

Policy Subcommittee Draft Recommendations

Objective 1: Address the historical and existing state policies that have disproportionately harmed San Francisco's African-American communities

Actions

1.1 Generate local political support to repeal Proposition 209¹, which, through eliminating government funded affirmative action programs, has been attributed to significant decreases in African-American participation across higher education², public employment³, government procurement⁴, etc.

Rationale: Proposition 209 has created a dynamic that prevents legislators from crafting policy that directly addresses issues that specifically affect certain racial groups.

1.2 In alignment with the [AB 3121 Interim Report](#), repeal Article 34⁵ of the California Constitution.

Rationale: Article 34 is a state constitutional provision that requires cities to get voter approval before building housing with public funds. It has been attributed to slowing down efforts to integrate suburbs across the state. California is the only state whose constitution explicitly prevents public housing.

1.3 Address potential remedies to Proposition 13, which has frozen commercial and residential property tax assessments

Rationale: Though framed as an incentive to California property owners, the loss of tax revenue spurred by Proposition 13 has contributed significantly to the growing racial wealth gap and the housing shortage across the state— both of which disproportionately affect African-American communities.⁶

¹ Full Text of Prop 209: <https://vigarchive.sos.ca.gov/1996/general/pamphlet/209text.htm>

² https://www.ucop.edu/institutional-research-academic-planning/_files/uc-affirmative-action.pdf

³

<https://www.law.berkeley.edu/wp-content/uploads/2016/07/Proposition-209-and-Public-Employment-Workforce-Diversity.pdf>

⁴ <https://equaljusticesociety.org/wp-content/uploads/2019/10/ejs-impact-prop-209-mwbes.pdf>

⁵ [Why it's been so hard to kill Article 34. California's 'racist' barrier to affordable housing](#)

⁶ [Unjust Legacy: How Proposition 13 Has Contributed to Intergenerational, Economic, and Racial Inequities in Schools and Communities](#)

1.4 Audit War on Drugs-era policies (e.g. the “One strike rule”) that prevented African-American San Franciscans from accessing public housing and other housing-related subsidies

Objective 2: Enforce existing local policy that is ostensibly designed to address historical harms

Actions

2.1 Use the City’s existing [Slavery Disclosure Ordinance \(Section 12Y of the Administrative Code\)](#) to hold private companies who have historically participated in the slave trade financially accountable for their harmful legacy by mandating contributions to the Special Fund established by the ordinance.

Rationale: Though the City requires annual disclosures from companies who participated in the slave trade, contributions to the Special Fund are currently voluntary. A mandatory contribution, proportional to the company’s size and revenue, could be used to offset the costs of implementing a comprehensive African American Reparations effort.

2.2 Enforce all existing and future [Development Agreements](#) and [Community Benefits Agreements](#) that developers have proposed as a condition of project approval.

Rationale: Development/Community Benefits Agreements often make lofty promises to neighborhoods to address stakeholder concerns and impacts during the approval process, but are rarely fully realized after development is completed. These commitments need to be enforced by city agencies to mitigate the negative impacts that new development can impose on the community, and developers should face fines and other penalties if they are not upheld.

The Office of Community Investment and Infrastructure (OCII) will be conducting an audit of all agreements made since 1948 to determine if they have been upheld. The results of this study should be made public, and the private actors who run afoul of it should be held accountable for their unfulfilled promises to communities.

2.3 Create better systems and communication channels to ensure that Certificate of Preference holders are made aware of all options available to them through OCII and other relevant city agencies

Objective 3: Work with the full African American Reparations Advisory Committee to develop a suite of prioritized, actionable policy recommendations to advocate for immediately

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Objective 4: Create a nonpartisan body and/or a new City agency to ensure the successful implementation of Reparations policy recommendations after this body sunsets in June 2023

4.1 Introduce a 'Reparations Tax' to partially offset additional costs necessary to fund this infrastructure