

File No. 150118

Committee Item No. 1

Board Item No. 5

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date March 19, 2015

Board of Supervisors Meeting Date April 7, 2015

#### Cmte Board

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#### OTHER (Use back side if additional space is needed)

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Completed by: Erica Major Date March 13, 2015

Completed by: ERICA MAJOR Date MARCH 27, 2015

[Police Code - Prohibiting Discrimination Against Lesbian, Gay, Bisexual, and Transgender Residents by Long-Term Care Facilities]

Ordinance amending the Police Code to prohibit discrimination against residents or patients at long-term care facilities in San Francisco on the basis of sexual orientation or gender identity; to provide aggrieved persons with the right to seek investigation and mediation by the Human Rights Commission, as well as a private right of action; and to impose treble damages on violators.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in *single-underline italics Times New Roman font*. Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in ~~Arial font~~. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Police Code is hereby amended by adding Sections 3304.1 and 3313, and by revising Sections 3305.2, 3306, 3307, and 3310, to read as follows:

**SEC. 3304.1. LONG-TERM CARE FACILITIES.**

(a) Short Title. This Section 3304.1 shall be known and may be referenced as the "LGBT Long-term Care Facility Residents' Bill Of Rights."

(b) Findings and Purpose.

In 2006, the California Legislature found that "lifelong experiences of marginalization place lesbian, gay, bisexual, and transgender (LGBT) seniors at high risk for isolation, poverty, homelessness, and premature institutionalization. Moreover, many LGBT seniors are members of multiple underrepresented groups, and as a result, are doubly marginalized. Due to these factors,

1 many LGBT seniors avoid accessing elder programs and services, even when their health, safety, and  
2 security depend on it.” California Welfare and Institutions Code § 9103.

3 Recent studies confirm the state’s findings and provide evidence that LGBT seniors experience  
4 discrimination, including in long-term care facilities, where residents are particularly vulnerable  
5 because they must rely on others for necessary care and services, and may no longer enjoy the privacy  
6 of having their own home or even their own room.

7 Discrimination against LGBT individuals in long-term care facilities has gone largely  
8 unaddressed according to “Stories from the Field: LGBT Older Adults in Long-Term Care Facilities,”  
9 a 2011 study published by the National Senior Citizens Law Center. In that study, 43% of respondents  
10 reported personally witnessing or experiencing instances of mistreatment of LGBT seniors in a long-  
11 term care facility, including: verbal or physical harassment from other residents; being refused  
12 admission or re-admission or being abruptly discharged; verbal or physical harassment from staff;  
13 staff refusal to accept medical power of attorney from the resident’s spouse or partner; discriminatory  
14 restrictions on visitation; and staff refusal to refer to a transgender resident by his or her preferred  
15 name or pronoun. 81% of respondents believed that other residents would discriminate against an  
16 LGBT elder in a long-term care facility; 89% of respondents believed that staff would discriminate  
17 against an LGBT elder in a long-term care facility; and 53% believed that staff discrimination would  
18 rise to the level of abuse or neglect.

19 Even more recently, in 2013, the San Francisco LGBT Aging Policy Task Force commissioned  
20 a report by Professor Karen Fredriksen-Goldsen of the University of Washington, “Addressing the  
21 Needs of LGBT Older Adults in San Francisco: Recommendations for the Future,” based on  
22 information collected from over 600 LGBT seniors residing in San Francisco, including nearly 140  
23 LGBT seniors of color. This report found that nearly 60% of the study participants lived alone, and of  
24 the 15% with children, 60% reported that these children would not be available to assist them. Many  
25 reported poor physical and mental health: nearly one third of all respondents reported poor general

1 health; close to half reported having one or more disabilities; and one third of male participants  
2 reported that they were living with HIV or AIDS. These results indicate that, as compared to seniors in  
3 San Francisco generally, LGBT seniors have a heightened need for care but often lack family support  
4 networks available to non-LGBT seniors. Further, LGBT seniors' fear of accessing services is  
5 justified. Nearly half of the participants in the San Francisco study reported experiencing  
6 discrimination in the prior 12 months because of their sexual orientation or gender identity.

7 While state and local laws already prohibit discrimination in public accommodations on the  
8 basis of actual or perceived sexual orientation, gender identity, gender expression, and HIV status, the  
9 promise of these laws has not yet been fully actualized in long-term care facilities. The purpose of this  
10 LGBT Long-term Care Facility Residents' Bill Of Rights is to accelerate the process of freeing LGBT  
11 residents and patients from discrimination, both by specifying prohibited discriminatory acts in the  
12 long-term care setting and by providing additional information and remedies to ensure that LGBT  
13 residents know their rights—and have the means to vindicate them.

14 (c) Definitions. For the purposes of this Section 3304.1,

15 "City" means the City and County of San Francisco.

16 "Gender Expression" means a person's gender-related appearance and behavior  
17 whether or not stereotypically associated with the person's assigned sex at birth.

18 "Gender Identity" means a person's gender as designated by that person. A person's  
19 gender identity shall be determined based on the individual's stated gender identity, without regard to  
20 whether the self-identified gender accords with the individual's physical appearance, surgical history,  
21 genitalia, legal sex, sex assigned at birth, or name and sex as it appears in medical records, and  
22 without regard to any contrary statement by any other person, including a family member, conservator,  
23 or legal representative. An individual who lacks the present ability to communicate his or her gender  
24 identity shall retain the gender identity used by that individual prior to losing his or her expressive  
25 capacity.

1           "Gender-nonconforming" means a person whose Gender Expression does not conform  
2 to stereotypical expectations of how a man or woman should appear or act.

3           "HRC" means the San Francisco Human Rights Commission.

4           "LGBT" means lesbian, gay, bisexual, or transgender.

5           "Long-term Care Facility" or "Facility" has the same meaning as in California  
6 Welfare and Institutions Code section 9701, as amended from time to time, and refers only to those  
7 Facilities that are located within the geographical boundaries of the City. Long-term Care Facilities  
8 include both privately owned and City-owned Facilities.

9           "Long-term Care Facility Staff" or "Facility Staff" means all directors, medical  
10 personnel, administrators, employees, independent contractors, and others who provide services or  
11 care to Residents of a Long-term Care Facility on Facility premises and on behalf of or with the  
12 permission of the Facility.

13           "Ombudsman Program" means the San Francisco Long-Term Care Ombudsman  
14 Program, a program mandated by the Older Americans Act and the Older Californians Act to  
15 investigate and resolve complaints regarding care in long-term care facilities.

16           "Resident" means a short-term or long-term resident or patient of a Long-term Care  
17 Facility.

18           "Transgender" means a person whose Gender Identity differs from his or her assigned  
19 or presumed sex at birth.

20           "Transition" means to undergo a process by which a person changes their physical sex  
21 characteristics and/or Gender Expression to match their inner sense of being male or female. This  
22 process may include, among other things, a name change, a change in preferred pronouns, and a  
23 change in social Gender Expression as indicated by hairstyle, clothing, and restroom use. Transition  
24 may or may not include hormone use and surgery.

1           (d) Prohibited Activity. It shall be unlawful for any Long-term Care Facility or Facility Staff to  
2 take any of the following actions wholly or partially on the basis of a person's actual or perceived  
3 sexual orientation, Gender Identity, Gender Expression, or HIV status:

4           (1) Deny admission to a Long-term Care Facility; transfer or refuse to transfer a  
5 Resident within a Facility or to another Facility; or evict or involuntarily discharge a Resident from a  
6 Facility;

7           (2) Deny a request by two Residents to share a room;

8           (3) Where rooms are assigned by gender, assign or refuse to assign a room to a  
9 Transgender Resident other than in accordance with the Transgender Resident's Gender Identity,  
10 unless at the Transgender Resident's request;

11           (4) Involuntarily reassign a Resident to a different room based on any person's  
12 complaints or concerns about that Resident's Gender Identity or Gender Expression;

13           (5) Prohibit a Resident from using, or harass a Resident who seeks to use or does use, a  
14 restroom available to other persons of the same Gender Identity, regardless of whether the Resident is  
15 making a gender Transition or appears to be Gender-nonconforming. Harassment includes, but is not  
16 limited to, requiring a Resident to show identity documents in order to gain entrance to a restroom  
17 available to other persons of the same Gender Identity;

18           (6) Refuse to use a Resident's preferred name or preferred pronoun;

19           (7) Deny a Resident the right to wear or be dressed in clothing, accessories, or  
20 cosmetics that are permitted for any other Resident;

21           (8) Restrict a Resident's right to associate with other Residents, including the right to  
22 sexual intimacy;

23           (9) Deny a Resident's right to receive or restrict a Resident's right to associate with  
24 visitors of his or her choice, including the right to sexual intimacy; or  
25

1                   (10) Deny or restrict medical or non-medical care that is appropriate to a Resident's  
2 organs and bodily needs, or provide medical or non-medical care in a manner that demeans the  
3 Resident's dignity or causes avoidable discomfort.

4                   (e) Exception. The prohibitions in subsection (d) of this Section 3304.1 shall not apply to the  
5 extent that they are incompatible with any professionally reasonable clinical judgment that is based on  
6 articulable facts of clinical significance.

7                   (f) Additional Requirements.

8                   (1) Recordkeeping. Facilities shall employ procedures for recordkeeping, including  
9 but not limited to records generated at the time of admission, that include the Gender Identity,  
10 preferred name, and preferred pronoun of each Resident.

11                   (2) Confidentiality and Privacy.

12                   (A) Confidentiality. Long-term Care Facilities shall protect personally  
13 identifiable information regarding Residents' sexual orientation, Transgender status, Transition  
14 history, and HIV status from unauthorized disclosure, as required by the Health Insurance Portability  
15 and Accountability Act, the California Medical Information Act, Article 1 of the California  
16 Constitution, the California Health and Safety Code and regulations promulgated thereunder, and any  
17 other applicable provision of federal or state law. Facilities shall take such steps as reasonably  
18 necessary to minimize the likelihood of inadvertent or incidental disclosure of such information to other  
19 Residents, visitors, or Facility Staff, except to the minimum extent necessary for Facility Staff to  
20 perform their duties.

21                   (B) Privacy. Persons not directly involved in providing personal or medical  
22 care to a Transgender or Gender-nonconforming Resident shall not be present during case discussions,  
23 physical examination, treatment, or the provision of personal care to that Resident without the express  
24 permission of that Resident. Facilities shall use doors, curtains, screens, or other effective visual  
25 barriers to provide bodily privacy to Transgender or Gender-nonconforming Residents whenever such

1 Residents are partially or fully unclothed. In addition, LGBT Residents shall be informed and have the  
2 right to refuse to be examined, observed, or treated by any Facility Staff when the primary purpose is  
3 educational or informational rather than therapeutic, and such refusal shall not diminish the Resident's  
4 access to care for the primary purpose of diagnosis or treatment.

5 (3) LGBT Liaison. Each Facility shall designate a staff member to serve as an LGBT  
6 liaison and shall submit the name and contact information of the designated staff member to the HRC  
7 and Ombudsman Program. The LGBT liaison shall complete an annual training concerning the  
8 requirements of this Section 3304.1 and general LGBT cultural competency that shall be organized and  
9 sponsored by the HRC and Ombudsman Program.

10 (4) Anti-discrimination Notice. Each Facility shall post the following notice alongside  
11 its current nondiscrimination policy, in all places and on all materials where that policy is posted:

12 "[Name of Facility] does not discriminate and does not permit discrimination, including  
13 bullying, abuse, or harassment, on the basis of actual or perceived sexual orientation, gender  
14 identity, gender expression, or HIV status, or based on association with another individual on  
15 account of that individual's actual or perceived sexual orientation, gender identity, gender  
16 expression, or HIV status. You may file a complaint with the San Francisco Human Rights  
17 Commission [provide contact information] or the Long-Term Care Ombudsman [provide  
18 contact information] if you believe that you have experienced this kind of discrimination."

19 (g) Publications. Within six months of the effective date of this Section 3304.1, the HRC, in  
20 collaboration with the Ombudsman Program, shall publish a layperson's handbook to assist Facilities  
21 in complying with this Section 3304.1 and to suggest model practices to serve the needs of LGBT  
22 Residents. The HRC shall also collaborate with the Ombudsman Program to publish a list of medical  
23 providers available to provide medical care to Transgender Residents of Long-term Care Facilities and  
24 shall update this list on an annual basis.

25 (h) Enforcement.



1                   (1) Human Rights Commission. Any person who believes that a Facility or Facility  
2 Staff has discriminated against him or her in violation of Sections 3304.1 or 3305.2, as that Section  
3 3305.2 applies to the rights protected by Section 3304.1, may file a complaint with the Human Rights  
4 Commission, which shall serve as a request to have the Commission investigate and mediate the  
5 complaint pursuant to Section 12A.5 of the Administrative Code.

6                   (2) Civil Action. Any aggrieved person may enforce the provisions of Sections 3304.1  
7 or 3305.2, as that Section 3305.2 applies to the rights protected by Section 3304.1, against privately  
8 owned Facilities or their Staff by means of a civil action. Any privately owned Facility or its Staff  
9 found to have violated any of the provisions of Sections 3304.1 or 3305.2, as that Section 3305.2  
10 applies to the rights protected by Section 3304.1, or to have aided in any such violation, shall be liable  
11 for, and the court must award to the individual whose rights are violated, three times the amount of  
12 special and general damages. The court may also award punitive damages in an amount not less than  
13 \$200 but not more than \$400, as well as attorneys' fees and costs of action. There shall be no right of  
14 action under this subsection 3304.1(h)(2) against the City or its officers, agents, or employees.

15                   (3) Injunction. Any privately owned Facility or its Staff that commits, or proposes to  
16 commit, an act in violation of Sections 3304.1 or 3305.2, as that Section 3305.2 applies to the rights  
17 protected by Section 3304.1, may be enjoined therefrom by any court of competent jurisdiction. An  
18 action for injunction under this subsection (h)(3) may be brought by any aggrieved person, by the  
19 District Attorney, by the City Attorney, or by any person or entity that will fairly and adequately  
20 represent the interests of the protected class. There shall be no right to injunctive relief under this  
21 subsection 3304.1(h)(3) against the City or its officers, agents, or employees.

22                   (4) Limitation. An aggrieved person must file a complaint with the Human Rights  
23 Commission pursuant to subsection 3304.1(h)(1) or a civil action pursuant to subsection 3304.1(h)(2)  
24 within one year of the alleged violation of Section 3304.1 or 3305.2, as that Section 3305.2 applies to  
25 the rights protected by Section 3304.1.

1                   (5) Bar. A complaint to the Human Rights Commission pursuant to subsection  
2 3304.1(h)(1) is not a prerequisite to the filing of a civil action pursuant to subsection 3304.1(h)(2) or to  
3 seeking injunctive relief pursuant to subsection 3304.1(h)(3). The pendency of a complaint before the  
4 Human Rights Commission shall not bar any civil action, but a final judgment in any civil action  
5 involving the same parties and claims shall bar any further proceedings by the Human Rights  
6 Commission.

7                   (6) Exclusive Remedies. Sections 3306 and 3307 notwithstanding, the provisions of this  
8 Section 3304.1(h) shall be the exclusive remedies for violations of Sections 3304.1 or 3305.2, as that  
9 Section 3305.2 applies to the rights protected by Section 3304.1.

10                   **SEC. 3305.2. ASSOCIATION AND RETALIATION.**

11                   (a) Association. It shall be unlawful for any person to do any of the acts described in  
12 Sections 3303(a), 3304(a), 3304.1(d), 3305(a), or 3305.1(a) wholly or partially because a  
13 person associates with a person or persons who are protected by this Article 33 from  
14 discrimination based on their actual or perceived race, color, ancestry, national origin, place of  
15 birth, sex, age, religion, creed disability, sexual orientation, gender identity, weight or height.

16                   (b) Retaliation. It shall be unlawful for any person to do any of the acts described in  
17 Sections 3303(a), 3304(a), 3304.1(d), 3305(a), or 3305.1(a) wholly or partially in retaliation  
18 against a person because that person: (1i) Hhas opposed any act or practice made unlawful  
19 by this Article 33; (2ii) Hhas supported this Article 33 and its enforcement; (3iii) Hhas filed a  
20 complaint under this Article 33 with the San Francisco Human Rights Commission or any  
21 court; or (4iv) Hhas testified, assisted or participated in any investigation, proceeding, or  
22 litigation under this Article 33.

23                   **SEC. 3306. LIABILITY.**

24                   Any person who violates any of the provisions of this Article 33 or who aids in the  
25 violation of any provisions of this Article 33 shall be liable for, and the court must award to the

1 individual whose rights are violated, three times the amount of special and general damages,  
2 or, in the case of unlawful discrimination in the rental of a unit, three times the amount of one  
3 month's rent that the landlord charges for the unit in question. In all cases, the court may also  
4 award ~~in addition thereto, punitive damages in an amount~~ not less than \$200 but not more than  
5 \$400, ~~together with attorney's as well as attorneys' fees, and costs of action, and punitive damages.~~

6 **SEC. 3307. ENFORCEMENT.**

7 (a) Human Rights Commission. Any person who believes that he or she has been  
8 discriminated against in violation of Sections 3303, 3305, and/or 3305.2 of this Article ~~relating~~  
9 ~~to employment or business establishments and public accommodations~~ may file a complaint with the  
10 Human Rights Commission, which shall serve as ~~and~~ a request to have the Commission  
11 investigate and mediate ~~his or her~~ the complaint pursuant to ~~under the provisions of Chapter~~  
12 Section 12A.5 of the Administrative Code ~~of the City and County of San Francisco.~~

13 \* \* \* \*

14 (c) Civil Action. Any aggrieved person may enforce the provisions of this Article 33 by  
15 means of a civil action.

16 (d) Injunction.

17 (1) Any person who commits, or proposes to commit, an act in violation of this  
18 Article 33 may be enjoined therefrom by any court of competent jurisdiction.

19 (2) ~~An~~ a Action for injunction under this subsection 3307(d) may be brought by  
20 any aggrieved person, by the District Attorney, by the City Attorney, or by any person or entity  
21 ~~which~~ that will fairly and adequately represent the interests of the protected class.

22 (e) Bar. A complaint to the Human Rights Commission is not a prerequisite to the  
23 filing of a civil action under this Section 3307. The pendency of a complaint before the Human  
24 Rights Commission shall not bar any civil action under this Section 3307, but a final judgment  
25

1 in any civil action involving the same parties and claims shall bar any further proceedings by the  
2 Human Rights Commission.

3 **SEC. 3310. DEFINITION.**

4 The word "person" as used in this Article 33 shall mean any individual, person, firm,  
5 corporation, business or other organization or group of persons however organized. For the  
6 purposes of Section 3305(a)(5), "person" shall also mean, and include the partners,  
7 managers, employees, agents, business associates, suppliers or customers of a firm,  
8 corporation, business or other organization. For the purposes of Section 3304.1, the word  
9 "person" as used in this Article 33 shall mean any individual, or Long-term Care Facility or Facility  
10 Staff as those terms are defined in Section 3304.1, except as otherwise stated.

11 **SEC. 3313. NO CONFLICT WITH STATE OR FEDERAL LAW.**

12 Nothing in this Article 33 shall be interpreted or applied so as to create any requirement,  
13 power, or duty in conflict with any federal or state law.

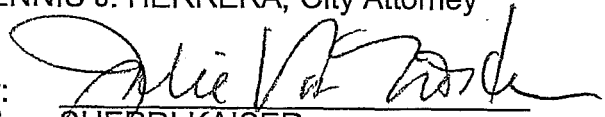
14  
15 Section 2. Effective Date. This ordinance shall become effective 30 days after  
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
18 of Supervisors overrides the Mayor's veto of the ordinance.

19  
20 Section 3. Undertaking for the General Welfare. In enacting and implementing Section  
21 3304.1, the City is assuming an undertaking only to promote the general welfare. It is not  
22 assuming; nor is it imposing on its officers and employees, an obligation for breach of which it  
23 is liable in money damages to any person who claims that such breach proximately caused  
24 injury.  
25

1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the  
4 Police Code that are explicitly shown in this ordinance as additions, deletions, Board  
5 amendment additions, and Board amendment deletions in accordance with the "Note" that  
6 appears under the official title of the ordinance.  
7

8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By:

  
11 SHERRI KAISER  
Deputy City Attorney

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## LEGISLATIVE DIGEST

[Police Code - Prohibiting Discrimination Against Lesbian, Gay, Bisexual, and Transgender Residents by Long-Term Care Facilities]

**Ordinance amending the Police Code to prohibit discrimination against residents or patients at long-term care facilities in San Francisco on the basis of sexual orientation or gender identity; to provide aggrieved persons with the right to seek investigation and mediation by the Human Rights Commission, as well as a private right of action; and to impose treble damages on violators.**

### Existing Law

Article 33 of the Police Code currently prohibits discrimination in employment, housing, and public accommodations, and by home delivery services, on the basis of race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height. These anti-discrimination provisions may be enforced administratively by the Human Rights Commission; the aggrieved individual, the City Attorney, or the District Attorney may seek an injunction; and any aggrieved person may file a civil action. Civil penalties for a violation consist of treble general damages, punitive damages, attorneys' fees, and costs.

### Amendments to Current Law

This ordinance would add a new Section 3304.1 to prohibit discrimination on the basis of sexual orientation, gender identity, and HIV status in long-term care facilities located in the City and County of San Francisco. Section 3304.1 would prohibit ten enumerated actions from being taken in whole or in part on the basis of sexual orientation, gender identity, or HIV status, except on the basis of reasonable clinical judgment. Section 3304.1 would also require long-term care facilities to keep records that reflect a resident or patient's preferred name and pronoun, post a non-discrimination notice specific to sexual orientation and gender identity, require confidentiality and privacy, and designate an LGBT liaison to complete an annual training. Within six months of the effective date of the ordinance, the Human Rights Commission would be required to publish a manual for Facilities to assist them with compliance in collaboration with the San Francisco Long Term Ombudsman Program.

The Human Rights Commission would investigate complaints and seek to resolve them through mediation. Violators other than City facilities would also be subject to the injunction, civil action, and damages provisions of the current Article 33.

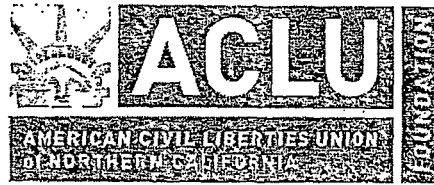
Background Information

While state and local laws already prohibit discrimination in public accommodations on the basis of actual or perceived sexual orientation, gender identity, gender expression, and HIV status, the promise of these laws has not yet been fully actualized in long-term care facilities, where LGBT persons are particularly vulnerable. The purpose of the ordinance is to accelerate the process of eliminating such discrimination in the long-term care setting and provide additional remedies for violations.

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FILE NO. 150118

RECEIVED IN COMMITTEE  
MAY 19, 2015



March 18, 2015

Via U.S. Mail

Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: LGBT Long-term Care Facility Residents' Bill of Rights

Dear Board of Supervisors:

The American Civil Liberties Union of Northern California is delighted to support the LGBT Long-term Care Facility Residents' Bill of Rights.

Every senior should have the right to grow old in equitable and humane housing without fear of discrimination and harassment. Within the LGBT community, seniors are more likely to be single, live alone, lack biological family members, and rely on an aging community of "family of choice." This makes LGBT seniors more likely to need residential care and less likely to have family advocates to help ensure their rights are not violated and that they are cared for with respect and dignity. Transgender seniors are especially likely to rely on long-term, residential care and are particularly vulnerable to harassment and discrimination. To compound matters, LGBT seniors of color, as well as low-income and homeless seniors, are especially vulnerable and are often prone to multiple forms of discrimination and marginalization, particularly with respect to housing. Numerous studies have revealed that most LGBT seniors and their families believe that when moving into a residential care facility, a senior must go back in the closet to receive fair treatment and avoid discrimination and harassment from both staff and other residents.<sup>1</sup>

As the city's cost of living rises, residential care is a necessity for many aging LGBT seniors. At the same time, California's system for regulating long-term care facilities and ensuring that residents' rights are being observed by facilities is wholly inadequate. For instance, of the 12,000 complaints made to government authorities charged with investigation, only 84 cases were referred for criminal prosecution. Facilities are dysfunctional, understaffed and under-resourced, but residents who initiate complaints are virtually invisible in the

<sup>1</sup> The San Francisco Lesbian, Gay, Bisexual, and Transgender Aging Policy Task Force, *LGBT Aging at the Golden Gate: San Francisco Policy Issues and Recommendations* 63-69, March 2014 [http://sf-hrc.org/sites/sf-hrc.org/files/LGBTAPTF\\_FinalReport\\_FINALWMAFINAL.pdf](http://sf-hrc.org/sites/sf-hrc.org/files/LGBTAPTF_FinalReport_FINALWMAFINAL.pdf)



regulatory system that should be protecting them.<sup>2</sup> Long-term care facilities also lack proper education and cultural sensitivity training, and are often unsure how to protect the rights of LGBT residents, even in San Francisco. This is true despite that fact that state and local law already provide protections for sexual orientation, gender identity, and HIV status. The Bill of Rights legislation however, stands in the long California tradition of laws that clarify existing non-discrimination statutes to aid enforcement.

While existing California law already broadly prohibits discrimination against LGBT people, the Bill of Rights legislation provides specific standards for the proper treatment of LGBT seniors in long-term care facilities. The legislation, among other things, sets forth 10 enumerated prohibited actions from being taken based on sexual orientation, gender identity or HIV status, requires the facility to post a notice of LGBT rights and designate and train a staff liaison to specifically work with complaining LGBT senior residents. The legislation also requires the city's Human Rights Commission to issue and distribute an implementation manual for every senior residential care facility in San Francisco. The legislation will make it clear that state and local nondiscrimination law requires long-term residential care facilities to respect LGBT seniors and their loved ones.<sup>3</sup>

The LGBT Long-term Care Facility Residents' Bill of Rights will ensure that LGBT elderly, like all other seniors, can enter the later years of their lives in healthy, compassionate, and equitable facilities. In the midst of demographic and economic shifts, the challenge going forward will be to ensure that older adults can age where they choose to the greatest degree possible. This is a fundamental element to enabling aging with dignity and independence and safeguards against discrimination. Aging with dignity and independence is the ability to live life to its fullest in the place you call home, regardless of sexuality, gender identity, race, ethnicity, age, illness, or disability.

The LGBT Long-term Care Facility Residents' Bill of Rights will ensure that LGBT seniors can have access to suitable housing, many of whom were part of the history and struggle for justice and equality for all that helped build the unique social fabric and character of San Francisco.

For these reasons, the ACLU of Northern California joins Supervisor Wiener in supporting this law.

Sincerely,



Elizabeth Gill  
Senior Staff Attorney

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*



NATIONAL CENTER FOR LESBIAN RIGHTS

NATIONAL OFFICE  
870 Market St Suite 370  
San Francisco CA 94102  
tel 415 392 6257  
fax 415 392 8442  
info@nclrights.org  
www.nclrights.org

March 18, 2015

Board of Supervisors  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
Attn: Adam Taylor ([adam.taylor@sfgov.org](mailto:adam.taylor@sfgov.org))

**Re: LGBT Long-term Care Facility Residents' Bill of Rights**

To the San Francisco Board of Supervisors:

As the Legal Director for the National Center for Lesbian Rights (NCLR), I write to express our strong support for the proposed Ordinance which would amend the Police Code to expressly prohibit discrimination on the basis of sexual orientation, gender identity, and HIV status in long-term care facilities located in the City and County of San Francisco. NCLR is a national legal organization committed to advancing the civil and human rights of LGBT people through litigation, public policy advocacy, and public education. NCLR has advocated widely to ensure that LGBT elders have equal access to long-term care facilities and that they do not suffer discrimination or harassment in those facilities based on their sexual orientation or gender identity.

California undeniably provides some of the strongest protections in the nation to lesbian, gay, bisexual, and transgender people when it comes to public accommodations, employment, and housing. Because of persistent and ongoing problems in long-term care facilities, however, this Ordinance is necessary to affirm the legal protections LGBT people enjoy, and to provide clear guidance to facilities and staff about the ways they are obligated to protect and care for their LGBT residents and patients.

The San Francisco LGBT Aging Policy Task Force highlighted this issue in its 2014 report, "Aging at the Golden Gate." In that report, the Task Force found that LGBT seniors are a particularly vulnerable population at greater risk of isolation, homelessness, poverty, and premature institutionalization. In a 2011 survey of LGBT care facility residents, nearly 90% of respondents stated that it would be unsafe to be openly LGBT in a facility. Nearly 50% stated that they or someone they knew had faced discrimination. The study—while national in scope—included specific examples of discrimination in California and San Francisco. This is unacceptable, and the NCLR calls on the Board of Supervisors to act.

San Francisco has a long history of civil rights leadership on behalf of marginalized communities. Harvey Milk led the fight for a sexual orientation nondiscrimination ordinance in 1978. San Francisco was an early leader in protecting transgender people and people with HIV. Ensuring that LGBT seniors and people with disabilities—transgender people, in particular—can receive care in a fully respectful and dignified manner is the next chapter in this story.



NATIONAL CENTER FOR LESBIAN RIGHTS

NATIONAL OFFICE  
870 Market St Suite 370  
San Francisco CA 94102  
tel 415 392 6257  
fax 415 392 8442  
info@nclrights.org  
www.nclrights.org

This Ordinance, the first in the nation, was proposed by Supervisor Scott Wiener and Supervisor David Campos, and it is an important first step towards ensuring that LGBT elders have meaningful access to long-term care facilities and services. The law would prohibit discrimination in admissions, transfer, eviction, room assignment, and visitation. In particular, the Ordinance would mandate that facility staff respect transgender and gender non-conforming individuals' identity and expression for bathroom use, preferred names and pronouns, and dress. The law requires facilities to designate a staff member as an LGBT liaison and empowers the San Francisco Human Rights Commission to investigate and mediate complaints, as well as providing a private cause of action.

NCLR wholeheartedly supports this important law. It is essential that San Francisco protect our LGBT citizens, particularly as they grow older and are increasingly reliant on the care of others, including from staff at the long-term care facilities that will directly benefit from this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon P. Minter", is positioned below the word "Sincerely,".

Shannon P. Minter  
Legal Director, National Center for Lesbian Rights

cc: Daniel Redman



---

March 18, 2015

Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**Re: LGBT Long-Term Care Facility Residents' Bill of Rights**

To the members of the San Francisco Board of Supervisors:

I am Harper Jean Tobin, the Director of Policy for the National Center for Transgender Equality (NCTE). On behalf of NCTE, I am writing to express my strong support for the LGBT Long-Term Care Facility Residents' Bill of Rights.

California undeniably provides some of the strongest protections in the nation to lesbian, gay, bisexual, and transgender people, but there is a gap when it comes to long-term care. These facilities need clearer guidance to properly care for their LGBT residents and patients—and residents, patients, and their loved ones need a clear statement of their rights.

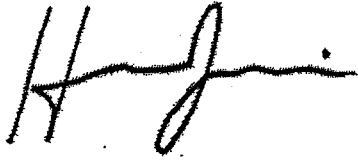
The San Francisco LGBT Aging Policy Task Force highlighted this issue in its 2014 report, "Aging at the Golden Gate." In that report, the Task Force found that LGBT seniors are a particularly vulnerable population at greater risk of isolation, homelessness, poverty, and premature institutionalization. In a 2011 survey of LGBT care facility residents, nearly 90% of respondents stated that it would be unsafe to be openly LGBT in a facility. Nearly 50% stated that they or someone they knew had faced discrimination. The study—while national in scope—included specific examples of discrimination in California and San Francisco. NCTE calls on the Board of Supervisors to act to address this problem.

San Francisco has a long history of civil rights leadership on behalf of marginalized communities. Ensuring that LGBT seniors and people with disabilities—transgender people, in particular—can receive care in a fully respectful and dignified manner is the next chapter in this story. This ordinance, the first in the nation, was proposed by Supervisor Scott Wiener and Supervisor David Campos, and it is an important first step.

This ordinance prohibits discrimination in admissions, transfer, eviction, room assignment, and visitation. In particular, it mandates that facility staff respect each individual's gender identity and expression with respect to restroom use, terms of address, and clothing choices—basic matters of personal dignity. These provisions codify legal principles established in federal and state case law and the California Education Code, but which have not been spelled out in the context of long-term care. This ordinance also requires facilities to designate a staff member as an LGBT liaison and empowers the San Francisco Human Rights Commission to investigate and mediate complaints.

NCTE joins Supervisor Wiener in supporting this law. We believe that this will be an effective tool to combat discrimination against one of our most vulnerable populations and will help ensure that health care consumers and their loved ones have the proper tools to advocate for their rights and dignity.

Sincerely,

A handwritten signature in black ink, appearing to read "H. J. Tobin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Harper Jean Tobin, Esq.  
Director of Policy



National Headquarters  
1629 Telegraph Ave., Suite 400  
Oakland, CA 94612  
415.865.0176  
www.transgenderlawcenter.org

March 18, 2015

Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: LGBT Long-term Care Facility Residents' Bill of Rights

To the members of the San Francisco Board of Supervisors:

Transgender Law Center is pleased to support the proposed ordinance to prohibit discrimination against residents or patients at long-term care facilities in San Francisco on the basis of sexual orientation or gender identity. Transgender Law Center is the largest organization in the United States dedicated to advancing the rights of transgender and gender nonconforming people.

California undeniably provides some of the strongest protections in the nation to lesbian, gay, bisexual, and transgender ("LGBT") people, but there is a serious gap when it comes to long-term care. These facilities need clearer guidance to properly care for their LGBT residents and patients.

The San Francisco LGBT Aging Policy Task Force highlighted this issue in its 2014 report, "Aging at the Golden Gate." In that report, the Task Force found that LGBT seniors are a particularly vulnerable population at greater risk of isolation, homelessness, poverty, and premature institutionalization. In a 2011 survey of LGBT care facility residents, nearly 90% of respondents stated that it would be unsafe to be openly LGBT in a facility. Nearly 50% stated that they or someone they knew had faced discrimination. The study—while national in scope—included specific examples of discrimination in California and San Francisco. This is unacceptable, and we call on the Board of Supervisors to act.

San Francisco has a long history of civil rights leadership on behalf of marginalized communities. Harvey Milk led the fight for a sexual orientation nondiscrimination ordinance in 1978. San Francisco was an early leader in protecting transgender people and people with HIV. Ensuring that LGBT seniors and people with disabilities—transgender people, in particular—can receive care in a fully respectful and dignified manner is the next chapter in this story.

This ordinance, the first in the nation, was proposed by Supervisor Scott Wiener and Supervisor David Campos, and it is an important first step. This ordinance prohibits discrimination in admissions, transfer, eviction, room assignment, and visitation. In particular, it mandates that facility staff respect transgender individuals' gender identity, including providing transgender residents access to facilities that correspond to their gender identity and requiring staff to address residents by the name and pronoun that corresponds to their gender identity. The ordinance also requires facilities to designate a staff member as an LGBT liaison and empowers the San Francisco Human Rights Commission to investigate and mediate complaints.

Transgender Law Center joins Supervisor Wiener in supporting this law. We believe that this ordinance will be effective in continuing to combat discrimination against one of our most vulnerable populations and will ensure that they have the proper tools to advocate for their rights and dignity.

Sincerely,

A handwritten signature in black ink, appearing to read "Ilona M. Turner".

Ilona M. Turner  
Legal Director



1800 market street, pmb 93  
san francisco, ca 94102  
phone 415.296.8995  
fax 415.296.8008  
www.openhouse-sf.org

March 18, 2015

Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: LGBT Long-term Care Facility Residents' Bill of Rights

To the members of the San Francisco Board of Supervisors:

I am Seth Kilbourn, the Executive Director of Openhouse. On behalf of my organization, I am writing to express my strong support of the LGBT Long-term Care Facility Residents' Bill of Rights.

California undeniably provides some of the strongest protections in the nation to lesbian, gay, bisexual, and transgender people, but there is a gap when it comes to long-term care. These facilities need clearer guidance to properly care for their LGBT residents and patients.

The San Francisco LGBT Aging Policy Task Force highlighted this issue in its 2014 report, "Aging at the Golden Gate." In that report, the Task Force found that LGBT seniors are a particularly vulnerable population at greater risk of isolation, homelessness, poverty, and premature institutionalization. In a 2011 survey of LGBT care facility residents, nearly 90% of respondents stated that it would be unsafe to be openly LGBT in a facility. Nearly 50% stated that they or someone they knew had faced discrimination. The study—while national in scope—included specific examples of discrimination in California and San Francisco. This is unacceptable, and Openhouse calls on the Board of Supervisors to act.

San Francisco has a long history of civil rights leadership on behalf of marginalized communities. Harvey Milk led the fight for a sexual orientation nondiscrimination ordinance in 1978. San Francisco was an early leader in protecting transgender people and people with HIV. Ensuring that LGBT seniors and people with disabilities—transgender people, in particular—can receive care in a fully respectful and dignified manner is the next chapter in this story.

This ordinance, the first in the nation, was proposed by Supervisor Scott Wiener and Supervisor David Campos, and it is an important first step. This ordinance prohibits discrimination in admissions, transfer, eviction, room assignment, and visitation. In particular, it mandates that facility staff respect transgender and gender non-conforming individuals' identity and expression for bathroom use, preferred names and pronouns, and dress. This ordinance requires facilities to designate a staff member as an LGBT liaison and empowers the San Francisco Human Rights Commission to investigate and mediate complaints..

Openhouse joins Supervisor Wiener in supporting this law. We believe that this will be effective in continuing to combat discrimination against one of our most vulnerable populations and will ensure that they have the proper tools to advocate for their rights and dignity.

Sincerely,

Seth Kilbourn  
Executive Director

# CALIFORNIA ADVOCATES FOR NURSING HOME REFORM

650 Harrison Street • 2nd Floor • San Francisco, CA 94107 • 415-974-5171 • 800-474-1116 • Fax 415-777-2904

March 17, 2015

Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place; Room 244  
San Francisco, CA 94102

Re: LGBT Long-term Care Facility Residents' Bill of Rights

To the members of the San Francisco Board of Supervisors:

On behalf of California Advocates for Nursing Home Reform (CANHR), I am writing to express our strong support for the proposed Ordinance on the LGBT Long-term Care Facility Residents' Bill Of Rights.

California undeniably provides some of the strongest protections in the nation to lesbian, gay, bisexual, and transgender people, but there is a gap when it comes to long-term care. These facilities need clearer guidance to properly care for their LGBT residents and patients. The San Francisco LGBT Aging Policy Task Force highlighted this issue in its 2014 report, "Aging at the Golden Gate." In that report, the Task Force found that LGBT seniors are a particularly vulnerable population at greater risk of isolation, homelessness, poverty, and premature institutionalization.

This ordinance, the first in the nation, was proposed by Supervisor Scott Wiener and Supervisor David Campos, and it is an important first step in ensuring that LGBT seniors and people with disabilities—and transgender people, in particular—can receive care in a fully respectful and dignified manner. This ordinance prohibits discrimination in admissions, transfer, eviction, room assignment, and visitation. In particular, it mandates that facility staff respect transgender and gender non-conforming individuals' identity and expression for bathroom use, preferred names and pronouns, and dress. The ordinance requires facilities to designate a staff member as an LGBT liaison and empowers the San Francisco Human Rights Commission to investigate and mediate complaints.

CANHR joins Supervisor Wiener in supporting this law. We believe that this ordinance will be effective in continuing to combat discrimination against one of our most vulnerable populations and will ensure that they have the proper tools to advocate for their rights and dignity.

Sincerely,



Patricia L. McGinnis  
Executive Director



**FORGE**  
TRANSGENER AGING NETWORK

March 18, 2015

Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: LGBT Long-term Care Facility Residents' Bill of Rights

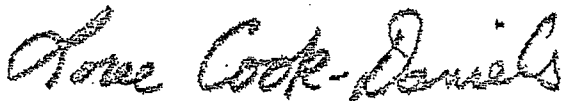
To the members of the San Francisco Board of Supervisors:

I am a former San Franciscan and long-time (40+ years) LGBT aging advocate. In 1998 I founded the Transgender Aging Network (TAN), now a project of FORGE, which has ever since been our nation's foremost organization for transgender elders. As such, I was asked to consult on documents upon which this Bill of Rights is based.

I would like to urge your passage of this very needed legislation. Transgender nursing home residents, in particular, report experiencing an unconscionable level of disrespect in long-term care settings. Even when staff wish to be respectful, many are still confused by their prior education and inadvertently deny residents their rights and respect by insisting they must follow "traditional" rules, such as determining someone's gender by reference to their genitals and/or government-issued identification papers. It is critical that government officials who are aware of how understanding of gender has evolved *actually codify for staff what is now appropriate and inappropriate gender-based behavior*. In other words, staff need to be actually told that residents should be placed with a roommate and allowed to access sanitary facilities based on what they say their gender identity is, without regard to now-outdated markers such as genital shape and identification papers. Without this very explicit instruction, staff members will continue to be confused and to violate rights and be inadvertently disrespectful of transgender residents.

I will note that FORGE, in addition to being part of the federally-funded National Resource Center on LGBT Aging, is also the transgender training and technical assistance provider under the Violence Against Women Act (VAWA), which recently outlawed discrimination based on gender identity. Here, too, we are finding that staff members who want to be both respectful and lawful are still confused by gender identity issues. Legislators need to be detailed about what they mean when they pass non-discrimination provisions. This bill does that, and I therefore recommend its passage.

Sincerely,



Loree Cook-Daniels  
FORGE Policy and Program Director

# JUSTICE IN AGING

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FIGHTING SENIOR POVERTY THROUGH LAW

3/18/2015

Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: LGBT Long-term Care Facility Residents' Bill of Rights

To the members of the San Francisco Board of Supervisors:

I am Kevin Prindiville, the Executive Director of Justice in Aging (formerly the National Senior Citizens Law Center). On behalf of my organization, I am writing to express my strong support for the LGBT Long-Term Care Facility Residents' Bill of Rights.

California undeniably provides some of the strongest protections in the nation to lesbian, gay, bisexual, and transgender people, but there is a gap when it comes to long-term care. These facilities need clearer guidance to properly care for their LGBT residents and patients.

The San Francisco LGBT Aging Policy Task Force highlighted this issue in its 2014 report, "Aging at the Golden Gate." In that report, the Task Force found that LGBT seniors are a particularly vulnerable population at greater risk of isolation, homelessness, poverty, and premature institutionalization. In a 2011 survey of LGBT care facility residents, nearly 90% of respondents stated that it would be unsafe to be openly LGBT in a facility. Nearly 50% stated that they or someone they knew had faced discrimination. The study—while national in scope—included specific examples of discrimination in California and San Francisco. This is unacceptable, and Justice in Aging calls on the Board of Supervisors to act.

San Francisco has a long history of civil rights leadership on behalf of marginalized communities. Harvey Milk led the fight for a sexual orientation nondiscrimination ordinance in 1978. San Francisco was an early leader in protecting transgender people and people with HIV. Ensuring that LGBT seniors and people with disabilities—transgender people, in particular—can receive care in a fully respectful and dignified manner is the next chapter in this story.

This ordinance, the first in the nation, was proposed by Supervisor Scott Wiener and Supervisor David Campos, and it is an important first step. This ordinance prohibits discrimination in admissions, transfer, eviction, room assignment, and visitation. In particular, it mandates that facility staff respect transgender and gender non-conforming individuals' identity and expression for bathroom use, preferred names and pronouns, and dress. This ordinance requires facilities to designate a staff member as an LGBT liaison and empowers the San Francisco Human Rights Commission to investigate and mediate complaints.

Justice in Aging joins Supervisor Wiener in supporting this law. We believe that this will be effective in continuing to combat discrimination against one of our most vulnerable populations and will ensure that they have the proper tools to advocate for their rights and dignity.

Sincerely,

Kevin Prindiville  
Executive Director, Justice in Aging

## WASHINGTON

1444 Eye Street, NW, Suite 1100  
Washington, DC 20005

## LOS ANGELES

3660 Wilshire Boulevard, Suite 718  
Los Angeles, CA 90010

## OAKLAND

1330 Broadway, Suite 525  
Oakland, CA 94612



City and County of San Francisco  
**HUMAN RIGHTS COMMISSION**

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Theresa Sparks  
Executive Director

Edwin M. Lee  
Mayor

March 18, 2015

Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**Re:           LGBT Long-term Care Facility Residents' Bill of Rights**

To the Esteemed Members of the San Francisco Board of Supervisors:

My name is Theresa Sparks and I am the Executive Director of the San Francisco Human Rights Commission (HRC). Thank you for this opportunity to present comments on this important piece of legislation. I am writing regarding the proposed amendments to Article 33 of the San Francisco Police Code.

California undeniably provides some of the strongest protections in the nation to lesbian, gay, bisexual, and transgender people, but there is a gap when it comes to long-term care. These facilities need clearer guidance to properly care for LGBT residents and patients.

The San Francisco LGBT Aging Policy Task Force highlighted this issue in its 2014 report, "Aging at the Golden Gate." In that report, the Task Force found that LGBT seniors are a particularly vulnerable population at greater risk of isolation, homelessness, poverty, and premature institutionalization. In a 2011 survey of LGBT care facility residents, nearly 90% of respondents stated that it would be unsafe to be openly LGBT in a facility. Nearly 50% stated that they or someone they knew had faced discrimination. The study—while national in scope—included specific examples of discrimination in California and San Francisco.

Last year, sexual orientation was named as a basis in 13% of all discrimination claims filed with the Human Rights Commission. Gender identity was named as a basis in 8% of discrimination claims, and 34% were based on disability. We at the Human Rights Commission believe that these figures highlight the importance of protecting our most vulnerable populations.

San Francisco has a long history of civil rights leadership on behalf of marginalized communities. Harvey Milk led the fight for a sexual orientation nondiscrimination ordinance in 1978. San Francisco was an early leader in protecting transgender people and people with HIV. Ensuring that LGBT seniors and people with disabilities—transgender people, in particular—can receive care in a fully respectful and dignified manner is a critical next step in addressing ongoing discrimination.

This ordinance, the first in the nation, was proposed by Supervisor Scott Wiener and Supervisor David Campos, and it is an important first step. This ordinance would amend Article 33 of the San Francisco Police Code to prohibit discrimination in admissions, transfer, eviction, room assignment, and visitation. In particular, it mandates that facility staff respect transgender and gender non-conforming individuals' identity and expression for bathroom use, preferred names and pronouns, and dress. This ordinance

requires facilities to designate a staff member as an LGBT liaison and empowers the San Francisco Human Rights Commission to investigate and mediate complaints.

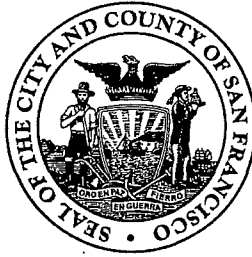
We believe that this will be effective in continuing to combat discrimination and ensuring that all persons have the proper tools to advocate for their rights and dignity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theresa Sparks', written in a cursive style.

Theresa Sparks  
Executive Director

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Bevan Dufty, Director, Housing Opportunity, Partnership and Engagement  
Theresa Sparks, Executive Director, Human Rights Commission  
Greg Suhr, Chief, San Francisco Police Department  
Anne Hinton, Executive Director, Department of Aging and Adult Services  
Barbara A. Garcia, Director, Department of Public Health  
George Gascon, District Attorney, Office of the District Attorney

FROM: Erica Major, Assistant Committee Clerk, Government Audit and Oversight  
Committee, Board of Supervisors

DATE: February 9, 2015

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Wiener on February 3, 2015:

**File No. 150118**

**Ordinance amending the Police Code to prohibit discrimination against residents or patients at long-term care facilities in San Francisco on the basis of sexual orientation or gender identity; to provide aggrieved persons with the right to seek investigation and mediation by the Human Rights Commission, as well as a private right of action; and to impose treble damages on violators.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:  
Dee Schexnayder, Housing Opportunity, Partnership and Engagement  
Christine Keener, Housing Opportunity, Partnership and Engagement  
Christine Fountain, San Francisco Police Department  
LaShaun Williams, Department of Aging and Adult Services  
Greg Wagner, Department of Public Health  
Colleen Chawla, Department of Public Health  
Cristine Soto DeBerry, Office of the District Attorney

## Major, Erica

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**From:** Major, Erica  
**Sent:** Monday, February 09, 2015 3:56 PM  
**To:** Dufty, Bevan (MYR); Sparks, Theresa (HRC); Suhr, Greg (POL); Hinton, Anne (HSA); Garcia, Barbara (DPH); Gascon, George (DAT)  
**Cc:** Schexnayder, Dee (MYR); Keener, Christine (MYR); Fountain, Christine (POL); Williams, LaShaun (ADP); Wagner, Greg (DPH); Chawla, Colleen (DPH); DeBerry, Cristine (DAT); Somera, Alisa (BOS)  
**Subject:** REFERRAL FYI - (File 150118) Police Code - Prohibiting Discrimination Against Lesbian, Gay, Bisexual, and Transgender Residents by Long-Term Care Facilities  
**Attachments:** 150118 FYI.pdf

Greetings:

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

Thank You.

**Erica Major**

Assistant Committee Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

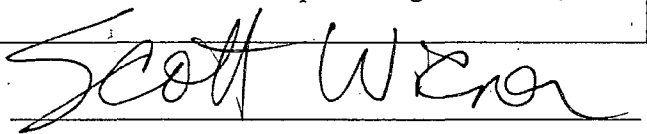
Supervisors Wiener and Campos

**Subject:**

Police Code - Discrimination Against LGBT Residents By Long-term Care Facilities Prohibited

**The text is listed below or attached:**

Ordinance amending the Police Code to prohibit discrimination against residents or patients at long-term care facilities in San Francisco on the basis of sexual orientation or gender identity; to provide aggrieved persons with the right to seek investigation and mediation by the Human Rights Commission as well as a private right of action; and to impose treble damages on violators.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: