FILE NO. 260930 ORDINANCE NO. 212-26

[Settlement of Lawsuit - Airlines for America - $0]

Ordinance authorizing settlement of the lawsuit filed by Airlines for America against the City and County of San Francisco for $0 and non-monetary terms, including that Airlines for America will dismiss its current lawsuit contingent on the enactment of an ordinance making specific amendments to the Healthy Airport Ordinance, with each party to pay their own costs; the lawsuit was filed on March 31, 2021 in the United States District Court, Northern District of California, Case No. 3:21-cv-02341-EMC; entitled Airlines for America v. City and County of San Francisco; the lawsuit involves a federal preemption and constitutional challenge to the Healthy Airport Ordinance.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Airlines for America v. City and County of San Francisco, United States District Court, the Northern District of California, Case No. 3:21-cv-02341-EMC. The lawsuit involves a federal preemption and constitutional challenge to the Healthy Airport Ordinance, as enacted on November 10, 2020 (Ord. 235-20, File No. 201133. The settlement provides that Airlines for America will dismiss its current lawsuit contingent on the enactment of an ordinance making specific amendments to the Healthy Airport Ordinance, with each party to pay their own costs. The proposed ordinance amending the Healthy Airport Ordinance pursuant to the settlement is in Board File No. 260874. The settlement also provides that if the Board of Supervisors subsequently amends the Healthy Airport Ordinance to increase obligations on employers, Airlines for America will have the opportunity to reinstate its lawsuit.

Section 2. The above-named action was filed in United States District Court, Northern District of California on March 31, 2021, and the following parties were named in the lawsuit: Airlines for America; City and County of San Francisco.

APPROVED AS TO FORM AND
RECOMMENDED:

DAVID CHIU
City Attorney

/s/ Tara M. Steeley
Tara M. Steeley
Chief Government Litigation Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 260930 **Date Passed:** October 06, 2026

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September 17, 2026 Government Audit and Oversight Committee - RECOMMENDED

September 29, 2026 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Chan, Chen, Dorsey, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill, Walton and Wong

October 06, 2026 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Chen, Dorsey, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill, Walton and Wong

File No. 260930

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/6/2026 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Daniel Lurie
Mayor

10/16/2026
Date Approved