

Date of Hearing: July 2, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 276 (Wiener) – As Amended May 6, 2025

SENATE VOTE: 39-0

SUBJECT: City and County of San Francisco: merchandising sales

SUMMARY: Allows the City and County of San Francisco (San Francisco) to adopt an ordinance requiring a permit for the sale on public property of merchandise that San Francisco has determined is a common target of retail theft. Specifically, **this bill:**

- 1) Allows San Francisco to adopt an ordinance requiring a permit for the sale, on public property, including public streets or sidewalks, of merchandise that San Francisco has determined is a common target of retail theft.
- 2) Requires, if the city and county passes an ordinance pursuant this bill's provisions, the ordinance to include all of the following written findings supported by substantial evidence in the record:
 - a) That there has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within San Francisco.
 - b) That requiring a permit to sell will further the objective of preventing retail theft.
 - c) That there are reasonable permit requirements to enable the lawful sale of merchandise and to safeguard civil rights.
 - d) That multiple non-law-enforcement measures to address the resale of stolen goods were attempted prior to adopting the ordinance, including opening marketplaces where vendors may sell items, reducing or removing permit fees, expanding efforts to combat retail theft, partnering with local nonprofit organizations to triage needs of vendors and their families, and offering wraparound support services, resource fairs, marketing support, trainings on entrepreneurship and business development, workforce development opportunities, and support to open brick and mortars if desired.
- 3) Provides that "merchandise" does not include either of the following:
 - a) Food items that are prepared for sale onsite.
 - b) A prepackaged food item, including a bag of chips or a nonalcoholic beverage, that is sold along with a food item that is prepared for sale onsite.
- 4) Allows an ordinance adopted pursuant to this bill to remain in effect for up to three years, subject to annual approval of the written findings by resolution of the San Francisco Board of Supervisors, and subject to the filing of an annual report as specified in this bill.

- 5) Requires an ordinance adopted pursuant to this bill to identify a local permitting agency, separate from the San Francisco Police Department (SFPD), that shall be responsible for administering a permit system. The permitting agency shall:
 - a) Adopt rules and procedures for administering the permit system.
 - b) Issue permits to persons who are able to demonstrate that they obtained the merchandise lawfully and not through theft or extortion.
- 6) Allows an ordinance adopted pursuant to this bill to provide that selling merchandise without a permit is punishable as follows:
 - a) For a first violation, the permitting agency shall issue a written warning.
 - b) Second and third violations shall be punishable as infractions.
 - c) Subsequent violations after two prior convictions shall be punishable as infractions or misdemeanors by imprisonment in the county jail not to exceed six months, or by both that imprisonment and a fine.
- 7) Provides that a violation of an ordinance adopted pursuant to this bill resulting in a misdemeanor or infraction shall be eligible for dismissal, as specified.
- 8) Requires, at least 60 calendar days prior to the enactment of an ordinance pursuant to this bill, San Francisco to hold one or more workshops to inform the development of the ordinance by soliciting feedback from the vendor community. The workshop shall solicit input on the proposed ordinance, including, but not limited to, input regarding the methods by which street vendors currently acquire goods and feasible methods by which street vendors can keep records.
- 9) Requires, for at least 30 calendar days prior to the enactment of an ordinance pursuant to this bill, San Francisco to administer a public information campaign, including public announcements in major media outlets and press releases. Information shall be made available in English, Spanish, Mandarin, Cantonese, Tagalog, and Vietnamese. The public information campaign shall describe the city and county's program, including how vendors may obtain the required permits, how they demonstrate they obtained merchandise lawfully, and where they can ask questions about the process. San Francisco shall also provide trainings and workshops, and shall conduct street-level outreach and distribute informational flyers on these topics.
- 10) Allows San Francisco to charge a fee for the cost of issuing a permit, not to exceed the reasonable regulatory costs of implementing this bill. This fee shall not exceed \$25 for applicants that meet either of the following conditions:
 - a) The applicant earns less than 200% of the area median income.
 - b) The applicant is a current enrollee in, or recipient of, CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income, the State Supplementary Payment Program, the California Special Supplemental Nutrition Program for Women, Infants,

and Children, the California Alternate Rates for Energy (CARE) program, as specified, or the Family Electric Rate Assistance program, as specified.

- 11) Requires the permitting agency to accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number if the permitting agency otherwise requires a social security number for the issuance of a permit or business license, and the number collected shall not be available to the public for inspection, shall be confidential, and shall not be disclosed except as required to administer the permit or licensure program or to comply with a state law or state or federal court order.
- 12) Prohibits the permitting agency from:
 - a) Inquiring into or collecting information about an individual's immigration or citizenship status or place of birth.
 - b) Inquiring into or collecting information or documentation regarding an individual's criminal history, or requiring an applicant to submit fingerprints or a LiveScan, or submit to a background check, as part of an application for a permit or valid business license for sidewalk vending.
- 13) Requires, if an ordinance is adopted pursuant to this bill, the permitting agency to, by January 1 of each year, submit a report to the San Francisco Board of Supervisors and to the relevant committees of the Legislature that includes all of the following:
 - a) The local permitting agency that was made responsible for administering the permit system.
 - b) The rules and procedures the permitting agency adopted for administering the permit system.
 - c) The list or lists of merchandise that San Francisco determined was a common target of retail theft.
 - d) Whether San Francisco elected to renew its ordinance and, if so, when.
 - e) The total number of permits issued pursuant to this bill.
 - f) The method by which the local permitting agency determined whether an applicant for a permit was able to demonstrate that they obtained merchandise lawfully and not through theft or extortion.
 - g) The total number of infractions and misdemeanors issued, and the number for which convictions were reached.
 - h) The race or ethnicity, gender, and age of the person issued an infraction or misdemeanor, provided that the identification of these characteristics was solely based on the observation and perception of the local authority who issued the infraction or misdemeanor.

- i) The actions taken by a local authority when issuing infractions or misdemeanors, including, but not limited to, all of the following:
 - i) Whether the local authority asked for consent to search the person, and, if so, whether consent was provided.
 - ii) Whether the local authority searched the person or any property, and, if so, the basis for the search and any contraband or evidence discovered.
 - iii) Whether the local authority seized any property and, if so, the type of property that was seized and the basis for seizing the property.
- 14) Requires a report submitted pursuant to this bill to be submitted in compliance with existing law governing reports to the Legislature, as specified.
- 15) Provides that this bill shall not be construed to affect the applicability of other state or local laws, as specified.
- 16) Provides that this bill shall become inoperative on January 1, 2031, and as of that date is repealed.
- 17) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the need to address the issues relative to fencing and retail theft operations in San Francisco.
- 18) Finds and declares that this bill imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Legislature finds and declares that in order to protect the privacy of a vendor with regard to their California driver's license or identification number, individual taxpayer identification number, or municipal identification number, when that number is collected in lieu of a social security number for purposes of the issuing of a permit or business license, it is necessary that the vendor's number be confidential, except as provided in this bill.
- 19) States that this bill is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

San Francisco is experiencing rampant retail theft and the reselling of stolen goods on their streets, which leads to chaos and violence. In order to address this serious issue at the earliest time possible, it is necessary for this bill to take effect immediately.

EXISTING LAW:

- 1) Allows, under the California Constitution, a city or county to “make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” This is commonly referred to as the police power of cities and counties.
- 2) Prohibits local authorities from regulating sidewalk vendors, unless they adopt a regulatory framework consistent with the following provisions:
 - a) Prohibits a city or county from requiring sidewalk vendors to operate within specific parts of the public right-of-way, except where that restriction is directly related to objective health, safety, or welfare concerns. Local authorities can neither restrict the overall number of sidewalk vendors, nor require sidewalk vendors to operate only in a designated area, unless these restrictions are directly related to health, safety, or welfare concerns.
 - b) Allows cities and counties to prohibit sidewalk vendors from operating near farmers markets, swap meets, and special events, and to prohibit stationary vendors (but not roaming vendors) in certain circumstances in parks and exclusively residential zones. Sidewalk vending in parks may be further restricted if the requirements are any of the following:
 - i) Directly related to objective health, safety, or welfare concerns.
 - ii) Necessary to ensure the public’s use and enjoyment of natural resources and recreational opportunities.
 - iii) Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.
 - c) Allows cities and counties to adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, as specified.
 - d) Prohibits criminal penalties for violations of sidewalk vending ordinances and instead establishes an administrative fine structure.
 - e) Allows a local authority with a compliant sidewalk vending program to impose an administrative penalty of \$100 for a first violation of the local sidewalk vending ordinance, \$200 for a second violation within one year of the first violation, and \$300 for each additional violation within one year of the first violation. Administrative penalties for vending without a permit follow a similar structure and are \$250, \$500, and \$1,000, respectively.
 - f) Requires an adjudicator of these fines to take into account the ability of the violator to pay the fine and allows a violator to request an ability-to-pay determination at any point. A local authority must accept 20% of the fine in full satisfaction if the violator earns less than 125% of the federal poverty line.

- g) Prohibits any local authorities from imposing any additional financial penalties, and prohibits penalties for violations of sidewalk vending from being subject to criminal charges, except where permitted under other law. (Government Code Sections 51036 – 51039)

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary.** This bill allows San Francisco to adopt an ordinance requiring a permit for the sale, on public property, including public streets or sidewalks, of merchandise that San Francisco has determined is a common target of retail theft. Any such ordinance must include all of the following written findings:

- a) That there has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within San Francisco.
- b) That requiring a permit to sell will further the objective of preventing retail theft.
- c) That there are reasonable permit requirements to enable the lawful sale of merchandise and to safeguard civil rights.
- d) That multiple non-law-enforcement measures to address the resale of stolen goods were attempted prior to adopting the ordinance, as specified.

Merchandise cannot include food items prepared for sale onsite or prepackaged food items sold alongside food items prepared onsite.

Any such ordinance may remain in effect for up to three years, subject to annual renewal of the written findings and an annual report. The ordinance must identify a local permitting agency, separate from the SFPD, that shall be responsible for administering the permit system. The permitting agency must adopt rules and procedures for administering the permit system. It must also issue permits to persons who are able to demonstrate that they obtained the merchandise lawfully and not through theft or extortion.

An ordinance adopted pursuant to this bill may provide that selling merchandise without a permit is punishable as a written warning for a first violation, an infraction for second and third violations, and that subsequent violations after two prior convictions are infractions or misdemeanors punishable by imprisonment in the county jail of up to six months, or by imprisonment and a fine. Misdemeanors and infractions are eligible for dismissal, as specified.

This bill requires specified outreach to the public and the vendor community; a public information campaign with information provided in English, Spanish, Mandarin, Cantonese, Tagalog, and Vietnamese; trainings and workshop; and, street-level outreach. San Francisco may charge a fee for issuing permits, which must be limited to \$25 for specified lower-income permittees.

This bill also outlines requirements to protect the personal information of permittees, and prohibits the collection of information regarding a permittee's immigration or citizenship

status, place of birth, or criminal history. Fingerprints, a LiveScan, or background checks cannot be required in order to obtain a permit or business license for sidewalk vending.

This bill requires San Francisco to submit a report to the Board of Supervisors and the Legislature with specified contents by January 1 of each year. This bill contains an urgency clause, and sunsets on January 1, 2031.

This bill is sponsored by Daniel Lurie, Mayor of the City and County of San Francisco.

- 2) **Author’s Statement.** According to the author, “San Francisco’s vibrant culture of street vending supports many families and showcases the diversity of our communities. But that cultural richness is threatened when bad actors are allowed to openly sell stolen goods on our streets, often pushing out legitimate street vendors and undermining public safety.

“SB 276 recognizes that a narrowly tailored, surgical response, which accounts for the realities and benefits of these local economies, is needed in order to adequately address the issue of illegal fencing. This bill does so by allowing San Francisco to create additional permitting requirements to sell items they have determined are commonly associated with retail theft and to give law enforcement the tools to hold bad actors accountable.”

- 3) **Background.** The California Constitution allows a city or county to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” This is commonly referred to as the police power of cities and counties. It is from this fundamental power that local governments derive their authority to regulate land uses through planning, zoning ordinances, and use permits. Local agencies also use this police power to abate nuisances and protect public health, safety and welfare.

As an extension of the police power, state law allows local governments to require businesses operating in their jurisdictions to obtain a license and impose related licensing fees. Local governments license businesses for many reasons: to identify individuals operating businesses in their jurisdictions; to ensure compliance with other laws; to facilitate contact in case a problem arises; and, to raise money to support public services that support those businesses. Cities and counties subject businesses to a wide variety of regulations to preserve the public health and welfare, such as limitations on hours of operation, restrictions on where various types of businesses can be located, and regulations on the type of merchandise that can be sold. These regulations are typically intended to address concerns of local citizens about the impact of a business on the surrounding neighborhood.

- 4) **Sidewalk Vendors and Immigrant Communities.** Sidewalk vendors are individuals that sell goods on streets and sidewalks from carts and other non-motorized conveyances. Some sidewalk vendors are stationary, while others move from one location to another. Although there is no statewide count, there are an estimated 10,000 sidewalk vendors selling food in the City of Los Angeles alone.

According to “Racial Justice for Street Vendors,” an article published by the California Law Review in June of 2021, “Street vending has long held economic and social significance for immigrant communities. For one thing, street vending and other public markets have traditionally filled the basic consumption needs of poor workers, demonstrating how immigrants support the informal economy as both producers and consumers. As a form of

work, street vending is defined by relatively low barriers of entry at least when compared to selling goods and services within brick-and-mortar settings.

“In Southern California, street vending has long been tied to migrant communities, which has, unsurprisingly, sparked strong, divergent reactions among the public. During the late nineteenth century, Chinese migrants sold produce in the streets of Los Angeles. During this same period of time – a period marked by anti-Chinese sentiment in federal immigration policy – Los Angeleno lawmakers began creating and defining public space in narrow terms that privileged the interests of pedestrians and disregarded the interests of street vendors. Local officials began increasing licensing fees only for vegetable peddlers, who were disproportionately Chinese. Fees for fruit peddlers, who were mostly white, did not increase. The Chinese peddlers went on strike and began challenging these ordinances in court, often successfully.

“This battle over street vendor rights – and the social meaning of street vending – presaged a similar fight that would unfold more than a century later in East Los Angeles. As gentrification and exclusionary zoning laws began displacing poor residents of communities like Boyle Heights – a neighborhood with a significant Latinx residential population – advocates and community members began coalescing around street vendor rights as an attempt to empower themselves in the face of pending displacement.

“As gentrification efforts gained momentum in urban communities of color across the country, lawmakers and brick-and-mortar business owners pressured police to target those selling food in public spaces. Police harassment of female street vendors in that community led to the LA Street Vendor Campaign that pressured lawmakers for legislative reform, first in Los Angeles and then in Sacramento...

“In particular, immigrant rights advocates pointed to the disproportionate dangers posed by low-level or misdemeanor policing, a form of law enforcement commonly understood to lead to only minor outcomes. The reality has been that even minor contact with the criminal justice system can lead to an array of immigration consequences including removal from the United States. In 2018, California Governor Jerry Brown signed into law the Safe Sidewalk Vending Act (SSVA). This law decriminalizes sidewalk vending. Lawmakers presented this law as an important effort to protect unauthorized immigrants who work in the informal economy.

“The SSVA sought to dial down the punitive aspects of the law governing street vending. In place of criminal penalties, the new law imposes a set of escalating fines. Crucially, the law instructs regulators to take into account a person’s ‘ability to pay’ when assessing fines and prohibits prosecutors from using criminal infractions or misdemeanors to punish those who fail to pay these fines. In other contexts, the failure to pay fees has had a ‘snowballing’ effect, in which minor infractions can quickly balloon into serious violations with criminal penalties. Defanging both the substantive grounds and the enforcement mechanisms helped to clear away any brush from adjacent areas of law that might transform an administrative or civil penalty into a criminal one.”

- 5) **State and Local Regulation of Sidewalk Vending.** Until 2019, cities and counties were able to regulate or ban sidewalk vending as they saw fit. Due to concerns that criminal citations for sidewalk vendors could enable deportation by the federal government, and to legalize the

activity of sidewalk vending as a means of economic support for immigrant communities, the Legislature enacted SB 946 (Lara), Chapter 459, Statutes of 2018. SB 946 prohibited local governments from banning sidewalk vending, prohibited violations from being punishable as an infraction or misdemeanor, and established other parameters for local sidewalk vending ordinances.

Specifically, SB 946 prohibited cities and counties from regulating sidewalk vendors unless they adopt a regulatory framework consistent with the bill's provisions. Among other things, SB 946 prohibited a city or county from requiring sidewalk vendors to operate within specific parts of the public right-of-way, unless that restriction is directly related to objective health, safety, or welfare concerns. Local authorities can neither restrict the overall number of sidewalk vendors, nor require sidewalk vendors to operate only in a designated area, unless these restrictions are directly related to health, safety, or welfare concerns.

Cities and counties can also prohibit sidewalk vendors near farmers markets, swap meets, and special events, and they can prohibit stationary vendors (but not roaming vendors) in certain circumstances in parks and exclusively residential zones.

SB 946 allowed cities and counties to adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, such as requirements to:

- a) Limit the hours of operation of sidewalk vendors in a manner that is not unduly restrictive.
 - b) Maintain sanitary conditions.
 - c) Obtain a local business license and a valid seller's permit from the California Department of Tax and Fee Administration.
 - d) Require compliance with other generally applicable laws.
- 6) **Penalties Under SB 946.** SB 946 specifically prohibited criminal penalties for violations of sidewalk vending ordinances and instead established an administrative fine structure. The bill allowed a local authority with a compliant sidewalk vending program to impose an administrative penalty of \$100 for a first violation of the local sidewalk vending ordinance, \$200 for a second violation within one year of the first violation, and \$300 for each additional violation within one year of the first violation. Administrative penalties for vending without a permit follow a similar structure and are \$250, \$500, and \$1,000, respectively.

An adjudicator of these fines must take into account the ability of the violator to pay the fine, and a violator may request an ability to pay determination at any point. A local authority must accept 20% of the fine in full satisfaction if the violator earns less than 125% of the federal poverty line. SB 946 prohibited local authorities from imposing any additional financial penalties, prohibited penalties for violations of sidewalk vending from being infractions or misdemeanors, and prohibited sidewalk vendors from being subject to arrest, except where permitted under other laws.

- 7) **Enforcement Challenges for San Francisco.** In November of 2023, San Francisco instituted a ban on vending within a 300-foot radius of the exterior boundaries of the Mission Street Corridor. Public Works Order No: 208803, which went into effect on November 27, 2023, noted a number of items, including the following:
- a) The Mission Police Station routinely receives community complaints about illegal Vending, including Vending without proper permits and Vending stolen goods, and other associated criminal and nuisance activities along Mission Street between 14th and Cesar Chavez Streets (the “Mission Street Corridor”), which pose objective health, safety, and welfare concerns to residents and visitors within the Mission District.
 - b) Between October 10, 2022, through October 10, 2023, the Police Department received 580 calls for service or on-viewed incidents for the addresses on Mission Street, and the three most numerous types of calls pertained to assault and battery, petty theft, and vandalism.
 - c) Illegal Vending, and concerns that illegal Vending has caused the street conditions of the Mission Street Corridor to be worse than ever, are common topics of discussion at community meetings, and the community members who attend these meetings routinely call for and support greater police action to make the Mission Street Corridor safer and more accessible for pedestrians.
 - d) Mission Police Station has experienced elevated numbers of calls for service associated with the Mission Street Corridor that can be attributed in part to illegal purchasing and Vending (or “fencing”) of stolen property.
 - e) Illegal vending activity along the Mission Street Corridor is associated with the fencing of suspected stolen property, and on nearly a daily basis, Police officers have observed the fencing of suspected stolen property on or about the Mission Street Corridor.
 - f) There have been arrests along the Mission Street Corridor for stolen property offenses where the property stolen from businesses such as Walgreens, CVS, REI, Lululemon, and Victoria’s Secret in other parts of the City have been brought to the Mission Street Corridor for fencing as part of organized retail theft operations.
 - g) The Police Department’s investigatory units have conducted numerous anti-fencing operations that have resulted in the recovery and seizure of large amounts of stolen property, often valued in the tens of thousands of dollars per seizure.
 - h) A high concentration of pedestrians and Vendors on sidewalks fronting BART plazas presents potential threats to public health, safety, and welfare by obstructing pedestrian and wheelchair ingress and egress, particularly for individuals with disabilities.
 - i) These illegal activities threaten and negatively affect the health, safety, and welfare of pedestrians, Vendors, BART riders, and City staff, including Public Works staff who have consistently and repeatedly encountered vandalism of City vehicles, threats of physical violence and bodily harm, actual physical violence and bodily harm, verbal insults, and intimidation, and one such incident resulted in the arrest of an unpermitted Vendor who had threatened to kill a City employee who was discharging his duties as a street vending inspector, and the issuance of a protective order from the San Francisco

Superior Court, which requires the unpermitted Vendor to stay away from the City employee whom the unpermitted Vendor had threatened.

- j) The high concentration of Vending activities and illegal activities in the areas around the BART plazas has led to unsanitary sidewalk conditions and sidewalk obstructions in violation of the Regulations and the Good Neighbor Policies and the extensive noncompliance with the Vending ordinance, Regulations, and policies has rendered enforcement of such laws, Regulations, and policies infeasible despite the Department's yearlong effort to send street inspectors to such areas on a weekly basis, which efforts have been hindered by the limited number of inspectors available to perform street inspections due in part to inspectors' belief that their health, safety, and welfare may be threatened by Vendors.
 - k) For more than 12 months, the Department has routinely encountered unpermitted Vendors occupying sidewalks and BART property on or about the Mission Street Corridor, and during this time, the Department has pursued vigorous and sustained enforcement of Article 5.9 of the Public Works Code, the Regulations, and the Good Neighbor Policies, but sidewalk conditions have not improved significantly.
- 8) **Related Legislation.** SB 635 prohibits an agency or department of a local authority that regulates street vendors or compact mobile food operation, or enforces sidewalk vending regulations, from collecting citizenship or criminal background data. SB 635 is pending in this Committee.
- 9) **Previous Legislation.** AB 2791 (Wilson) of 2024 would have allowed cities and counties to prohibit sidewalk vendors from operating within 250 feet of an annual fair. AB 2791 was held in the Senate Local Government Committee.

SB 925 (Wiener) of 2024 contained many provisions similar to this bill, but with fewer protections for vendors. SB 925 was held in the Assembly Appropriations Committee.

SB 972 (Gonzalez), Chapter 489, Statutes of 2022, established a new type of retail food facility called a "compact mobile food operation" (CMFO) as a subcategory of mobile food facility that is non-motorized and operates from a pushcart or stand; exempted CMFOs from various provisions of the retail food code law, including certain sink requirements; prohibited criminal penalties from applying to CMFOs and instead limited enforcement to administrative penalties; and, exempted sales from CMFOs from counting toward the limits for cottage food operators or microenterprise home kitchens.

SB 1290 (Allen) of 2022 would have required, by January 1, 2025, the Governor's Office of Business and Economic Development, in consultation with others, to submit a specified report to the Legislature on local sidewalk vending in California. SB 1290 was held in the Assembly Appropriations Committee.

SB 946 (Lara), Chapter 459, Statutes of 2018, decriminalized sidewalk vending and established various requirements for local regulation of sidewalk vendors.

10) **Arguments in Support.** Daniel Lurie, Mayor of the City and County of San Francisco and sponsor of this bill, writes, “San Francisco has a flourishing network of vendors and merchants, who contribute significantly to our City’s vibrancy. I am committed to uplifting these critical communities. Unfortunately, entirely separate from our vendors and merchants exists a number of people who are taking advantage of our state’s recent decriminalization of vending and selling stolen items on the street. This jeopardizes our City’s vendors and merchants, who cannot compete with the fencers’ prices, and endangers our whole community by reducing safety. Not only that, but our City’s workers have been threatened and harmed by those engaging in fencing activity.

“SB 276 (Wiener) would help us support our vendors and merchants while simultaneously addressing fencing. This legislation would enable the City and County of San Francisco to establish a list of frequently stolen items. If someone wants to sell items on that list, they would need a permit that includes proof of purchase. The first violation someone receives is a written warning, second and third are infractions, and subsequent are either infractions or misdemeanors.

“With this legislation, the City will be able to better address the illegal resale of stolen goods, while simultaneously uplifting our community’s vital vendors and merchants. The bill takes a surgical approach to separate the vendors and merchants who are working hard to support their families from the bad actors who are taking advantage of the existing system and selling stolen goods. This bill will increase safety for everyone in San Francisco.”

11) **Arguments in Opposition.** The San Francisco Public Defender’s Office writes, “For 100 years, the San Francisco Public Defender’s Office has provided dedicated and passionate legal representation to people who are charged with a crime and unable to afford an attorney. Our mission is to protect and defend the rights of our clients through effective, vigorous, compassionate, and creative legal advocacy.

“The bill allows for the imposition of criminal penalties for selling merchandise without a permit. Such punitive measures disproportionately impact vulnerable communities, including low-income individuals and immigrants, who rely on street vending as a primary source of income. These penalties could lead to significant hardship and exacerbate existing inequalities. Misdemeanor convictions can have long-lasting consequences, impacting employment, housing, and family instability. This will result in putting vulnerable individuals into even more precarious circumstances, increasing the likelihood of recidivism and incarceration as a revolving door.”

12) **Double-Referral.** This bill is double-referred to the Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Mayor Daniel Lurie, City and County of San Francisco [SPONSOR]
Bay Area Council
California Retailers Association
Clecha
Mission Merchant's Association
MNC Inspiring Success

San Francisco Bay Area Rapid Transit District (BART)
University of California, College of the Law, San Francisco

Opposition

San Francisco Public Defender's Office

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