

1 [Administrative Code - Office of Racial Equity]

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3 **Ordinance amending the Administrative Code to create an Office of Racial Equity as a**  
 4 **Division of the Human Rights Commission Department, with authority to create a**  
 5 **citywide Racial Equity Framework, assist City departments with the development of**  
 6 **Racial Equity Action Plans, analyze and report on the impact of ordinances on racial**  
 7 **equity, and carry out various other policy and reporting functions regarding racial**  
 8 **equity; require City departments to create Racial Equity Action Plans and to provide**  
 9 **annual updates on such Plans; require City departments to designate employees as**  
 10 **racial equity leaders; and require the Department of Human Resources to produce an**  
 11 **annual report concerning racial equity in the City workforce.**

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

16

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

18

19 Section 1. Findings.

20 **(a) History of Structural Racism.**

21 San Francisco has a long history of creating and/or enforcing laws, policies, and  
 22 institutions that perpetuated racial inequity in our city, including but not limited to the following:

23 (1) In 1854, the federal government established an Indian policy for California,  
 24 and in subsequent actions the federal, state, and city authorities essentially decimated the

25

1 local indigenous population, including the Ohlone population, spending in excess of \$1.4  
2 million in the process.

3 (2) In 1870, San Francisco passed its first zoning law, Order 939 Regulating  
4 Lodging Houses, also known as the Cubic Air Ordinance. This legislation was created at the  
5 urging of anti-Chinese labor groups that had formed in response to heightened Gold Rush  
6 immigration. The new law required 500 cubic feet of space per occupant of any lodging room  
7 in the city, but it was only enforced in areas housing mostly Chinese residents, resulting in  
8 hundreds of arrests.

9 (3) In 1880, San Francisco enacted an ordinance prohibiting the operation of a  
10 laundry in a wooden building without a permit. At the time, about 95% of laundries in the City  
11 were operated in wooden buildings, and approximately two-thirds of those laundries were  
12 owned by Chinese people. The Board of Supervisors denied permits to all Chinese applicants  
13 while virtually all non-Chinese applicants were granted permits. In 1886, the United States  
14 Supreme Court, reviewing this ordinance, ruled that a law that is race-neutral on its face but is  
15 administered in a prejudicial manner violates the 14th Amendment to the United States  
16 Constitution.

17 (4) In 1937, San Francisco was one of 239 cities that was “redlined,” by the  
18 Federal Home Loan Bank Board and the Home Owners’ Loan Corporation. This process  
19 involved the creation of “residential security maps” which divided cities into areas that were  
20 appropriate for investment and areas that were more risky. In San Francisco, neighborhoods  
21 with large populations of people of color including the Western Addition, the Haight,  
22 Chinatown, and parts of the Mission were deemed risky. While residents in majority-white  
23 neighborhoods saw their property values and wealth rise, people of color in redlined  
24 neighborhoods were denied loans, city investment, and infrastructure upgrades. This resulted  
25 in systemic concentrations of poverty and blight in racially segregated communities.

1 (5) In 1942, in response to President Franklin Roosevelt’s Executive Order to  
2 exclude Japanese from the West Coast, the San Francisco Police Department joined the FBI  
3 in sweeps and the internment of thousands of persons of Japanese ancestry in “relocation  
4 camps.” More than 115,000 Japanese people on the West Coast were sent to internment  
5 camps; the homes, businesses, and properties left behind were declared a “slum area” by  
6 San Francisco government officials and the city made plans to tear it down.

7 (6) In 1947, the San Francisco Planning Commission used the redlined map to  
8 institute “urban renewal” in the Fillmore and Western Addition, a historically Black  
9 neighborhood. Over the next twenty years in the names of “slum clearance”, many homes  
10 were razed, businesses destroyed, and more than 10,000 Blacks were displaced as a result  
11 of the policy. Urban renewal was also instituted in other San Francisco neighborhoods,  
12 including South of Market, where 4,000 low-income and working class residents of color and  
13 more than 700 small businesses were displaced.

14 (7) According to the San Francisco District Attorney’s Office, in 2000, African-  
15 Americans were 7.8% of San Francisco’s population but comprised 41% of marijuana arrests.  
16 By 2010 and 2011, African-Americans made up about 50% of the marijuana-related arrests,  
17 yet represented only 6% of the City’s population.

18 **(b) Current Racial Disparities.**

19 Although the City has taken steps to undo the damage caused by past policies and  
20 practices, the racial disparities caused continue to the present day. Despite progress in  
21 addressing explicit discrimination, racial inequities continue to be deep, pervasive, and  
22 persistent in San Francisco. Across every social indicator, when data is disaggregated by  
23 race, the legacy of more than two hundred years of racially discriminatory government policies  
24 is evident, as measured by the following:  
25

1 (1) Unemployment: According to a study by the Brookings Institution, in 2015,  
2 San Francisco had the ninth-highest general employment rate in the country (79%), but it was  
3 one of the cities with the highest employment disparity between Black people (53%) and white  
4 people (84%) in the country.

5 (2) Life Expectancy: According to a study by the San Francisco Health  
6 Improvement Partnership (“SFHIP”), the life expectancy at birth in San Francisco from 2015-  
7 17 was 72.1 for Blacks, 76 for Pacific Islanders, 81.7 for white people, 85.1 for Latinxs, and 87  
8 for Asians.

9 (3) Maternal Mortality: In San Francisco, Black women are twice as likely as  
10 white women to give birth prematurely, and Black and Pacific Islander women have the  
11 highest rates of prenatal morbidity. SFHIP also found that between 2007 and 2016, Black  
12 mothers had about 4% of births in San Francisco, but experienced 50% of maternal deaths,  
13 and 15% of infant deaths.

14 (4) Household Income: In San Francisco, median income for white households  
15 was \$106,919 in 2016, \$105,295 for Asian households, \$70,290 for Latino households and  
16 \$46,571 for Black households. Black residents experience poverty at 3 times the overall  
17 poverty rate in San Francisco.

18 (5) Housing and Displacement: The 2010 Census data showed a decline in the  
19 number of children of every racial group in San Francisco except white and multiracial  
20 children, including Black, Latinx, Asian and Pacific Islander. Between 1990 and 2014-15 there  
21 was a significant decrease in the percentage of low-income workers living in San Francisco,  
22 while a 30% increase in median rent paid was associated with a 21% decrease in low-income  
23 households of color – a correlation not seen for low-income white households. Further, as  
24 housing prices rose, the share of low-income Black households in San Francisco living in  
25

1 high-poverty, segregated neighborhoods rose from 41% in 2000 to 65% in 2015, in  
2 comparison to low-income Asian (27%), Latinx (19%), and White (12%) households.

3 (6) Criminal Justice: In 2015, the Burns Institute found that Black adults in San  
4 Francisco are 11 times as likely as white adults to be booked into County Jail; Latinx adults  
5 are 1.5 times as likely to be booked as white adults. Blacks accounted for 41% of those  
6 arrested between 2008 and 2014, 43% of those booked into jail, 38% of cases filed by the  
7 San Francisco District Attorney’s Office, and 39% of new convictions despite only accounting  
8 for 6% of the population of the county. Of incarcerated people in San Francisco County Jail,  
9 53% are Black. Among youth in the juvenile justice system, 54% are Black.

10 (7) Police Violence: Black and Latinx people have been disproportionately  
11 impacted by fatal police shootings. Since 2014, San Francisco police officers killed five people  
12 – Alex Nieto, Amilcar Perez-Lopez, Mario Woods, Luis Góngora Pat, and Jessica Williams, all  
13 of whom were either Black or Latino. In 2016, then-Mayor Ed Lee and then-Chief of Police  
14 Gregory Suhr requested that the U.S. Department of Justice conduct an assessment of  
15 whether racial bias existed within the San Francisco Police Department.

16 (8) Homelessness: According to the 2017 San Francisco Point in Time Count,  
17 22% of homeless residents in San Francisco identified as Hispanic or Latinx (compared to  
18 being 15% of the general population), and 34% identified as Black or African-American  
19 (compared to being 6% of the general population).

20 (9) Education: 74.9% of Latinx students and 71.1% of Black students graduated  
21 in the San Francisco Unified School District class of 2016 compared to 94.7% of Asian  
22 students and 83.8% of white students.

23 (10) City and County Workforce: Blacks comprised 23.4% of the City workforce  
24 in 1976 but only 15.2% in 2018, mimicking a dramatic decline in the Black San Francisco  
25 population and pointing to a push-out of the Black population as a whole. Black workers are

1 concentrated in the lowest-paid job classes, and are in a minority in the highest-paid job  
2 classes. In 2018, while only approximately 15% of the workforce, Black workers made up 36%  
3 of dismissals, 24% of probationary releases, and 38% of medical separations.

4 **(c) The Need for an Office of Racial Equity in San Francisco.**

5 (1) According to a 2019 report from the Board of Supervisors’ Budget and  
6 Legislative Analyst, municipalities across the United States have established Offices of Equity  
7 in order to address the longstanding social, economic, and racial disparities within their  
8 jurisdictions. The report identified 32 cities in the United States with such offices, though not  
9 all of these offices focus solely on racial equity.

10 (2) The City lacks comprehensive data about racial disparities, with consistent  
11 updates, within the City’s workforce, and lacks data about racial inequities in terms of access  
12 to services provided by or funded by the City. San Francisco must deepen its commitment to  
13 racial equity and join cities across the country in this work, by developing concrete tools like  
14 policy and budget analysis, public transparency, and accountability, to ensure that racial  
15 equity is achieved.

16  
17 Section 2. Chapter 12A of the Administrative Code is hereby amended by adding  
18 Section 12A.19, to read as follows:

19 **Sec. 12A.19. OFFICE OF RACIAL EQUITY.**

20 *(a) Definitions. For purposes of this Section 12A.19, the following definitions shall apply:*

21 *“Race” means a social and political construct that artificially divides people into*  
22 *distinct groups based on characteristics such as physical appearance (particularly color), ancestral*  
23 *heritage, cultural affiliation, cultural history, ethnic classification, and the social, economic, and*  
24 *political needs of a society at a given period of time. Racial categories subsume ethnic groups.*

1 “Racial Disparity” means a condition where one racial group systemically and  
2 disproportionately experiences worse outcomes in comparison to another racial group or groups.  
3 Racial Disparities may occur in a range of areas, including but not limited to education, employment,  
4 wealth, policing, criminal justice, health, transportation, housing, and homelessness.

5 “Racial Equity” means the systematic fair treatment of people of all Races that results  
6 in equal opportunities, participation, and/or outcomes for everyone, so that Race can no longer be used  
7 to predict life outcomes.

8 “Racial Equity Action Plan” means a process and strategic plan for a City department,  
9 guided by the citywide Racial Equity Framework, to enact institutional and structural change to  
10 achieve Racial Equity. A Racial Equity Action Plan shall include Racial Equity indicators to measure  
11 current conditions and impact, outcomes resulting from changes made within programs or policy, and  
12 performance measures to evaluate efficacy, that demonstrate how a City department will address  
13 Racial Disparities within the department as well as in external programs.

14 “Racial Equity Framework” means a document outlining the City’s vision, goals and  
15 strategies to address structural Racism and Racial Disparities, and advance Racial Equity in the City,  
16 with a focus on the work of City government. It should provide guidelines for addressing implicit and  
17 explicit bias, addressing individual, institutional, and structural Racism, and advocating for more  
18 inclusive policies and practices that reduce Racial Disparities and promote Racial Equity. The Racial  
19 Equity Framework shall set forth a vision for Racial Equity in the City and include goals and strategies  
20 to advance Racial Equity and address structural Racism and Racial Disparities.

21 “Racial Equity Report Card” means an assessment measured in public data to provide a  
22 snapshot or similar indicator of Racial Disparities that exist across the City in specific areas such as  
23 but not limited to education, employment, wealth, policing, criminal justice, health, transportation,  
24 housing, and homelessness.

1 “Racial Reconciliation” means a multi-method approach using facilitated dialogue and  
2 restorative justice processes, and possibly other tools, to build trust and bridge divides while publicly  
3 acknowledging past wrongs created by individual and systemic Racism, and addressing the present  
4 consequences.

5 “Racism” means racial prejudice and/or discrimination, which may be supported  
6 intentionally or unintentionally by institutional power and authority, used to the advantage of one or  
7 more Races and the disadvantage of one or more other Races.

8 (b) **Creation of the Office of Racial Equity.** There is hereby created the Office of Racial  
9 Equity (“Office”), which shall be a division of the Human Rights Commission Department under the  
10 authority and direction of the Executive Director of the Human Rights Commission.

11 (c) **Mission and Purpose.** The purpose of the Office is to advance Racial Equity in the City  
12 and repair harm done by government policy decisions that have created, upheld, or exacerbated Racial  
13 Disparities in the City. The Office will achieve this goal through policy analysis and development, data  
14 collection and analysis, and support and accountability for City departments. The Office will address  
15 structural Racism that limits opportunities for and impacts the wellbeing of people of color in the City.  
16 The Office will provide leadership and coordination to facilitate training, accountability, policy  
17 direction, and solutions to achieve Racial Equity within City government and across the City. The  
18 Office will work with City departments to eliminate Racial Disparity in City policies, processes,  
19 decisions, and resource allocations, and will work with other governmental entities, private businesses,  
20 non-government organizations, academia, and community members to achieve measurable results  
21 reducing disparities within the City and throughout the community. The Office will work to resolve  
22 policy issues rooted in racial bias and discrimination, including how Racial Disparities intersect with  
23 disparities by gender, class, and sexuality, through research, education, and policy interventions. The  
24 Office will work with community partners to promote Racial Equity and inclusion within the City and  
25 throughout the region, producing measurable improvements and disparity reductions.



1           (d) Powers and Duties of the Office. *The Office shall have the powers, and shall perform the*  
2 *duties, set forth in this subsection (d).*

3           (1) Racial Equity Framework. *The Office shall develop a Racial Equity Framework*  
4 *for the City to be submitted to the Board of Supervisors no later than June 30, 2020, for consideration*  
5 *and possible adoption. The Racial Equity Framework shall be updated and resubmitted to the Board of*  
6 *Supervisors at least every five years thereafter.*

7           (2) Departments' Racial Equity Action Plans. *The Office shall oversee the*  
8 *development of each City department's Racial Equity Action Plan and shall review and provide*  
9 *necessary input to the department during development and implementation. The Office shall issue*  
10 *guidance to City departments concerning the development process and content to include in Racial*  
11 *Equity Action Plans and the content to include in the annual reports on progress under the Racial*  
12 *Equity Action Plans required by subsection (e).*

13           (3) Racial Equity Report Card. *The Office shall publish a biennial Racial Equity*  
14 *Report Card on the status of Racial Equity and indicators of success by Race in the City in six areas:*  
15 *(A) wealth, employment, and economic security, (B) transportation, (C) housing, land use, and*  
16 *homelessness, (D) education, (E) health, and (F) policing and criminal justice. The Office may partner*  
17 *with the Controller's Office, other City departments, or, consistent with the civil service provisions of*  
18 *the Charter, an academic or non-profit policy institution to create the Report Card. The Office shall*  
19 *submit the first Report Card to the Mayor and the Board of Supervisors no later than December 31,*  
20 *2021.*

21           (4) Analysis of Pending Ordinances. *After January 1, 2021, the Office shall analyze*  
22 *and report on ordinances introduced at the Board of Supervisors in the areas of housing/land use,*  
23 *employment, economic security, public health and public safety that may have an impact on Racial*  
24 *Equity or Racial Disparities. The Clerk of the Board of Supervisors shall refer all such ordinances to*  
25 *the Office within five days of introduction. The Office may request that the Clerk of the Board of*

1 Supervisors refer an ordinance to the Office. The Office shall prepare a report concerning the  
2 ordinance that includes an analysis of whether the proposed ordinance would promote Racial Equity  
3 by helping to close opportunity gaps for communities of color, or impede Racial Equity by furthering  
4 Racial Disparities. The Office may solicit assistance from other City departments, and, consistent with  
5 the civil service provisions of the Charter, other experts or professionals as may be appropriate. The  
6 Office shall submit its report to the Board of Supervisors within 30 days of receiving the ordinance  
7 from the Clerk of the Board of Supervisors, or prior to the consideration of the ordinance by a  
8 committee of the Board of Supervisors or the full Board of Supervisors, whichever occurs sooner.

9 (5) **Racial Reconciliation.** The Office shall develop a process of Racial Reconciliation  
10 to publicly address the specific needs of a racial group and its community and culture. The process  
11 shall engage City stakeholders and community members to address the root causes of racial inequities  
12 and divisions and ensure that the Racial Equity Framework, departments' Racial Equity Action Plans,  
13 and any other steps taken are centered on a model of healing-informed governing for Racial Equity, to  
14 repair harm done by structural Racism.

15 (6) **Development of Policy Priorities for Racial Equity.** The Office shall work to  
16 identify existing policies and practices in the City that contribute to, uphold, or exacerbate Racial  
17 Disparities or lead to barriers to opportunities for communities of color, and shall develop legislative  
18 priorities to address these disparities, to be recommended to the Mayor and Board of Supervisors.

19 (7) **Departmental Strategies for Racial Equity.** The Office shall support capacity  
20 building and provide technical assistance for City departments to invest in strategies for Racial Equity,  
21 including: employee training and support, convening of City department meetings concerning Racial  
22 Equity, development of Racial Equity programming, and assisting departments with changes to  
23 departmental policies and practices to improve Racial Equity outcomes.

1                   (8) **Budget Equity Assessment Tool.** The Office shall create a budget equity  
2 assessment tool for City departments to use in order to determine whether budget requests and  
3 allocations benefit or burden communities of color.

4                   (e) **Racial Equity Action Plans and Annual Reports.** Each City department shall develop a  
5 Racial Equity Action Plan in alignment with the Racial Equity Framework. By December 31, 2020,  
6 each City department shall submit its Racial Equity Action Plan to the Office, the Mayor, and the  
7 Board of Supervisors, and shall post it on the department’s website. The Racial Equity Action Plans  
8 shall be updated by December 31 every five years thereafter. City departments shall integrate the  
9 Racial Equity Action Plan into departmental five-year strategic plans, as appropriate. Beginning in  
10 2022, each department shall prepare an annual report on the department’s progress towards goals set  
11 forth in the Racial Equity Action Plan. The annual report shall include relevant data on the status of  
12 Racial Equity in the department’s workforce and its provision of services to the public. Each  
13 department shall submit its annual report to the Office, the Mayor, and the Board of Supervisors by  
14 April 1 for the preceding calendar year. The Board of Supervisors shall consider the annual reports in  
15 connection with the budget process.

16                   (f) **Department Racial Equity Leaders.** Each City department with an annual budget under  
17 \$10 million shall designate at least one staff person to serve as a “racial equity leader,” to coordinate  
18 the department’s Racial Equity strategy, Racial Equity Action Plan, and programs. Each City  
19 department with an annual budget over \$10 million shall identify at least one staff person per 50 full  
20 time equivalent positions, to be “racial equity leaders,” to coordinate the department’s Racial Equity  
21 strategy, Racial Equity Action Plan, and programs. Each City department with more than one racial  
22 equity leader shall develop internal systems to ensure communication about the department’s Racial  
23 Equity strategy, Racial Equity Action Plan, and programs, and coordination with the Office of Racial  
24 Equity.

1           (g) **Annual Workforce Report.** The Department of Human Resources, with support from the  
2 Office and the Office of the Controller, shall release an annual report concerning Racial Equity in the  
3 City government workforce. The report shall include an analysis of the status of City employees by  
4 race, including new hires, promotions, classifications, salaries, civil service and exempt positions,  
5 disciplinary actions, medical separations, and complaints regarding discrimination in the workplace.  
6 The Department of Human Resources shall complete the first report by December 31, 2019, and shall  
7 submit it to the Office, the Mayor, and the Board of Supervisors. Nothing in this subsection (g)  
8 requires the Department of Human Resources to release information that would violate any employee’s  
9 right to privacy or any applicable law.

10           (h) **Composition of Office.** Subject to the budgetary and fiscal provisions of the Charter, the  
11 Office shall be staffed by no fewer than five full time employees, including a Director, Deputy Director,  
12 and three policy analysts.

13           (i) **Powers and Duties of Human Rights Commission.** With respect to the work of the Office,  
14 the Human Rights Commission shall hold all the powers and duties set forth in Section 12A.5 of this  
15 Administrative Code and Section 4.102 of the City Charter. This includes, but is not limited to, the  
16 power to hold public hearings on any subject relevant to the Office.

17           (j) **Undertaking for the General Welfare.** In enacting and implementing this Section 12A.19,  
18 the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it  
19 imposing on its officers and employees, an obligation for breach of which it is liable in money damages  
20 to any person who claims that such breach proximately caused injury.

21           (k) **Severability.** If any section, subsection, sentence, clause, phrase, or word of this Section  
22 12A.19, or any application thereof to any person or circumstance, is held to be invalid or  
23 unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the  
24 validity of the remaining portions or applications of the Section. The Board of Supervisors hereby  
25 declares that it would have enacted this Section, including each and every subsection, sentence, clause,

1 phrase, and word not declared invalid or unconstitutional, without regard to whether any other portion  
2 of this Section or application thereof would be subsequently declared invalid or unconstitutional.

3 Section 3. Effective Date. This ordinance shall become effective 30 days after  
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
6 of Supervisors overrides the Mayor's veto of the ordinance.

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

10 By: \_\_\_\_\_  
11 BRADLEY A. RUSSI  
12 Deputy City Attorney

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