

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
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MEMORANDUM

TO: Chief William Scott, Police Department
Christina Varner, Acting Executive Director, Rent Board
Theo Miller, Director, HOPE SF
Tonia Lediju, Acting Director, Housing Authority
Eric Shaw, Director, Mayor's Office of Housing and Community Development (MOHCD)

FROM: Victor Young, Assistant Clerk

A handwritten signature in black ink that reads "Victor Young".

DATE: October 26, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 221071

Ordinance amending the Police Code to prohibit housing discrimination based on pregnancy or medical conditions related to pregnancy.

If you have 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 or by email at: victor.young@sfgov.org.

cc: Lisa Ortiz, Police Dept.
Lili Gamero, Police Dept.
Diana Oliva-Aroche, Police Dept.
Sgt Stacy Youngblood, Police Dept.
Barbara Amaro, HOPE SF
Cindy Gamez, Housing Authority
Nancy Rodriguez, Housing Authority
Linda Martin-Mason, Housing Authority
Lydia Ely, MOHCD
Brian Cheu, MOHCD
Maria Benjamin, MOHCD
Sheila Nickolopoulos, MOHCD

[Police Code - Prohibiting Pregnancy Discrimination in Housing]

Ordinance amending the Police Code to prohibit housing discrimination based on pregnancy or medical conditions related to pregnancy.

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 ~~strikethrough 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. Article 33 of the Police Code is hereby amended by revising Section 3304, to read as follows:

SEC. 3301. POLICY.

It is the policy of the City and County of San Francisco to eliminate discrimination based on race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, ~~or height~~, or pregnancy status within the City and County.

SEC. 3302. FINDINGS.

After public hearings and consideration of testimony and documentary evidence, the Board of Supervisors finds that discrimination based on race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, ~~or height~~, or pregnancy status exists in the City and County of San Francisco. The Board finds further that such discrimination poses a substantial threat to the health, safety, and general

1 welfare of this community. Such discrimination foments strife and unrest, and it deprives the
2 City and County of the fullest utilization of its capacities for development and advancement.
3 The Board finds further that existing State and federal restraints on arbitrary discrimination are
4 not adequate to meet the particular problems of this community, and that it is necessary and
5 proper to enact local regulations adapted to the special circumstances which exist in this City
6 and County.

7
8 **SEC. 3304. HOUSING.**

9 (a) **Prohibited Activity.** It shall be unlawful for any person to do any of the
10 following acts wholly or partially because of a person's actual or perceived race, color,
11 ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation,
12 gender identity, source of income, weight, ~~or~~ height, or pregnancy status:

13 (1) To interrupt, terminate, or fail or refuse to initiate or conduct any transaction in
14 real property, including but not limited to the rental thereof; to require different terms for such
15 transaction; or falsely to represent that an interest in real property is not available for
16 transaction;

17 (2) To include in the terms or conditions of a transaction in real property any
18 clause, condition or restriction;

19 (3) To refuse to lend money, guarantee the loan of money, accept a deed of trust
20 or mortgage, or otherwise refuse to make available funds for the purchase, acquisition,
21 construction, alteration, rehabilitation, repair or maintenance of real property; or impose
22 different conditions on such financing; or refuse to provide title or other insurance relating to
23 the ownership or use of any interest in real property;

24 (4) To refuse or restrict facilities, services, repairs or improvements for any tenant
25 or lessee;

1 (5) To make, print, publish, advertise, or disseminate in any way, or cause to be
2 made, printed or published, advertised, or disseminated in any way, any notice, statement, or
3 advertisement with respect to a transaction or proposed transaction in real property, or with
4 respect to financing related to any such transaction, which unlawfully indicates preference,
5 limitation, or discrimination based on race, color, ancestry, national origin, place of birth, sex,
6 age, religion, creed, disability, sexual orientation, gender identity, source of income, weight, ~~or~~
7 height, or pregnancy status.

8 For purposes of this subsection (a), "source of income" means all lawful sources of
9 income or rental assistance from any federal, State, local, or nonprofit-administered benefit or
10 subsidy program. "Source of income" also means a rental assistance program, homeless
11 assistance program, security deposit assistance program or housing subsidy program.
12 "Source of income" includes any requirement of any such program or source of income, or
13 rental assistance. For purposes of this subsection (a), "pregnancy status" includes pregnancy or
14 medical conditions related to pregnancy.

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

20
21 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

1 additions, and Board amendment deletions in accordance with the “Note” that appears under
2 the official title of the ordinance.

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4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: /s/ Zachary Porianda
7 ZACHARY PORIANDA
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Prohibiting Pregnancy Discrimination in Housing]

Ordinance amending the Police Code to prohibit housing discrimination based on pregnancy or medical conditions related to pregnancy.

Existing Law

Police Code Section 3304 prohibits discrimination in housing based on race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, source of income, weight, or height.

California's Fair Employment and Housing Act, which prohibits discrimination in housing, includes "pregnancy or medical conditions related to pregnancy," in its definition of "sex."

Amendments to Current Law

This ordinance would amend Section 3304 to add pregnancy status as a protected category. It would also add pregnancy status to protected categories listed in the Police Code's Policy statement in Section 3301 and the Findings in Section 3302.

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Introduction Form

By a Member of the Board of Supervisors or 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 inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic 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 the Imperative Form.

Sponsor(s):

 Supervisor Melgar, Ronen, Chan, Walton, Preston, Mar, Dorsey, and Stefani

Subject:

 Police Code - Prohibiting Pregnancy Discrimination in Housing

The text is listed:

 Ordinance amending the Police Code to prohibit housing discrimination based on pregnancy or medical conditions related to pregnancySignature of Sponsoring Supervisor: /s/Myrna Melgar

For Clerk's Use Only