

June 19th, 2020

Jeffrey Tumlin, Director of Transportation
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue
7th Floor
San Francisco, CA 94103
Jeffrey.Tumlin@sfmta.com

Board of Directors
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue
7th Floor
San Francisco, CA 94103
MTABoard@SFMTA.com

Re: Align SFMTA Tow Policy with Economic and Racial Justice

Dear Director Tumlin and SFMTA Board of Directors:

We represent twenty-seven organizations and individuals that advocate for and with San Franciscans experiencing homelessness and poverty. We write this letter to urge the San Francisco Municipal Transportation Agency (“SFMTA”) to implement the following recommendations to achieve more economic and racial equity in its vehicle towing practices.

As you may recall, many of our staff and community members testified as to the need for equitable towing practices of the SFMTA’s towing policy at the March 3, 2020 Board of Directors meeting. Vehicularly housed individuals shared the devastating impact of losing their homes to poverty tows.¹ We were heartened by the comments of board members in response to our testimony. And we were moved by Director Tumlin’s experience of living in his car for several months upon moving to San Francisco. “If my car had been towed, I wouldn’t be here today,” he explained. Along with those comments, SFMTA worked to incorporate meaningful reforms to tows for low-income and unhoused San Franciscans into its new budget.

We would like to continue to build on this foundation together, towards a more fair, just, and equitable San Francisco. The times we live in present us with some unexpected opportunities to do so. In the midst of San Francisco’s shelter in place order, the SFMTA has opted to stop towing cars for non-emergency reasons. While this may have been done purely in response to COVID, the reprieve for the vehicularly-housed has been crucial during this time and will continue to be so going forward, both

¹ Poverty tows include (1) tows for unpaid parking tickets; (2) tows for unpaid or overdue registration; and (3) tows for parking longer than 72 hours in one spot. See Public Law Center et al., *Towed into Debt: How Towing Practices in California Punish Poor People* (March 2019) <http://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf>.

because of the pandemic and even more so because of the ongoing state of emergency that is homelessness. As such, we respectfully request that the SFMTA use this opportunity to permanently end poverty tows now and beyond the end of our current public health emergency.

The effect on those economically vulnerable:

As you know, many San Franciscans live in poverty, and struggle to pay their citations and tow fees. Tragically, the numbers of struggling San Franciscans will only grow as a result of the health and economic crisis. The Urban Institute estimates that 170,000 of the 360,000 families in SF are economically insecure, meaning they have less than \$2,000 in savings and net assets. Ten percent of San Francisco residents, 87,000 people, live below the poverty line.² For too many San Franciscans, their car is their home. In 2019, at least 1,794 people lived in their vehicles, a 45% increase from the last count in 2017.³

When a car in which someone is living is towed for unpaid tickets, the loss is devastating. Losing a vehicle for the vehicularly-housed means losing critical shelter, space for one's possessions, means of transportation, employment, and the last piece of safety and stability in this world of danger and upheaval. This is trauma upon trauma for those affected. A towed vehicle is too drastic a punishment for the non-criminal activity of being poor.

Inherent systemic racism:

The killing of George Floyd by the hands of the Minneapolis Police Department has sparked an overdue uprising for racial justice in this country. This movement is focused on police brutality and white supremacy, and must extend to all facets of society to ensure that Black Americans are not harmed by the systems our government creates to protect its people. This includes transit and tow policy. Director Tumlin himself recognized that the SFMTA can do more for Black San Franciscans.⁴ Black San Franciscans are disproportionately burdened by the high fines and fees associated with ticketing and towing, due to the high rates of poverty, unemployment, and homelessness faced by the Black community. For instance, only 5% of San Francisco's population is Black, but a staggering 40% of the City's unhoused population is Black, bearing over eight times the burden of white people. Towing policy affecting the unhoused is inherently targeted towards Black communities, whether intentionally or not.

All this is exacerbated by the ongoing pandemic, which will continue despite the lifting of many shelter in place provisions. The CDC's recent multi-state study found Black COVID-hospitalizations to be a grossly

² Diana Elliott and Emma Kalish, *San Francisco The Cost of Eviction and Unpaid Bills of Financially Insecure Families for City Budgets*, The Urban Institute (Jan. 2017)
https://www.urban.org/sites/default/files/publication/87731/san-francisco-cost-eviction-and-unpaid-bills-financially-insecure-families-city-budgets_1.pdf.

³ Vivian Ho, *The Californians forced to live in cars and RVs* The Guardian (Aug. 2019)
<https://www.theguardian.com/us-news/2019/aug/05/california-housing-homeless-rv-cars-bay-area>.

⁴ Jeffrey Tumlin (@jeffreytumlin), Twitter (May 29, 2020, 8:01 PM)
<https://twitter.com/jeffreytumlin/status/1266565470460669952>.

disproportionate 33% of total hospitalizations (which comprises 18% of the studied population).⁵ Thus denial of people of vehicle shelter exacerbates such health disparities, with people unable to socially distance or self-care while living on the street without their vehicle (especially as congregate shelter is no longer an option for so many in need).

Systemic futility of poverty towing:

Towing is a very expensive means of debt collection. The City loses money on towing for debt collection. For example, towed vehicles sold at lien sale in San Diego generally accrue over \$3,000 in fees and fines, but the average sale price for these vehicles is about \$565.⁶ A similar trend holds in San Francisco, where the average price for vehicles sold at lien sales is just over \$700. While San Francisco does not track the exact amount of fees owed on vehicles sold at lien sale, most drivers whose car was towed, stored for thirty days, and then sold at auction would owe at least \$2,600 in fees.⁷ In San Francisco, the City must pay AutoReturn for every tow, and also incurs administrative costs throughout the tow process. As a result, San Francisco is incurring expenses that will not be repaid, resulting in a net loss for the city.⁸

Recommendations:

1) Permanently end poverty tows in San Francisco. Towing should be used to protect public safety and ensure traffic flow; it should not be used as a tool to police poverty. Losing a vehicle, or a home, for unpaid citations, unpaid registration, or because it has not moved in 72 hours is not an appropriate or proportionate response to not having the funds to pay a debt. Debt owed to the SFMTA through citations is already collected through vehicle registration holds. The SFMTA could collect debt in other ways as well, such as through the Franchise Tax Board, which will garnish wages and intercept tax returns.

2) Enhance the SFMTA's low-income payment plan. Through the SFMTA's low-income payment plan, people below 200% of the Federal Poverty Line (about \$30,000 a year for one individual) can enroll in a payment plan to pay their citations and have their late fees eliminated if they complete the plan. While payment plans are necessary to allow people living in poverty to pay their debt, the SFMTA's plan can be substantially improved. People on these payment plans do not receive monthly statements, nor do they receive email or text reminders to pay.⁹ Research confirms that if people receive reminders and monthly statements, they are more likely to pay.¹⁰

⁵ CDC, *Covid-19 in Ethnic and Racial Minority Groups*, CDC.gov (June 2020)

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>.

⁶ See Public Law Center et al., *Towed into Debt: How Towing Practices in California Punish Poor People* (March 2019) <http://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf>.

⁷ *Id.*

⁸ See SFMTA, *Parking Fees & Citations and Cost Recovery Fees*, p. 26 (March 3, 2020)

https://www.sfmta.com/sites/default/files/reports-and-documents/2020/03/3-3-20_item_13_budget_slide_presentation.pdf

⁹ See SFMTA, *Payment Plan*, SFTMA.com (last visited June 18, 2020)

<https://www.sfmta.com/getting-around/drive-park/citations/payment-plan>.

¹⁰ CGI Group Inc., *Using Behavioral Sciences to Improve Debt Collection*, (2017)

<https://www.cgi.com/sites/default/files/white-papers/cgi-behavioral-sciences-in-default-management.pdf>

Once an individual fails to make a payment, they default on the plan. Once this occurs, individuals cannot re enroll the same tickets on a payment plan. This often means the citations are never paid, and their vehicle is towed. As such, we ask SFMTA to (1) send monthly statements to individuals enrolled in low-income payment plans, (2) send email and/or text reminders to individuals enrolled in low-income payment plans, and (3) allow individuals who have defaulted on their low-income payment plans to re-enroll with the same unpaid citations.

3) Prevent towing before it happens. The SFMTA should explore ways to give car owners better notice that their car is about to get towed. The City has the current capability of alerting a significant number of drivers by text that their vehicles might be towed. This allows drivers to respond before the tow happens. On a voluntary basis, the SFMTA could ask people to provide their cell phone number and license plate information. If a car was about to get towed for blocking a driveway or being in a construction zone, the person could get a text message and a warning to retrieve their car. We think San Franciscans would appreciate the warning by text to retrieve their car and move it, in advance of getting towed, and would eagerly sign up if this option existed.

We know that the SFMTA shares our values and commitment to financial and racial justice, and believe that stopping the practice of towing for unpaid citations is the right next step. We look forward to collaborating with you about how to realize equity for our community and respectfully request to schedule a follow-up meeting on the matter by the end of this month. Please contact Ben Lintschinger at bl@glide.org with any questions.

Sincerely,

GLIDE Foundation
Coalition on Homelessness
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
St. Anthony's
Bay Area Legal Aid
Boys & Girls Club of San Francisco
Gubbio Project
Compass Family Services
Homeless Prenatal Program
Do No Harm Coalition
Tenderloin Neighborhood Development Corporation
Health Justice Commons
Democratic Socialists of America SF Homelessness Working Group
Community Housing Partnership
South of Market Community Action Network (SOMCAN)
AIDS Legal Referral Panel
AFT 2121

Swords to Plowshares
Senior and Disability Action
Voluntary Services First
Youth with a Mission
Indivisible SF

Dr. Colette “Coco” Auerswald, MD

Martha Bridegam

David Elliott Lewis, Ph.D.

Rabbi Michael Lezak

Marvis J. Phillips, Community Watch Block Captain (35yrs.) & Board Chair, District 6 Community Planners