

File No. 131192

Committee Item No. 5

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date February 3, 2014

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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Completed by: Andrea Ausberry Date January 30, 2014

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

FILE NO. 131192

ORDINANCE NO.

[Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions]

Ordinance amending the Police Code to require Employers and Housing Providers to limit the use of criminal history information and follow certain procedures and restrictions when inquiring about and using conviction history information to make decisions about employment and tenancy in San Francisco; and amending the Administrative Code to require City contractors and subcontractors to adhere to the same limits, procedures, and restrictions when making decisions regarding employment of persons for work on City contracts and subcontracts.

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. The San Francisco Police Code is hereby amended by adding Article 49, Sections 4901-4920, to read as follows:

**ARTICLE 49: PROCEDURES FOR CONSIDERING ARRESTS AND CONVICTIONS  
AND RELATED INFORMATION IN EMPLOYMENT AND HOUSING DECISIONS**

**Sec. 4901.** *Policy.*

**Sec. 4902.** *Findings.*

**Sec. 4903.** *Definitions.*

Sec. 4904. Procedures for Use of Criminal History Information in Employment Decisions.

**Sec. 4905.**      *Notice and Posting Requirements for Employers.*

~~Sec. 4906. Employer Questionnaire.~~

Sec. 49076. *Procedures for Use of Criminal History Information in Housing Decisions.*

*Sec. 49087. Notice and Posting Requirements for Housing Providers.*

Sec. 49098.      *Exercise of Rights Protected; Retaliation Prohibited.*

Sec. 49409. *Implementation and Enforcement of Employment Provisions.*

Sec. 49140. Employer Records.

Sec. 49121.      *Implementation and Enforcement of Housing Provisions.*

Sec. 49132. Housing Provider Records.

Sec. 49143. Rulemaking.

Sec. 49154. Outreach.

Sec. 49165. Other Legal Requirements.

Sec. 49176. Preemption.

Sec. 49187. City Undertaking Limited to Promotion of General Welfare.

Sec. 49198. Severability.

Sec. 492019. Operative Date.

**SEC. 4901. POLICY.**

It is the policy of the City and County of San Francisco to enhance public health and safety by reducing recidivism and its associated criminal justice costs and societal costs, and facilitating the successful reintegration into society of persons with arrest and conviction records. This Article is enacted for the purpose of furthering this policy.

1           SEC. 4902. FINDINGS.

2           After public hearings and consideration of testimony and documentary evidence, the Board of  
3           Supervisors finds and declares that the health, safety, and wellbeing of San Francisco's communities  
4           depend on increasing access to employment and housing opportunities for people with arrest or  
5           conviction records in order for them to effectively reintegrate into the community and provide for their  
6           families and themselves. Barriers to these opportunities for people with arrest or conviction records  
7           increase recidivism and thereby jeopardize the safety of the public, disrupt the financial and overall  
8           stability of affected families and of our communities, and impede the City's achieving its maximum  
9           potential of economic growth. Further, establishing procedures for the lawful use of criminal history  
10           information in employment and housing decisions can assist employers and housing providers by  
11           preventing the automatic exclusion of individuals who may be qualified, and in some cases well-  
12           qualified, employees or tenants.

13           In San Francisco, as across the country, individuals are often plagued by old or minor arrest or  
14           conviction records that discourage them from applying for jobs or housing because a "box" on the  
15           application requires disclosure of criminal history information that likely will automatically exclude  
16           them from consideration. Precise statistics in this area are difficult to come by, but by any measure the  
17           problem is major, affecting a large number of individuals and families. By one measure, some sixty-  
18           five million Americans have a criminal record that may show up on a routine background check report.  
19           In California, it has been estimated that almost one in four adults have arrest or conviction records.  
20           Many thousands of people in our local community are directly impacted by barriers to reintegration  
21           based on these records.

22           In today's digital age, there has been widespread proliferation in the use of criminal  
23           background checks, with hundreds of companies offering over the internet low-cost criminal  
24           background checks. Surveys have shown that as many as ninety percent of employers and eighty  
25           percent of private housing providers conduct background checks. And the information that such



1 background checks may yield can have a devastating impact on the employment and housing  
2 opportunities of persons with a criminal history, with damaging spillover effects on families and  
3 communities. One study found that two-thirds of employers surveyed in five major U.S. cities would not  
4 knowingly hire a person with a criminal record, regardless of the offense. Another study found that a  
5 criminal record reduces the likelihood of a job callback or offer by nearly fifty percent. Among those  
6 seeking assistance from the San Francisco Public Defender's Clean Slate program, a pool of  
7 individuals with a criminal record, only about one-third are employed, and the majority of those  
8 employed earn an annual income of \$3,000 or less.

9 The problems presented by employers and housing providers who use a person's criminal  
10 history to deny that person employment or housing opportunities are growing rather than diminishing.  
11 In response to this challenge, more than fifty cities and counties in the United States have adopted  
12 policies that to one degree or another regulate the inquiry into an individual's criminal history, at least  
13 as to individuals employed by those localities. Eleven of those localities apply their policies to those  
14 who contract with them. The cities of Philadelphia, Newark, Seattle, and Buffalo have applied their  
15 policies to all private employers within their boundaries. At the state level, ten states have adopted  
16 policies to address this challenge and four states—Hawaii, Massachusetts, Minnesota and Rhode  
17 Island--have applied their policies to private employers. The economic rationale often cited for these  
18 reforms is to maximize the pool of talented, qualified workers for employers and to fully utilize the  
19 productive capacity of people with prior arrests or convictions, for the improvement of the economy.

20 Regulating inquiries into an individual's criminal history is gaining traction as one facet of the  
21 nationwide effort to reduce the recidivism that leads to serial incarceration. A major rationale for this  
22 movement is the growing awareness that incarceration has devastating socioeconomic consequences.  
23 Researchers have found that more incarceration has the perverse effect of increasing the crime rate in  
24 some communities. Children suffer academically and socially, and have decreased economic mobility,  
25 after the incarceration of a parent. Incarceration is also linked to homelessness, impacting public

1 health and safety. Twenty-six percent of homeless people surveyed in San Francisco had been  
2 incarcerated within the previous twelve months, and an estimated thirty to fifty percent of parolees in  
3 San Francisco are homeless.

4 On October 1, 2011, San Francisco and the rest of California implemented AB 109, a  
5 "Realignment" of California's criminal justice system, which seeks to produce budgetary savings by  
6 reducing recidivism and promoting rehabilitation. As stated by Governor Edmund G. Brown, Jr. in  
7 signing AB 109, cycling people through the revolving door of "state prisons wastes money, aggravates  
8 crowded conditions, thwarts rehabilitation, and impedes local law enforcement supervision." Added by  
9 AB 109, Section 3451 of the California Penal Code states that counties must focus on alternatives to  
10 incarceration that have a proven track record of reducing recidivism. Moreover, Section 17.5 of the  
11 Penal Code states that criminal justice policies that rely on building and operating more prisons to  
12 address community safety concerns are not sustainable, and will not result in improved public safety.  
13 Removing unnecessary obstacles to employment and housing that impede reintegration and  
14 rehabilitation supports the goals for "Realignment."

15 Lack of employment and housing are significant causes of recidivism: people who are employed  
16 and have stable housing are significantly less likely to be re-arrested. For example, one study of 1,600  
17 individuals recently released from prison in Illinois found that only eight percent of those who were  
18 employed for a year committed another crime, compared to the state's average recidivism rate of fifty-  
19 four percent. In another study, researchers found that from 1992 to 1997, the slightly more than forty  
20 percent of the decline in the overall property crime rate could be attributed to the thirty-three percent  
21 decline in the unemployment rate during the same period. Still another study in New York reported  
22 that a person without stable housing was seven times more likely to re-offend after returning from  
23 prison. There is little doubt that a policy designed to improve the employment and housing prospects of  
24 persons with arrest or conviction history will enhance their prospects for becoming productive  
25 members of the community, and thereby benefiting all of us.

1 Policies that encourage reintegration and reduce recidivism can also help reduce criminal  
2 justice costs. The Legislative Analyst Office estimated that in 2005-2006, counties in California spent  
3 on average about \$28,000 per year to incarcerate an adult in jail and about \$1,250 per year to  
4 supervise an adult on probation in the community. One study estimated that in terms of court,  
5 prosecution, and law enforcement costs, the County spends an average of \$16,379 to process a person  
6 who has committed a drug offense through the criminal justice system. When a person successfully  
7 reintegrates and does not return to the criminal justice system, these costs are avoided, allowing scarce  
8 public dollars to be reinvested in programs that make our communities stronger and safer.

9 Not only is it a matter of public safety to ensure that workers have job and housing  
10 opportunities, but it is also critical for a stable economy. Economists at the Center for Economic and  
11 Policy Research used Bureau of Justice Statistics data to estimate that in 2008, the United States had  
12 between 12 and 14 million formerly incarcerated people and people with felonies of working age.  
13 Citing this population's greatly reduced job prospects, the researchers estimated that the total male  
14 employment that year was reduced by 1.5 to 1.7 percentage points and that the cost to the U.S.  
15 economy was between \$57 and \$65 billion in lost output.

16 The expansion of the criminal justice system and all of its attendant consequences described  
17 herein, coupled with the growth of the for-profit criminal background check industry, has created a  
18 need for local regulations on the use of arrest and conviction records. On March 29, 2011, the Reentry  
19 Council of the City & County of San Francisco, chaired by the Chief Adult Probation Officer, and  
20 comprised of that official and the District Attorney, Mayor, Public Defender, and Sheriff, urged the  
21 the enactment of an ordinance to reduce unnecessary barriers to housing and employment for  
22 individuals based on arrest or conviction records. This Article is an important part of implementing  
23 that general recommendation.

24 But there are some senses in which this Article is of limited scope. This Article does not intend,  
25 and shall not be construed, to require an employer to give preference to anyone or to hire an

1 unqualified person with an arrest or conviction record. Nor does it require a housing provider to give  
2 preference to anyone or to rent to an unqualified tenant with an arrest or conviction record. Moreover,  
3 this Article shall not be construed to limit an employer or a housing provider's ability to choose the  
4 most qualified and appropriate candidate from applicants for employment or housing.

5 **SEC. 4903. DEFINITIONS.**

6 For the purposes of this Article, the following words and phrases shall mean and include:

7 "Adverse Action" in the context of employment shall mean to fail or refuse to hire, to discharge,  
8 or to not promote any individual; or to limit, segregate or classify employees in any way which would  
9 deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect  
10 his/her status as an employee. The "Adverse Action" must relate to employment in whole or  
11 substantial part in the City. "Adverse Action" in the context of housing shall mean to evict from, fail or  
12 refuse to rent or lease real property to an individual, or fail or refuse to continue to rent or lease real  
13 property to an individual, or fail or refuse to add a household member to an existing lease, or to reduce  
14 any tenant subsidy. The "Adverse Action" must relate to real property in the City.

15 "Affordable Housing" means any residential building in the City that has received funding from  
16 the City, either directly or through financing resulting from the City's issuance of tax exempt bonds.  
17 Affordable Housing also includes "affordable units" in the City as that term is defined in Article 4 of  
18 the Planning Code.

19 "Arrest" shall mean a record from any jurisdiction that does not result in a conviction and  
20 includes information indicating that a person has been questioned, apprehended, taken into custody or  
21 detentiondetained, or held for investigation, by a law enforcement, police, or prosecutorial agency  
22 and/or charged with, indicted, or tried, or and acquitted for any felony, misdemeanor or other criminal  
23 offense. "Arrest" is a term that is separate and distinct from, and that does not include, "Unresolved  
24 Arrest."

1 "Background Check Report" shall mean any criminal history report, including but not limited  
2 to those produced by the California Department of Justice, the Federal Bureau of Investigation, other  
3 law enforcement or police agencies, or courts, or by any consumer reporting agency or business,  
4 employment screening agency or business, or tenant screening agency or business.

5 "City" shall mean the City and County of San Francisco.

6 "Conviction" shall mean a record from any jurisdiction that includes information indicating  
7 that a person has been convicted of a felony, or misdemeanor or other offense; provided that the  
8 conviction is one for which the person has been placed on probation, fined, imprisoned, or paroled.  
9 Those matters identified in Section 4904(a) and/or Section 49076(a) about which an Employer and/or  
10 Housing Provider may not inquire and as to which they may not base an Adverse Action, are not  
11 considered "Convictions."

12 "Conviction History" shall mean information regarding one or more Convictions or  
13 Unresolved Arrests, transmitted orally or in writing or by any other means, and obtained from any  
14 source, including but not limited to the individual to whom the information pertains and a  
15 Background Check Report

16 "Directly-Related Conviction" in the employment context shall mean that the conduct for which  
17 a person was convicted or that is the subject of an Unresolved Arrest has a direct and specific  
18 negative bearing on that person's ability to perform the duties or responsibilities necessarily related to  
19 the employment position. In determining whether the conviction or Unresolved Arrest is directly  
20 related to the employment position, the Employer shall consider whether the employment position  
21 offers the opportunity for the same or a similar offense to occur and whether circumstances leading to  
22 the conduct for which the person was convicted or that is the subject of an Unresolved Arrest will recur  
23 in the employment position. "Directly-Related Conviction" in the housing context shall mean that the  
24 conduct for which a person was convicted or that is the subject of an Unresolved Arrest has a direct  
25 and specific negative bearing on the safety of persons or property, given the nature of the housing. In

1 determining whether the conviction or Unresolved Arrest is directly related to the housing, the Housing  
2 Provider shall consider whether the housing offers the opportunity for the same or a similar offense to  
3 occur and whether circumstances leading to the conduct for which the person was convicted will recur  
4 in the housing, and whether supportive services that might reduce the likelihood of a recurrence of such  
5 conduct are available on-site. Those matters identified in Sections 4904(a) and/or Sections 49076(a)  
6 about which an Employer and/or Housing Provider may not inquire and as to which they may not base  
7 an Adverse Action may not qualify as "Directly-Related Convictions."

8 "Employer" shall mean any individual, firm, corporation, partnership, labor organization,  
9 group of persons, association, or other organization however organized, that is located or doing  
10 business in the City, and that employs 20 or more persons regardless of location, including the owner  
11 or owners and management and supervisory employees. "Employer" includes job placement and  
12 referral agencies and other employment agencies. "Employer" does not include the City and County  
13 of San Francisco, any other local governmental unit, or any unit of the state government or the federal  
14 government.

15 "Employment" shall mean any occupation, vocation, job, or work, , including but not limited to  
16 temporary or seasonal work, part-time work, contracted work, contingent work, work on commission,  
17 and work through the services of a temporary or other employment agency, or any form of vocational  
18 or educational training with or without pay. The physical location of the employment or prospective  
19 employment of an individual as to whom Section 4904 applies must be in whole, or in substantial part,  
20 within the City.

21 "Evidence Of Rehabilitation Or Other Mitigating Factors" may include but is not limited to a  
22 person's satisfactory compliance with all terms and conditions of parole and/or probation (however,  
23 inability to pay fines, fees, and restitution due to indigence shall not be considered noncompliance with  
24 terms and conditions of parole and/or probation); employer recommendations, especially concerning a  
25 person's post-conviction employment; educational attainment or vocational or professional training

1 since the conviction, including training received while incarcerated; completion of or active  
2 participation in rehabilitative treatment (e.g., alcohol or drug treatment); letters of recommendation  
3 from community organizations, counselors or case managers, teachers, community leaders, or  
4 parole/probation officers who have observed the person since his or her conviction; and age of the  
5 person at the time of the conviction. Examples of mitigating factors that are offered voluntarily by the  
6 person may include but are not limited to explanation of the precedent coercive conditions, intimate  
7 physical or emotional abuse, or untreated substance abuse or mental illness that contributed to the  
8 conviction.

9 "Housing Provider" shall mean an entity that owns or develops Affordable Housing in the City  
10 and receives funding from the City for such projects, either directly or through financing resulting from  
11 the City's issuance of tax exempt bonds. "Housing Provider" also includes owners and developers of  
12 below market rate housing in the City or "affordable units," as that term is defined in Article 4 of the  
13 Planning Code, in the City. Any agent, such as a property management company, that makes tenancy  
14 decisions on behalf of the above described entities shall also be considered a Housing Provider.

15 "HRC" shall mean the Human Rights Commission or any successor department or office. The  
16 "Director" of HRC shall mean the department head of the HRC.

17 "Inquire" shall mean any direct or indirect conduct intended to gather information from or  
18 about an applicant, candidate, potential applicant or candidate, or employee, using any mode of  
19 communication, including but not limited to application forms, interviews, and Background Check  
20 Reports.

21 "OLSE" shall mean the Office of Labor Standards Enforcement or any successor department or  
22 office. The "Director" of OLSE shall mean the head of the OLSE.

23 "Person" shall mean any individual, person, firm, corporation, business or other organization  
24 or group of persons however organized. "Person" often means an individual with a Conviction  
25

1 History or Unresolved Arrest or with a record pertaining to the matters identified in Section 4904(a)  
2 and/or Section 49076(a).

3 "Unresolved Arrest" shall mean an Arrest that has led to ais undergoing an active pending  
4 criminal investigation or trial that has not yet been resolved. An Arrest has been resolved if the  
5 arrestee was released and no accusatory pleading was filed charging him or her with an  
6 offense, or if the charges have been dismissed or discharged by the district attorney or the  
7 court.

8 **SEC. 4904. PROCEDURES FOR USE OF CRIMINAL HISTORY INFORMATION IN**  
9 **EMPLOYMENT DECISIONS.**

10 (a) Regarding applicants or potential applicants for employment, or employees, an  
11 Employer shall not, at any time or by any means, inquire about, require disclosure of, or if such  
12 information is received base an Adverse Action in whole or in part on:

13 (1) An Arrest not leading to a Conviction, excepting under circumstances identified  
14 in this Section an Unresolved Arrest;

15 (2) Participation in or completion of a diversion or a deferral of judgment program;

16 (3) A Conviction that has been judicially dismissed, expunged, voided, invalidated,  
17 or otherwise rendered inoperative, by way of example but not limitation, under California Penal Code  
18 sections 1203.4, 1203.4a, or 1203.41;

19 (4) A Conviction or any other determination or adjudication in the juvenile justice  
20 system, or information regarding a matter considered in or processed through the juvenile justice  
21 system; ~~or~~

22 (5) A Conviction that is more than seven years old, the date of Conviction being the  
23 date of sentencing; ~~or~~

24 (6) Information pertaining to an offense other than a felony or misdemeanor,  
25 such as an infraction.



1 Accordingly, the matters identified in this subsection (a) may not be considered in any manner  
2 by the Employer.

3 (b) The Employer shall not require applicants or potential applicants for employment or  
4 employees to disclose on any employment application the fact or details of any Conviction History, any  
5 Unresolved Arrest, or any matter identified in subsections (a)(1)-(56). Nor shall the Employer inquire  
6 on any employment application about the fact or details of any Conviction History, any Unresolved  
7 Arrest, or any matter identified in subsections (a)(1)-(56).

8 (c) The Employer shall not require applicants or potential applicants for employment, or  
9 employees, to disclose, and shall not inquire into, their Conviction History or an Unresolved Arrest  
10 until either after the first live interview with the person (via telephone, videoconferencing, use of other  
11 technology, or in person) or, at the Employer's discretion, after a conditional offer of employment.

12 (d) Prior to any Conviction History inquiry, the Employer shall provide a copy of the notice  
13 described in Section 4905(b) to the applicant or employee.

14 (e) Prior to obtaining a copy of a Background Check Report, the Employer shall comply  
15 with all state and federal requirements including but not limited to those in the California Investigative  
16 Consumer Reporting Agencies Act (ICRAA), California Civil Code sections 1786 et seq., and the  
17 Federal Consumer Reporting Act (FCRA), 15 United States Code sections 1681 et seq., to provide  
18 notice to the applicant or employee that such a report is being sought. ~~The Employer must also~~  
19 ~~provide the applicant or employee notice in writing of his or her right pursuant to this Section~~  
20 ~~4904 to provide the Employer with evidence of inaccuracy or Evidence of Rehabilitation or~~  
21 ~~Other Mitigating Factors regarding any items of Conviction History found in the report, and the~~  
22 ~~deadline for providing such information. For such information to be required to be considered~~  
23 ~~by the Employer, the applicant or employee must give the Employer notice, orally or in writing,~~  
24 ~~of such information within seven days of the date that the report is sent by the Employer to the~~  
25 ~~applicant or employee.~~

1           (f) In making an employment decision based on an applicant's or employee's Conviction  
2           History, an Employer shall conduct an individualized assessment, considering only Directly-Related  
3           Convictions, the time that has elapsed since the Conviction or Unresolved Arrest, and any evidence of  
4           inaccuracy or Evidence of Rehabilitation or Other Mitigating Factors.

5           (g) If an Employer intends to base an Adverse Action on an item or items of in the  
6           applicant or employee's Conviction History, found in the applicant or employee prior to taking  
7           any Adverse Action the Employer shall provide the applicant or employee with a copy of the  
8           Background Check Report, and shall notify the applicant or employee of the prospective  
9           Adverse Action and the items forming the basis for the prospective Adverse Action.

10           (h) If, within seven days of the date that the notice described in subsection (g) is  
11           provided by the Employer to the applicant or employee, the applicant or employee gives the  
12           Employer notice, orally or in writing, of evidence of the inaccuracy of the item or items of  
13           Conviction History or any Evidence of Rehabilitation or Other Mitigating Factors Background  
14           Check Report and the applicant or employee submits evidence of the items' inaccuracy or  
15           Evidence of Rehabilitation or Other Mitigating Circumstances within the required time period,  
16           the Employer shall delay any Adverse Action for a reasonable time period after receipt of the  
17           information and during that time shall reconsider the prospective Adverse Action in light of the  
18           information.

19           (hi) Upon taking any final Adverse Action based upon the Conviction History of an applicant  
20           or employee, an Employer shall deliver to notify the applicant or employee a copy of the completed  
21           questionnaire described in Section 4906 of the final Adverse Action.

22           (ii) It shall be unlawful for any Employer to produce or disseminate any solicitation or  
23           advertisement that is reasonably likely to reach persons who are reasonably likely to seek employment  
24           in the City, and that expresses, directly or indirectly, that any person with an Arrest or Conviction will  
25           not be considered for employment or may not apply for employment.

1           (k) Nothing in this Section 4904 shall be construed to prohibit an Employer from observing  
2 the conditions of a seniority system or an employee benefit plan, provided such systems or plans are not  
3 a subterfuge to evade the purposes or requirements of this Article.

4           **SEC. 4905. NOTICE AND POSTING REQUIREMENTS FOR EMPLOYERS.**

5           (a) The Employer shall state in all solicitations or advertisements for employees that are  
6 reasonably likely to reach persons who are reasonably likely to seek employment in the City, that the  
7 Employer will consider for employment qualified applicants with criminal histories in a manner  
8 consistent with the requirements of this Article.

9           (b) The OLSE shall, by the operative date of this Article, publish and make available to  
10 Employers, in English, Spanish, Chinese, and all languages spoken by more than 5% of the San  
11 Francisco workforce, a notice suitable for posting by Employers in the workplace informing applicants  
12 and employees of their rights under this Article. The OLSE shall update this notice on December 1 of  
13 any year in which there is a change in the languages spoken by more than 5% of the San Francisco  
14 workforce. At a minimum the notice described above shall contain the following information:

15           (1) A description of those matters identified in Section 4904(a) that may not be  
16 considered by the Employer under any circumstances;

17           (2) A description of the restrictions and requirements that Section 4904 imposes on  
18 Employers when inquiring about Conviction History in connection with an employment or hiring  
19 decision;

20           (3) The definition of Evidence of Rehabilitation or Other Mitigating Factors  
21 provided in Section 4903, and under what circumstances and timeline under which the applicant or  
22 employee has a right to provide such evidence as provided in Section 4904(h) ; and

23           (4) The OLSE telephone number and email address that the applicant or employee  
24 may use to make a report if he or she believes the Employer has violated any of the provisions of this  
25 Article 49.

1        (c) Employers shall post the notice described in subsection (b) in a conspicuous place at  
2 every workplace, job site, or other location in San Francisco under the Employer's control frequently  
3 visited by their employees or applicants, and shall send a copy of this notice to each labor union or  
4 representative of workers with which they have a collective bargaining agreement or other agreement  
5 or understanding, that is applicable to employees in San Francisco. The notice shall be posted in  
6 English, Spanish, Chinese, and any language spoken by at least 5% of the employees at the workplace,  
7 job site, or other location at which it is posted.

8        ~~SEC. 4906. EMPLOYER QUESTIONNAIRE.~~

9        ~~(a) The OLSE shall, by the operative date of this Article, publish and make~~  
10 ~~available to Employers, a questionnaire to be completed by the Employer prior to taking any~~  
11 ~~final Adverse Action against an applicant or employee on the basis of his or her Conviction~~  
12 ~~History, that contains at a minimum the following information:~~

13                ~~(1) A statement that the notice is being provided in order to comply with~~  
14 ~~Article 49 of the San Francisco Police Code.~~

15                ~~(2) Questions that shall prompt the Employer to provide the following~~  
16 ~~information in yes/no or multiple choice format:~~

17                ~~\_\_\_\_\_ (A) Whether, and if so when, the applicant or employee was asked to~~  
18 ~~voluntarily disclose information about his or her Conviction History;~~

19                ~~\_\_\_\_\_ (B) Whether, and if so when, a Background Check Report was~~  
20 ~~obtained by the Employer;~~

21                ~~\_\_\_\_\_ (C) If the applicant or employee requested a copy of the Background~~  
22 ~~Check Report and any items of Conviction History appeared on the report, whether the~~  
23 ~~applicant or employee submitted any evidence of inaccuracy or Evidence of Rehabilitation or~~  
24 ~~Other Mitigating Factors;~~

1 ~~\_\_\_\_\_ (D) Whether the Employer gave consideration to any information by~~  
2 ~~the applicant or employee of the report's inaccuracy or to any Evidence Of Rehabilitation Or~~  
3 ~~Other Mitigating Factors;~~

4 ~~\_\_\_\_\_ (E) Whether the Employer gave any consideration to the amount of~~  
5 ~~time elapsed since the conviction or release from incarceration or conduct that is the subject~~  
6 ~~of an Unresolved Arrest;~~

7 ~~\_\_\_\_\_ (F) Whether the employment position at issue would give the applicant~~  
8 ~~or employee the opportunity to commit the same or similar offenses;~~

9 ~~\_\_\_\_\_ (G) Whether the circumstances leading to the conduct for which the~~  
10 ~~applicant or employee was convicted or that is the subject of an Unresolved Arrest would~~  
11 ~~recur in the employment position at issue; and~~

12 ~~\_\_\_\_\_ (H) The OLSE telephone number and email address that the applicant~~  
13 ~~or employee may use to make a report if he or she believes the Employer has violated any of~~  
14 ~~the provisions of Article 49.~~

15 ~~(b) Upon taking any Adverse Action an Employer shall deliver to the applicant or~~  
16 ~~employee a copy of the completed questionnaire.~~

17 **SEC. 49076. PROCEDURES FOR USE OF CRIMINAL HISTORY INFORMATION IN**  
18 **HOUSING DECISIONS.**

19 (a) Regarding applicants or potential applicants for housing, and their household members,  
20 a Housing Provider shall not, at any time or by any means, inquire about, require disclosure of, or if  
21 such information is received base an Adverse Action in whole or in part on:

22 (1) An Arrest not leading to a Conviction, excepting under circumstances identified  
23 in this Section an Unresolved Arrest;

24 (2) Participation in or completion of a diversion or a deferral of judgment program;  
25

1           (3) A Conviction that has been judicially dismissed, expunged, voided, invalidated,  
2 or otherwise rendered inoperative, by way of example but not limitation, under California Penal Code  
3 sections 1203.4, 1203.4a, or 1203.41;

4           (4) A Conviction or any other determination or adjudication in the juvenile justice  
5 system, or information regarding a matter considered in or processed through the juvenile justice  
6 system; or

7           (5) A Conviction that is more than seven years old, the date of Conviction being the  
8 date of sentencing; or

9           (6) Information pertaining to an offense other than a felony or misdemeanor,  
10 such as an infraction.

11           Accordingly, the matters identified in this subsection (a) may not be considered in any manner  
12 by the Housing Provider.

13           (b) The Housing Provider shall not require applicants for housing to disclose on any  
14 housing application the fact or details of any Conviction History, any Unresolved Arrest, or any matter  
15 identified in subsections (a)(1)-(56). Nor shall the Housing Provider inquire on any housing  
16 application about the fact or details of any Conviction History, any Unresolved Arrest, or any matter  
17 identified in subsections (a)(1)-(56).

18           (c) The Housing Provider shall not require applicants to disclose, and shall not inquire  
19 into, Conviction History until the Housing Provider has first determined:

20           (1) that the applicant is legally eligible to rent the housing unit; and

21           (2) that the applicant is qualified to rent the housing unit under the Housing

22 Provider's criteria for assessing rental history and credit history; provided, however, that this

23 subsection (c)(2) shall apply only if the Housing Provider uses rental history and credit history

24 information in determining qualifications of applicants for housing; and provided further, that this

25 subsection (c)(2) shall not preclude a Housing Provider from obtaining a Background Check Report at

1 the same time as the Housing Provider obtains the rental history report and credit history report for an  
2 applicant, so long as the Housing Provider reviews the Background Check Report only after  
3 determining based on rental history and credit history that the applicant is qualified to rent the housing  
4 unit.

5 (d) Prior to any Conviction History inquiry, the Housing Provider shall provide a copy of the  
6 notice described in Sections 4907(b) and (c) to the applicant.-

7 (e) Prior to obtaining a copy of a Background Check Report, the Housing Provider shall  
8 comply with all state and federal requirements including but not limited to those in the California  
9 Investigative Consumer Reporting Agencies Act (ICRAA), California Civil Code sections 1786 et seq.,  
10 and the Federal Consumer Reporting Act (FCRA), 15 United States Code sections 1681 et seq., to  
11 provide notice to the applicant that such a report is being sought.

12 (f) In making a housing decision based on Conviction History, a Housing Provider shall  
13 conduct an individualized assessment, considering only Directly-Related Convictions, and the time that  
14 has elapsed since the Conviction or Unresolved Arrest, and any evidence of inaccuracy or  
15 Evidence of Rehabilitation or Other Mitigating Factors.

16 (g) If a Housing Provider intends to base an Adverse Action on an item or items of in the  
17 applicant's Conviction History found in a Background Check Report or otherwise known by the  
18 Housing Provider, prior to taking any Adverse Action the Housing Provider shall notify provide  
19 the applicant in writing with a copy of the Background Check Report, and shall notify the  
20 applicant of the prospective Adverse Action, and the items forming the basis for the prospective  
21 Adverse Action, and the time period for the applicant to submit further information to the  
22 Housing Provider, as provided in subsection (g).

23 (gh) If, within 14 days of the date that the notice described in subsection (g) is  
24 provided by the Housing Provider to the applicant, the applicant gives the Housing Provider  
25 notice, orally or in writing, of The applicant shall have 14 days from the Housing Provider's

1 sending of the notice described in subsection (f) to submit to the Housing Provider, orally or in  
2 writing, evidence of the inaccuracy of the item or items of Conviction History and/or Evidence of  
3 Rehabilitation or Other Mitigating Factors. If such information is submitted within that time  
4 period, the Housing Provider shall delay any Adverse Action for a reasonable period after receipt of  
5 the information and during that time shall reconsider the prospective Adverse Action in light of the  
6 information.

7 (i) Upon If the Housing Provider then takes a taking any final Adverse Action based  
8 upon the Conviction History of an against the applicant, the Housing Provider shall notify the  
9 applicant of the final Adverse Action so advise the Applicant in writing.

10 (h) It shall be unlawful for any Housing Provider to produce or disseminate any  
11 advertisement that expresses, directly or indirectly, that any person with an arrest or conviction record  
12 will not be considered for the rental or lease of real property or may not apply for the rental or lease of  
13 real property, except as required by local, state, or federal law.

14 **SEC. 49087. NOTICE AND POSTING REQUIREMENTS FOR HOUSING PROVIDERS.**

15 (a) The Housing Provider shall state in all solicitations or advertisements for the rental or  
16 lease of residential real property placed by the Housing Provider or on behalf of the Housing  
17 Provider, that the Housing Provider will consider for tenancy qualified applicants with criminal  
18 histories in a manner consistent with the requirements of this Article.

19 (b) The HRC shall, by the operative date of this Article, publish and make available to  
20 Housing Providers, in English, Spanish, and Chinese, and all languages spoken by more than 5% of the  
21 San Francisco population, a notice suitable for posting that informs applicants for the rental or lease of  
22 residential real property of their rights under this Article. The HRC shall update this notice on  
23 December 1 of any year in which there is a change in the languages spoken by more than 5% of the San  
24 Francisco population.



1           (c) Housing Providers shall post the notice prominently on their website and at any location  
2 under their control that is frequently visited by applicants or potential applicants for the rental or lease  
3 of residential real property in San Francisco. At a minimum the notice described above shall contain  
4 the following information:

5           (1) A description of those matters identified in Section 49076(a) that may not be  
6 considered by the Housing Provider under any circumstances;

7           (2) A description of the restrictions and requirements that Section 49076 imposes on  
8 Housing Providers when inquiring about Conviction History in connection with an application for the  
9 rental or lease of residential real property in San Francisco;

10          (3) The definition of Evidence of Rehabilitation and Other Mitigating  
11 Circumstances Factors provided in Section 4903, and under what circumstances and timeline  
12 under which the applicant or potential applicant has a right to provide such evidence as provided in  
13 Section 4906(h); and

14          (4) The HRC telephone number and email address the applicant or potential  
15 applicant may use to make a report if he or she believes the Housing Provider has violated any of the  
16 provisions of Article 49.

17           **SEC. 49098. EXERCISE OF RIGHTS PROTECTED; RETALIATION PROHIBITED.**

18          (a) It shall be unlawful for an Employer, Housing Provider, or any other person to interfere  
19 with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Article.

20          (b) It shall be unlawful for an Employer to refuse to hire an applicant, or to discharge,  
21 threaten to discharge, demote, suspend, or otherwise take Adverse Action against an employee in  
22 retaliation for exercising rights protected under this Article. Such rights include but are not limited to:

23           (1) the right to file a complaint or inform any person about any Employer's alleged  
24 violation of this Article;

1           (2) the right to inform any person about an Employer's alleged violation of this  
2 Article;

3           (3) the right to cooperate with the OLSE or other persons in the investigation or  
4 prosecution of any alleged violation of this Article;

5           (4) the right to oppose any policy, practice, or act that is unlawful under this Article;  
6 or

7           (5) the right to inform any person of his or her rights under this Article.

8           (c) It shall be unlawful for a Housing Provider to interrupt, terminate, or fail or refuse to  
9 initiate or conduct a transaction involving the rental or lease of residential real property, including  
10 falsely representing that a residential unit is not available for rental or lease, or otherwise take Adverse  
11 Action against a person in retaliation for exercising rights protected under this Article. Such rights  
12 include but are not limited to:

13           (1) the right to file a complaint or inform any person about any Housing Provider's  
14 alleged violation of this Article;

15           (2) the right to inform any person about a Housing Provider's alleged violation of  
16 this Article;

17           (3) the right to cooperate with the HRC or other persons in the investigation or  
18 prosecution of any alleged violation of this Article;

19           (4) the right to oppose any policy, practice, or act that is unlawful under this Article;  
20 or

21           (5) the right to inform any person of his or her rights under this Article.

22           (d) Protections of this Section 49098 shall apply to any person who mistakenly but in good  
23 faith alleges violations of this Article.

1           (e) Taking Adverse Action against a person within 90 days of the exercise of one or more of  
2 the rights described in this Section 49098 shall create a rebuttable presumption that such Adverse  
3 Action was taken in retaliation for the exercise of those rights.

4           **SEC. 49409. IMPLEMENTATION AND ENFORCEMENT OF EMPLOYMENT**  
5 **PROVISIONS.**

6           (a) **Administrative Enforcement.**

7           (1) With regard to the employment provisions of this Article, the OLSE is authorized to take  
8 appropriate steps to enforce this Article and coordinate enforcement, including the investigation of any  
9 possible violations of this Article. Where the OLSE has reason to believe that a violation has occurred,  
10 it may order any appropriate temporary or interim relief to mitigate the violation or maintain the status  
11 quo pending completion of a full investigation or hearing. ~~The OLSE's finding of a violation may~~  
12 ~~not be based on the validity of the Employer's bona fide business reason for taking an~~  
13 ~~Adverse Action against an applicant or employee based on his or her Conviction History.~~  
14 ~~Instead, the Agency's review shall be limited to an Employer's adherence to procedural,~~  
15 ~~posting and documentation requirements set forth in this Article.~~ The OLSE shall not find a  
16 violation based on an Employer's decision that an applicant or employee's Conviction History  
17 is Directly Related, but otherwise may find a violation of this Article, including if the Employer  
18 failed to conduct the individualized assessment as required under Section 4904(f).

19           (2) Where the OLSE determines that a violation has occurred, it may issue a determination  
20 and order any appropriate relief, provided, however, that for a first violation, or for any violation  
21 during the first twelve months following the operative date of this Article, the OLSE must issue  
22 warnings and notices to correct, and offer the Employer technical assistance on how to comply with the  
23 requirements of this Article. For a second violation, the OLSE may impose an administrative penalty  
24 of no more than \$50.00 that the Employer must pay to the City for each employee or applicant as to  
25 whom the violation occurred or continued. Thereafter, for subsequent violations, the penalty may

1 increase to no more than \$100, payable to the City for each employee or applicant whose rights were,  
2 or continue to be, violated. Such funds shall be allocated to the OLSE and used to offset the costs of  
3 implementing and enforcing this Article.

4 (3) If multiple employees or applicants are impacted by the same procedural violation at the  
5 same time (e.g. all applicants for a certain job opening are asked for their Conviction History on the  
6 initial application), the violation shall be treated as a single violation rather than multiple violations.

7 (4) Where prompt compliance is not forthcoming, the OLSE may refer the action to the City  
8 Attorney to consider initiating a civil action pursuant to Subsection (b) .

9 (5) An employee, applicant or other person may report to the OLSE any suspected violation  
10 of this Article within 60 days of the date the suspected violation occurred. The OLSE shall encourage  
11 reporting pursuant to this subsection by keeping confidential, to the maximum extent permitted by  
12 applicable laws, the name and other identifying information of the employee, applicant or person  
13 reporting the violation; provided, however, that with the authorization of such person, the OLSE may  
14 disclose his or her name and identifying information as necessary to enforce this Article or for other  
15 appropriate purposes.

16 (6) The Director of the OLSE shall establish rules governing the administrative process for  
17 determining and appealing violations of this Article. The Rules shall include procedures for:

18 (A) providing the Employer with notice that it may have violated this Article;

19 (B) providing the Employer with a right to respond to the notice;

20 (C) providing the Employer with notice of the OLSE's determination of a violation;

21 (D) providing the Employer with an opportunity to appeal the OLSE's determination  
22 to a hearing officer, who is appointed by the City Controller or his or her designee.

23 (7) If there is no appeal of the OLSE's determination of a violation, that determination shall  
24 constitute a failure to exhaust administrative remedies, which shall serve as a complete defense to any  
25

1 petition or claim brought by the Employer against the City regarding the OLSE's determination of a  
2 violation.

3 (8) If there is an appeal of the OLSE's determination of a violation, the hearing before the  
4 hearing officer shall be conducted in a manner that satisfies the requirements of due process. In any  
5 such hearing, the OLSE's determination of a violation shall be considered prima facie evidence of a  
6 violation, and the Employer shall have the burden of proving, by a preponderance of the evidence, that  
7 the OLSE's determination of a violation is incorrect. The hearing officer's decision of the appeal shall  
8 constitute the City's final decision. The sole means of review of the City's final decision, rendered by  
9 the hearing officer, shall be by filing in the San Francisco Superior Court a petition for writ of mandate  
10 under Section 1094.5 of the California Code of Civil Procedure. The OLSE shall notify the Employer  
11 of this right of review after issuance of the City's final decision by the hearing officer.

12 (b) **Civil Enforcement.** The City may bring a civil action in a court of competent  
13 jurisdiction against the Employer or other person violating this Article, and, upon prevailing, shall be  
14 entitled to such legal or equitable relief as may be appropriate to remedy the violation including, but  
15 not limited to: reinstatement; back pay; the payment of benefits or pay unlawfully withheld; the  
16 payment of an additional sum as liquidated damages in the amount of \$50.00 to each employee,  
17 applicant or other person whose rights under this Article were violated for each day such violation  
18 continued or was permitted to continue; appropriate injunctive relief; and, further shall be awarded  
19 reasonable attorney's fees and costs.

20 (c) **Interest.** In any administrative or civil action brought under this Article, the OLSE or  
21 court, as the case may be, shall award interest on all amounts due and unpaid at the rate of interest  
22 specified in subdivision (b) of Section 3289 of the California Civil Code.

23 (d) **Remedies Cumulative.** The remedies, penalties, and procedures provided under this  
24 Article are cumulative.

1       (e) Limitation on Actions. Civil Actions to enforce the employment provisions of this  
2 Article must be filed within one year after the date of the violation.

3       (f) Tracking of Complaints. OLSE shall maintain a record of the number and  
4 types of complaints it receives alleging violations of this Article, and the resolution of those  
5 complaints. This information shall be compiled on an annual calendar year basis and  
6 reported to the Board of Supervisors by January 31 of each year.

7       **SEC. 49140. EMPLOYER RECORDS.**

8       (a) An Employer shall retain records of employment, application forms, and other pertinent  
9 data and records required under this Article, for a period of three years, and shall allow the OLSE  
10 access to such records, with appropriate notice and at a mutually agreeable time, to monitor  
11 compliance with the requirements of this Article.

12       (b) An Employer shall provide information to the OLSE, or the OLSE's designee, on an  
13 annual basis as may be required to verify the Employer's compliance with this Article.

14       (c) In no event shall the OLSE require an Employer to provide any information or  
15 documents the disclosure of which would violate state or federal law.

16       (d) Where an Employer does not maintain or retain adequate records documenting  
17 compliance with this Article or does not allow the OLSE reasonable access to such records, it shall be  
18 presumed that the Employer did not comply with this Article, absent clear and convincing evidence  
19 otherwise. The Office of Treasurer and Tax Collector shall have the authority to provide any and all  
20 nonfinancial information to OLSE necessary to fulfill OLSE's responsibilities as the enforcing agency  
21 under this Article. With regard to all such information provided by the Office of Treasurer and Tax  
22 Collector, OLSE shall be subject to the confidentiality provisions of Subsection (a) of Section 6.22-1 of  
23 the San Francisco Business and Tax Regulations Code.

24       (e) Pursuant to its rulemaking authority under this Article, the OLSE shall adopt rules that  
25 establish procedures for Employers to maintain and retain accurate records and to provide annual

1 reporting of compliance to OLSE in a manner that does not require disclosure of any information that  
2 would violate State or Federal privacy laws.

3 **SEC. 49121. IMPLEMENTATION AND ENFORCEMENT OF HOUSING PROVISIONS.**

4 **(a) Administrative Enforcement.**

5 (1) With regard to the housing provisions of this Article, the HRC is authorized to  
6 take appropriate steps to enforce this Article and coordinate enforcement, including the investigation of  
7 any possible violations of this Article. The HRC shall not find a violation based on a Housing  
8 Provider's decision that an applicant's Conviction History is Directly Related, but otherwise  
9 may find a violation of this Article, including if the Housing Provider failed to conduct the  
10 individualized assessment as required under Section 4906(f).

11 (2) Where the Director of HRC determines that a violation has occurred, he or she  
12 may issue a determination and order any appropriate relief, provided, however, that for a first  
13 violation, or for any violation during the first twelve months following the operative date of this Article,  
14 the Director must issue warnings and notices to correct, and offer the Housing Provider technical  
15 assistance on how to comply with the requirements of this Article. For a second violation, the Director  
16 may impose an administrative penalty of no more than \$50.00 that the Housing Provider must pay for  
17 each applicant as to whom the violation occurred or continued. Thereafter, for subsequent violations,  
18 the penalty may increase to no more than \$100, payable to the City for each applicant whose rights  
19 were, or continue to be, violated. Such funds shall be allocated to the HRC and used to offset the costs  
20 of implementing and enforcing this Article.

21 (3) If multiple applicants are impacted by the same procedural violation at the same  
22 time (e.g. all applicants for a certain housing unit are asked for their Conviction History on the initial  
23 application), the violation shall be treated as a single violation rather than multiple violations.

24 (4) An applicant or other person may report to the HRC any suspected violation of  
25 this Article within 60 days of the date the suspected violation occurred. The HRC shall encourage

1 reporting pursuant to this subsection by keeping confidential, to the maximum extent permitted by  
2 applicable laws, the name and other identifying information of the employee, applicant or person  
3 reporting the violation; provided, however, that with the authorization of such person, the HRC may  
4 disclose his or her name and identifying information as necessary to enforce this Article or for other  
5 appropriate purposes.

6 (5) The Director of the HRC shall establish rules governing the administrative  
7 process for determining and appealing violations of this Article. The Rules shall include procedures  
8 for:

9 (A) providing the Housing Provider with notice that it may have violated this Article;

10 (B) providing the Housing Provider with a right to respond to the notice;

11 (C) providing the Housing Provider with notice of the Director's determination of a  
12 violation;

13 (D) providing the Housing Provider with an opportunity to appeal the Director's  
14 determination to the HRC.

15 (6) If there is no appeal of the Director's determination of a violation, that  
16 determination shall constitute a failure to exhaust administrative remedies, which shall serve as a  
17 complete defense to any petition or claim brought by the Housing Provider against the City regarding  
18 the Director's determination of a violation.

19 (7) If there is an appeal of the Director's determination of a violation, the City  
20 Controller or his or her designee shall appoint a person, other than a member of the Commission, to  
21 serve as a hearing officer. The hearing before the hearing officer shall be conducted in a manner that  
22 satisfies the requirements of due process. In any such hearing, the Director's determination of a  
23 violation shall be considered prima facie evidence of a violation, and the Housing Provider shall have  
24 the burden of proving, by a preponderance of the evidence, that the Director's determination of a  
25 violation is incorrect.



1                   (8) If the hearing officer finds that the Housing Provider has engaged in conduct in  
2 violation of this Article, the hearing officer shall issue an order requiring the Housing Provider to  
3 cease and desist from the practice and to offer the housing accommodation to the applicant or  
4 applicants under the terms for which the unit was offered to the public. The Housing Provider shall not  
5 be required to offer the housing accommodation if the unit has already been rented or leased to a  
6 tenant, but the Housing Provider shall be required to offer a comparable unit, if available, to the  
7 applicant or applicants.

8                   (9) The decision of the hearing officer shall be final unless the Commission vacates  
9 his or her decision on appeal.

10                  (10) Either party may file an appeal of the hearing officer's decision with the  
11 Commission. Such an appeal to the Commission from the determination of the hearing officer must be  
12 made within 15 days of the mailing of the decision and findings of fact. The appeal shall be in writing  
13 and must state the grounds for appellant's claim that there was either error or abuse of discretion on  
14 the part of the hearing officer. Each appeal shall be accompanied by a \$15 filing fee; provided,  
15 however, the fee shall be waived for an individual who files an affidavit under penalty of perjury stating  
16 that he or she is an indigent person who does not have and cannot obtain the money to pay the filing fee  
17 without using money needed for the necessities of life. The filing of an appeal will not stay the effect of  
18 the hearing officer's decision.

19                  (11) Upon receipt of an appeal, the entire administrative record of the matter,  
20 including the appeal, shall be filed with the Commission.

21                  (12) The Commission may in its discretion determine to hear an appeal. In deciding  
22 whether to hear an appeal, the Commission shall consider, among other things, fairness to the parties,  
23 hardship to either party and promotion of the policies and purposes of this Article. In determining  
24 whether to hear an appeal the Commission may also review material from the administrative record of  
25

1 the matter as it deems necessary. A vote of the majority of the Commission shall be required for an  
2 appeal to be heard.

3 (13) In those cases where the Commission is able to determine on the basis of the  
4 documents before it that the hearing officer has erred, the Commission may without determining  
5 whether to hear the appeal remand the case for further hearing in accordance with its instructions  
6 without conducting an appeal hearing. Both parties shall be notified as to the time of the re-hearing,  
7 which shall be conducted within 30 days of the remand by the Commission. In those cases where the  
8 Commission is able to determine on the basis of the documents before it that the hearing officer's  
9 findings contain numerical or clerical inaccuracies, or require clarification, the Commission may  
10 continue the hearing for purposes of referring the case back to said hearing officer in order to correct  
11 the findings.

12 (14) Appeals accepted by the Commission shall be heard within 45 days of the filing  
13 of an appeal. Within 30 days of the filing of an appeal, both parties shall be notified in writing as to  
14 whether the appeal has been accepted. If the appeal has been accepted, the notice shall state the time of  
15 the hearing and the nature of the hearing. Such notice must be mailed at least 10 days prior to the  
16 hearing.

17 (15) At the appeal hearing, the parties shall have an opportunity to present oral and  
18 written argument in support of their positions. The Commission may in its discretion allow the parties  
19 to present additional evidence that was not considered by the hearing officer. After such hearing and  
20 after any further investigation which the Commission may deem necessary, the Commission may, upon  
21 hearing the appeal, affirm, reverse or modify the hearing officer's decision or may remand the case for  
22 further hearing in accordance with its findings. The Commission's decision must be rendered within 45  
23 days of the completion of the hearing and the parties must be notified of such decision.

24 (16) In accordance with the above subsection, the Commission shall give the parties  
25 written notice of the decision. The notice shall state that the decision is final.

1        (b) HRC shall maintain a record of the number and types of complaints it receives  
2 alleging violations of this Article, and the resolution of those complaints. This information shall  
3 be compiled on an annual calendar year basis and reported to the Board of Supervisors by  
4 January 31 of each year.

5        **SEC. 49132. HOUSING PROVIDER RECORDS.**

6        (a) A Housing Provider shall maintain and retain records of tenant application forms, and  
7 other pertinent data and records required under this Article, for a period of three years, and shall  
8 allow the HRC access to such records, with appropriate notice and at a mutually agreeable time, to  
9 monitor compliance with the requirements of this Article.

10       (b) A Housing Provider shall provide information to the HRC, or the HRC's designee, on an  
11 annual basis as may be required to verify the Housing Provider's compliance with this Article.

12       (c) In no event shall the HRC require a Housing Provider to provide any information or  
13 documents the disclosure of which would violate state or federal law.

14       (d) Where a Housing Provider does not maintain or retain adequate records documenting  
15 compliance with this Article or does not allow the HRC reasonable access to such records, it shall be  
16 presumed that the Housing Provider did not comply with this Article, absent clear and convincing  
17 evidence otherwise. The Office of Treasurer and Tax Collector shall have the authority to provide any  
18 and all nonfinancial information to the HRC necessary to fulfill the HRC's responsibilities as the  
19 enforcing agency under this Article. With regard to all such information provided by the Office of  
20 Treasurer and Tax Collector, the HRC shall be subject to the confidentiality provisions of Subsection  
21 (a) of Section 6.22-1 of the San Francisco Business and Tax Regulations Code.

22       (e) Pursuant to its rulemaking authority under this Article, the HRC shall adopt rules that  
23 establish procedures for Housing Providers to maintain and retain accurate records and to provide  
24 annual reporting of compliance to the HRC in a manner that does not require disclosure of any  
25 information that would violate State or Federal privacy laws.

1                   **SEC. 49143. RULEMAKING.**

2                   (a) The Director of OLSE shall have authority to adopt regulations and guidelines that  
3 implement the employment provisions of this Article or that relate to provisions of this Article of  
4 general import or applicability; provided, that the Director of OLSE may adopt regulations or  
5 guidelines relating to provisions of general import or applicability only after consultation with the  
6 Director of HRC.

7                   (b) A designee of the Director of OLSE shall not have the authority under subsection (a) to  
8 adopt regulations or guidelines. But, at the discretion of the Director of OLSE, a designee shall have  
9 the authority to conduct hearings leading to the adoption of regulations or guidelines, and to consult  
10 with the Director of HRC regarding regulations or guidelines relating to provisions of general import  
11 or applicability.

12                   (c) The HRC shall have authority to adopt regulations and guidelines that implement the  
13 housing provisions of this Article. The HRC may delegate this function to the Director of HRC.

14                   (d) A designee of the Director of HRC shall not have the authority under subsection (c) to  
15 adopt regulations or guidelines. But, at the discretion of the Director of HRC, a designee shall have  
16 the authority to conduct hearings leading to the adoption of regulations or guidelines, and to consult  
17 with the Director of OLSE regarding regulations or guidelines relating to provisions of general import  
18 or applicability.

19                   **SEC. 49154. OUTREACH.**

20                   (a) The OLSE shall establish a community-based outreach program to conduct education  
21 and outreach to employees, applicants, and potential applicants for employment regarding rights and  
22 procedures under this Article. The program may be targeted at workers or potential workers in  
23 industries or communities where, in the judgment of the OLSE, the need for education and outreach is  
24 greatest.

1           **(b) The HRC shall establish a community-based outreach program to conduct education**  
2 **and outreach to applicants and potential applicants for housing regarding rights and procedures under**  
3 **this Article. The program may be targeted at individuals or communities where, in the judgment of the**  
4 **HRC, the need for education and outreach is greatest.**

5           **(c) In establishing outreach programs as required by subsections (a) and (b), the OLSE and**  
6 **the HRC may partner with each other and/or with community-based organizations. Nothing in this**  
7 **Section 49134 shall preclude the OLSE or the HRC, by contract or grant, and consistent with other**  
8 **provisions of City law, from engaging the services of such organizations in establishing such**  
9 **community-based outreach programs, participating in such programs, or developing materials for such**  
10 **programs. Nothing in this Section 49134 shall preclude the OLSE or the HRC from combining the**  
11 **outreach programs required by subsections (a) and (b) with other related community outreach**  
12 **programs.**

13           **SEC. 49165. OTHER LEGAL REQUIREMENTS.**

14           **This Article provides the minimum requirements pertaining to the protection of applicants for**  
15 **employment, potential applicants for employment, employees, and applicants and potential applicants**  
16 **for the rental and lease of residential real property, and shall not be construed to preempt, limit, or**  
17 **otherwise affect the applicability of any other law, regulation, requirement, policy, or standard, or,**  
18 **with regard to employment, any provision of a collective bargaining agreement, that provides for**  
19 **greater or other rights of or protections for applicants, potential applicants, or employees. This**  
20 **provision shall apply both to laws, regulations, requirements, policies, standards, and collective**  
21 **bargaining agreements in existence at the time the Article becomes operative, and to those that come**  
22 **into existence thereafter.**

23           **SEC. 49176. PREEMPTION.**

24           **The City recognizes that in some circumstances state or federal law governs some of the matters**  
25 **addressed in this Article. Nothing in this Article shall be interpreted or applied by a court or an**

1 agency of City government so as to create any requirement, power, or duty in conflict with federal or  
2 state law or with a requirement of any government agency, including any agency of City government,  
3 implementing federal or state law. Consistent with the foregoing preemption principle, for example,  
4 the OLSE and the HRC are authorized to not enforce any provision of this Article upon determining  
5 that its application in a particular context would conflict with federal or state law or with a  
6 requirement of a government agency implementing federal or state law. As another example  
7 consistent with the foregoing preemption principle, Employers may inquire about criminal  
8 convictions outside of the time periods set forth in this Article where required by federal or  
9 state law or a government agency implementing federal or state law. These examples are  
10 illustrative and do not limit the scope of the preemption principle stated in this Section 4916.

11 **SEC. 49187. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL**  
12 **WELFARE.**

13 In enacting and implementing this Article, the City is assuming an undertaking only to promote  
14 the general welfare. The City is not assuming, nor is it imposing on its officers and employees, an  
15 obligation for breach of which it is liable in money damages to any person who claims that such breach  
16 proximately caused injury. This Article does not create a legally enforceable right against the City.

17 **SEC. 49198. SEVERABILITY.**

18 If any part or provision of this Article including but not limited to a section, subsection,  
19 paragraph, sentence, phrase, or word, or the application thereof to any person or circumstance, is held  
20 invalid, the remainder of the Article, including the application of such part or provision to other  
21 persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To  
22 this end, provisions of this Article are severable.

23 **SEC. 492019. OPERATIVE DATE.**

24 This Article shall become operative on 180 days after enactment and shall have prospective  
25 effect only, measured from the operative date forward. Enactment occurs when the Mayor signs the

1 ordinance creating the Article, the Mayor returns the ordinance unsigned or does not sign the  
2 ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the  
3 ordinance.

4  
5 Section 2. The San Francisco Administrative Code is hereby amended by adding  
6 Chapter 12T, Sections 12T.1-12T.11 to read as follows:

7  
8 **CHAPTER 12T: CITY CONTRACTOR/SUBCONTRACTOR CONSIDERATION**  
9 **OF CRIMINAL HISTORY IN HIRING AND EMPLOYMENT DECISIONS**

10  
11 **SEC. 12T.1. DEFINITIONS.**

12 For the purposes of this Chapter, the following words and phrases shall mean and include:

13 "Adverse Action" shall have the same meaning as in Police Code Section 4903.

14 "Arrest" shall have the same meaning as in Police Code Section 4903.

15 "Background Check Report" shall have the same meaning as in Police Code Section 4903.

16 "Bid" shall mean a bid or proposal submitted to the City in response to an invitation for  
17 bids or a request for proposals. "Bid" may include a response to a request for qualifications if  
18 no further ranking prior to Contractor selection is contemplated by the procurement process.

19 "City" shall mean the City and County of San Francisco.

20 "Contract" shall mean an agreement for public works or improvements to be performed, or for  
21 goods or services to be purchased or grants to be provided, at the expense of the City or to be paid out  
22 of moneys deposited in the treasury or out of trust moneys under the control or collected by the City,  
23 and does not include Property eContracts, agreements entered into after June 1, 1997 pursuant to  
24 settlement of legal proceedings, contracts for urgent litigation expenses as determined by the City  
25 Attorney, or contracts for a cumulative amount of \$5,000 or less per vendor in each fiscal year.

1 "Contractor" shall means any person or persons, firm, partnership, corporation, or  
2 combination thereof, who enters into a Contract or Property Contract with a department head or  
3 officer empowered by law to enter into Contracts or Property Contracts on the part of the City.

4 "Conviction" shall have the same meaning as in Police Code Section 4903.

5 "Conviction History" shall have the same meaning as in Police Code Section 4903.

6 "Directly-Related Conviction" shall have the same meaning as in Police Code Section 4903.

7 "Employment" shall have the same meaning as in Police Code Section 4903.

8 "Evidence Of Rehabilitation Or Other Mitigating Factors" shall have the same meaning as in  
9 Police Code Section 4903.

10 "HRC" and "Director of HRC" shall have the same meaning as in Police Code Section  
11 4903.

12 "Inquire" shall have the same meaning as in Police Code Section 4903.

13 "OLSE" and "Director of OLSE" shall have the same meaning as in Police Code Section 4903.

14 "Person" shall have the same meaning as in Police Code Section 4903.

15 "Property Contract" shall mean a written agreement for the exclusive use or occupancy of real  
16 property for a term exceeding 29 days in any calendar year, whether by singular or cumulative  
17 instrument (i) for the operation or use by others of real property owned or controlled by the City for the  
18 operation of a business, social, or other establishment or organization, including leases, concessions,  
19 franchises and easements, or (ii) for the City's use or occupancy of real property owned by others,  
20 including leases, concessions, franchises and easements. For the purposes of this Chapter, "exclusive  
21 use" means the right to use or occupy real property to the exclusion of others, other than the rights  
22 reserved by the fee owner. "Property Contract" shall not include a revocable at-will use or  
23 encroachment permit for the use of or encroachment on City property regardless of the ultimate  
24 duration of such permit, except that " Property Contract" shall include such permits granted to a  
25 private entity for the use of City property for the purpose of a for-profit activity. "Property contract"



1 shall also not include street excavation, street construction or street use permits, agreements for the use  
2 of City right-of-way where a contracting utility has the power of eminent domain, or agreements  
3 governing the use of City property which constitutes a public forum for activities that are primarily for  
4 the purpose of espousing or advocating causes or ideas and that are generally recognized as protected  
5 by the First Amendment to the U.S. Constitution, or which are primarily recreational in nature.

6 "Subcontract" shall mean an agreement to (i) provide goods and/or services, including  
7 construction labor, materials or equipment, to a Contractor, if such goods or services are procured or  
8 used in the fulfillment of the Contractor's obligations arising from a Contract with the City, or (ii) to  
9 transfer the right to occupy or use all or a portion of a real property interest subject to a Property  
10 Contract to a Subcontractor and pursuant to which the Contractor remains obligated under the  
11 Property Contract.

12 "Subcontractor" shall mean any person or persons, firm, partnership, corporation or any  
13 combination thereof, who enters into a Subcontract with a Contractor. Such term shall include any  
14 person or entity who enters into an agreement with any Subcontractor for the performance of 10  
15 percent or more of any Subcontract.

16 "Unresolved Arrest" shall have the same meaning as in Police Code Section 4903.

17 **SEC. 12T.2. APPLICABILITY OF CHAPTER TO CONTRACTORS AND**  
18 **SUBCONTRACTORS.**

19 The requirements of this Chapter shall only apply to a Contractor's operations within San  
20 Francisco, and only to the extent those operations are in furtherance of performing a Contract or  
21 Property Contract with the City. Accordingly, the protections of this Chapter apply only to  
22 applicants and employees who would be or are performing work in furtherance of performing  
23 a Contract or Property Contract with the City.

24 **SEC. 12T.3. ALL CONTRACTS AND PROPERTY CONTRACTS TO INCLUDE**  
25 **PROVISION REQUIRING COMPLIANCE WITH THIS CHAPTER.**

1 All contracting agencies of the City, or any department thereof, acting for or on behalf of the  
2 City, shall include in all Contracts and Property Contracts hereinafter executed or amended in any  
3 manner or as to any portion thereof, a provision requiring Contractor's compliance with this Chapter  
4 and shall require such Contractor to include a similar provision in all Subcontracts executed and  
5 amended thereunder, and failure to do so shall constitute a material breach of contract.

6 **SEC. 12T.4. PROCEDURES FOR CONTRACTOR USE OF CRIMINAL HISTORY**  
7 **INFORMATION IN EMPLOYMENT DECISIONS.**

8 (a) Regarding applicants or potential applicants for employment, or employees, a  
9 Contractor or Subcontractor shall not, at any time or by any means, inquire about, require  
10 disclosure of, or if such information is received base an Adverse Action in whole or in part on:

11 (1) An Arrest not leading to a Conviction, excepting under circumstances  
12 identified in this Section an Unresolved Arrest;

13 (2) Participation in or completion of a diversion or a deferral of judgment  
14 program;

15 (3) A Conviction that has been judicially dismissed, expunged, voided,  
16 invalidated, or otherwise rendered inoperative, by way of example but not limitation, under  
17 California Penal Code sections 1203.4, 1203.4a, or 1203.41;

18 (4) A Conviction or any other determination or adjudication in the juvenile  
19 justice system, or information regarding a matter considered in or processed through the  
20 juvenile justice system; or

21 (5) A Conviction that is more than seven years old, the date of Conviction  
22 being the date of sentencing.; or

23 (6) Information pertaining to an offense other than a felony or misdemeanor,  
24 such as an infraction.

1 Accordingly, the matters identified in this subsection (a) may not be considered in any  
2 manner by the Contractor or Subcontractor.

3 (ab) In making employment decisions, a Contractor or Subcontractor shall not require  
4 applicants or potential applicants for employment or its employees to disclose, orally or in writing,  
5 on any employment application the fact or details of any prior Conviction History, any Unresolved  
6 Arrest, or any matter identified in subsections (a)(1)-(6). Nor shall the Contractor or  
7 Subcontractor inquire including any inquiry about conviction history on any employment  
8 application about the fact or details of any Conviction History, any Unresolved Arrest, or any  
9 matter identified in subsections (a)(1)-(6), and shall not inquire into any prior Conviction  
10 History, until after the first live interview (via telephone, video conference or in person) or after  
11 a conditional offer of employment.

12 (bc) A Contractor or Subcontractor shall not require applicants or potential applicants  
13 for employment, or employees, to disclose, and shall not inquire into, their Conviction History  
14 or an Unresolved Arrest until either after the first live interview with the person (via telephone,  
15 videoconferencing, use of other technology, or in person) or, at the discretion of the  
16 Contractor or Subcontractor, afterAfter the first interview or a conditional offer of employment, a  
17 Contractor or Subcontractor may inquire about felony and misdemeanor convictions occurring  
18 within the previous seven years. The Contractor or Subcontractor shall not inquire about, and  
19 in the event that such information is received, shall not base an Adverse Action upon:

20 (1) An arrest not leading to a conviction unless required by state or federal  
21 law;

22 (2) Participation in or completion of a diversion or a deferral of judgment  
23 program; or

24 (3) A conviction that has been judicially dismissed, for example, pursuant to  
25 California Penal Code §§ 1203.4, 1203.4 or 1203.41.

1           (c) ~~Notwithstanding the requirements of this section, if at any time an applicant or~~  
2 ~~employee spontaneously volunteers information about his or her Conviction History without~~  
3 ~~prompting by the Employer, the Employer may ask follow up questions and make further~~  
4 ~~inquiries about the applicant or employee's Conviction History.~~

5           (d) Prior to any Conviction History inquiry, the Employer Contractor or Subcontractor  
6 shall provide a copy of the notice described in Section 4905(b), 12T.5(b) to the applicant or employee.

7           (e) Prior to obtaining a copy of a Background Check Report, the Employer Contractor or  
8 Subcontractor shall comply with all state and federal requirements including but not limited to  
9 California Investigative Consumer Reporting Agencies Act (ICRAA), California Civil Code sections  
10 1786 et seq., and/or the Federal Consumer Reporting Act (FCRA), 15 United States Code  
11 sections 1681 et seq., to provide notice to the applicant or employee that such a report is being  
12 sought. ~~For applicants or employees who elect to receive a copy of the report, the Employer~~  
13 ~~must also notify them of their right pursuant to this section to provide the Employer with~~  
14 ~~evidence of inaccuracy or Evidence of Rehabilitation or Other Mitigating Circumstances~~  
15 ~~regarding any items of Conviction History found in the report, and that such information must~~  
16 ~~be received within 5 days of the date that the report is sent to the applicant or employee in~~  
17 ~~order to receive Employer consideration.~~

18           (e~~f~~) In making an employment decision based on an applicant's or employee's Conviction  
19 History, a Contractor or Subcontractor shall conduct an individualized assessment, considering only  
20 Directly-Related Convictions, the time that has elapsed since the eConviction or Unresolved Arrest,  
21 and any evidence of inaccuracy or Evidence of Rehabilitation or Other Mitigating Circumstances  
22 Factors.

23           (f~~g~~) If a Contractor or Subcontractor intends to base an Adverse Action on an item or items  
24 of in the applicant or employee's Conviction History found in the applicant or employee  
25 Background Check Report, prior to taking any Adverse Action the Contractor or Subcontractor

1 shall provide and the applicant or employee with a copy of the Background Check Report, and  
2 shall notify the applicant or employee of the prospective Adverse Action and the item or items  
3 forming the basis for the prospective Adverse Action.

4 (h) If, within seven days of the date that the notice described in subsection (g) is  
5 provided by the Contractor or Subcontractor to the applicant or employee, the applicant or  
6 employee gives the Contractor or Subcontractor notice, orally or in writing, of evidence of the  
7 inaccuracy of the item or items of Conviction History or any Evidence of Rehabilitation or  
8 Other Mitigating Factors, the Contractor or Subcontractor ~~submits evidence of the items'~~  
9 ~~inaccuracy or Evidence of Rehabilitation or Other Mitigating Circumstances within the required~~  
10 ~~time period, the Employer shall delay any Adverse Action for a reasonable time period after receipt~~  
11 ~~of this evidence the information and during that time shall reconsider the proposed prospective~~  
12 ~~Adverse Action in light of this evidence the information.~~

13 (gi) Upon taking any final Adverse Action based upon the Conviction History of an  
14 applicant or employee, a Contractor or Subcontractor shall give ~~notify the applicant or employee~~  
15 ~~written notice of the final Adverse Action in a document that conforms to the requirements of~~  
16 ~~Police Code Section 4905(d).~~

17 (hi) A Contractor or Subcontractor shall not produce or disseminate any solicitation or  
18 advertisement that is reasonably likely to reach persons who are reasonably likely to seek  
19 employment to be performed under a Contract or Property Contract and that expresses, directly  
20 or indirectly, that any person with an a ~~Arrest or e~~ Conviction will not be considered for employment or  
21 may not apply for employment, except as required by local, state, or federal law.

22 (i) Nothing in this Section 12T.4 shall be construed to prohibit a Contractor or  
23 Subcontractor from observing the conditions of a seniority system or an employee benefit system plan,  
24 provided such systems or plans are not a subterfuge to evade the purposes or requirements of this  
25 Chapter.

1                    **SEC. 12T.5. NOTICE AND POSTING REQUIREMENTS FOR CONTRACTORS AND**  
2                    **SUBCONTRACTORS.**

3                    (a) The Contractor or Subcontractor will shall state in all solicitations or advertisements  
4                    for employees placed by or on his or her behalf that are reasonably likely to reach persons who  
5                    are reasonably likely to seek employment to be performed under a Contract or Property  
6                    Contract, that the Contractor or Subcontractor will consider for employment qualified applicants with  
7                    Conviction Histories criminal histories in a manner consistent with the requirements of this Chapter.

8                    (b) ~~Notice of Rights under this Chapter.~~ The OLSE shall, by the operative date of this  
9                    Chapter, publish and make available to Contractors and Subcontractors, in English, Spanish,  
10                    Chinese, and all languages spoken by more than 5% of the San Francisco workforce, a notice  
11                    substantially similar in form and content to the notice described in Police Code Section 4905(b).  
12                    However, the notice shall cite this Chapter rather than Police Code Article 49 as the applicable legal  
13                    authority for the rights and obligations described therein. Contractors and Subcontractors shall be  
14                    subject to the same distribution and posting requirements for this notice as described in Police Code  
15                    Section 4905(c).

16                    (c) ~~Final Adverse Action. The OLSE shall, by the operative date of this Article,~~  
17                    ~~publish and make available to Contractors and Subcontractors, a questionnaire to be~~  
18                    ~~completed by the Employer prior to taking any final Adverse Action against an applicant or~~  
19                    ~~employee on the basis of his or her Conviction History. The notice shall be substantially~~  
20                    ~~similar in form and content to the notice described in Police Code Section 4905(d). However,~~  
21                    ~~the notice shall cite this Chapter rather than Police Code Article 49 as the applicable legal~~  
22                    ~~authority for the rights and obligations described therein.~~

23                    (d) ~~Upon taking any final Adverse Action against an applicant or employee on the~~  
24                    ~~basis of his or her Conviction History, a Contractor or Subcontractor shall deliver to the~~  
25                    ~~applicant or employee a copy of the completed questionnaire described above.~~

1                    **SEC 12T.6. IMPLEMENTATION AND ENFORCEMENT.**

2                    (a)    The OLSE is authorized to take appropriate steps to enforce and coordinate enforcement  
3 of this Chapter, including the investigation of possible violations of this Chapter. The OLSE's finding  
4 of a violation may not be based on the validity of the Contractor's or Subcontractor's bona fide  
5 business reason for taking an Adverse Action against an applicant or employee based on his  
6 or her Conviction History. Instead, the Agency's review shall be limited to a Contractor's or  
7 Subcontractor's adherence to procedural, posting and documentation requirements set forth  
8 in this Chapter. The OLSE shall not find a violation based on an Employer's decision that an  
9 applicant or employee's Conviction History is Directly Related, but otherwise may find a  
10 violation of this Article, including if the Employer failed to conduct the individualized  
11 assessment as required under Section 12T.4(f). If multiple employees or applicants are impacted  
12 by the same procedural violation at the same time (e.g. all applicants for a certain job opening are  
13 asked for their conviction history on the initial application), the violation shall be treated as a single  
14 violation rather than multiple violations.

15                    (b)    An employee, applicant or other person may report to the OLSE any suspected violation  
16 of this Chapter. The OLSE shall encourage reporting pursuant to this subsection by keeping  
17 confidential, to the maximum extent permitted by applicable laws, the name and other identifying  
18 information of the employee or person reporting the violation; provided, however, that with the  
19 authorization of such person, the OLSE may disclose his or her name and identifying information as  
20 necessary to enforce this Chapter or for other appropriate purposes.

21                    (c)    A Contractor or Subcontractor shall be deemed to have breached the provisions  
22 regarding the procedures for use of Conviction History in employment upon a finding by the OLSE that  
23 the Contractor or Subcontractor has willfully violated these provisions, provided, however, that for a  
24 first violation, or for any violation during the first twelve months following the operative date of this  
25

1 Chapter, the OLSE must issue warnings and notices to correct, and offer the Contractor or  
2 Subcontractor technical assistance on how to comply with the requirements of this Chapter.

3 (d) Upon a subsequent finding of a violation of this Chapter, the awarding authority shall  
4 notify the Contractor or Subcontractor that unless the Contractor or Subcontractor demonstrates to the  
5 satisfaction of the OLSE within such reasonable period as the OLSE shall determine, that the violation  
6 has been corrected, action will be taken as set forth in subparagraphs (g) through (j) hereof.

7 (e) The Director of the OLSE shall establish rules governing the administrative process for  
8 determining and appealing violations of this Chapter. The Rules shall include procedures for:

9 (1) providing the Contractor or Subcontractor with notice that it may have violated  
10 this Chapter;

11 (2) providing the Contractor or Subcontractor with a right to respond to the notice;

12 (3) providing the Contractor or Subcontractor with notice of the OLSE's  
13 determination of a violation;

14 (4) providing the Contractor with an opportunity to appeal the OLSE's  
15 determination to a hearing officer, who is appointed by the City Controller or his or her designee.

16 (f) If there is an appeal of the OLSE's determination of a violation, the hearing before the  
17 hearing officer shall be conducted in a manner that satisfies the requirements of due process. In any  
18 such hearing, the OLSE's determination of a violation shall be considered prima facie evidence of a  
19 violation, and the Contractor or Subcontractor shall have the burden of proving, by a preponderance of  
20 the evidence, that the OLSE's determination of a violation is incorrect. The hearing officer's decision  
21 of the appeal shall constitute the City's final decision.

22 (g) For a second violation, the awarding authority may deduct from the amount payable to  
23 the Contractor or Subcontractor by the City under any Contract subject to this Chapter, or the OLSE  
24 may impose upon the Contractor or Subcontractor, a penalty of \$50 for each day or portion thereof  
25 and for each employee, applicant or other person as to whom the violation occurred or continued.



1 Thereafter, for subsequent violations, the penalty may increase to no more than \$100, payable to the  
2 City for each day or portion thereof, and for each employee or applicant whose rights were, or  
3 continue to be, violated. Such funds shall be allocated to the OLSE and used to offset the costs of  
4 implementing and enforcing this Chapter.

5 (h) In addition to any other penalties provided for the violation of this Chapter, the Contract  
6 or Subcontract may be terminated or suspended, in whole or in part, by the awarding authority upon  
7 the basis of a finding as set forth in subsection (f) that the Contractor or Subcontractor has violated the  
8 provisions of this Chapter, and all moneys due or to become due hereunder may be forfeited to, and  
9 retained by, the City.

10 (i) A violation of the provisions of this Chapter during the performance of a Contract, or  
11 Subcontract shall be deemed by the City to be a material breach of Contract and the basis for  
12 determination by the awarding authority that the Contractor or Subcontractor is an irresponsible  
13 bidder as to all future contracts for which such Contractor or Subcontractor may submit bids. Such  
14 Contractor or Subcontractor shall not for a period of up to two years thereafter, be allowed to act as a  
15 Contractor or Subcontractor under any Contract or Property Contract. This subsection (i) shall be  
16 governed by the procedures set forth in Chapter 28.

17 (j) Nothing contained in this Chapter shall be construed in any manner so as to prevent the  
18 City from pursuing any other remedies that may be available at law, equity or under any Contract or  
19 Property Contract.

20 (k) Rulemaking Authority. The Director of OLSE shall have authority to issue regulations  
21 or develop guidelines that implement the provisions of this Chapter. A designee of the Director shall  
22 not have the authority under the foregoing sentence of this Section; but a designee of the Director shall  
23 have the authority to conduct hearings leading to the adoption of regulations or guidelines.

24 **SEC. 12T.7. CONTRACTOR RECORDS.**  
25

1           (a) All Contractors and Subcontractors shall be subject to the same requirements for access  
2 to and maintenance of employment records as described in Police Code Section 4910. In no event shall  
3 OLSE require a Contractor or Subcontractor to provide any information or documents the disclosure  
4 of which would violate state or federal law.

5           (b) A Contractor or Subcontractor shall provide information to the OLSE, or the OLSE's  
6 designee, such information on an annual basis as may be required to verify the Contractor or  
7 Subcontractor's compliance with this Article.

8           (c) Where a Contractor or Subcontractor does not maintain or retain adequate records  
9 documenting compliance with this Chapter and does not allow OLSE reasonable access to such  
10 records, it shall be presumed that the Contractor or Subcontractor did not comply with this Article,  
11 absent clear and convincing evidence otherwise. The Office of Treasurer and Tax Collector shall have  
12 the authority to provide any and all nonfinancial information to OLSE necessary to fulfill OLSE's  
13 responsibilities as the enforcing agency under this Chapter. With regard to all such information  
14 provided by the Office of Treasurer and Tax Collector, OLSE shall be subject to the confidentiality  
15 provisions of Subsection (a) of Section 6.22-1 of the San Francisco Business and Tax Regulations  
16 Code.

17           (d) The OLSE shall promulgate rules and regulations for the implementation of this  
18 Chapter.

19           **SEC. 12T.8. CHAPTER APPLIES ONLY TO EMPLOYMENT PRACTICES OF**  
20 **CONTRACTORS AND SUBCONTRACTORS.**

21           This Chapter shall not confer upon the City and County of San Francisco or any agency, board  
22 or commission thereof any power not otherwise provided by law to determine the legality of any  
23 existing collective bargaining agreement and shall have application only to employment practices by  
24 contractors or subcontractors engaged in the performance of City and County contracts or property  
25 contracts.

1                   **SEC. 12T.9. NONAPPLICABILITY, EXCEPTIONS AND WAIVERS.**

2                   (a)     The OLSE shall waive the requirements of this Chapter under the following  
3 circumstances:

4                   (1)     Whenever the OLSE finds, upon the advice of the awarding authority, that there  
5 is only one prospective eContractor willing to enter into a Contract with the City, or a pProperty  
6 eContract with the City for use of City property on the terms and conditions established by the City, or  
7 that the needed goods, services, construction services for a public work or improvement, or interest in  
8 or right to use real property are available only from a sole source, and the prospective eContractor is  
9 not currently disqualified from doing business with the City, or from doing business with any  
10 governmental agency based on any contract compliance requirements:

11                   (2)     If the contracting department, board or commission certifies in writing to the  
12 OLSE that pursuant to Administrative Code Sections 6.30 or 21.25 the eContract or pProperty  
13 eContract is necessary to respond to an emergency which endangers the public health or safety and no  
14 entity which complies with the requirements of this Chapter capable of responding to the emergency is  
15 immediately available; provided that such certification must be made prior to the Controller's contract  
16 certification;

17                   (3)     Where the City Attorney certifies in writing to the OLSE that the contract  
18 involves specialized litigation requirements such that it would be in the best interests of the City to  
19 wave the requirements of this Chapter.

20                   (b)     This Chapter shall not apply where the prospective contractor is a public entity and the  
21 OLSE finds that goods, services, construction services for a public work or improvement or interest in  
22 or right to use real property of comparable quality or accessibility as are available under the proposed  
23 eContract or pProperty eContract are not available from another source, or that the proposed  
24 eContract or pProperty eContract is necessary to serve a substantial public interest.  
25

1       (c) This Chapter shall not apply where the contracting officer finds that the requirements of  
2 this Chapter will violate or are inconsistent with the terms or conditions of a grant, subvention or  
3 agreement with a public agency or the instructions of an authorized representative of any such agency  
4 with respect to any such grant, subvention or agreement, provided that the contracting officer has made  
5 a good faith attempt to change the terms or conditions of any such grant, subvention or agreement to  
6 authorize application of this Chapter.

7       (d) Upon the request of a potential eContractor or upon the contracting officer's own  
8 initiative, after taking all reasonable measures to find an entity that complies with the law this  
9 Chapter, the contracting officer may waive any or all of the requirements of this Chapter for any  
10 eContract, pProperty eContract or bid package advertised and made available to the public, or any  
11 competitive or sealed bids received by the City as of the date of the enactment of this ordinance  
12 Chapter under the following circumstances:

13       (1) Where the contracting officer determines that there are no qualified responsive  
14 bidders or prospective eContractors who could be certified by the OLSE as being in compliance with  
15 the requirements of this Chapter and that the eContract or pProperty eContract is for goods, a service  
16 or a project that is essential to the City or City residents; or

17       (2) Where the contracting officer determines that transactions entered into pursuant  
18 to bulk purchasing arrangements through federal, State or regional entities which actually reduce the  
19 City's purchasing costs would be in the best interests of the City; or

20       (3) Where the contracting officer determines that the requirements of this Chapter  
21 would result in the City's entering into a eContract with an entity that was set up, or is being used, for  
22 the purpose of evading the intent of this Chapter, which is to prohibit the City from entering into  
23 contracts with entities that discriminate based on the criteria set forth in this Chapter;

24       (4) The waiver authority granted to contracting officers in this Section 12T.9 shall  
25 be subject to the requirements that:

1                    (iA) All proposed waivers must be submitted to the OLSE and the Clerk of the  
2 Board of Supervisors. All proposed waivers must set forth the reasons the contracting officer is  
3 requesting the waiver, what steps were taken to find an entity that complies with this Chapter and why  
4 the waiver does not defeat the intent of this Chapter, which is to prohibit the City from entering into  
5 contracts with entities that do not comply with the requirements of this Chapter to follow certain  
6 procedures when inquiring about and using criminal history information in employment and hiring  
7 decisions. Such waivers shall be subject to the prior approval of the OLSE, who shall take action  
8 approving or denying a proposed waiver within 30 days of receiving a notification of a proposed  
9 waiver from a contracting officer. If after 30 days the OLSE has taken no action on the proposed  
10 waiver, the waiver shall be deemed approved. The Clerk of the Board of Supervisors shall list the  
11 notice of the proposed waiver at the rear of the next available Board agenda, and

12                    (iiB) Contracting officers report to the OLSE whenever such a waiver is  
13 granted within five days of granting the waiver, and

14                    (iiiC) For any eContract subject to approval by the Board, the contracting  
15 officer shall state in the approving resolution whether any waiver under this section has been or is  
16 proposed to be granted for that contract, and

17                    (ivD) The OLSE shall conduct quarterly comprehensive reviews of the use of  
18 the waiver authority by departments and shall make a report to the Board of Supervisors. Contracting  
19 officers who have exercised waiver authority under this Section 12T.9 in the previous quarter must  
20 appear before a Board of Supervisors committee and report on their use of such waiver authority. If the  
21 Board finds abuse of waiver authority by a department under this Section, either as a result of a report  
22 of the OLSE or upon its own initiative, the Board may by resolution transfer that waiver authority for  
23 that department to the OLSE, to be exercised by the OLSE upon recommendation of the contracting  
24 officer under any or all of the circumstances enumerated in this Section;

1                   (5) Nothing in this sSection 12T.9 shall limit the right of the Board of Supervisors to  
2 waive the provisions of this Chapter.

3                   (e) This Chapter shall not apply to (i) the investment of trust moneys or agreements relating  
4 to the management of trust assets, (ii) City moneys invested in U.S. government securities or under pre-  
5 existing investment agreements, or (iii) the investment of City moneys where the Treasurer finds that:

6                   (1) No person, entity or financial institution doing business in the City and County  
7 which is in compliance with this Chapter is capable of performing the desired transactions(s); or

8                   (2) The City will incur a financial loss which in the opinion of the Treasurer would  
9 violate his or her fiduciary duties.

10                   This subparagraph (e) shall be subject to the requirement that City moneys shall be withdrawn  
11 or divested at the earliest possible maturity date if deposited or invested with a person, entity or  
12 financial institution other than the U.S. government which does not comply with this Chapter.

13                   (f) The General Manager of the Public Utilities Commission may waive the requirements of  
14 this Chapter where the eContractor is providing wholesale or bulk water, power or natural gas, the  
15 conveyance or transmission of same, or ancillary services such as spinning reserve, voltage control, or  
16 loading scheduling, as required for assuring reliable services in accordance with good utility practice,  
17 to or on behalf of the San Francisco Public Utilities Commission; provided that the purchase of same  
18 may not practically be accomplished through the City's standard competitive bidding procedures; and  
19 further provided that this exemption shall not apply to eContractors or franchisees providing direct,  
20 retail services to end users within the City and County of San Francisco.

21                   SEC. 12T.10. PREEMPTION.

22                   The City recognizes that in some circumstances state or federal law governs some of  
23 the matters addressed in this Chapter. Nothing in this Chapter shall be interpreted or applied  
24 by a court or an agency of City government so as to create any requirement, power, or duty in  
25 conflict with federal or state law or with a requirement of any government agency, including

1 any agency of City government, implementing federal or state law. Consistent with the  
2 foregoing preemption principle, for example, the OLSE is authorized to not enforce any  
3 provision of this Chapter upon determining that its application in a particular context would  
4 conflict with federal or state law or with a requirement of a government agency implementing  
5 federal or state law. As another example consistent with the foregoing preemption principle,  
6 Contractors may inquire about criminal convictions outside of the time periods set forth in this  
7 Article where required by federal or state law or a government agency implementing federal or  
8 state law. These examples are illustrative and do not limit the scope of the preemption  
9 principle stated in this Section 12T.10.

10 **SEC. 12T.11. SEVERABILITY.**

11 *If any part or provision of this Chapter, or the application thereof to any person or*  
12 *circumstance, is held invalid, the remainder of the Chapter, including the application of such part or*  
13 *provision to other persons or circumstances, shall not be affected thereby and shall continue in full*  
14 *force and effect. To this end, provisions of this Chapter are severable.*

15 **SEC. 12T.12. OPERATIVE DATE.**

16 This Chapter shall become operative on 180 days after enactment and shall have  
17 prospective effect only, measured from the operative date forward. Enactment occurs when  
18 the Mayor signs the ordinance creating the Chapter, the Mayor returns the ordinance  
19 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of  
20 Supervisors overrides the Mayor's veto of the ordinance.

21  
22 **Section 3. Effective Date and Operative Date.**

23 (a) This ordinance shall become effective 30 days after enactment. Enactment  
24 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or  
25

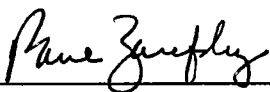
1 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors  
2 overrides the Mayor's veto of the ordinance.

3 (b) As stated in Police Code Section 4919 and Administrative Code Section 12T.12.

4 ~~¶~~This ordinance shall become operative 180 days after enactment and shall have prospective  
5 effect only, measured from the operative date forward.

6  
7 APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

8  
9 By:

  
PAUL ZAREFSKY  
Deputy City Attorney

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**LEGISLATIVE DIGEST (REVISED)**  
**(Amended in Committee, 1/27/2014)**

[Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions]

**Ordinance amending the Police Code to require Employers and Housing Providers to limit the use of criminal history information and follow certain procedures and restrictions when inquiring about and using conviction history information to make decisions about employment and tenancy in San Francisco; and amending the Administrative Code to require City contractors and subcontractors to adhere to the same limits, procedures, and restrictions when making decisions regarding employment of persons for work on City contracts and subcontracts.**

Existing Law

The City has no law regulating the use of criminal history in employment and housing decisions generally, or with respect to employment decisions of City contractors. There are a number of state and federal laws, including regulations of state and federal agencies, that address the use of criminal history information in the employment context, including in some circumstances requiring that it be considered or requiring that persons with certain criminal backgrounds not be hired in certain positions.

Amendments to Current Law

The proposed ordinance would place limits on and establish procedures for the use of criminal history information by employers, housing providers, and City contractors and subcontractors (this latter grouping collectively referred to here as “contractors”).

Coverage

*Employers.* The ordinance would apply to employers with 20 or more employees regardless of location, but would only apply to employment situations located in whole or in substantial part in San Francisco. The ordinance would not apply to the City government or to other governmental entities, local, state, or federal.

*Housing Providers.* The ordinance would apply to an entity that owns or develops affordable housing in the City, and receives funding from the City for such projects, either directly or through financing resulting from the City’s issuance of tax-exempt bonds. “Affordable housing” also includes “affordable units” as that term is defined in Article 4 of the Planning Code.

*Contractors.* The ordinance would apply to a contractor's operations to the extent they are in furtherance of performing a contract or property contract. Certain types of contracts (for example, for a cumulative amount of \$5,000 or less in a fiscal year) and property contracts (for example, for a duration of less than 30 days) are not covered by the ordinance.

#### Criminal History Matters That Are Off-Limits

Certain aspects of criminal history may not be considered in any manner or at any time by an employer, housing provider, or contractor. These are:

- an arrest not leading to a conviction (other than an arrest that is still the subject of a criminal investigation or trial)
- participation in or completion of a diversion or deferral of judgment program
- a conviction that has been expunged or otherwise made inoperative
- a conviction or other determination in the juvenile justice system
- a conviction that is more than 7 years old (measured from date of sentencing)
- criminal offenses other than felonies or misdemeanors, such as infractions

#### "Ban the Box"

For employers, housing providers, and contractors, there is a prohibition on premature inquiry into criminal history. An application form for a job or rental unit may not contain an inquiry regarding criminal history. Nor may the employer, housing provider, or contractor otherwise inquire about criminal history at the beginning of the hiring or rental process.

#### Considering Criminal History: The Process

*Timing.* For employers and contractors, inquiry into criminal history of applicants and employees is permissible only after the first live interview with the person or, at the employer's/contractor's discretion, after a conditional offer of employment. For housing providers, inquiry into the criminal history of applicants may only occur after it has been determined that the applicant is legally eligible to rent the unit and is qualified to do so under the housing provider's criteria, if any, for assessing rental history and credit history.

If the timing is proper, the employer, housing provider, or contractor may inquire about criminal history and may receive information through a background check report. The employer, housing provider, or contractor must follow a process that emphasizes relevance, inclusion, and accountability.

*Relevance.* Only those convictions and unresolved arrests that directly relate to the job or rental unit in question may be considered. And the employer, housing provider, or contractor must also consider the time that has elapsed since the occurrence giving

rise to the conviction or unresolved arrest, and any evidence of inaccuracy or of rehabilitation or other mitigating factors.

In the employment context, a conviction or unresolved arrest is "directly-related" if the underlying conduct has a direct and specific negative bearing on the person's ability to perform the duties of the job in question. In the housing context, a conviction or unresolved arrest is "directly-related" if the underlying conduct has a direct and specific negative bearing on the safety of persons or property, given the nature of the housing.

*Inclusion.* Before the employer, housing provider, or contractor takes adverse action against the person with a conviction or unresolved arrest, he or she must be given notice of the prospective adverse action and the information in a background check report on which it would be based, and an opportunity to present evidence that the criminal history information about them is inaccurate, and to present evidence of rehabilitation or other mitigating factors.

*Accountability.* If there then is a denial of employment or housing, the employer, housing provider, or contractor must notify the person.

#### Other Requirements

*Posting of Notices.* The ordinance would require employers, housing providers, and contractors to post a notice in appropriate locations (for example, offices and work sites) that would inform persons of their rights under the ordinance.

*Limitation on Solicitations/Advertisements.* The ordinance would prohibit employers and contractors from issuing solicitations or advertisements that indicate that persons with an arrest or conviction will not be considered for employment. Housing providers must state that qualified applicants with criminal histories will be considered in a manner consistent with the ordinance.

*Recordkeeping.* The ordinance would require employers, housing providers, and contractors to maintain records of their employment or housing decisions that would be sufficient for the Office of Labor Standards Enforcement (OLSE) to monitor compliance as to employment decisions and the Human Rights Commission (HRC) to monitor compliance as to housing decisions.

*Prohibition on Retaliation.* The ordinance would prohibit employers, housing providers, and contractors from retaliating against persons for exercising their rights under the ordinance.

#### Implementation

*Enforcement Authority.* The ordinance would give OLSE enforcement authority regarding violations by employers and contractors. The HRC would have enforcement authority regarding violations by housing providers. Neither the OLSE nor the HRC could find a violation based on an employer's, housing provider's, or contractor's decision that a person's conviction history is "directly-related."

*Rulemaking.* The proposed ordinance would give the OLSE rulemaking authority as to its employment-related provisions. The HRC would have rulemaking authority as to the housing-related provisions of the ordinance. Where a rule would impact both the employment and housing dimensions of the ordinance (for example, elaboration on the definition of a term that applies in both contexts), the OLSE would have rulemaking authority but with an obligation to consult HRC.

*Community Outreach.* The proposed ordinance would give the OLSE and HRC authority to sponsor community outreach programs to familiarize the public, and particularly individuals with a criminal history, with the protections of the ordinance. This function may be delegated to or shared with community-based organizations.

*Tracking Complaint Information.* The proposed ordinance would require both the OLSE and the HRC to track the number and types of complaints of violations each agency receives, and the resolution of those complaints, and annually report this information to the Board of Supervisors.

President, District 3  
BOARD of SUPERVISORS



*Ros-11, Aides  
B, Lea Dep, Dep City Attny  
NSS clerk, LV Clerk  
City Hall*

1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7450  
Fax No. 554-7454  
TDD/TTY No. 544-5227

DAVID CHIU  
邱信福  
市參事會主席

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 JAN 13 PM 2:59

## PRESIDENTIAL ACTION

Date: 1/13/2014

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

☐ Waiving 30-Day Rule (Board Rule No. 3.23)

File No. \_\_\_\_\_  
(Primary Sponsor)

☒ Transferring (Board Rule No. 3.3)

File No. 131192 Kim  
(Primary Sponsor)

From: Neighborhood Services & Safety Committee

To: Land Use & Economic Development Committee

☐ Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

*David Chiu*

David Chiu, President  
Board of Supervisors

BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Greg Suhr, Chief, Police Department  
John Rahaim, Director, Planning Department  
Theresa Sparks, Executive Director, Human Rights Department  
Regina Dick-Endrizzi, Director, Office of Small Business  
Donna Levitt, Division Manager, Office of Labor Standards Enforcement

FROM: Derek Evans, Assistant Committee Clerk

DATE: December 16, 2013

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors Neighborhood Services and Safety Committee received the following legislation, which is being referred to your department.

**File No. 131192**

**Ordinance amending the Police Code to require employers and housing providers to limit the use of criminal history information, and follow certain procedures and restrictions when inquiring about and using conviction history information to make decisions about employment and tenancy in San Francisco; and amending the Administrative Code to require City contractors and subcontractors to adhere to the same limits, procedures, and restrictions when making decisions regarding employment of persons for work on City contracts and subcontracts.**

Please submit any comments or reports to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Christine Fountain, Police Department  
John Monroe, Police Commission  
AnMarie Rodgers, Planning Department  
Sheryl Cowan, Human Rights Commission

President, District 3  
BOARD of SUPERVISORS



*205-11, Aides*  
*OB, Lea Dep, Dep City Attny*  
*NSS clerk, LV Clerk*  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7450  
Fax No. 554-7454  
TDD/TTY No. 544-5227

DAVID CHIU  
邱信福  
市參事會主席

### PRESIDENTIAL ACTION

Date: 1/13/2014

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

☐ Waiving 30-Day Rule (Board Rule No. 3.23)

File No. \_\_\_\_\_  
(Primary Sponsor)

☒ Transferring (Board Rule No. 3.3)

File No. 131192 Kim  
(Primary Sponsor)

From: Neighborhood Services & Safety Committee

To: Land Use & Economic Development Committee

☐ Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

David Chiu  
David Chiu, President  
Board of Supervisors

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 JAN 13 PM 2:59



**SAN  
FRANCISCO  
CHAMBER OF  
COMMERCE**

Our City. Your Business.

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BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 JAN 28 PM 2:03

January 28, 2014

The Honorable David Chiu, President  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, #244  
San Francisco, CA 94102

RE: Support File #131192: Considering Criminal History in Employment and Housing Decisions

Dear President Chiu:

The San Francisco Chamber of Commerce, representing over 1,500 local businesses, is pleased to support the "Fair Chance" legislation (File #131192) co-sponsored by Supervisors Jane Kim and Malia Cohen, that gives people with past criminal convictions a fair chance at securing jobs and housing.

The Chamber appreciates having had the opportunity to work with the supervisors, their staff, and fair hire/housing advocates to craft language in the legislation that will minimize burdensome impacts to San Francisco employers while eliminating the "box" on applications that may make it difficult for those with past convictions to obtain jobs and housing needed to become productive members of society.

This legislation helps ensure that employers can fill job openings with qualified applicants in a timely manner and balances that with the right of applicants to be judged on their suitability for available positions early in the hiring process. Individual employers are free to make the best hiring decisions for their businesses without second-guessing by the city or threat of private right of action.

We commend Supervisors Kim and Cohen for creating balanced and reasonable legislation that will benefit both potential employees and employers. The San Francisco Chamber of Commerce supports the "Fair Chance" ordinance and urges the Board of Supervisors to support it as well.

Sincerely,

Jim Lazarus  
Senior Vice President for Public Policy

cc: Clerk of the Board (to be distributed to all members of the Board of Supervisors); Mayor Ed Lee





**Monday January 27<sup>th</sup> at SF City Hall**  
**1:30pm Room 263 Land Use; 2:00pm Room 400 Small Biz**

The SF FAIR CHANCE ORDINANCE would expand "BAN THE BOX" to private businesses and affordable housing. If passed, all employers in San Francisco would be prohibited from discriminating based on conviction history on initial job applications. This Monday, the Board of Supervisors Land Use Committee will consider the ordinance and vote on it. Please join us to speak out during Public Comment!

Public Comment is only 2 minutes each - plan just a few sentences about:

1. How does it feel, in your personal experience, when you or someone you know is denied a job or a place to live because of their conviction record?
2. What would happen to you if you could get a job because of this new Fair Chance law?
3. How do you think society would benefit from people with conviction records being able to get jobs?

Please come back to City Hall next Tuesday 2/4 at 2pm for the final Board of Supervisors vote!

**change.org**  
**Lawyers' Committee for Civil Rights**

Recipient: Members of the San Francisco Board of Supervisors

Letter: Greetings,

I support Supervisor Jane Kim's new legislation to standardize guidelines for considering background checks by San Francisco employers and affordable housing providers.

As many as 200,000 San Franciscans face barriers to employment and housing based on past arrests and convictions. Although they may have great qualifications, their applications are often screened out at the initial stages, leaving them with few job or housing options. Yet, research shows that access to jobs and housing is linked to successful community reintegration and reduced recidivism.

The proposed legislation will allow applicants with past arrests and conviction records a fair chance to demonstrate their qualifications as an employee or tenant, while also balancing the needs of employers and housing providers.

There are ten states and over 50 local jurisdictions across the United States that have embraced this type of policy reform aimed at supporting economic self-sufficiency. It's time for San Francisco to become a leader on this issue and take reform to the next level.

Please support Supervisor Kim's new legislation.

# Signatures

Name	Location	Date
Roxanne Dominguez-Shell		2013-08-22
Julie Harper	San Francisco, CA, United States	2013-08-24
Steven Love	Oakland, CA, United States	2013-08-30
Theodore Hexter	San Francisco, CA, United States	2013-09-04
Jesse Stout	San Francisco, CA, United States	2013-09-04
Annelise Grimm	San Francisco, CA, United States	2013-09-04
Paul Chavez	Pleasanton, CA, United States	2013-09-04
Suzanne Vyborney	Oakland, CA, United States	2013-09-05
Erin Le	SF, CA, United States	2013-09-05
Susan Price	San Jose, CA, United States	2013-09-05
Micaela Linder	San Francisco, CA, United States	2013-09-05
Sayuri Shikai	Montebello, CA, United States	2013-09-06
James Tracy	San Francisco, CA, United States	2013-09-08
Orlon Ryel	San Francisco, CA, United States	2013-09-08
Donna Willmott	San Francisco, CA, United States	2013-09-08
amy beinart	San Francisco, CA, United States	2013-09-08
Gordon Mar	San Francisco, CA, United States	2013-09-08
Gabriel Haaland	SF, CA, United States	2013-09-08
Matthew Stewart	Oakland, CA, United States	2013-09-08
Gary Lewis	San Francisco, CA, United States	2013-09-08
Michael Lyon	San Francisco, CA, United States	2013-09-08
Tarin Towers	San Francisco, CA, United States	2013-09-08
Stephanie Meyler	Santa Rosa, CA, United States	2013-09-08
Laurel Muniz	San Francisco, CA, United States	2013-09-08
grace martinez	San Francisco, CA, United States	2013-09-08
Vivian Imperiale	San Francisco, CA, United States	2013-09-08
Nora Vitaliani	San Francisco, CA, United States	2013-09-08
Eric Kohler	San Francisco, CA, United States	2013-09-08
Anna Kirsch	San Francisco , CA, United States	2013-09-08
Arlene Eisen	San Francisco, CA, United States	2013-09-08

Name	Location	Date
Sanjay Garla	San Francisco, CA, United States	2013-09-08
Jennifer Fieber	San Francisco, CA, United States	2013-09-08
Cindy Young	Davis, CA, United States	2013-09-08
Aimee Inglis	San Francisco, CA, United States	2013-09-08
Karen Sandys	Berkeley, CA, United States	2013-09-08
Robert McBride, PhD	San Francisco, CA, United States	2013-09-08
Deetje Boler	San Francisco, CA, United States	2013-09-08
Ken Tray	San Francisco, CA, United States	2013-09-08
alicia garza	san francisco, CA, United States	2013-09-09
Alisa Messer	San Francisco, CA, United States	2013-09-09
Israel Alvaran	San Francisco, CA, United States	2013-09-09
Catherine Sullivan	San Francisco, CA, United States	2013-09-09
Ascanio Piomelli	San Francisco, CA, United States	2013-09-09
Martha Bridegam	San Francisco, CA, United States	2013-09-09
Mark Ellinger	San Francisco, CA, United States	2013-09-09
Chelsea Boilard	San Francisco, CA, United States	2013-09-09
Bruce Perry	Mechanicsburg , PA, United States	2013-09-09
Conny Ford	San Francisco, CA, United States	2013-09-09
Peter Olney	San Francisco, CA, United States	2013-09-09
Karl Beitel	San Francisco, CA, United States	2013-09-09
Ligia Montano	San Francisco, CA, United States	2013-09-09
Natalia Vigil	San Francisco, CA, United States	2013-09-09
Lena Carew	oakland, CA, United States	2013-09-09
Samantha Liapes	Oakland, CA, United States	2013-09-09
Cora Rose	San Francisco, CA, United States	2013-09-09
Antonio Diaz	San Francisco, CA, United States	2013-09-09
Julia Wong	San Francisco, CA, United States	2013-09-09
Meredith Desautels Taft	San Francisco, CA, United States	2013-09-09
Feng Kung	Oakland, CA, United States	2013-09-09
Lily Wong	San Francisco, CA, United States	2013-09-09
Mario Yedidia	San Francisco, CA, United States	2013-09-09
lauren perlman	sf, CA, United States	2013-09-09

Name	Location	Date
lisa alatorre	san francisco, CA, United States	2013-09-09
Nicholas Kimura	SF, CA, United States	2013-09-09
Christopher Cook	San Francisco, CA, United States	2013-09-09
Reuben Alvear II	San Francisco, CA, United States	2013-09-09
Ryan Van Runkle	San Francisco, CA, United States	2013-09-09
Patricia Chapple	San Franscisco, CA, United States	2013-09-09
tiffanie rattler	richmond, CA, United States	2013-09-09
Rebecca Dyas	San Francisco, CA, United States	2013-09-09
Taylor Upchurch	San Francisco, CA, United States	2013-09-09
Jaron Browne	San Francisco, CA, United States	2013-09-09
Jessica Connolly	San Francisco, CA, United States	2013-09-09
nobia jones	san francisco, CA, United States	2013-09-09
Daniel Yadegar	San Francisco, CA, United States	2013-09-09
Geoff MacDonald	San Francisco, CA, United States	2013-09-09
Sky Keyes	oakland, CA, United States	2013-09-09
laurie bernstein	San Francisco, CA, United States	2013-09-09
AZIZI GUPTON	San Francisco, CA, United States	2013-09-09
Christina Canaveral	San Francisco, CA, United States	2013-09-09
Maisha Johnson	San Francisco, CA, United States	2013-09-09
Cari Lee Donovan	Alameda, CA, United States	2013-09-09
Erin Flynn	San Francisco, CA, United States	2013-09-09
Sarah Thibault	Oakland, CA, United States	2013-09-09
Will Daley	San Francisco, CA, United States	2013-09-09
Katrine Thygesen	san francisco, CA, United States	2013-09-09
Caitlin Prendiville	San Francisco , CA, United States	2013-09-09
Riddhi Mehta-Neugebauer	Cambridge, MA, United States	2013-09-10
William Buehlman	San Francisco, CA, United States	2013-09-10
Sonya Taylor	Anoka, MN, United States	2013-09-10
Rachel Evans	Oakland, CA, United States	2013-09-10
Sarah Rubin	Moraga, CA, United States	2013-09-10
Amrit Gupta	Boston, MA, United States	2013-09-10
neva walker	san francisco, CA, United States	2013-09-10

Name	Location	Date
Esther Mealy	San Francisco, CA, United States	2013-09-10
caryl browne	San Francisco, CA, United States	2013-09-10
brandon greene	las vegas, NV, United States	2013-09-10
noelle fries	oakland, CA, United States	2013-09-10
Pilar Schiavo	Oakland, CA, United States	2013-09-10
Julie Lagarde	San Francisco, CA, United States	2013-09-10
Steve Uffelman	San Francisco, CA, United States	2013-09-10
jerry greene	San Francisco, CA, United States	2013-09-10
Monica Bee	San Francisco, CA, United States	2013-09-10
Wanxia Ma	San Francisco, CA, United States	2013-09-10
Maria Dominguez	San Francisco, CA, United States	2013-09-10
Virginia Cooke	San Francisco, CA, United States	2013-09-10
Elana Jacobs	San Francisco, CA, United States	2013-09-10
Frieda McAlear	oakland, CA, United States	2013-09-10
Mitchell Colson	Redwood City, CA, United States	2013-09-10
Sandra Hall	Oakland, CA, United States	2013-09-10
Vanessa Stroud	San Francisco, CA, United States	2013-09-10
matthew Stroud	San Francisco, CA, United States	2013-09-11
Joi Fox	San Francisco, CA, United States	2013-09-11
Oliver Dudman	Brooklyn, NY, United States	2013-09-11
Brenda Seghetti	Oakland, CA, United States	2013-09-11
Megan Smith	SF, CA, United States	2013-09-11
Dave Mitchell	Berkeley, CA, United States	2013-09-11
Catherine Smith	San Francisco, CA, United States	2013-09-11
Anakh Sul Rama	San Francisco, CA, United States	2013-09-11
Denise Dorey	San Francisco, CA, United States	2013-09-12
Angela Rush	Dale, TX, United States	2013-09-12
natasha dedrick	San Francisco, CA, United States	2013-09-12
Mira Ingram	San Francisco, CA, United States	2013-09-12
Liza Kachko	San Francisco, CA, United States	2013-09-12
laShaun Williams	San Francisco, CA, United States	2013-09-12
martha esquivel	San Diego, CA, United States	2013-09-12

Name	Location	Date
Maurice Byrd	San Francisco, CA, United States	2013-09-12
Georgia Valentine	Oakland, CA, United States	2013-09-13
Deirdre Elmansoumi	San Francisco, CA, United States	2013-09-13
StormMiguel Florez	San Francisco, CA, United States	2013-09-13
Nico Gumbs	Orlando, FL, United States	2013-09-13
Ethan Li	Stanford, CA, United States	2013-09-13
Rebecca Gitlin	San Francisco, CA, United States	2013-09-13
June Ting	San Diego, CA, United States	2013-09-13
Annalise Ophelian	San Francisco, CA, United States	2013-09-13
Madeleine Lipshie-Williams	San Francisco, CA, United States	2013-09-13
Ruth Leach	San Francisco, CA, United States	2013-09-13
Angel Adeyoha	New York, NY, United States	2013-09-13
Nikko Reynoso	Davis, CA, United States	2013-09-13
Erin Meek	san francisco, CA, United States	2013-09-13
Jen Miller	oakland, CA, United States	2013-09-13
Justin Blake	San Francisco, CA, United States	2013-09-13
Andy Blue	San Francisco, CA, United States	2013-09-14
Sarah Mcdonald	San Francisco, CA, United States	2013-09-14
Paul Rueckhaus	San Francisco, CA, United States	2013-09-14
Elsa Burger	SF, CA, United States	2013-09-15
Wanda Ashman	Madison, WI, United States	2013-09-15
Joseph Cain	San Francisco, CA, United States	2013-09-15
Andrea Todd	Strafford, NH, United States	2013-09-16
mary merryman	san francisco, CA, United States	2013-09-16
Ben Schaeffer	San Francisco, CA, United States	2013-09-16
Darcy Delaprosier	, Indiana, , United States Minor Outlying Islands	2013-09-17
Mia Munro	San Francsico, CA, United States	2013-09-18
Cheauvon Brown-Nelson	Vallejo, CA, United States	2013-09-18
Amy Eastman	San Francisco, CA, United States	2013-09-18
Angela Webster	Spokane, WA, United States	2013-09-18
Ariana Flores	Seattle, WA, United States	2013-09-18

Name	Location	Date
C. M. Samala	San Francisco, CA, United States	2013-09-18
Maral Boyadjian	San Francisco, CA, United States	2013-09-19
Curtis Nelson	Vallejo, CA, United States	2013-09-19
d'andre Teeter	berkeley, CA, United States	2013-09-19
Kayden Moore	Northampton, MA, United States	2013-09-19
Deborah Engle	Shingletown, CA, United States	2013-09-19
Lynn Wagner	Santa Cruz, CA, United States	2013-09-19
Toshio Meronek	San FRANCISCO, CA, United States	2013-09-19
sheri cisneros	Eureka, CA, United States	2013-09-19
Ivana Rosas	Oakland, CA, United States	2013-09-19
Kim Lacy	Boulder Creek, CA, United States	2013-09-19
Megan Stephens	Portland, OR, United States	2013-09-19
tracy powell	sacramento, CA, United States	2013-09-19
ALBA MERCADO	San Francisco , CA, United States	2013-09-19
maria cisneros	hayward, CA, United States	2013-09-19
Fred and Carol Bobbitt	Oklahoma City, OK, United States	2013-09-20
sharon smoot	Farmers Branch, TX, United States	2013-09-20
Rodney Daniels	San Pablo, CA, United States	2013-09-20
Kathy Brown	Hawthorne, CA, United States	2013-09-20
Terry Harris	Moore, OK, United States	2013-09-20
Tina Phillips	Tacoma, WA, United States	2013-09-20
abbie brown	scotts valley, CA, United States	2013-09-20
Briana Anderson	Seminole, OK, United States	2013-09-20
Valencia Taylor	St. Louis, MO, United States	2013-09-20
Rachel Bondshu	Mariposa, CA, United States	2013-09-20
Roxanne Smith	Moore, OK, United States	2013-09-20
Jane McDonald	Redding, CA, United States	2013-09-20
Tyra Hamilton	riverside, CA, United States	2013-09-20
Holly Anderson	San Francisco, CA, United States	2013-09-20
Marta Ulen	Chico, CA, United States	2013-09-21
Hope Lofton	Vallejo, CA, United States	2013-09-21
CHERYL WHITTLE	FRESNO, CA, United States	2013-09-21



Name	Location	Date
Patty Rose	Livermore, CA, United States	2013-09-21
tess davis	san francisco, CA, United States	2013-09-21
Jacquie Marroquin	Sacramento, CA, United States	2013-09-21
regina lewis	merced, CA, United States	2013-09-21
Colleen Ireland	Cassel, CA, United States	2013-09-21
Concerned Citizen	New City, NY, United States	2013-09-21
Yvette Turner	Los Angeles, CA, United States	2013-09-21
Dennis Rose	Livermore, CA, United States	2013-09-22
Pam Boland	Grovetown, GA, United States	2013-09-22
Taylor Fujimoto	honolulu, HI, United States	2013-09-22
Jill Eskimem	Sierraville, CA, United States	2013-09-22
Daren Brown	Benicia, CA, United States	2013-09-22
benjamin johnson	sanfrancisco, CA, United States	2013-09-22
Cecilia Ng	Fremont, CA, United States	2013-09-23
Nita Gilson	carlsabd, CA, United States	2013-09-23
Cecilia Candia	Oakland, CA, United States	2013-09-23
ViolaLouise Anderson	Merced, CA, United States	2013-09-23
Katherine Schaff	San Francisco, CA, United States	2013-09-23
Zach Schudson	San Francisco, CA, United States	2013-09-23
Nicole Deane	Oakland , CA, United States	2013-09-23
Peter Menchini	San Francisco, CA, United States	2013-09-23
Nick Hanna	Fremont, CA, United States	2013-09-23
Cori Alegria	Los Angeles, CA, United States	2013-09-23
Nathanael Player	San Francisco, CA, United States	2013-09-23
Maria Cuerda	Chicopee, MA, United States	2013-09-23
Lorraine Ramirez	Brooklyn, NY, United States	2013-09-23
Spencer Resnick	Poughkeepsie, NY, United States	2013-09-23
Dani Scoville	San Francisco, CA, United States	2013-09-23
Marla Berry	Dinuba, CA, United States	2013-09-23
Bill Gandy	San Francisco, CA, United States	2013-09-23
Hailey Joy Scandrette	San Francisco, CA, United States	2013-09-23
betty Lee	Vallejo, CA, United States	2013-09-24

Name	Location	Date
Ariana Jostad-Laswell	Berkeley, CA, United States	2013-09-24
Frances Nowve	Berkeley, CA, United States	2013-09-24
Jesse Stout	SF, CA, United States	2013-09-24
Andrew matika	kitale,	2013-09-24
Jonathan Bix	Ann Arbor, MI, United States	2013-09-25
SANDRA SMITH	Antioch, CA, United States	2013-09-25
Robin Weidman	Suisun City, CA, United States	2013-09-26
Jennifer Clark	san jose, CA, United States	2013-09-27
Kelley Cutler	SAN FRANCISCO, CA, United States	2013-09-28
Ashley Toles	San Diego, CA, United States	2013-10-02
Elisa Della-Piana	Berkeley, CA, United States	2013-10-02
marguerite gallen-toles	San Diego, CA, United States	2013-10-02
Jade Hoffman	San Francisco, CA, United States	2013-10-02
Diane Rigda	San Francisco, CA, United States	2013-10-02
Martin Bigos	San Francisco, CA, United States	2013-10-02
Weronika Patena	San Francisco, CA, United States	2013-10-02
Dasha Gordeychev	San Francisco, CA, United States	2013-10-02
Patrick Twomey	San Francisco, CA, United States	2013-10-02
JEWEL ROBINSON	San Francisco, CA, United States	2013-10-02
Rose Lee	San Francisco, CA, United States	2013-10-02
valarie elise stengle	san francisco, CA, United States	2013-10-02
Fredrick Edwards	San Francisco, CA, United States	2013-10-02
nathan vogel	San Francisco, CA, United States	2013-10-02
Keira Hamilton	San Francisco, CA, United States	2013-10-02
Allan Chan	San Francisco, CA, United States	2013-10-02
ricardo cole	san francisco, CA, United States	2013-10-02
Steven Aldridge	San Francisco, CA, United States	2013-10-02
Kara Miles	San Francisco, CA, United States	2013-10-02
Zachary Rapport	San Francisco, CA, United States	2013-10-02
Claire Pesiri	San Francisco, CA, United States	2013-10-02
alicia van den berg	san francisco, CA, United States	2013-10-02
Patti Oleon	San Francisco, CA, United States	2013-10-02

Name	Location	Date
Margaret Graybill	San Francisco, CA, United States	2013-10-02
Tigran Azaryan	San Francisco, CA, United States	2013-10-02
Rita Boutit	SF, CA, United States	2013-10-02
bruno torres	San Francisco, CA, United States	2013-10-02
stephanie ellis	san Francisco, CA, United States	2013-10-02
Carlos Carrillo	San Francisco, CA, United States	2013-10-02
Tia Amador	San Francisco, CA, United States	2013-10-02
Lewis Ellingham	San Francisco, CA, United States	2013-10-02
Patcharin Reynolds	San Francisco, CA, United States	2013-10-02
Madeline Duva	SF, CA, United States	2013-10-02
Colin Da Cunha	San Francisco, CA, United States	2013-10-02
Davon Terry	San Francisco, CA, United States	2013-10-02
Mitch Dalition	san francisco, CA, United States	2013-10-02
Nanci Quinn	San Francisco, CA, United States	2013-10-02
James Duryea	San Francisco, CA, United States	2013-10-02
Deanne Myers	San francisco, CA, United States	2013-10-02
Edward Davis	San Francisco, CA, United States	2013-10-02
Monica Collins	San Francisco, CA, United States	2013-10-02
E.A. Carden	San Francisco, CA, United States	2013-10-02
Alexandra Orantes	San Francisco, CA, United States	2013-10-02
michael stark	San Francisco, CA, United States	2013-10-02
Terrill Grimes	San Francisco, CA, United States	2013-10-02
daisy barringer	San Francisco, CA, United States	2013-10-02
Matthew Woods	San Francisco, CA, United States	2013-10-02
Mary Ellen Kelley	San Francisco, CA, United States	2013-10-02
Sheila Ganz	San Francisco, CA, United States	2013-10-02
Vern Nuanez	San Francisco, CA, United States	2013-10-02
Dvid Silva	San Francisco, CA, United States	2013-10-02
Joyce Lavey	San Francisco, CA, United States	2013-10-02
Philip Lorenz	San Francisco, CA, United States	2013-10-02
Michele Jacques	San Francisco, CA, United States	2013-10-02
Ms. Jared Greer	San Francisco, CA, United States	2013-10-02

Name	Location	Date
William Doherty	San Francisco, CA, United States	2013-10-02
Cindy Huff	San Francisco, CA, United States	2013-10-02
Christina Navarro	SF, CA, United States	2013-10-02
Marissa Shelton	San Francisco, CA, United States	2013-10-02
Kimberley Nielsen	San Francisco, CA, United States	2013-10-02
Eleanor Hellman	San Francisco, CA, United States	2013-10-02
Judy Yudico	San Francisco, CA, United States	2013-10-02
Pamela Zuppo	San Francisco, CA, United States	2013-10-02
Greg Kieber	San Francisco, CA, United States	2013-10-02
linda leavitt	san francisco, CA, United States	2013-10-02
Lesley Gordon-Mountian	San Francisco, CA, United States	2013-10-02
Jeremy Graham	San Francisco, CA, United States	2013-10-02
Arturo Beyeler	San Francisco, CA, United States	2013-10-02
Michael Mills	San Francisco, CA, United States	2013-10-02
Teresa Scherzer	San Francisco, CA, United States	2013-10-02
Marissa Flores	San Francisco, CA, CA, United States	2013-10-02
LinQian Shao	San Francisco, CA, United States	2013-10-02
James Pekarek	San Francisco, CA, United States	2013-10-02
Abby Diamond	San Francisco, CA, United States	2013-10-02
jc s	san francisco, CA, United States	2013-10-02
Nolen Barrett	San Francisco, CA, United States	2013-10-02
Veronica Dolginko	San Francisco, CA, United States	2013-10-02
Laura Franklin	san francisco, CA, United States	2013-10-02
Tyler Eldridge	San Francisco, CA, United States	2013-10-02
Richard Sanderell	San Francisco, CA, United States	2013-10-02
Marea Murray	San Francisco, CA, United States	2013-10-02
Elise Torres	San Francisco, CA, United States	2013-10-02
John Eppstein	San Francisco, CA, United States	2013-10-02
sarah hurt	San Francisco, CA, United States	2013-10-02
David Sternberg	San Francisco, CA, United States	2013-10-02
Jeramy DeCristo	San Francisco, CA, United States	2013-10-02
Sarah McCoy	San Francisco, CA, United States	2013-10-02

Name	Location	Date
Steve Crow	San Francisco, CA, United States	2013-10-02
Alex Ray	San Francisco, CA, United States	2013-10-02
Judith Grogan-Shorb	SF, CA, United States	2013-10-02
tiffany schultz	San Francisco, CA, United States	2013-10-02
Fletcher Cole	San Francisco, CA, United States	2013-10-02
Taylor Edelhart	San Francisco, CA, United States	2013-10-02
Sandra Sutherland	United States	2013-10-02
Miguel Madero	San Francisco, CA, United States	2013-10-02
Jia Mei Fung	San Francisco, CA, United States	2013-10-02
Karen Light	San Francisco, CA, United States	2013-10-02
Anna Lennox	San Francisco, CA, United States	2013-10-02
Robin Ogden	Chowchilla, CA, United States	2013-10-02
Eric Ogden	United States	2013-10-02
Oshyan Greene	San Francisco, CA, United States	2013-10-02
Mei Jardstrom	San Francisco, CA, United States	2013-10-02
Scott Peterson	San Francisco, CA, United States	2013-10-02
Kunal Mukherjee	San Francisco, CA, United States	2013-10-02
Amanda Rosenberg	San Francisco, CA, United States	2013-10-02
traci ramos	san francisco, CA, United States	2013-10-02
katrina child	san francisco, CA, United States	2013-10-02
Yolanda Bystron	San Francisco, CA, United States	2013-10-02
David Wallace	San Francisco, CA, United States	2013-10-02
rebecca kramer	San Francisco, CA, United States	2013-10-02
Christopher Cronin	San Francisco, CA, United States	2013-10-02
heather nobbe	san francisco, CA, United States	2013-10-02
Lisabelle Panossian	San Francisco, CA, United States	2013-10-02
Charles Levine	San Francisco, CA, United States	2013-10-02
jewels stratton	san francisco, CA, United States	2013-10-02
Nina Chaubal	San Francisco, CA, United States	2013-10-02
Leana Darden	San Francisco, CA, United States	2013-10-02
Douglas Estes	San Francisco, CA, United States	2013-10-02
Liezl Hidalgo	San Francisco, CA, United States	2013-10-02

Name	Location	Date
Denis Harper	San Francisco, CA, United States	2013-10-02
Chris Moore	San Francisco, CA, United States	2013-10-02
Amanda Chan	San Francisco, CA, United States	2013-10-02
Cory Schoolland	San Francisco, CA, United States	2013-10-02
Audrey Daniel	San Francisco, CA, United States	2013-10-02
Marlo Munoz	San Francisco, CA, United States	2013-10-02
Jessica Desroches	San Francisco, CA, United States	2013-10-02
Brooke Kuhn	San Francisco, CA, United States	2013-10-02
rhea serna	san francisco, CA, United States	2013-10-02
Lilly Wong	San Francisco, CA, United States	2013-10-02
dawn Murayama	San Francisco, CA, United States	2013-10-02
Jennifer Jacques	San Francisco, CA, United States	2013-10-02
David Levy	San Francisco, CA, United States	2013-10-02
Carla-Jean Barker	San Francisco, CA, United States	2013-10-02
Katherine Johnstone	San Francisco, CA, United States	2013-10-02
Cynthia SAavedra	Daly City, CA, United States	2013-10-02
Cathie Serletic	San Francisco, CA, United States	2013-10-02
Rachel Amalia	San Francisco, CA, United States	2013-10-02
Amy Ho	San Francisco, CA, United States	2013-10-02
Soli Alpert	San Francisco, CA, United States	2013-10-02
Thomas Gourley	San Francisco, CA, United States	2013-10-02
Lenny Tremmel	San Francisco, CA, United States	2013-10-02
Kevin Woodruff	San Francisco, CA, United States	2013-10-02
George Swanson	San Francisco, CA, United States	2013-10-02
stuart goldman	san francisco, CA, United States	2013-10-02
Serena Lee	San Francisco, CA, United States	2013-10-02
Nicholas Orozco	San Francisco, CA, United States	2013-10-02
Pat Wynne	San Francisco, CA, United States	2013-10-02
Flavia Manzanares	Daly City, CA, United States	2013-10-02
Steven Stalick	San Francisco, CA, United States	2013-10-02
Luis Mamayson	San Francisco, CA, United States	2013-10-02
Miguel Hernandez	San Francisco, CA, United States	2013-10-02

Name	Location	Date
Ingrid Johnson	San Francisco, CA, United States	2013-10-02
Angela Orozco	San Francisco, CA, United States	2013-10-02
Silvia Contreras	San Francisco, CA, United States	2013-10-02
Margaret McClure	San Francisco, CA, United States	2013-10-02
Gabrielle Turner	San Francisco, CA, United States	2013-10-02
Blanche Hartman	San Francisco, CA, United States	2013-10-02
Karin Wikström	San Francisco, CA, United States	2013-10-02
ketzia jacoby	San Francisco, CA, United States	2013-10-02
michelle swenson	san francisco, CA, United States	2013-10-02
JIMMY PHI	SAN FRANCISCO, CA, United States	2013-10-02
Jernetta Smith	San Francisco, CA, United States	2013-10-02
PETER Babbidge	San Francisco, CA, United States	2013-10-02
Christopher Telles	San Francisco, CA, United States	2013-10-02
Anuruddh Misra	SF, CA, United States	2013-10-02
Jennifer Willis	San Francisco, CA, United States	2013-10-03
Kevin Hallisy	San Francisco, CA, United States	2013-10-03
Theresa Summer	san francisco, CA, United States	2013-10-03
Johnny Gnall	San Francisco, CA, United States	2013-10-03
Allison Lee	San Francisco, CA, United States	2013-10-03
Melissa Bohach	San francisco, CA, United States	2013-10-03
Asher Bond	San Francisco, CA, United States	2013-10-03
joseph goolsby	san francisco, CA, United States	2013-10-03
Chrystal O.	San Francisco, CA, United States	2013-10-03
Ben Berven	San Francisco, CA, United States	2013-10-03
daniel villanueva	san francisco, CA, United States	2013-10-03
Krystsina Rudzinskaya	San Francisco, CA, United States	2013-10-03
Kirk White	San Francisco, CA, United States	2013-10-03
Anna Calkins	San Francisco, CA, United States	2013-10-03
Gloria Donohue	San Francisco, CA, United States	2013-10-03
Henderson Lu Lu	San Francisco, CA, United States	2013-10-03
randolph vanderford	SanFrancisco, CA, United States	2013-10-03
Karen Villanueva	San Francisco, CA, United States	2013-10-03

Name	Location	Date
Karla Donis	San Francisco, CA, United States	2013-10-03
Patricia Nguy	San Francisco, CA, United States	2013-10-03
Gabriel Kiley	San Francisco, CA, United States	2013-10-03
Ruben Quinones	San Francisco, CA, United States	2013-10-03
Iori mccormic	sf, CA, United States	2013-10-03
Naomi Quiinonez	Brisbane, CA, United States	2013-10-03
Emanuel Schongut	San Francisco, CA, United States	2013-10-03
Bruna Celesia Barresi	San Francisco, CA, United States	2013-10-03
wladymir paiva	san francisco, CA, United States	2013-10-03
Greg Coyle	San Francisco, CA, United States	2013-10-03
Raymond Ng	Daly City, CA, United States	2013-10-03
Blair` Moser	San Franciscso, CA, United States	2013-10-03
Rachel Wirth	San Francisco, CA, United States	2013-10-03
Sarah Dardick	San Francisco, CA, United States	2013-10-03
Elisabeth Meikle	San Francisco, CA, United States	2013-10-03
Eva Aldaz	San Francisco, CA, United States	2013-10-03
Matthew Fung	San Francisco, CA, United States	2013-10-03
David King	San Francisco, CA, United States	2013-10-03
rebecca stankus	san francisco, CA, United States	2013-10-03
Gabrielle Bouzon cisneros	San Francisco, CA, United States	2013-10-03
Peter Vahle	San Francisco, CA, United States	2013-10-03
sundance dawe	daly city, CA, United States	2013-10-03
Adriana Popescu	san francisco, CA, United States	2013-10-03
Tehmina Khan	San Francisco, CA, United States	2013-10-03
Christie Decker	San Francisco, CA, United States	2013-10-03
ALEX URBINA	Daly City, CA, United States	2013-10-03
Erik Schnabel	San Francisco, CA, United States	2013-10-03
Margo Krindel	San Francisco, CA, United States	2013-10-03
Margaret Tedesco	San Francisco, CA, United States	2013-10-03
alicia lindfors	alameda, CA, United States	2013-10-03
Jenna LaPlante	San Francisco, CA, United States	2013-10-03
Mark Nobriga	Daly City, CA, United States	2013-10-03



Name	Location	Date
adam beebe	san francisco, CA, United States	2013-10-03
Bridgette Potter	San Francisco, CA, United States	2013-10-03
Morgen Ahearn	San Francisco, CA, United States	2013-10-03
annabelle day	san francisco, CA, United States	2013-10-03
steve churchill	San Francisco, CA, United States	2013-10-03
Ginger Ibana	Daly City, CA, United States	2013-10-03
Mary ONeal	San Francisco, CA, United States	2013-10-03
Judy Kokura	San Francisco, CA, United States	2013-10-03
baretta vandyke	San Francisco, CA, United States	2013-10-03
Dorothy Brown	San Francisco, CA, United States	2013-10-03
Carmen Guerrero-Cuevas	San Francisco, CA, United States	2013-10-03
Laurie Clark	San Francisco, CA, United States	2013-10-03
Lorretta Marcel	San Francisco, CA, United States	2013-10-04
Adam Weber	Hood River, OR, United States	2013-10-04
norma weissman	San Francisco, CA, United States	2013-10-04
Erin Gannon	San Francisco, CA, United States	2013-10-04
Deloris McGee	San Francisco, CA, United States	2013-10-04
Jessica Kyo	San Francisco, CA, United States	2013-10-04
Christopher Cornish	S.F., CA, United States	2013-10-04
Jay Graham	SAN FRANCISCO, CA, United States	2013-10-04
RENEE BROWN	SAN FRANCISCO, CA, United States	2013-10-04
Eleanor Brown	San Francisco, CA, United States	2013-10-04
Jodi Schwartz	San Francisco, CA, United States	2013-10-04
Gregory Brown	San Francisco, CA, United States	2013-10-04
Joanna Stiehl	San Francisco, CA, United States	2013-10-04
Scott Benoit	San Francisco, CA, United States	2013-10-04
Brandy Wiegers	San Francisco, CA, United States	2013-10-05
Nicole hamm	chandler, AZ, United States	2013-10-06
Regina Chang	San Francisco, CA, United States	2013-10-06
gia paz	san fransisco, CA, United States	2013-10-06
Shamieka P	San Francisco, CA, United States	2013-10-07
Sally Payson Hays	San Francisco, CA, United States	2013-10-07

Name	Location	Date
Melvin Cheitlin	San Francisco, CA, United States	2013-10-08
aaron kurman	san francisco, CA, United States	2013-10-08
Jonathan Perri	San Francisco, CA, United States	2013-10-11
rita connolly	san francisco, CA, United States	2013-10-11
marg connolly	anoka, MN, United States	2013-10-11
Kathleen Culhane	Watertown, MA, United States	2013-10-11
kotaro kimotsuki	San Francisco, CA, United States	2013-10-11
crystal nguyen	Concord, CA, United States	2013-10-11
juliana morales	Fresno, CA, United States	2013-10-14
Madison Gordon	Belmont, CA, United States	2013-10-15
David Oscan	Brooklyn, NY, United States	2013-10-15
Ivan Vera	San Francisco, CA, United States	2013-10-15
Alise Henderson	SAN LEANDRO, CA, United States	2013-10-18
Denise D'Anne	San Francsco, CA, United States	2013-10-23
Sarah Wilson	San Francisco, CA, United States	2013-10-23
mary magee	California, CA, United States	2013-10-25
marisa green	san francisco, CA, United States	2013-11-01
Melinda Stone	Oakland, CA, United States	2013-11-01
Jacquinn Scales	San Francisco, CA, United States	2013-11-01
Julie Setele	San Francisco, CA, United States	2013-11-02
josh kaplan	Oakland, CA, United States	2013-11-02
Sasha Gottfried	Oakland, CA, United States	2013-11-02
Karla Abitia	New York, NY, United States	2013-11-07
Jonathan Martinez	Newark, CA, United States	2013-11-07
Sarah Sherburn-Zimmer	San Francisco, CA, United States	2013-11-08
Candice Keyes	Oakland, CA, United States	2013-11-20
Morgane Panda	Costa Mesa, CA, United States	2013-11-25
Irona Lofton	Fairfield, CA, United States	2013-12-06
Karin Drucker	SF, CA, United States	2013-12-10
jimmy zhang	San Francisco, CA, United States	2013-12-12
Jeff Kline	san francisco, CA, United States	2013-12-16
Queen Morris	San Francisco, CA, United States	2014-01-06

<b>Name</b>	<b>Location</b>	<b>Date</b>
Veronika Fimbres	San Francisco, CA, United States	2014-01-07
Veronika Fimbres	San Francisco, CA, United States	2014-01-07
Mr. Dana Weintraub	Beaverton, OR, United States	2014-01-12
Gabriel Medina	San Francisco, CA, United States	2014-01-17
Eric Hall	Hayward, CA, United States	2014-01-22
susan larara	san francisco, CA, United States	2014-01-25
Megan Shaughnessy-Mogill	Oakland, CA, United States	2014-01-27
Deborah Bratcher	Lubbock, TX, United States	2014-01-27

Member, Board of Supervisors  
District 8



orig: LU Clerk  
c: COB, Leg. Dep

City and County of San Francisco

**SCOTT WIENER**

威善高

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DATE: January 27, 2014

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Wiener  
Chairperson

RE: Land Use and Economic Development Committee  
COMMITTEE REPORT

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Pursuant to Board Rule 4.20, as Chair of the Land Use and Economic Development Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday February 4<sup>th</sup>, 2014 as a Committee Report:

**131192      Police, Administrative Codes - Considering Criminal History in  
Employment and Housing Decisions**

Ordinance amending the Police Code to require employers and housing providers to limit the use of criminal history information, and follow certain procedures and restrictions when inquiring about and using conviction history information to make decisions about employment and tenancy in San Francisco; and amending the Administrative Code to require City contractors and subcontractors to adhere to the same limits, procedures, and restrictions when making decisions regarding employment of persons for work on City contracts and subcontracts.

This matter will be heard in the Land Use and Economic Development Committee on Monday February 3<sup>rd</sup>, 2014 at 1:30 p.m.

**Introduction Form**

By a Member of the Board of Supervisors or the Mayor

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2013 DEC 10 PM 6:53

Time stamp  
of 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. Request for Closed Session (attach written motion).
- ☐ 10. Board to Sit as A Committee of the Whole.
- ☐ 11. 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****Sponsor(s):**

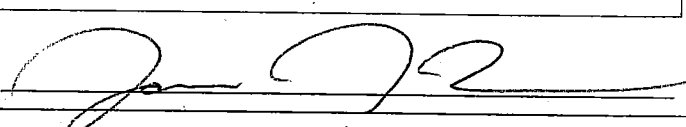
Supervisor Kim; Cohen, Avalos, Campos, Chiu, Mar

**Subject:**

Fair Hiring and Housing for Individuals with Conviction Records

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

Please find attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

131192

