

1 [Administrative Code - Information from Project Sponsors Regarding Their Anti-Discriminatory
2 Housing Policies]

3 **Ordinance amending the Administrative Code to require the Planning Department to**
4 **ask, and project sponsors to answer, on the application for specified residential and**
5 **mixed-use projects, informational questions regarding their anti-discriminatory**
6 **housing policies based on sexual orientation and gender identity; and to require an**
7 **annual report from the Human Rights Commission on the data collected from such**
8 **applications; and affirming the Planning Department’s California Environmental Quality**
9 **Act determination.**

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

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

18 Section 1. Findings.

19 (a) The Planning Department has determined that the actions contemplated in this
20 Ordinance comply with the California Environmental Quality Act (California Public Resources
21 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination. A
22 copy of said determination is on file with the Clerk of the Board of Supervisors in File No.
23 140235 and incorporated herein by reference.

24 (b) In accordance with Board of Supervisors Rules of Order Section 3.23, the Planning
25 Commission held a duly noticed public hearing on this legislation on July 20, 2014. At the

1 hearing, the Planning Commission approved Resolution No. 19186, which recommended that
2 the Board of Supervisors adopt the proposed Administrative Code amendments.

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4 Section 2. The Administrative Code is hereby amended by adding Section 1.61, to
5 read as follows:

6 **SEC. 1.61. ANTI-DISCRIMINATORY HOUSING POLICIES BASED ON SEXUAL**
7 **ORIENTATION AND GENDER IDENTITY.**

8 *(a) In all permit applications for residential or mixed-use projects of ten dwelling units or more*
9 *that the Planning Department or Planning Commission processes except for environmental evaluation*
10 *applications, the Planning Department shall include the following questions:*

11 *(1) Does the applicant or sponsor, including the applicant or sponsor's parent company,*
12 *subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's*
13 *company, engage in the business of developing real estate, owning properties, or leasing or selling*
14 *individual dwelling units in States or jurisdictions outside of California?*

15 *(2) If the answer to Subsection (1) is in the affirmative, in which States?*

16 *(3) If the answer to Subsection (1) is in the affirmative, does the applicant or sponsor, as*
17 *defined in Subsection (1), have policies in individual States that prohibit discrimination based on*
18 *sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on*
19 *every property in the State or States where the applicant or sponsor has an ownership or financial*
20 *interest?*

21 *(4) If the answer to Subsection (1) is in the affirmative, does the applicant or sponsor, as*
22 *defined in Subsection (1), have a national policy that prohibits discrimination based on sexual*
23 *orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every*
24 *property in the United States where the applicant or sponsor has an ownership or financial interest in*
25 *property?*

1 (5) If the answer to Subsections (3) or (4) is in the affirmative, please provide a copy of that
2 policy or policies as part of the application to the Planning Department.

3 (b) The Planning Department shall not accept an application as complete unless the applicant
4 answers the application questions identified in Subsection (a). The Planning Department's and
5 Planning Commission's processing of and recommendations or determinations regarding an
6 application shall be unaffected by the applicant's answers to the questions identified in Subsection (a).

7 (c) If the project permittee or sponsor changes prior to the issuance of the first certificate of
8 occupancy, the new permittee or sponsor shall notify the Planning Department and provide answers to
9 the application questions identified in Subsection (a).

10 (d) The Board of Supervisors delegates to the Planning Department the authority to: (1)
11 determine how such questions shall be presented in application forms, (2) modify the language of the
12 questions to facilitate the Department's receipt of information concerning an applicant's or sponsor's
13 policies prohibiting discrimination based on sexual orientation and gender identity in the sale, lease, or
14 financing of any dwelling units, and (3) compile information regarding the responses to the questions
15 presented in Subsection (a).

16 (e) On an annual basis after the effective date of this Section 1.61, the Planning Department
17 shall submit to the Human Rights Commission all relevant information from the previous year
18 regarding the responses to the questions presented in Subsection (a).

19 (f) Upon receipt of the information from the Planning Department, the Human Rights
20 Commission, within ninety (90) days of receipt of the information, shall prepare and submit a written
21 report to the Board of Supervisors on the data gathered in the responses to the questions presented in
22 Subsection (a).

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24 Section 3. Planning Department Implementation of Administrative Code Section 1.61.
25 The Planning Department shall initiate application of the requirements of Administrative Code

1 Section 1.61 at the time it starts operation and implementation of the Permit and Project
2 Tracking System (PPTS).

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4 Section 4. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

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11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 John D. Malamut
Deputy City Attorney

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