winning Justice for Working Women
Women For: Orange County
Women in Transition Re-entry Project Inc.
Women Organizing Resources, Knowledge
and Services (WORKS)
Women's Employment Rights Clinic
Women's Employment Rights Clinic –
Golden Gate University
Women's Foundation of California
Work Equity Action Fund
Working Partnerships
Worksafe
YWCA San Francisco & Marin
YWCA Silicon Valley

OPPOSITION: As of 6/19/20

Auto Care Association
California Association of Joint Powers
Authorities
California Attractions and Parks Association
California Bankers Association
California Building Industry Association
California Chamber of Commerce
California Farm Bureau Federation
California Food Producers
California Grocers Association
California Hospital Association
California Hotel & Lodging Association
California Landscape Contractors
Association
California Restaurant Association
California Retailers Association
California State Council of the Society for
Human Resource Management
CAWA - Representing the Automotive Parts
Industry
Chamber of Commerce Alliance of Ventura
and Santa Barbara Counties

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Construction Employers Association
CSAC - Excess Insurance Authority
Flasher Barricade Association
League of California Cities
National Federation of Independent
Business
Western Growers Association
Western Manufactured Housing
Communities Association

| | |
|---|---|
| Date Submitted | 8/3/20 |
| Submitting Department | 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 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 |

SB 908
Wieckowski (D), 10th Senate District
Debt Collection Licensing Act

Recommended Position

- SPONSOR SUPPORT
 SUPPORT if amended OPPOSE
 OTHER & Describe

Summary

The Debt Collection Licensing Act (DCLA) would create Department of Business Oversight (DBO) licensing requirements for debt collectors. In addition to requiring licenses, the bill would also install limits on who can be debt collectors by adding a mandatory background check to all applicants, and require that all debt collection calls, emails, and other communications would need to firmly establish the debt collector's name and license # as warranted.

Background/Analysis

This bill would ensure greater consumer protection through enhanced oversight over debt collectors and debt buyers operating in California – closing a loophole in state financial services oversight.

Federally, the Fair Debt Collection Practices Act (FDCPA) prohibits debt collectors from engaging in abusive, unfair or deceptive practices to collect debts. At the state level, the Rosenthal Fair Debt Collection Practices Act (Rosenthal Act) is California's state equivalent of the FDCPA. Like the FDCPA, the Rosenthal Act prohibits debt collectors from engaging in specified abusive, unfair, or deceptive practices to collect debts. In addition, the CA Fair Debt Buying Practices

Act (FDBPA) requires persons that purchase delinquent or charged-off consumer debt to maintain, and provide upon request, specified documentation proving that the alleged debtor is the individual associated with the original contract or agreement, and that the amount of indebtedness is accurate.

However, existing laws do not adequately provide consumer protections against unscrupulous debt collectors, and the lack of DBO licensing of debt collectors leaves a gap in financial services oversight. This bill:

1. Provides powers to the DBO commissioner similar to those in other Financial Code licensing laws administered by the commissioner, including rulemaking authority; authority to prescribe the content of the licensing application and require applicants to apply through the Nationwide Multistate Licensing System & Registry; investigation and examination authority; and limited enforcement authority, which includes desist and refrain authority, the ability to order ancillary relief, and the ability to suspend or revoke a license.
2. Requires applicants for licensure to submit to a background check, as specified, pay specified application fees, and provide information requested by the commissioner. Requires licensees to pay annual license fees, as specified; notify the

commissioner regarding any changes that result in the information in their applications becoming inaccurate or incomplete and notify the commissioner regarding any changes in their places of business; develop policies and procedures reasonably intended to promote compliance with the DCLA; file annual and special reports and submit to requests for information as required by the commissioner; maintain surety bonds of at least \$25,000; and submit to examinations by the commissioner at least once every 36 months.

3. Provides exemptions from licensure under the DCLA to depository institutions chartered under state or federal law, California Financing Law licensees, California Residential Mortgage Lending Act licensees, and Real Estate Law licensees, but allows the DBO commissioner to issue desist and refrain orders to any of these entities that violate the Rosenthal Act or the FDBPA and to order any of these entities to pay ancillary relief in connection with Rosenthal Act or FDBPA violations.
4. Authorizes the commissioner to issue a desist and refrain order to and to order the payment of ancillary relief by a person engaged in business as a debt collector without a license from the commissioner.
5. Amends the Rosenthal Act and the FDBPA to require debt collectors and debt buyers to include their license numbers on their written communications.

Challenge

The debt collection and debt buying industries are notoriously unscrupulous in their practices. Despite federal and state Fair Debt Collection Practices Acts, collection

practices consistently remain a top consumer complaint. From July 2011 to March 2018, the federal Consumer Financial Protection Bureau received just over 400,000 debt collection complaints, representing nearly one-third of all complaints received. The most common concerns identified by consumers were attempts to collect a debt not owed (39%), written notification about debt (17%), and communication tactics (17%).

While the California Attorney General (AG) can accept consumer complaints about debt collection and debt buying practices and does pursue major, widespread violations of the law, the AG cannot engage on every complaint filed or take enforcement action on every alleged violation. It is also unreasonable to expect individual consumers to bring their own actions for violations of the Rosenthal Act or the FDBPA, because very few attorneys will take small-dollar cases, and most consumers do not know what protections the laws afford them.

A majority of states already require debt collection businesses to be licensed and/or registered. This bill would, therefore, align California with the growing consensus that debt collection requires significant state oversight and regulation. The bill adopts the same salient definitions relating to debt collection currently in effect in the Rosenthal Fair Debt Collection Practices Act, so the licensing requirement is limited only to persons or businesses which “in the ordinary course of business, regularly” engage in debt collection of consumer debt – In other words, only persons and businesses who spend a considerable portion of their business collecting on credit debt held by natural persons will have to be licensed; the bill will exclude from licensure, e.g., persons who attempt to collect on debts owed between businesses and persons who only incidentally engage in debt collection activities.

Solution/Recommended Proposal

Despite the existence of the federal Fair Debt Collection Practices Act and

California's Rosenthal Fair Debt Collection Practices Act, consumers continue to be plagued by unscrupulous and/or unlawful debt collection practices—in particular, attempts to collect on debts that are inaccurate, lack documentation, or are unenforceable. Consumers often do not realize they are being subjected to unlawful and/or incorrect debt collection efforts; even if they do, it is difficult to seek redress because the amounts at issue are below the threshold most attorneys will take on (though the amounts are far from small for the consumer).

This bill would add a layer of oversight by establishing a licensing regime for debt collectors, to be managed and regulated by the Commissioner of Business Oversight; the Commissioner's authority would include the power to create regulations, investigate alleged violations, and suspend or revoke licenses. This bill would also modify the restrictions on specific debt collection practices, specifically what information a debt collector must convey during phone calls and written or digital communications.

The oversight and enforcement authority in SB 908 is long overdue and badly needed. While California has had laws on the books requiring fair debt collection practices since 1977, our laws do little to stem the bad behavior they prohibit. This is because the law requires the consumer to sue the debt collection company. Because the state has no oversight or licensing requirements, the industry can largely behave as it wishes. California has no idea how many debt collectors operate within the state, the sheer volume of debt they are collecting from Californians, or what qualifications these companies are requiring of their employees who manage thousands of accounts and thus impact the lives of thousands of Californians. SB 908 will add California to the list of the thirty-four other states that require a license in order to collect on a consumer debt.

Departments Impacted & Why

The Treasurer and Tax Collector would need to review debt collection practices and contracts to ensure compliance, however the requirement to maintain licensure to collect on consumer debt is not seen as a major impediment to the Department's work.

Fiscal Impact

Fiscal impact is limited; TTX may need to conduct a review of debt collection contracts and ensure compliance with licensing requirements.