

Reentry Council

City & County of San Francisco

AGENDA

Thursday, July 20, 2023

1:00pm – 3:00pm

City Hall

1 Dr Carlton B Goodlett Pl, Room 305

San Francisco, CA 94102

Members of the Public who are unable to attend the meeting in person, but would like to provide public comment or watch the meeting can do so remotely through the following zoom information:

Join Zoom Meeting

- <https://us02web.zoom.us/j/81716545397?pwd=U0FocWltOWMwZ2FqVU9kN082bDlZdz09>
- Meeting ID: 817 1654 5397
- Passcode: 797944

Dial by your location

- +1 669 900 9128 US (San Jose)
- Meeting ID: 817 1654 5397
- Passcode: 797944
- Find your local number: <https://us02web.zoom.us/u/kcSP42G15s>

Note: Each member of the public will be allotted no more than 2 minutes to speak on each item.

Reentry Council

City & County of San Francisco

1. Call to Order and Introductions.
2. Ramaytush Ohlone Land Acknowledgement (discussion only).
3. Public Comment on Any Item Listed Below as for “Discussion Only.” (**NOTE:** public comment on items listed as “possible action” will occur during that agenda’s time).
4. Review and Adoption of Meeting Minutes of January 19, 2023 Council Meeting (discussion & possible action).
5. Staff Report on Activities of the Reentry Council and its Subcommittees (discussion only).
 - a. Staff Updates
 - b. Subcommittee Updates
 - 1) Women 1st Subcommittee
 - 2) Legislation, Policy, and Practices Subcommittee
 - 3) Direct Action Subcommittee
6. Regular Update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Collaborative Courts, and Community Corrections Partnership, STARR (discussion only).
7. Racial Equity Work Updates –Departments are welcome to provide a Racial Equity Update for their Department (discussion only).
8. Reentry Council Sunset Date Extension Letter and Report (discussion & possible action).
9. Draft Ordinance to Establish Criminal Histories as a Protected Class (discussion & possible action).
10. Draft Ordinance to Remove a Mayoral or Board of Supervisors Appointee if They Are Employed by a City Department or other Agency Which Gains a New Seat on the Reentry Council (discussion & possible action).
11. Farewell to our Mayoral Appointees (discussion only).
12. Council Members’ Comments, questions and Requests for Future Agenda Items (discussion only).
13. Public Comment on any item on today’s agenda, or on other business within the purview of the Reentry Council (discussion only).
14. Adjournment.

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SUBMITTING WRITTEN PUBLIC COMMENT TO THE REENTRY COUNCIL

Persons who are unable to attend the public meeting may submit to the Reentry Council, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Reentry Council. Written comments should be submitted to: Victoria Westbrook, Interim Reentry Policy Planner, Adult Probation Department, 880 Bryant Street, Room 200, San Francisco, CA 94103, or via email: reentry.council@sfgov.org.

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Reentry Council's website at <http://sfreentry.com> or by calling Victoria Westbrook at (415) 930-2202 during normal business hours. The material can be FAXed or mailed to you upon request.

ACCOMMODATIONS

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Victoria Westbrook at reentry.council@sfgov.org or (415) 930-2202 at least two business days before the meeting.

TRANSLATION

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For either accommodation, please contact Victoria Westbrook at reentry.council@sfgov.org or (415) 930-2202 at least two business days before the meeting.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at: www.sfgov.org/sunshine.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE:

Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place,
San Francisco, CA 94102-4683.
Telephone: (415) 554-7724
Fax: (415) 554-5163
E-Mail: soft@sfgov.org

CELL PHONES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Co-Chairs may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code sections 2.100-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco CA 94102, telephone (415) 581-2300, FAX (415) 581-2317, and web site <http://www.sfgov.org/ethics/>

Reentry Council

DRAFT Minutes

Thursday, April 20, 2023

1:00pm – 3:00pm

City Hall

1 Dr Carlton B Goodlett Pl, Room 305

San Francisco, CA 94102

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- Meeting ID: 817 1654 5397
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- Find your local number: <https://us02web.zoom.us/u/kcSP42G15s>

Note: *Each member of the public will be allotted no more than 2 minutes to speak on each item.*

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Members Present:

Edward McCaffrey for District Attorney, Ali Riker for Sheriff Paul Miyamoto (SFSO), Chief Cristel Tullock (SFAPD), Carolyn Goosen for Manohar Raju (Public Defender), Emeterio Garcia for Grant Colfax (DPH), Melanie Kushnir for Mark Culkins (Superior Court), Dominica Donovan for Supervisor Catherine Stefani (BOS), Mark Cruise (CDCR), Karen Roye (DCSS), Commander Julian Ng for Chief William Scott (SFPD), Assistant Chief Gabe Cavillo for Chief Katherine Miller (Juvenile Probation), David McCahon for Trent Rohr (HSA), Jabari Jackson (BOS Appointee), Antonio Napoleon (Mayoral Appointee), Allen Harven (Mayoral Appointee), Jusef Nathan (BOS Appointee), Linda Hurshman (BOS Appointee), Joanna Hernandez (BOS Appointee).

Members Absent:

James Caldwell for Mayor Breed, Sheenia Branner (Mayoral Appointee), Chief Chris Carubba-Katz (US Probation), Jasmine Dawson for Marla Su (DCYF), Cynthia Nagendra (HSH), Tajuana Gray (OEWD),

1. Call to Order and Introductions (discussion only)

Jabari Jackson called the meeting to order. He thanked Council members and members of the interested public for attending the meeting. He acknowledged the other five Co-Chairs:

- Mano Raju, Public Defender.
- Brooke Jenkins, District Attorney.
- James Caldwell, representing Mayor London Breed's Office
- Cristel Tullock, Chief of Adult Probation
- Sheriff Paul Miyamoto

Victoria Westbrook completed Reentry Council Roll Call and indicated that there was quorum.

2. Raymatush Ohlone Land Acknowledgment

Jabari Jackson read the Raymatush Ohlone Land Acknowledgement.

3. Public Comment on Items listed as for "Discussion Only" (discussion only)

No public comment.

4. Review and Adoption of Meeting Minutes of January 19th, 2023 (discussion & possible action)

Jabari asked for any comments or questions from Council members.

There was none.

Jabari asked if there was a motion to adopt the minutes.

Director Karen Roye made a motion to Accept Minutes.

Chief Tullock seconded the motion.

Jabari asked if there was any public comment regarding the Draft minutes from the January 19, 2023 meeting.

Reentry Council

There was none.

Motion passed.

5. Staff Report on Activities of the Reentry Council and its Subcommittees (discussion only).

a. Staff Updates

i. Reentry Services Living Wage Initiative

ii. Other

b. Subcommittee Updates

i. Women 1st Subcommittee

ii. Legislation, Policy, and Practices Subcommittee

iii. Direct Action Subcommittee

Victoria Westbrook, Reentry Policy Planner for the San Francisco Adult Probation Department, provided updates regarding the three Reentry Council Subcommittees:

- The Women 1st Subcommittee held a Women's History event on 3/31/2023 at the WRC. Solutions For Women and Sister's Circle helped fund the event, which was largely successful. Jackeline Freeman was keynote speaker. Over 80 women attended. There was also a Transgender Day of Visibility presentation, which was featured on the SFSO website. The next Women 1st Subcommittee will be on June 5th at the Women's Resource Center at 12:00pm.
- LPP Subcommittee has reviewed state legislation and has looked into establishing a protective class for people with criminal histories. The next meeting will be at the CASC on May 24th at 2:30pm.
- Richard Beal, the Chair of the Direct Action Subcommittee provided an update on the subcommittees upcoming Juneteenth Event at the CASC on June 15th from 12:00- 3:00pm. Richard also shared that the 3ed Annual Recovery Day will be held on August 18th at Boeddeker Park.

Destiny Pletsch, the Reentry Services Manager for Adult Probation, shared that the Housing Needs for Justice-Involved Adults research project has been completed. A formal hearing will be conducted regarding the research findings, the recommendations for future action, and an update regarding the work of the Recovery Working Group at the upcoming BOS Public Safety and Neighborhood Services Committee meeting on April 27th at 10:00am.

Steve Adami, Director of the Reentry Division of the Adult Probation provided an update on making people's criminal histories a protected class. Steve also provided an update regarding the Wage Initiative, advocating for better wages for San Francisco's nonprofit workers, who do comparable work to city workers. There is support through the board, and APD has worked with the CFO to examine their budget and encourages other departments to do the same.

Steve also shared that his and Destiny's last day with Adult Probation will be April 28th, 2023. Steve expressed his gratitude for being able to develop and implement 50 reentry programs during his time at Adult Probation.

Jabari Jackson thanked everyone for their updates and asked if council members had any questions or comments.

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Chief Tullock expressed her appreciation and gratitude for the great work that Steve and Destiny has done while they were at Adult Probation. She also acknowledged the impact that Steve and Destiny has had on the Adult Probation Department and the reentry community.

Chief Tullock also mentioned that Chief Katy Miller asked her to inform the council that Gabe Calvillo is the new Assistant Chief of Juvenile Probation.

Carolyn Goosen from the Public Defender's Office provided an update regarding SB 731, the Criminal records: Relief bill has passed! The Californians for Safety and Justice did so much work to get it passed because it streamlines the expungement process for Californians with criminal convictions. Now that it has passed and is being implemented, it is estimated that 225,000 Californians will have an old conviction automatically sealed. Additionally, more than 1 million Californians will be eligible to petition a judge to get their records sealed. An estimated 25,000 San Franciscans will be eligible to take advantage of these changes. Carolyn also shared that on May 16th from 10:00am – 12:00pm, the Public Defender's Office will be on the steps of HOJ on Bryant Street to announce the changes that the passing of SB 731 brings.

6. Regular Update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Collaborative Courts, and Community Corrections Partnership, STARR (discussion only).

Victoria Westbrook provided an update on the Community Corrections Partnership. The CCP met on April 11th 2023. Victoria shared that during the meeting a number of women provided a great deal of inspiring public comment regarding the assistance they received and the healing they were able to do at the HER House program provided by Westside Community Services. Each woman spoke positively about the program and expressed gratitude for the program because it helped them reclaim their lives. Many of the women are now employed and all are in recovery. Additionally, Tanya Mera, the Deputy Director of Jail Health Services, provided update on CalAim. Next CCP Meeting is scheduled for April 9, 2024 at 10am.

Patty Martinez from the district Attorney's Office shared that the Sentencing Commission met in person March 20, 2023. It was the first in-person meeting since December 2019. The Safety and Justice Challenge was awarded a sustainability grant. There was an update on the jail population trends and changes to CalAim. Additionally, updates were provided about the preliminary findings of the Young Adult Justice Initiative. Their recommendations will be shared at the next Sentencing commission meeting scheduled for Tuesday, June 20, 2023 at 10am at the SF District Attorney's Office.

Theresa Ick from DPH said that the STARR program is currently working to ensure availability of beds without decreasing in bed funding.

7. Racial Equity Work Updates – Criminal justice Racial Equity Workgroup Update and other Departments are welcome to provide a Racial Equity Update for their Department (discussion only).

Victoria Westbrook provided an update on the Criminal Justice Racial Equity Workgroup, indicating that the April meeting was cancelled and that a new date will be given at a later time.

Tara Agnese provided an update on Adult Probation's racial equity action plan and progress report, which

Reentry Council

is due April 8th.

8. Current State Legislation (discussion & possible action).

- a. AB 60, AB 61, AB 93, AB 745
- b. SB 474

The Legislation, Policy, and Practices Subcommittee has identified a number of bills to present to the Reentry council for consideration.

Victoria Westbrook presented on AB 61.

AB 61

Asm. Isaac Bryan, District 54, Democrat

Criminal procedure: arraignments

AB 61 would require ensure all arrested people have their first appearance in court no more than 48 hours after arrest, without exception, and to codify the requirement of a prompt judicial review of probable cause for warrantless arrests of adults and juveniles, as specified.

Carolyn Goosen made a motion to support AB 61

Joanna Hernandez seconded the motion.

Council Member	Vote
Public Defender	Aye
Mayor's Office- James Caldwell	Absent
Adult Probation Department	Aye
District Attorney	No
Sheriff's Office	Aye
DPH	Aye
US Probation	Absent
Superior Court	Aye
HSH	Absent
State Parole	Abstain
Juvenile Probation Department	Aye
HAS	Aye
DCYF	Absent
CSS	Aye
OEWD	Absent
SF Police Department	Aye
Antonio Napoleon	Aye
Allen Harven	Aye
Sheenia Branner	Absent
Jusef Nathan	Aye
Joanna Hernandez	Aye
Linda Hurshman	Aye
Jabari Jackson	Aye

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BOS Representative	No
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15 Ayes, 2 Nos, 1 Abstentions
Motion passed.

Victoria Westbrook presented on AB 93.

AB 93

Asm. Isaac Bryan Democrat

AB 93 Criminal Procedure Consensual Searches

AB 93 will prohibit prohibit officers from requesting consent to conduct a search if the officer does not suspect criminal activity.

Joanna Hernandez made a motion to support AB 93

Alan Harven seconded the motion.

Council Member	Vote
Public Defender	Aye
Mayor's Office- James Caldwell	Absent
Adult Probation Department	Abstain
District Attorney	No
Sheriff's Office	No
DPH	Aye
US Probation	Absent
Superior Court	Abstain
HSH	Absent
State Parole	Abstain
Juvenile Probation Department	No
HAS	Aye
DCYF	Absent
CSS	Aye
OEWD	Absent
SF Police Department	No
Antonio Napoleon	Aye
Allen Harven	Aye
Sheenia Branner	Absent
Jusef Nathan	Aye
Joanna Hernanez	Aye
Linda Hurshman	Aye
Jabari Jackson	Aye
BOS Representative	No

10 Ayes, 5 Nays, 3 Abstentions
Motion passed.

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Victoria Westbrook asked Patty Martinez from the Legislation, Policy, & Practices Subcommittee to present on AB 60.

Restorative Justice Program

AB 60 establishes the right for a victim to be informed of and participate in county-approved restorative justice programs, as provided.

Ali Riker made a motion to support AB 60
Director Karen Roye seconded the motion.

Council Member	Vote
Public Defender	Aye
Mayor's Office- James Caldwell	Absent
Adult Probation Department	Aye
District Attorney	Abstain
Sheriff's Office	Aye
DPH	Aye
US Probation	Absent
Superior Court	Abstain
HSH	Absent
State Parole	Abstain
Juvenile Probation Department	Aye
HAS	Aye
DCYF	Absent
CSS	Aye
OEWD	Absent
SF Police Department	Aye
Antonio Napoleon	Aye
Allen Harven	Aye
Sheenia Branner	Absent
Jusef Nathan	Aye
Joanna Hernanez	Aye
Linda Hurshman	Aye
Jabari Jackson	Aye
BOS Representative	Abstain

14 Ayes, 0 Nays, 4 Abstentions Motion passed.

Victoria Westbrook asked Patty Martinez from the Legislation, Policy, & Practices Subcommittee to present on SB 474.

Reentry Council

SB 474

Regarding Canteen

SB 474 would require the Corrections and Rehabilitation to maintain a canteen at its active facilities, as specified, and would prohibit the sale prices of the articles offered for sale from exceeding the price of the articles paid to the vendors

Johanna Hernandez made a motion to support SB 474.
Antonio Napoleon seconded the motion.

Council Member	Vote
Public Defender	Aye
Mayor's Office- James Caldwell	Absent
Adult Probation Department	Aye
District Attorney	Aye
Sheriff's Office	Aye
DPH	Aye
US Probation	Absent
Superior Court	Aye
HSH	Absent
State Parole	Abstain
Juvenile Probation Department	Aye
HAS	Aye
DCYF	Absent
CSS	Aye
OEWD	Absent
SF Police Department	Aye
Antonio Napoleon	Aye
Allen Harven	Aye
Sheenia Branner	Absent
Jusef Nathan	Aye
Joanna Hernanez	Aye
Linda Hurshman	Aye
Jabari Jackson	Aye
BOS Representative	Aye

17 Ayes, 0 Nays, 1 Abstentions
Motion passed.

Victoria Westbrook asked Katrina Baptiste from the Legislation, Policy, & Practices Subcommittee to present on AB 745.

AB 745

Reentry Council

Asm. Isaac Bryan, District 55, Democrat; Rob Bonta, District 18, Democrat
Reentry Housing and Workforce Development

AB 745 would require recipients of funds from the program to use those funds for, among other things, long-term rental assistance in permanent housing, incentives to landlords, and innovative or evidence-based services to assist participants in accessing permanent supportive housing. Upon appropriation by the Legislature for this express purpose, this bill would require the department to create the Reentry Housing and Workforce Development Program, and would require the department to take specified actions to provide grants to applicants, as defined, for innovative or evidence-based housing, housing-based services, and employment interventions to allow people with recent histories of incarceration to exit homelessness and remain stably housed.

Carolyn Goosen made a motion to support AB 745
Chief Tullock seconded the motion.

Council Member	Vote
Public Defender	Aye
Mayor's Office- James Caldwell	Absent
Adult Probation Department	Aye
District Attorney	Aye
Sheriff's Office	Aye
DPH	Aye
US Probation	Absent
Superior Court	Aye
HSH	Absent
State Parole	Abstain
Juvenile Probation Department	Aye
HAS	Aye
DCYF	Aye
CSS	Aye
OEWD	Absent
SF Police Department	Aye
Antonio Napoleon	Aye
Allen Harven	Aye
Sheenia Branner	Absent
Jusef Nathan	Aye
Joanna Hernandez	Aye
Linda Hurshman	Aye
Jabari Jackson	Aye
BOS Representative	Aye

18 Ayes, 0 Nays, 1 Abstentions Motion passed.

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9. Presentation: “Housing Needs of Justice Involved Adults.” A research project led by the Reentry Division of the San Francisco Adult Probation Department and the Direct Services Subcommittee of the Reentry Council.

Victoria shared that Destiny Pletsch already covered and presented the data collected in the research at an earlier Reentry Council meeting and that APD will be providing further information of the research at the upcoming BOS Public Safety and Neighborhood Services Committee meeting on April 27th at 10:00am.

10. Establish Criminal Histories as a Protected Class (discussion only)

Presenter was late.

Jabari Jackson asked for a motion to move agenda item 11 up to give Bobby Jones-Hanley time to arrive.

Gabe Calvillo made a motion to move agenda item 11 up.

Melanie Kushnir seconded the motion

Motion passed.

Agenda item 11 took place before Agenda item 10.

Bobby Jones Hanley provided a presentation on the need to create a Protected Class for people with criminal histories. Information regarding the shortfalls of San Francisco’s Fair chance Ordinance and why a protected class is needed. Victoria Westbrook explained that San Francisco has more protected classes than California and the Federal government. She also responded to several questions from council members.

There was robust discussion among Council members and members of the public.

Council members requested something in writing that would enable them to better understand the full extent of creating such a protected class

11. Council Members’ Comments, questions and Requests for Future Agenda Items (discussion only).

Joanna Hernandez requested data regarding the TAY (18-24 year olds) population in Juvenile detention, juvenile probation, and Adult Probation. She wanted to know numbers by race and gender as well as what programming is available for them.

Jabari Jackson returned to Agenda Item #10

12. Public Comment on any item on today’s agenda, or on other business within the purview of the Reentry Council (discussion only).

Numerous members of the public gave comments. Key points were the current state of the open air drug use and sales in the City and the need for culturally specific and appropriate services for monolingual Spanish speakers.

13. Adjournment.

Jabari Jackson thanked all who attended the meeting and shared that the next Reentry Council Meeting is scheduled for Thursday, July 20, 2023 at 1:00pm in Room 305 at City Hall.

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Jabari Jackson asked for a motion to Adjourn.

Gabe Calvillo made a motion to Adjourn

Allen Harven seconded the motion.

Motion Passed

Meeting Adjourned

Bayview Reentry Family & Friends Day

FRIDAY
JULY 21, 2023
11AM

Keynote Speaker: Silky Slim
NAACP Image Award Winner

Family and Friends
Welcome!

South East Community Center
1550 Evans Street,
San Francisco, Ca. 94124

Sponsors:

For more information contact Rev. Burch @ (415)-240-0313



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RECOVERY DAY PLANNING COMMITTEE PRESENTS

3rd Annual RECOVERY DAY

PUTTING OUR DIFFERENCES ASIDE
TO CELEBRATE RECOVERY

FRIDAY, AUGUST 18, 2023

NOON - 3:00 PM

**LOCATION: BOEDDEKER PARK
(JONES AND EDDY ST.), S.F.**

**HOSTED BY
RICHARD BEAL OF THC**

**FOOD, MUSIC AND
AWARD CEREMONY
TO COMMUNITY
ORGANIZATIONS**

Speakers:

Supervisor Matt Dorsey, Tom Wolf
and other recovery community leaders

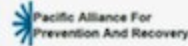
PERFORMANCES BY:

Dee Dee Simon & Charles (2 Buck Chuck) Boomer **IDI DRE BY THE BAY**

Resource and Vendor Tables Available @ bit.ly/recoveryday

For more information:

recovery@nclfinc.org or www.nclfinc.org/recovery



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Social Reintegration BEYOND HEALING AND REDEMPTION

**11th Annual Restorative Justice
Reentry Conference, Resource and Job Fair**

FRIDAY, SEPTEMBER 8, 2023

8:00 A.M. – 4:00 P.M.

DOORS OPEN 7:45 A.M.


**FREE ADMISSION, PARKING, CONTINENTAL BREAKFAST
AND LUNCH**

**SAINT MARY'S CATHEDRAL
EVENT CENTER
1111 GOUGH STREET
SAN FRANCISCO, CALIFORNIA 94109**

JOB/CAREER EVENT IN PARTNERSHIP WITH



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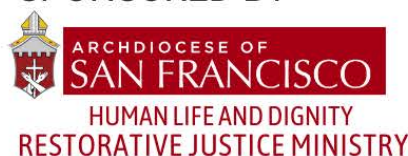
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 escobarj@sfarch.org

 www.sfarch.org/reentry-conference



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Reentry Council City and County of San Francisco

June 25, 2023

Honorable Aaron Peskin, President of the Board of Supervisors
Honorable Connie Chan
Honorable Matt Dorsey
Honorable Joel Engardio
Honorable Rafael Mandelman
Honorable Myrna Melgar
Honorable Dean Preston
Honorable Hillary Ronen
Honorable Ahsha Safai
Honorable Catherine Stefani
Honorable Shamann Walton
City Hall, 1 Carlton B. Goodlett Place
San Francisco, CA 94102

Dear President and Members of the Board of Supervisors,

The purpose of this letter is to recommend that the legislation authorizing the Reentry Council of the City and County of San Francisco be renewed with the revisions noted on Attachment A. San Francisco Administrative Code Sec. 5.1 established the City and County of San Francisco's Reentry Council for the purpose of coordinating local efforts to support adults exiting San Francisco County Jail, San Francisco Juvenile Justice System Out-of-Home Placements, the California Department of Corrections and Rehabilitation facilities, and United States Federal Bureau of Prison facilities.

The Council provides the Mayor, Board of Supervisors, the public, and any other appropriate agencies with comprehensive information about reentry barriers and programs, the disparate access and outcomes facing especially vulnerable reentry populations, best practices, funding sources, and serves as a clearinghouse for local, state, and federal legislation that impacts the criminal justice system and reentry communities.

In September 9, 2008, Ordinance # 215-08 established the Reentry Council. In 2014, Ordinance # 83-14 renewed the Council until June 1, 2019 and then Ordinance # 276-18 renewed the Council again. Presently, the Council has a sunset date of June 1, 2024. Per section 5.1.6 of the San Francisco Administrative Code, the Council shall submit a report to the Board of Supervisors "recommending whether the Council should continue to operate, and if so, whether the Board of Supervisors shall consider legislative changes that would enhance the capacity of the Council to achieve the goals that the ordinance creating the council identifies."

If you have any questions or would like additional information regarding this request, please contact Reentry Policy Planner, Victoria Westbrook at victoria.westbrook@sfgov.org or (415) 930-2202.

Thank you for your support and consideration of this Administrative Code amendment request.

Sincerely,

A handwritten signature in blue ink that reads "Victoria Westbrook". The signature is written in a cursive, flowing style.

Victoria Westbrook, Reentry Policy Planner
Reentry Council of the City and County of San Francisco

Cc: Co-Chairs, and Members of the Reentry Council of the City and County of San Francisco

Attachments:

Attachment A: Sunset Date Extension Request Report

Attachment B: Proposed revisions to Administrative Code Sec. 5.1

Attachment C: Roster of Members



Reentry Council
City and County of San Francisco

2023 Sunset Date Extension Request Report
Reentry Council of the City and County of San Francisco

June 25, 2023

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Introduction

Since June 2019, the Full Reentry Council has met approximately 15 times, enjoying robust regular attendance by its members, San Francisco residents, members of the formerly incarcerated community, and other stakeholders. The Reentry Council is proud to report that it has maintained quorum at all its meetings.

Six dynamic and committed co-chairs lead the Reentry Council: the Mayor's Office; the Adult Probation Department; the Sheriff's Department, and the Offices of the Public Defender, District Attorney, and one of the formerly incarcerated members. There is a total of 25 members inclusive of the co-chairs: A representative of the Board of Supervisors, the Juvenile Probation Department, the Police Department, the Department of Economic and Workforce Development, the Human Services Agency, the Department of Public Health, the Department of Child Support Services, the Department of Children, Youth, and Their Families, the Department of Homeless and Supportive Housing, the San Francisco Superior Court, the California Department of Corrections and Rehabilitation Division of Adult Parole Operations, the United States Probation and Pretrial Services System, and the agency which administers pretrial services within San Francisco. The Reentry Council is the only standing body in the city whose membership also includes seven formerly incarcerated individuals. In addition to the 25 standing members, the Reentry Council supports three vital subcommittees: the Legislation, Policy and Practices Subcommittee, the Direct Action Subcommittee, and the Women 1st Subcommittee.

The Reentry Council, with its broad reach into reentry policy and service matters, is the nucleus of adult criminal justice reform and coordination in San Francisco. Across the three subcommittees, there are eighty-seven (87) formal members. Other criminal justice stakeholders and members of the public regularly attend meetings to advance criminal justice and reentry reform. The Council operates closely with other ad-hoc and statutory bodies such as the California Community Correction Partnership, the Sentencing Commission, the Juvenile Justice Coordinating Council and the Collaborative Courts partnerships. Council co-chairs and members pursue independent criminal justice and reentry efforts, and the Reentry Council stands as the clearinghouse for this information, resulting in a reduction of duplication of efforts, and a optimization of support around significant reentry matters.

Over the past five years, the nation has been confronted with the profound effects of the Coronavirus pandemic. While various policy bodies faced a decrease in their operations and public involvement, the Reentry Council flourished. Except for the April 2020 meeting, which occurred just after the implementation of the shelter-in-place directive on March 20, 2020, all subsequent meetings of the Reentry Council were held regularly and attracted significant public attendance. The Reentry Council meetings often attracted a diverse audience of over 100 individuals, highlighting immense interest and active engagement with the Council and its work.

Changes to the Reentry Council and Its Subcommittees

At the January 28, 2021 meeting, the Reentry Council affirmed its commitment to addressing the unique needs and reentry barriers of formerly incarcerated women by unanimously voting to create the Women 1st Subcommittee, which was created to address policies, programs, and barriers to reentry specifically related to justice involved cis women, trans women, and gender

nonconforming individuals. Formerly incarcerated women have unique needs stemming from social, economic, and cultural factors. Considerations include gender-specific healthcare, trauma recovery, and childcare. They often shoulder family responsibilities and require stable housing and support for reuniting with their children. Employment and economic disparities, including gender-based discrimination, affect their job prospects. Housing instability, trauma, and mental health challenges are common. Community support is vital for successful reintegration. Addressing these needs through targeted policies and programs promotes their well-being and reentry.

Also at the January 28, 2021 meeting, Council members voted unanimously to repurpose the Direct Services Subcommittee to the Direct Action Subcommittee. This proposed change came out of the 2023 Reentry Council Retreat in which subcommittee members wanted to modify the focus of this subcommittee to focus on a GAPS Analysis of the programs and services they feel would benefit the reentry community and an annual calendar of reentry-related events. Additionally, the subcommittee will work in conjunction with the Legislation, Policy, and Practices Subcommittee on an initiative that will increase wages for frontline reentry services providers. In 2023, the Direct Action Subcommittee planned and hosted a Black History Month Reentry Event on February 23, 2023 and a Juneteenth Reentry Event on June 15, 2023 at the Community Assessment and Services Center (CASC) at 564 6th Street. Both events were well attended by over 100 reentry community members.

On December 8, 2020, the Board of Supervisors amended their Rules of Order, adding Rule 4.7.1 which declared that the President would read a Ramaytush (rah-my-toosh) Ohlone Land Acknowledgement after the Roll Call during Board of Supervisor Meetings. At the January 28, 2021 Reentry council Meeting, members voted to amend the Reentry Council Bylaws, by adding section 5 (f), which would read:

Following the Call to Order and Roll Call, the Chair shall read the following statement:
“The Reentry Council of the City and County of San Francisco acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.”

The Ramaytush Ohlone Land acknowledgement is now read at the beginning of each Reentry Council meeting and each subcommittee meeting.

On April 21, 2023, Mayor Breed signed Ordinance 054-23, which amended the Administrative Code to add a seat to the Reentry Council, to be appointed by the Board of Supervisors, designated for a representative of the entity responsible for the administration of pretrial services involving alternatives to incarceration. This amendment created the 25th seat on the Reentry Council, which is currently held by the San Francisco Pretrial Diversion Project.

San Francisco Recovery Summit Workgroup

The majority of justice involved people have substance abuse issues that in some way led to the crimes they committed. Between Nov 2014 and Oct 2017, after the passing of Prop 47 - the Budget and Legislative Analyst's Office conducted an audit which included the Department of Public Health's jail health services – 84.5% of 49,096 booking events in the San Francisco County were for individuals with a history of substance use. This fact, in combination with the increasing overdose deaths in San Francisco, make recovery efforts within San Francisco of utmost importance when working for the successful reintegration of formerly incarcerated people.

In June 2018, in an effort to create a public forum to discuss addiction realities in the City, as well as celebrate the success of individuals in recovery, the first Annual Recovery Summit was launched. Out of the Recovery Summit, a workgroup formed to address the addiction crisis in San Francisco. In August 2019, the working group launched two surveys – one for former and current drug users in San Francisco, and the other for family members and loved ones impacted by drug use. From the 422 surveys completed by current and former drug users in San Francisco, the research group analyzed the data and developed a platform of recommendations they believed would improve the recovery efforts in San Francisco.

At the October 22, 2020 Reentry Council meeting, the Recovery Summit Working Group presented the results of data they collected and their platform of recommendations and asked the Council for their support so that these recommendations could then be presented before the Board of Supervisors. Their recommendations included:

- Expand Drug and Alcohol Treatment Options - Include Residential Abstinence Based Treatment Programs, Social Model/TC Treatment Programs, Faith Based and 12 Step Treatment Programs, Harm Reduction Strategies, Safe Consumption Sites.
- Extend Drug and Alcohol Treatment Stays - Treatment should not be bound by Drug Medi-Cal. San Franciscans should have access to drug and alcohol treatment programs ranging from 90 days to 1 year or more, based on the needs of the individual.
- Fund a Black-led Abstinence Based Treatment Program in the Bayview - To meet the culturally sensitive treatment needs of black people and people of color who live in the Bayview - provide treatment that is abstinence based in its approach to working with addicted and justice involved populations in SF.
- Specialized Residential Drug Treatment Programs for TAYA - Young people have different needs than adults. Drug treatment should be specialized to meet the needs of those ages 16-25.
- Include the Voice of People in Recovery - Ensure individuals in Recovery are at the table when the City is making policy decisions regarding Addiction, Recovery, and Treatment.
- Expand Paid Peer Specialists Opportunities - Train and Connect those in recovery with people working toward recovery. People who successfully complete treatment should have access to paid positions helping others struggling with addiction.
- Increase Awareness About Available Drug Treatment Services - Ensure individuals suffering from addiction can access real time information about treatment options.

The Reentry Council unanimously voted to support the recommendations. The Working Group presented the analysis of their data and their platform of recommendations at the February 11, 2021

regular meeting of the Board of Supervisors - Public Safety and Neighborhood Services Committee. At this meeting, there was a robust discussion between the Supervisors, the Working Group, and high-level members from the Department of Public Health. There was also substantial public comment.

From these efforts and the recommendations presented, the San Francisco Adult Probation designed and implemented the Positive Directions TRP Academy in partnership with Westside Community Services. The TRP Academy launched in August 2021 and is a culturally responsive, peer-led, abstinence-based, reentry therapeutic teaching community (TTC) and transitional housing program. The mutual self-help community has a recovery orientation, focusing on whole-person care and overall lifestyle changes, not simply abstinence from drug use. The TRP Academy infuses a strength-based approach into the program's culturally responsive guiding principles of Respect, Interdependence, and Accountability. The model supports peer-to-peer interaction and instruction, creates a sense of family, and fosters a support network that reaffirms prosocial values and behaviors. Program participants can stay in the program from six months to 30 months. The program has been very successful, maintaining a 90% occupancy rate. The successful exit rate is 39% and out of 396 random drug tests performed, only 30 (7.5%) have come back positive for drugs or alcohol.

Racial and Ethnic Disparities in the Criminal Justice System

As the African American population in San Francisco declines, the disparities faced by African Americans within the criminal justice system continue to escalate. The urgency to address racial and ethnic disparities in the criminal justice system cannot be overstated. However, it is not only within the criminal justice system that these disparities impact the reentry experience of BIPOC community members; they also have to navigate various other systems within San Francisco to reintegrate successfully.

During each Reentry Council meeting, members representing City Departments have an opportunity to discuss their efforts in addressing racial disparities within their departments and in the services provided to clients. This inclusive practice allows for robust discussions and mutual understanding among stakeholders, including those from the criminal justice system. By fostering collaboration and sharing insights into racial equity work across all represented City departments, the aim is to reduce racial disparities in all systems that influence the successful reentry of BIPOC community members.

Furthermore, incorporating racial equity updates as a standard agenda item allows the public to stay informed about the ongoing racial equity efforts within each department. This transparency provides an opportunity for public engagement and allows individuals to offer their perspectives through public comments on the work being shared. This inclusive approach aims to promote a collective effort in addressing racial disparities and creating a more equitable and just reentry experience for BIPOC community members.

Housing Needs of Justice Involved Adults

In March 2021, the Reentry Division of the San Francisco Adult Probation Department in partnership with the Direct Services Subcommittee initiated a comprehensive mixed methods research project. By addressing criminogenic needs and community factors, reentry systems of care

can empower formerly incarcerated individuals to overcome barriers and achieve their dreams. This project exemplified the power of collaboration between law enforcement, the community, and those impacted by the justice system.

The primary objective of this project was to gain insights into the housing requirements of justice-involved adults in San Francisco. To achieve this, a survey was designed and launched in both English and Spanish languages in October 2021. Respondents had the option to complete the survey either online or on paper. 284 justice involved adults in San Francisco successfully participated and completed the survey. The quantitative analysis of the data yielded several significant findings:

- 76% of respondents were unstably housed prior to their most recent incarceration
- 96% of respondents were unstably housed upon release from jail or prison
- 47% of respondents did not know where they were going to live upon release from jail or prison
- 73% of respondents were unstably housed at the time they completed the survey
- 34 % of respondents struggled with depression
- 25 % of respondents struggled with PTSD
- 24 % of respondents struggled with anxiety
- 74% of respondents reported a history of addiction
- 81% of respondents reported that drug/alcohol use played a role in their most recent incarceration
- The average length of time that respondents reported struggling with addiction was 16 years
- The average number of times respondents had been to jail was 10 times
- The average length of time respondents had been incarcerated during their life was 9.2 years
- The average number of times respondents had been to prison was 1.5 times

The analysis of the HNJA research found a statistically significant association between type of justice involvement and current living situation. While the sample of people Released Pretrial was small (n=23), 96% of respondents were currently unstably housed.

Justice Involvement	Unstably Housed	Stably Housed
Federal Probation	53%	47%
Formerly Incarcerated	62%	38%
Parole SF	69%	30%
Probation SF	80%	20%
Released Pretrial	96%	4%
Total	73%	27%

Additionally, over the course of more than a year, 87 justice involved adults took part in 12 focus groups. These focus groups were comprised of both men and women who had various justice involvement, including pretrial, San Francisco Adult Probation, Federal Probation, parole, or formerly incarcerated. The participants shared valuable insights into the challenges they faced during reentry and their endeavors to rebuild their lives and secure housing. They also provided feedback to enhance housing and other reentry-related services, offering valuable suggestions for improvement.

The most salient themes emerging from the focus groups were:

- **The Impact of Addiction** - Participants described harmful experiences related to drug use and addiction. This theme resonated across gender, age, race, and all types of justice involvement.
- **Financial Instability** – Participants described experiencing financial instability both prior to and after incarceration.
- **Reentry Planning and Hopelessness** - Participants reported the lack of reentry planning hindered their success and ability to transition from incarceration to the community. Participants also reported losing hope after repeated failed attempts to reintegrate successfully back into the community.

A number of recommendations came from this extensive research project:

- **Shared Goal to Address Housing Needs** - Tailoring housing solutions for justice involved individuals requires collaboration between stakeholders. A unified goal of promoting permanent exits from the justice system and securing housing can better support individuals in living healthy and productive lives.
- **Expand the Framework: Moving Beyond Housing First & Harm Reduction** - A one-size fits all approach is not working in San Francisco. By enlarging and enhancing the solution space, we create a continuum of temporary and permanent housing opportunities for those who are unstably housed.
- **Build a Recovery System of Care (RSC)** - A RSC is a coordinated network of community-based services that is person-centered and uses a strength-based approach to achieve freedom from addiction and improve health, wellness, and quality of life. The City should address substance use through a "system of care," which includes an array of resources and operates through multiple modalities. The RSC includes a range of opportunities from treatment on demand, therapeutic residences, and extended recovery (long-term transitional housing) to achieve a healthy, drug free life.
- **Fund a Stabilization Center** - San Francisco needs a 24/7 stabilization center where people can immediately have refuge from the streets. A 75-unit drug and alcohol free program would serve as an entry point into services.
- **Increase Financial Literacy** - To enhance housing stability, incorporate financial literacy, counseling, and coaching into reentry housing programs. Financial health is vital for justice involved adults to secure permanent housing and achieve self-sufficiency. Integrate credit building and savings initiatives along with financial education to ensure long-term success.

- **Bolster Transitional Housing** - Transitional housing is crucial for developing life skills needed for independence. Justice involved adults deserve access to tailored transitional housing, regardless of their monitoring or supervision type. Increasing bed capacity and allowing 1-3 year stays can aid in successful reentry. Graduates of transitional housing should be prioritized for permanent housing.

Subcommittees

As part of its formal structure, the Reentry Council operates subcommittees, ad-hoc bodies made up of city partners and community stakeholders who are all committed to criminal justice reform and strengthening systems and programs so that people exiting jails and prisons can successfully reintegrate into their communities.

Presently, the Reentry Council has three subcommittees that meet bi-monthly:

- Legislation, Policy and Practices Subcommittee
- Direct Action Subcommittee
- Women 1st Subcommittee

The Legislation, Policy and Practice Subcommittee is focused on assisting the Reentry Council in developing and supporting local laws, policy, and practices that help shape state and federal policy. Through the efforts of this subcommittee, the members have helped the Reentry council achieve four primary goals:

1. Reduce its reliance on incarceration
2. Facilitate the successful reentry of formerly incarcerated residents into the community
3. Remove barriers for individuals with criminal records, and
4. Reduce racial, ethnic, and socioeconomic disparities in the criminal justice system

Members of this subcommittee embrace inclusive and participatory review of local, state, and federal legislation, policy, and operational practices while providing equal consideration to community stakeholder's voices. Moreover, this subcommittee is responsible for addressing the most pressing legislation impacting the reentry community.

The Direct Action Subcommittee assists the Reentry Council in planning and hosting reentry related events for the community and identifying gaps in the programs or activities geared to servicing the incarcerated and formerly incarcerated community in the following six areas:

1. Housing
2. Employment
3. Education
4. Employment
5. Mental and Physical Health
6. Substance Abuse Recovery

The Women 1st Subcommittee assists the Reentry Council to provide support and advocacy for cisgender women, transgender women, and gender nonconforming individuals during their

reentry process from jail or prison. The subcommittee specifically concentrates on six key areas as they pertain to formerly incarcerated individuals who identify as cis women, transgender women, or gender nonconforming:

1. Housing for single, pregnant, and women with children
2. Family focused and trauma informed programs and services
3. Gender health issues and wellness
4. Mental health, substance use, and recovery, and
5. Employment disparities and opportunities to earn living wages
6. Programs and services specifically for transgender women

The subcommittees meet bi-monthly and are also well attended. Since the work of these groups is strategically elevated towards Reentry Council meetings, this subcommittee/Reentry Council structure reduces the gap between the public and policy makers and presents an opportunity for stakeholders to present concrete policy and service strategies to key decision makers in San Francisco's criminal justice system.

The Reentry Council and subcommittees are truly committed to strengthening public safety by improving systems, mitigating root drivers of crime, and expanding dynamic pathways for people from jails and prisons back into their communities. This report will conclude with highlights of some of the Reentry Council's past accomplishments.

Past Accomplishments

- Hosting a District Attorney Debate in 2019, ensuring that the questions posed addressed reducing racial disparities in the San Francisco criminal justice system, diverting people with mental health conditions from the criminal justice system, reducing reentry barriers, and increasing transparency within the District Attorney's Office.
- Participating in the annual Reentry Conference and Resource Fair hosted by the Restorative Justice Ministry of San Francisco Archdiocese
- Creating the Getting out and Staying out Guide of resources for San Francisco residents exiting jails and prisons
- Collaborating with local efforts to stop the building of a new jail
- Partnering with the Restorative Justice Ministry of San Francisco Archdiocese to host an annual Community Appreciation Dinner for the previously incarcerated community and their loved ones
- Collaborating with a grassroots movement to support the Tenderloin Stop Violence Community Events, and Tenderloin Police and Community Basketball League that stem from the Stop violence Community event
- Numerous register-to-vote campaigns for justice involved individuals
- Partnering with Treasurers Office and city partners to support legislation to remove cumbersome criminal justice system fines and fees
- Voting to abolish San Francisco gang injunctions and working with community stakeholders to get more than 80 individual's name removed for the existing injunctions
- Assisting with Governor Jerry Brown's Driver's License Amnesty program

Ordinance Amendment Recommendations

The recommended revisions to the Administrative Code, Section 5.1, as indicated in Attachment A include extending the Reentry Council's sunset date to June 30, 2029 and amending the report requirements to change the date that the bi-annual report is due.

Conclusion

In conclusion, the Reentry Council has had a remarkable past four years since the Council was reestablished. The Council is both a touch point and springboard for criminal justice reform and accountability. There is no collective board that has eighteen different city, state, and federal departments represented in addition to seven formerly incarcerated individuals to meet the needs of the incarcerated and formerly incarcerated community.

We urge you to vote in support of renewing the authorizing legislation, and look forward to continuing to make recommendations on reentry services, policy and operational issues in the coming years. If you have any questions or would like additional information about any of these efforts, please contact Reentry Policy Planner, Victoria Westbrook at victoria.westbrook@sfgov.org or (415) 930-2202.

[Administrative Code - Reentry Council; Sunset Date]

Ordinance amending San Francisco Administrative Code Section 5.1-4 to amend when the next biennial report is due and Section 5.1-6 to amend the sunset date of the Reentry Council.

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strike through normal~~.

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

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 5.1-4, to read as follows:

SEC. 5.1-4. POWERS AND DUTIES.

The Council shall have the following powers and duties:

(a) Identifying Funding Streams. The Council shall identify funding at the local, State, and Federal level that is earmarked or available for services or programs designed to serve individuals exiting the criminal justice system. In addition, the Council shall identify conditions, restrictions, or limitations on each funding stream, and shall document these findings in its reports to the Mayor, the Board of Supervisors, and other appropriate entities consistent with subsection (e) below.

(b) Identifying Programs Serving Individuals Exiting the Criminal Justice System. The Council shall identify programs serving individuals exiting the criminal justice system who reside in San Francisco or who will be released to San Francisco, including program capacity.

(c) Identifying Needs of Reentry Population. The Council shall identify any unmet needs of this population, and propose ways to meet those needs based on existing research and best practices.

1 (d) Identifying Barriers. The Council shall also identify barriers to safe and
2 successful re- entry presented by local, State, and Federal law, and propose ways to reduce
3 the impact of these barriers.

4 (e) Reports. Biennially the Council shall prepare and submit a report that shall
5 include but not be limited to information required under subsections (a), (b), (c), and (d)
6 above. The ~~first~~next biennial report shall be due ~~June 30, 2019~~December 30, 2024. City
7 departments shall respond within 30 days to reasonable requests for information submitted by
8 the Council relevant to its ability to discharge its powers and duties under this Article I,
9 provided that the disclosure of such information shall not be required where it would violate
10 Federal or State law. The Council shall provide the reports to: 1) the Mayor, 2) the Board of
11 Supervisors, 3) any City department or program identified by the Council in a report, and 4)
12 the public. These reports shall be public documents. Any City department identified in a report
13 may provide a response, within 30 days of issuance of the report, for inclusion into the final
14 report submitted to the Mayor and the Board of Supervisors, among others, consistent with
15 this subsection (e).

16 (f) The Council shall share information and work in collaboration with the San
17 Francisco Community Corrections Partnership, as established by the California Community
18 Corrections Performance Incentives Act of 2009 (CA Penal Code Section 1228-1233.8).

19 (g) Retaliation Prohibited. No City officer or employee may retaliate against other
20 City staff or the staff of programs identified by the Council for cooperating with the Council or
21 for participating in any activity involving the Council. This section is not intended to create a
22 private right of action against the City and County of San Francisco.

23 (h) The Council shall share information and work in collaboration with the San
24 Francisco Juvenile Justice Coordinating Council, as required by the Juvenile Crime
25

1 Enforcement and Accountability Challenge Grant Program (CA Welfare and Institutions Code
2 Section 749.2-749.27).

3 (i) The Council shall share information and work in collaboration with the San Francisco
4 Sentencing Commission.

5 Section 2. The San Francisco Administrative Code is hereby amended by amending
6 Section 5.1-6, to read as follows:

7 **SEC. 5.1-6. SUNSET CLAUSE.**

8 Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides
9 that advisory bodies created by the Board should sunset within three years, this Article I shall
10 expire June 1, 2024~~29~~, unless the Board of Supervisors adopts an ordinance continuing its
11 existence. In the event of its expiration, the City Attorney is directed to take steps to remove
12 this Article I from the Administrative Code. The Council shall submit a report to the Board of
13 Supervisors by ~~July 1, 2023~~August 15, 2028 recommending whether the Council should
14 continue to operate, and if so, whether the Board of Supervisors should consider legislative
15 changes that would enhance the capacity of the Council to achieve its goals. The Council's
16 recommendations shall include drafts of ordinances that would implement its
17 recommendations.

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of the City & County of San Francisco

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For more information about the
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visit www.sfgov.org/reentry

[Discrimination Based on Contact with the criminal justice system, including if an individual was arrested, charged, or convicted]

ORDINANCE AMENDING CHAPTER 12A OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 12A.1, 12A.5, AND 12A.8 THEREOF, AMENDING CHAPTER 12B OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 12B.1 AND 12B.2 THEREOF, AMENDING CHAPTER 12C OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 12C.1 AND 12C.3 THEREOF, AMENDING ARTICLE 9 OF THE SAN FRANCISCO POLICE CODE BY AMENDING SECTION 637 THEREOF, AND AMENDING ARTICLE 33 OF THE SAN FRANCISCO POLICE CODE BY AMENDING SECTIONS 3301, 3302, 3303, 3304, 3305, 3305.1 THEREOF TO PROHIBIT DISCRIMINATION BASED ON ANY CONTACT WITH THE CRIMINAL JUSTICE SYSTEM, INCLUDING IF AN INDIVIDUAL WAS ARRESTED, CHARGED, OR CONVICTED.

Note: Additions are *single-underline italics Times New Roman*;
 deletions are *~~strikethrough italics Times New Roman~~*.
 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough normal~~.

SEC. 12A.1. FINDINGS.

The population of this City and County is composed of people of various racial, religious and ethnic groups. In this City and County the practice of discrimination on the actual or perceived grounds of race, religion, color, ancestry, age, sex, sexual orientation, gender identity, disability, weight, height, ~~or~~ place of birth, or contact with the criminal justice system, including if an individual was arrested,

1 charged, or convicted and the exploitation of prejudice related thereto adversely affects members of
2 minority groups.

3 Such discriminatory practices are inimical to the public welfare and good order in that they: (a)
4 impede social and economic progress for the entire citizenry by preventing members of minority groups
5 from achieving full development of their individual potentialities and from contributing fully to the
6 cultural and business life of the community; (b) constantly frustrate, degrade and embitter members of
7 minority groups, thereby diminishing their initiative and interests in the community; and (c) tend to
8 create intergroup hostilities and antisocial behavior.

9 The products of discrimination accumulate continuously, with the result that the social,
10 economic and educational gaps between those suffering discrimination and the majority of the
11 community constantly widen. As a result, mere prohibition of future and present discrimination, while
12 essential, will not reduce the inequalities and disadvantages, which a history of discrimination has
13 produced. Accordingly, affirmative remedial action must be initiated, encouraged and coordinated.

14 Experiences of other urban centers throughout the nation have proved the need for and
15 effectiveness of commissions empowered to study community race relations problems, to work with
16 interested citizens to develop programs to ameliorate tensions and reduce cultural, social and economic
17 disadvantages and to encourage and coordinate implementation of such programs consistent with the
18 needs and rights of members of both the majority and the minority.

19 A substantial number of the aforementioned evils in this City and County are beyond the
20 regulation of applicable State law, and insofar as State law is applicable, voluntary compliance
21 therewith should be fostered by a local human relations commission.

22 **SEC. 12A.5. POWERS AND DUTIES.**

1 In addition to the other powers and duties set forth in this ordinance, the Commission shall have
2 the power and duty to:

3 (a) Study, investigate, mediate and hold public hearings on community-wide problems arising
4 in this City and County which may result in intergroup tensions or discrimination because of actual or
5 perceived race, religion, color, ancestry, age, sex, sexual orientation, gender identity, physical
6 disability, weight, height, ~~or~~ place of birth, or contact with the criminal justice system, including if an
7 individual was arrested, charged, or convicted. In the performance of its duties under this subsection,
8 the Commission, as permitted by law, may require by subpoena ad testificandum setting forth the
9 specific nature of its inquiry, the attendance and testimony under oath of any person directly involved
10 in or concerned with discrimination within the scope of this ordinance whose presence and testimony is
11 reasonably necessary to its inquiry; provided, however, that any such inquiry involving any agency,
12 board, or officer of the City and County shall be governed by the provisions of Subsection (f) hereof. In
13 case of the refusal of any person to attend or testify as required by a subpoena ad testificandum issued
14 by the Commission, the Commission may proceed to petition for a court order pursuant to Section 1991
15 of the California Code of Civil Procedure.

16 (b) Prepare and disseminate educational and informational material relating to prejudice and
17 discrimination and ways and means of eliminating such prejudice and discrimination.

18 (c) Furnish cooperation, information, guidance and technical assistance to other public
19 agencies and private persons, organizations and institutions engaged in activities and programs intended
20 to eliminate prejudice and discrimination.

21 (d) Consult with and maintain contact with other public agencies and with representatives of
22 employers, labor unions, property owners associations, realtor associations, religious denominations

1 and institutions, professional associations, national origin groups, community organizations concerned
2 with interracial, interreligious and intercultural understanding, social welfare organizations and such
3 other private organizations and institutions as the Commission shall deem advisable to further the
4 objectives of this ordinance.

5 (e) Cooperate with and make written recommendations to City and County agencies, boards
6 and officers, as well as the agencies, boards or officers operating under State law within the City and
7 County of San Francisco, towards the development and implementation of programs and practices for
8 the purpose of furthering the objectives of this ordinance. The Commission and the affected agency,
9 board or officer shall submit reports of progress in establishing and implementing such programs and
10 practices as are from time to time requested by the Mayor through the chair of the Commission.

11 (f) Subject to the approval of the Mayor, request of any City and County agency, board or
12 office information, services, facilities and any other assistance for the purpose of furthering the
13 objectives of this ordinance. All such requests shall be promptly complied with by the affected agency,
14 board or officer.

15 (g) Investigate and, with the assent of the parties, mediate all incidents of discrimination within
16 the scope of this ordinance to the extent such functions are not within the exclusive responsibilities of
17 the California Fair Employment Practices Commission or any federal or other State agency, and make
18 specific and detailed recommendations to the interested parties as to the method of eliminating such
19 discrimination. The Commission shall also be authorized to investigate complaints of discrimination
20 brought by citizens involving agencies, boards or officers operating under State law within the City and
21 County of San Francisco, and, where appropriate, to make written recommendations to said agencies or
22 to represent citizens before said agencies.

(h) Prepare, encourage and coordinate programs of voluntary affirmative action to reduce or eliminate existing inequalities and disadvantages in the City and County resulting from past discriminatory practices.

SEC. 12A.8. UNFAIR NEIGHBORHOOD PRACTICES.

(a) It shall be an unfair practice for any person, firm, partnership, association or corporation engaged in the business of real estate development, purchase, sale and/or brokerage to commit intentionally any one or more of the following acts in the course of such business:

(1) Induce directly or indirectly or attempt to induce directly or indirectly the sale or listing for sale of real property by representing that a change has occurred or will or may occur with respect to the racial, religious or ethnic composition of the block, neighborhood or area in which said property is located.

(2) Induce directly or indirectly or attempt to induce directly or indirectly the sale or listing for sale of real property by representing that the residence or anticipated residence of any particular race, religious or ethnic group in the area will or may result in: (i) the lowering of property values; (ii) a change in the racial, religious or ethnic composition of the block, neighborhood or area in which the property is located; (iii) an increase in criminal or antisocial behavior in the area; and (iv) a decline of the quality of the schools serving the area.

(3) Make any representation to any prospective purchaser that any block, neighborhood or area has undergone or will or might undergo a change with respect to the religious, racial or ethnic composition of the block, neighborhood or area for the purpose of discouraging the purchase of property in a particular area.

(b) Nothing in this ordinance shall be construed to discourage any person, firm, partnership, association or corporation from engaging in legitimate business practices related to the purchase from or sale to persons of any actual or perceived race, religion, color, ancestry, age, sex, sexual orientation, physical disability, weight, height, ~~or~~ place of birth, or contact with the criminal justice system, including if an individual was arrested, charged, or convicted, of real property in any neighborhood of this City and County, nor shall anything in this ordinance be construed as discouraging any person or family of whatever race, religion, color, ancestry, age, sex, sexual orientation, physical disability, weight, height, ~~or~~ place of birth, or contact with the criminal justice system, including if an individual was arrested, charged, or convicted from seeking real property in any neighborhood of this City and County.

**SEC. 12B.1. ALL CONTRACTS AND PROPERTY CONTRACTS TO INCLUDE
NONDISCRIMINATION PROVISIONS; DEFINITIONS.**

(a) All contracting agencies of the City, or any department thereof, acting for or on behalf of the City and County, shall include in all contracts and property contracts hereinafter executed or amended in any manner or as to any portion thereof, a provision obligating the contractor not to discriminate on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome, HIV status (AIDS/HIV status), weight, height, or contact with the criminal justice system, including if an individual was arrested, charged, or convicted, association with members of classes protected under this chapter or in retaliation for opposition to any practices forbidden under this chapter against any employee of, any City employee working with, or

1 applicant for employment with such contractor and shall require such contractor to include a similar
2 provision in all subcontracts executed or amended thereunder.

3 (b) No contracting agency of the City, or any department thereof, acting for or on behalf of the
4 City and County, shall execute or amend any contract or property contract with any contractor that
5 discriminates in the provision of bereavement leave, family medical leave, health benefits, membership
6 or membership discounts, moving expenses, pension and retirement benefits or travel benefits as well
7 as any benefits other than bereavement leave, family medical leave, health benefits, membership or
8 membership discounts, moving expenses, pension and retirement benefits or travel benefits between
9 employees with domestic partners and employees with spouses, and/or between the domestic partners
10 and spouses of such employees, where the domestic partnership has been registered with a
11 governmental entity pursuant to State or local law authorizing such registration, subject to the following
12 conditions. In the event that the contractor's actual cost of providing a certain benefit for the domestic
13 partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's
14 actual cost of providing a certain benefit for the spouse of an employee exceeds that of providing it for
15 the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision
16 of benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the
17 excess costs. In addition, in the event a contractor is unable to provide a certain benefit, despite taking
18 reasonable measures to do so, the contractor shall not be deemed to discriminate in the provision of
19 benefits if the contractor provides the employee with a cash equivalent.

20 (c) **Definitions.** As used in this Chapter 12B, the following words and phrases shall have the
21 meanings indicated herein:

1 “Age” shall mean the age of any employee or applicant for employment who has attained the
2 age of 40 years. For the purposes of this Chapter, discrimination because of age shall mean dismissal
3 from employment of, or refusal to employ or rehire any person because of their age, if such person has
4 attained the age of 40 years, if the person is physically able and mentally competent to perform the
5 services required. Age limitations of apprenticeship programs in which the State or its political
6 subdivisions participate shall not be considered discriminatory within the meaning of this Chapter.

7 "Amend" shall mean to substantively change the terms of a pre-existing contract, and shall not
8 include amendments to decrease the scope of work or the amount to be paid under a contract.
9 Construction change orders shall not be construed as contract amendments for the purposes of this
10 Chapter.

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

12 "Commission" shall mean the Human Rights Commission of the City and County of San
13 Francisco.

14 "Contract" shall mean an agreement for public works or improvements to be performed, or for
15 goods or services to be purchased or grants to be provided, at the expense of the City and County or to
16 be paid out of moneys deposited in the treasury or out of trust moneys under the control or collected by
17 the City and County, and does not include property contracts, agreements entered into after June 1,
18 1997 pursuant to settlement of legal proceedings, contracts for urgent litigation expenses, or contracts
19 for a cumulative amount of \$5,000 or less per vendor in each fiscal year.

20 "Contractor" means any person or persons, firm, partnership, corporation, or combination
21 thereof, who enters into a contract or property contract with a department head or officer empowered by
22 law to enter into contracts or property contracts on the part of the City and County.

1 "Director" shall mean the Director of the Human Rights Commission.

2 "Disability" shall mean a physical or mental impairment which limits one or more major life
3 activities, and includes being regarded as having such an impairment, or having a record of such an
4 impairment.

5 "Domestic partner" shall mean any person who has a currently registered domestic partnership
6 with a governmental body pursuant to State or local law authorizing such registration.

7 "Gender Expression" shall mean the outward expression of one's gender identity, which may
8 include, but is not limited to, clothing, hairstyles, gestures, makeup, or behavior which may or may not
9 conform to societal expectations typically related to traits associated with a person's gender identity,
10 sexual orientation, or assigned sex at birth.

11 "Gender identity" shall mean how a person self-identifies their gender, or their internal
12 understanding of their gender. A person's gender identity may or may not correspond with social norms
13 or stereotypes related to the sex they were assigned at birth. There are many terms related to gender
14 with which a person may identify, including but not limited to: agender; androgynous; bigender;
15 cisgender; cisgender man; cisgender woman; gender fluid; gender non-conforming; gender-expansive;
16 genderqueer, non-binary, pangender, Two-Spirit, transgender, trans, transgender man, transgender
17 woman, masculine, and feminine. One's gender identity may be described through any number of ever-
18 expanding terms or definitions, and one's gender identity may be subject to change by the individual.

19 "Property contract" shall mean a written agreement for the exclusive use or occupancy of real
20 property for a term exceeding 29 days in any calendar year, whether by singular or cumulative
21 instrument, (i) for the operation or use by others of real property owned or controlled by the City for the
22 operation of a business, social, or other establishment or organization, including leases, concessions,

1 franchises and easements, or (ii) for the City's use or occupancy of real property owned by others,
2 including leases, concessions, franchises and easements. For the purposes of this Chapter, "exclusive
3 use" means the right to use or occupy real property to the exclusion of others, other than the rights
4 reserved by the fee owner. "Property contract" shall not include a revocable at-will use or encroachment
5 permit for the use of or encroachment on City property regardless of the ultimate duration of such
6 permit, except that "property contract" shall include such permits granted to a private entity for the use
7 of City property for the purpose of a for-profit activity. "Property contract" shall also not include street
8 excavation, street construction or street use permits, agreements for the use of City right-of-way where
9 a contracting utility has the power of eminent domain, or agreements governing the use of City property
10 which constitutes a public forum for activities that are primarily for the purpose of espousing or
11 advocating causes or ideas and that are generally recognized as protected by the First Amendment to
12 the U.S. Constitution, or which are primarily recreational in nature.

13 "Qualified disabled employee" shall mean a person able to perform the essential functions of a
14 job with reasonable accommodation.

15 "Sex" shall mean one's anatomical, physiological, genetic, or physical attributes, and the
16 variation in these attributes that may or may not indicate male, female, or a different sex such as
17 intersex. These attributes may include but are not limited to both primary and secondary sex
18 characteristics, including internal and external reproductive organs, hormone levels, hormone receptors,
19 chromosomes and genes, all of which may change over time. A person's sex may or may not align with
20 their gender identity.

21 "Sexual orientation" shall mean one's physical, emotional, romantic, or sexual attraction to
22 people of a particular gender or multiple genders, or lack thereof, and is distinct from their gender

1 expression or gender identity. A person's sexual orientation may be identified by terms including, but
2 not limited to, asexual, bisexual, gay, lesbian, heterosexual, homosexual, pansexual, and queer.

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

9 "Subcontractor" means any person or persons, firm, partnership, corporation or any combination
10 thereof, who enters into a subcontract with a contractor. Such term shall include any person or entity
11 who enters into an agreement with any subcontractor for the performance of 10 percent or more of any
12 subcontract.

13 (d) The requirements of this Chapter shall apply to (i) any of a contractor's operations within
14 San Francisco; (ii) a contractor's operations on real property outside of San Francisco owned by the
15 City or which the City has a right to occupy if the contractor's presence at that location is connected to a
16 contract or property contract with the City; (iii) where the work is being performed by a contractor for
17 the City within the United States; and (iv) any of a contractor's operations elsewhere within the United
18 States.

19 **SEC. 12B.2. NONDISCRIMINATION PROVISIONS.**

20 Every contract and property contract for or on behalf of the City shall incorporate by reference
21 and require the contractor to comply with the provisions of Section 12B.2. In addition, all contractors
22 must incorporate by reference in all subcontracts and require subcontractors to comply with the

1 requirements set forth in this Section 12B.2, and failure to do so shall constitute a material breach of
2 contract.

3 In the performance of a contract the contractor agrees as follows:

4 (a) The contractor or subcontractor will not discriminate against any employee, City and
5 County employee working with such contractor or subcontractor, or applicant for employment with
6 such contractor or subcontractor on the basis of the fact or perception of that person's race, color,
7 religion, ancestry, national origin, age, sex, sexual orientation, gender identity, domestic partner status,
8 marital status, disability, weight, height, or contact with the criminal justice system, including if an
9 individual was arrested, charged, or convicted, AIDS/HIV status, or association with members of
10 classes protected under this chapter or in retaliation for opposition to any practices forbidden under this
11 chapter. Discrimination on the basis of sex includes sexual harassment as defined in Section 16.9-25(b)
12 of this Code. The contractor or subcontractor will take action to ensure that applicants are employed,
13 and that employees are treated equally during employment, without regard to the fact or perception of
14 their race, color, creed, religion, ancestry, national origin, age, sex, sexual orientation, gender identity,
15 domestic partner status, marital status, disability or AIDS/HIV status. Such action shall include, but not
16 be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment
17 advertising; layoff or termination; rate of pay or other forms of compensation; and selection for
18 training, including apprenticeship. Nothing in this Chapter shall require or prohibit the establishment of
19 new classifications of employees in any given craft. The provisions of this Section with respect to age
20 shall not apply to (1) termination of employment because of the terms or conditions of any bona fide
21 retirement or pension plan, (2) operation of the terms or conditions of any bona fide retirement or
22 pension plan which has the effect of a minimum service requirement, and (3) operation of the terms or

1 conditions of any bona fide group or insurance plan. The contractor or subcontractor agrees to post in
2 conspicuous places, available to employees and applicants for employment, notices in such form and
3 content as shall be furnished or approved by the awarding authority setting forth the provisions of this
4 Section.

5 (b) The prime contractor shall state that the prime contractor does not, and will not during the
6 term of the contract discriminate in the provision of bereavement leave, family medical leave, health
7 benefits, membership or membership discounts, moving expenses, pension and retirement benefits or
8 travel benefits as well as any benefits other than bereavement leave, family medical leave, health
9 benefits, membership or membership discounts, moving expenses, pension and retirement benefits or
10 travel benefits between employees with domestic partners and employees with spouses, and/or between
11 the domestic partners and spouses of such employees, where the domestic partnership has been
12 registered with a governmental entity pursuant to State or local law authorizing such registration,
13 subject to the following conditions. In the event that the contractor's actual cost of providing a certain
14 benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an
15 employee, or the contractor's actual cost of providing a certain benefit for the spouse of an employee
16 exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed
17 to discriminate in the provision of benefits if the contractor conditions providing such benefit upon the
18 employee agreeing to pay the excess costs. In addition, in the event a contractor is unable to provide a
19 certain benefit, despite taking reasonable measures to do so, the contractor shall not be deemed to
20 discriminate in the provision of benefits if the contractor provides the employee with a cash equivalent.
21 The Director shall be the final arbiter of a contractor's or property contractor's compliance or substantial
22 compliance with this Chapter and the Director's determination shall not be appealable to the

Commission. Contractors shall treat as confidential to the maximum extent allowed by law or the requirements of contractor's insurance provider any request by an employee or applicant for employment for domestic partner or spousal benefits or any documentation of eligibility for domestic partner or spousal benefits submitted by an employee or applicant for employment.

In adopting this Section 12B.2(b), the intent of the Board of Supervisors is to equalize to the maximum extent legally permitted the total compensation between similarly situated employees with spouses and employees with domestic partners.

In particular, consistent with the severability clause set forth in Section 12B.6 below, the Board of Supervisors intends that if a court or agency of competent jurisdiction finds that a State or federal law, rule or regulation invalidates (1) the application of this Section to any business, person, type of compensation or benefit, or location; or (2) any other requirement of this Section, then the court or agency should sever the invalid clause and leave in effect the remainder of this Section.

(c) The contractor or subcontractor shall provide reasonable accommodation for qualified disabled applicants for employment and for qualified disabled employees. Said contractor or subcontractor need not provide reasonable accommodation if such would present an undue hardship. An undue hardship may include but not be limited to more than a de minimus cost, violation of the seniority rights of other co-workers as established by a bona fide seniority system, or a health or safety risk to the employee or co-employees. The burden of establishing an undue hardship rests on the employer.

(d) The contractor or subcontractor will in all solicitations or advertisements for employees placed by or on his or her behalf, state that qualified applicants will receive consideration for employment without regard to the fact or perception of their race, creed, religion, color, ancestry,

1 national origin, age, sex, sexual orientation, gender identity, domestic partner status, marital status,
2 disability, weight, height, or contact with the criminal justice system, including if an individual was
3 arrested, charged, or convicted, or AIDS/HIV status.

4 (e) The contractor or subcontractor will send to each labor union or representative of workers
5 with which he or she has a collective bargaining agreement or other agreement or understanding, a
6 notice, in such form and content as shall be furnished or approved by the awarding authority, advising
7 the said labor union or workers' representative of the contractor's or subcontractor's commitments under
8 this Section, and shall post copies of the notice in conspicuous places available to employees and
9 applicants for employment.

10 (f) The contractor or subcontractor shall:

11 (1) Permit access to its records of employment, employment advertisements, application
12 forms, and other pertinent data and records by the Commission, the City's awarding authority or the
13 Fair Employment and Housing Commission, for the purposes of investigation to ascertain compliance
14 with the nondiscrimination provisions of this Chapter, and upon request shall provide evidence that the
15 contractor has complied or will comply with the nondiscrimination provisions of this Chapter.

16 (2) Submit an Equal Pay Report if the contractor or subcontractor has at least 20 employees
17 worldwide and, for a contract or subcontract, the agreement has a value equal to or in excess of the
18 Threshold Amount set forth in Administrative Code Chapter 6 or the Minimum Competitive Amount
19 set forth in Administrative Code Chapter 21, as applicable, or, for a grant, the agreement has a value
20 equal to or in excess of \$50,000.

1 (A) The Equal Pay Report shall provide summary information on compensation paid to
2 employees identified by sex, race, sex and race, and data points the Commission has adopted by
3 regulation.

4 (B) Each contractor or subcontractor shall file a complete and accurate Equal Pay Report with
5 the Commission commencing on a date set by the Commission but no later than July 3, 2017.
6 Thereafter, each contractor or subcontractor shall file a Equal Pay Report annually.

7 (C) The Equal Pay Report requirements of this Subsection (f)(2) shall apply to all qualifying
8 contracts, subcontracts and grants first advertised for bid, request for qualification or proposal is issued
9 or initiated on a date set by the Commission but no later than July 3, 2017.

10 (D) If any information in the Equal Pay Report constitutes proprietary financial data, or
11 confidential trade secret, or is protected by the right of privacy under the U.S. or California
12 Constitution, the City shall not disclose such information unless required by law, including under the
13 California Public Records Act and the San Francisco Sunshine Ordinance.

14 (g) A contractor or subcontractor shall be deemed to have breached the nondiscrimination
15 provisions of this Chapter upon:

16 (1) A finding by the Director or such other official who may be designated by the Commission,
17 that the contractor or subcontractor has wilfully violated such nondiscrimination provisions; or

18 (2) A finding by the California Fair Employment and Housing Commission that a contractor or
19 subcontractor has violated any provision of the California Fair Employment and Housing Act or the
20 nondiscrimination provisions of this Chapter, provided that the California Fair Employment and
21 Housing Commission has issued a final order pursuant to Section 12970 of the Government Code, or
22 has obtained a judgment and order enforcing the final order pursuant to Section 12973 of the

1 Government Code; provided further, that for the purposes of these provisions, an order or injunction
2 shall not be considered final during the period within which (1) appeal may be taken, or (2) the same
3 has been stayed by order of court, or (3) further proceedings for vacation, reversal or modification are
4 in progress before a competent administrative or judicial tribunal.

5 (3) Upon such finding by the Director or other official designated by the Commission, or the
6 California Fair Employment and Housing Commission, the awarding authority shall notify the
7 contractor or subcontractor that unless the contractor or subcontractor demonstrates to the satisfaction
8 of the Director or other official designated by the Commission, within such reasonable period as the
9 Commission shall determine, that the violation has been corrected, action will be taken as set forth in
10 Subparagraphs (h) and (i) hereof.

11 (4) The Commission shall, within 10 days of the date of issuance of any finding by the
12 Director or other official designated by the Commission for the enforcement of this Chapter, mail to
13 any person or persons affected by said finding, a copy of said finding, together with written notice of
14 the right to appeal such finding. Notice of appeal must be filed in writing with the Chairperson of the
15 Commission within 20 days of the date of mailing said copy and notice.

16 (5) For purpose of appeal proceedings under this Section, a quorum shall consist of eight
17 members of the Commission. The vote of the majority of the full Commission shall be necessary to
18 affirm, reverse or modify such decisions, order or other action rendered hereunder. Should a member of
19 the Commission be designated under Section 12B.2(g)(1) of this Chapter, that Commissioner may not
20 participate in an appeal under this Section except as a witness.

21 (6) The presiding officer of the Commission shall have the power to administer oaths to
22 witnesses in appeals before the Commission under this Section. In the event that any person shall fail or

1 refuse to appear as a witness in any such proceeding after being requested to do so, and if it shall appear
2 to the Commission that his or her testimony, or books, records, documents or other things under his or
3 her control are material and relevant as evidence in the matter under consideration by the Commission
4 in the proceeding, the presiding officer of the Commission may subpoena such person, requiring his or
5 her presence at the proceeding, and requiring him or her to bring such books, records, documents or
6 other things under his or her control.

7 (7) All appeals to the Commission shall be open to the public. Records and minutes shall be
8 kept of such proceedings and shall be open to public inspection. Upon reaching a decision in any
9 appeal, the Commission shall give written notice thereof to the Director or other official designated by
10 the Commission, and the appellant or appellants. The decision of the Commission shall be final unless
11 within 15 days of the filing and service of written notice thereof appropriate legal proceedings are filed
12 in a court of competent jurisdiction by any party to the contract, property contract or subcontract.

13 (8) If any contractor or subcontractor shall fail to appear at an appeal proceeding of the
14 Commission after having been given written notice to appear, such failure to appear shall be grounds
15 for termination of the contract, property contract or subcontract and such contractor or subcontractor
16 shall be deemed to have forfeited all rights, benefits and privileges thereunder.

17 (9) The Commission shall promulgate rules and regulations for the implementation of the
18 nondiscrimination provisions of this Chapter.

19 (h) The awarding authority may deduct from the amount payable to the contractor or
20 subcontractor by the City under any contract or property contract subject to this Chapter, or may
21 impose upon the contractor or subcontractor, a penalty of \$50 for each person for each calendar day
22 during which such person was discriminated against in violation of the provisions of this Chapter. In

1 addition to any other penalties provided for the violation of the nondiscrimination provisions of this
2 Chapter or for the failure of any contractor or subcontractor to abide by the rules and regulations of the
3 Commission, the contract, property contract or subcontract may be terminated or suspended, in whole
4 or in part, by the awarding authority upon the basis of a finding as set forth in Section 12B.2(g) that the
5 contractor has discriminated contrary to the provisions of this Chapter, and all moneys due or to
6 become due hereunder may be forfeited to, and retained by, the City.

7 (i) A breach of the nondiscrimination provisions in the performance of a contract, property contract
8 or subcontract shall be deemed by the City to be material breach of contract and the basis for
9 determination by the awarding authority that the contractor or subcontractor is an irresponsible bidder
10 as to all future contracts or property contracts for which such contractor or subcontractor may submit
11 bids. Such contractor or subcontractor shall not for a period of up to two years thereafter, or until it
12 shall establish and carry out a program in conformity with the nondiscrimination provisions of this
13 Chapter, be allowed to act as a contractor or subcontractor under any contract or property contract.

14 (j) If a finding of discrimination is made by either the Director or the Commission, the contract
15 awarding department shall submit a report to the Board of Supervisors, the Mayor's Office, and the
16 Commission that provides details of what actions, if any, the contract awarding department undertook
17 under this Chapter.

18 (k) The Commission shall provide an annual report to the Board of Supervisors summarizing
19 the effectiveness of the information obtained from the Equal Pay Reports, recommendations for
20 legislative change if needed, and a summary of the investigations, if any, that stem from the Equal Pay
21 Reports. The Commission's recommendations shall include drafts of one or more ordinances if
22 legislative change is necessary or desirable to implement the recommendations.

(l) Nothing contained in this Chapter shall be construed in any manner so as to prevent the City from pursuing any other remedies that may be available at law, equity or under any contract or property contract.

(m) The contractor or subcontractor will meet the following standards for compliance:

(1) If the contractor or subcontractor has been held to be an irresponsible bidder under Section 12B.2(i) hereof, the contractor or subcontractor shall furnish evidence that it has established and is carrying out a program in conformity with the nondiscrimination provisions of this Chapter.

(2) The contractor or subcontractor may be required to file with the Commission a basic compliance report, which may be a copy of the federal EEO-1, or a more detailed report as determined by the Commission. Willful false statements made in such reports shall be punishable as provided by law. No contractor or subcontractor shall be held in noncompliance for not filing such a report with the Commission unless it has been specifically required to do so in writing by the Commission.

(3) Personally, or through its representatives, the contractor or subcontractor shall, through negotiations with the unions with whom it has collective bargaining or other agreements requiring the contractor or subcontractor to obtain or clear its employees through the union, or when the contractor or subcontractor otherwise uses a union as an employment resource, attempt to develop an agreement which will:

(A) Define and outline responsibilities for nondiscrimination in hiring, referral, upgrading and training;

(B) Otherwise implement a nondiscrimination program in terms of the unions' specific areas of skill and geography, such as an apprenticeship program, to the end that minority workers will be available and given an equal opportunity for employment.

(4) The contractor or subcontractor shall notify the awarding authority of opposition to the nondiscrimination provisions of a contract by individuals, firms or organizations during the term of the contract.

**SEC. 12C.1. ALL CONTRACTS AND PROPERTY CONTRACTS TO INCLUDE
NONDISCRIMINATION PROVISIONS.**

(a) All contracting agencies of the City, or any department thereof, acting for or on behalf of the City and County, shall include in all contracts and property contracts a provision obligating the contractor not to discriminate on the basis of the fact or perception of that person's race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome, HIV status (AIDS/HIV status), weight, height, contact with the criminal justice system, including if an individual was arrested, charged, or convicted, association with members of classes protected under this chapter or in retaliation for opposition to any practices forbidden under this chapter against any person seeking accommodations, advantages, facilities, privileges, services, or membership in all business, social, or other establishments or organizations, operated by that contractor, and shall require such contractor to include a similar provision in all subcontracts.

(b) The requirements of this Chapter shall apply to (i) any of a contractor's operations within San Francisco; (ii) a contractor's operations on real property outside of San Francisco owned by the City or which the City has a right to occupy if the contractor's presence at that location is connected to as contract or property contract with the City; (iii) where the work is being performed by a contractor for the City within the United States; and (iv) any of a contractor's operations elsewhere within the United States.

SEC. 12C.3. NONDISCRIMINATION PROVISIONS.

Every contract and property contract entered into by any agency of the City shall incorporate by reference and require contractor to comply with the nondiscrimination provisions of Section 12C.3. In addition, all contractors must incorporate by reference in all subcontracts and require subcontractors to comply with the requirements of this Section 12C.3, and failure to do so shall constitute a material breach of contract.

In the performance of a contract, the contractor or subcontractor shall agree as follows:

(a) The contractor or subcontractor will not discriminate against any person seeking accommodations, advantages, facilities, privileges, services, or membership in the business, social or other establishment or organization operated by the contractor or subcontractor on the basis of the fact or perception of that person's race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability, AIDS/HIV status, weight, height, contact with the criminal justice system, including if an individual was arrested, charged, or convicted, association with members of classes protected under this chapter or in retaliation for opposition to any practices forbidden under this chapter. Services provided by contractor or subcontractor to the public shall be provided regardless of disability of persons otherwise entitled to or qualified for such services.

(b) Should the contractor or subcontractor operate as a membership organization, the contractor or subcontractor will permit access to its membership records, rules, regulations and other pertinent data, by the City's awarding authority, or the Commission, for the purpose of investigating to ascertain compliance with the nondiscrimination provisions of this Chapter, and on request provide evidence that the contractor or subcontractor has complied or will comply with the nondiscrimination

1 provisions of this Chapter. The Director shall be the final arbiter of a contractor's or subcontractor's
2 compliance or substantial compliance with this Chapter and the Director's determination shall not be
3 appealable to the Commission.

4 (c) A contractor or subcontractor shall be deemed to have breached the nondiscrimination
5 provisions of this Chapter upon:

6 (1) A finding by the Director or such other official who may be designated by the Commission,
7 that contractor or subcontractor has wilfully violated such nondiscrimination provisions.

8 (2) Upon such finding by the Director or other official designated by the Commission, the
9 awarding authority shall notify the contractor or subcontractor that unless the contractor or
10 subcontractor demonstrates to the satisfaction of the Director or other official designated by the
11 Commission within such reasonable period as the Commission shall determine, that the violation has
12 been corrected, action will be taken as set forth in Section 12C.3(d) and/or Section 12C.3(g).

13 (3) The Commission shall, within 10 days of the date of issuance of any findings by the
14 Director or other official designated by the Commission for the enforcement of this Chapter, mail to
15 any person or persons affected by said finding, a copy of said finding, together with written notice of
16 the right to appeal such finding. Notice of appeal must be filed in writing with the Chairperson of the
17 Commission within 20 days of the date of mailing said copy and notice.

18 (4) For purposes of appeal proceedings under this Section, a quorum shall consist of eight
19 members of the Commission. The vote of the majority of the full Commission shall be necessary to
20 affirm, reverse or modify such decisions, order or other action rendered hereunder. Should a member of
21 the Commission be designated under Section 12C.3(c)(1) of this Chapter, that Commissioner may not
22 participate in an appeal under this Section except as a witness.

1 (5) The presiding officer of the Commission shall have the power to administer oaths to
2 witnesses in appeals before the Commission under this Section. In the event that any person shall fail or
3 refuse to appear as a witness in any such proceeding after being requested to do so, and if it shall appear
4 to the Commission that his or her testimony, or books, records, documents or other things under his or
5 her control are material and relevant as evidence in the matter under consideration by the Commission
6 in the proceeding, the presiding officer of the Commission may subpoena such person, requiring his or
7 her presence at the proceeding and requiring him or her to bring such books, records, documents or
8 other things under his or her control.

9 (6) All appeals to the Commission shall be open to the public. Records and minutes shall be
10 kept of such proceedings and shall be open to public inspection. Upon reaching a decision in any
11 appeal, the Commission shall give written notice thereof to the Director or other official designated by
12 the Commission, and the appellant or appellants. The decision of the Commission shall be final unless
13 within 15 days of the filing and service of written notice thereof appropriate legal proceedings are filed
14 in a court of competent jurisdiction by any party to the contract, property contract or subcontract.

15 (7) If any contractor or subcontractor shall fail to appear at an appeal proceeding of the
16 Commission after having been given written notice to appear, such failure to appear shall be grounds
17 for termination of the contract, property contract or subcontract and such contractor or subcontractor
18 shall be deemed to have forfeited all rights, benefits and privileges thereunder.

19 (8) The Commission shall promulgate rules and regulations for the implementation of the
20 nondiscrimination provisions of this Chapter.

21 (d) A breach of the nondiscrimination provisions in the performance of a contract, property
22 contract or subcontract shall be deemed by the City to be a material breach of contract and the basis for

determination by the awarding authority that the contractor or subcontractor is an irresponsible contractor or subcontractor as to all future contracts or property contracts for which such contractor or subcontractor may submit bids. Such contractor or subcontractor shall not, for a period of up to two years thereafter, or until it shall establish and carry out a program in conformity with the nondiscrimination provisions of this Chapter, be allowed to act as a contractor or subcontractor under any contract or property contract.

(e) Nothing contained in this Chapter shall be construed in any manner so as to prevent the City from pursuing any other remedies that may be available at law, equity or under any contract or property contract.

(f) The contractor or subcontractor will meet the following standards for compliance:

(1) If the contractor or subcontractor has been held to be irresponsible under Section 12C.3(d) hereof, the contractor or subcontractor shall furnish evidence that it has established and is carrying out a program in conformity with the nondiscrimination provisions of this Chapter.

(2) The contractor or subcontractor may be required to file with the Commission a basic compliance report. Willful false statements made in such reports shall be punishable as provided by law. No contractor or subcontractor shall be held in noncompliance for not filing such a report with the Commission unless it has been specifically required to do so in writing by the Commission.

(g) The awarding authority may deduct from the amount payable to the contractor or subcontractor by the City under any contract or property contract subject to this Chapter, or may impose upon the contractor or subcontractor, a penalty of \$50 for each person for each calendar day during which such person was discriminated against in violation of the provisions of this Chapter. In addition to any other penalties provided for the violation of the nondiscrimination provisions of this

Chapter or for the failure of any contractor or subcontractor to abide by the rules and regulations of the Commission, the contract, property contract or subcontract may be terminated or suspended, in whole or in part, by the awarding authority upon the basis of a finding as set forth in Section 12C.3(d) that the contractor or subcontractor has discriminated contrary to the provisions of this Chapter, and all moneys due or to become due hereunder may be forfeited to, and retained by, the City.

SEC. 637. DISCRIMINATORY REPORTS TO LAW ENFORCEMENT.

(a) This Section 637 shall be known as the Caution Against Racial and Exploitative Non-Emergencies Act.

(b) **Discriminatory Reports to Law Enforcement Prohibited.** It shall be unlawful to knowingly cause a peace officer to arrive at a location to contact a person, with the specific intent to do any of the following on the basis of the person's actual or perceived race, color, ancestry, ethnicity, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, ~~or~~ height, or contact with the criminal justice system, including if an individual was arrested, charged, or convicted:

(1) Infringe upon the person's rights under either the California Constitution or the United States Constitution;

(2) Discriminate against the person;

(3) Cause the person to feel harassed, humiliated, or embarrassed;

(4) Cause the person to be expelled from a place in which the person is lawfully located;

(5) Damage the person's reputation or standing within the community; or

(6) Damage the person's financial, economic, consumer, or business prospects or interests.

(c) **Civil Cause of Action.** Any aggrieved person may enforce the provisions of this Section 637 by means of a civil action.

(d) A person found to have violated subsection (b) in a cause of action under subsection (c) shall be liable to the aggrieved person for special and general damages, but in no case less than \$1,000 plus attorneys' fees and the costs of the

SEC. 3301. POLICY.

It is the policy of the City and County of San Francisco to eliminate discrimination based on race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, ~~or~~ height, or contact with the criminal justice system, including if an individual was arrested, charged, or convicted within the City and County.

SEC. 3302. FINDINGS.

After public hearings and consideration of testimony and documentary evidence, the Board of Supervisors finds that discrimination based on race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, ~~or~~ height, or contact with the criminal justice system, including if an individual was arrested, charged, or convicted exists in the City and County of San Francisco. The Board finds further that such discrimination poses a substantial threat to the health, safety and general welfare of this community. Such discrimination foments strife and unrest, and it deprives the City and County of the fullest utilization of its capacities for development and advancement. The Board finds further that existing State and federal restraints on arbitrary discrimination are not adequate to meet the particular problems of this community, and that it is necessary and proper to enact local regulations adapted to the special circumstances which exist in this City and County.

SEC. 3303. EMPLOYMENT.

(a) **Prohibited Activity.** It shall be unlawful for any person to do any of the following acts wholly or partially because of an employee's, independent contractor's or an applicant for employment's actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, ~~or~~ height, or contact with the criminal justice system, including if an individual was arrested, charged, or convicted:

(1) By an employer: To fail or refuse to hire, or to discharge any individual; to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, including promotion; or to limit, segregate or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his/her status as an employee;

(2) By an employment agency: To fail or refuse to refer for employment of for consideration as an independent contractor any individual; or otherwise to discriminate against any individual;

(3) By a labor organization: To exclude or expel from its membership or to otherwise discriminate against any individual; or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his/her status as an employee or as an applicant for employment;

(4) By a person engaging the services of an independent contractor: To fail or refuse to engage the services of, or to terminate the services of, any independent contractor; to discriminate against any independent contractor with respect to the terms or conditions under which the contracted for work is

1 performed or evaluated or otherwise to deprive or tend to deprive such individual of a fair opportunity
2 to perform the contracted for work;

3 (5) By an employer, employment agency or labor organization:

4 (i) To discriminate against any individual in admission to, or employment in, any program
5 established to provide apprenticeship or other training or retraining, including any on-the-job training
6 program,

7 (ii) To print, publish, advertise or disseminate in any way, or cause to be printed, published,
8 advertised or disseminated in any way, any notice or advertisement with respect to employment,
9 membership in, or any classification or referral for employment or training by any such organization,
10 which indicates an unlawful discriminatory preference.

11 (b) **Bona Fide Occupational Qualification Not Prohibited; Burden of Proof.**

12 (1) Nothing contained in this Section shall be deemed to prohibit selection or rejection based
13 upon a bona fide occupational qualification;

14 (2) In any action brought under Section 3307 of this Article (Enforcement), if a party asserts
15 that an otherwise unlawful discriminatory practice is justified as a bona fide occupational qualification,
16 that party shall have the burden of proving: (1) that the discrimination is in fact a necessary result of a
17 bona fide occupational qualification; and (2) that there exists no less discriminatory means of satisfying
18 the occupational qualification.

19 (c) **Exceptions.**

20 (1) It shall not be an unlawful discriminatory practice for an employer to observe the
21 conditions of a bona fide seniority system or a bona fide employee benefit system, provided such
22 systems or plans are not a subterfuge to evade the purposes of this Article; provided, further, that no

1 such system shall provide a pretext to discriminate against an individual because of his or her actual or
2 perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability,
3 sexual orientation, gender identity, weight, ~~or~~ height, or contact with the criminal justice system,
4 including if an individual was arrested, charged, or convicted;

5 (2) Nothing in this Section shall be construed to apply to employment by any business which
6 employs five or fewer employees including the owner and any management and supervisory
7 employees.

8 (d) **Notice.** All employers with a business tax registration certificate from the City shall post in
9 conspicuous places, available to employees and independent contractors, a non-discrimination in
10 employment notice in such form and content as shall be created and approved by the Human Rights
11 Commission. The notice shall inform employees and independent contractors that employers and
12 persons engaging the services of an independent contractor are prohibited from discriminating in the
13 recruitment, selection, training, promotion and termination of employees, or in the recruitment,
14 engagement, utilization or termination of independent contractors based on any of the categories
15 specified in this Section. The notice shall measure at least 8 1/2 by 11 inches and be in ten-point type or
16 larger. The notice shall be distributed by the Human Rights Commission to all businesses with a
17 business tax registration certificate issued by the Tax Collector and annually to all new such businesses.

18 **SEC. 3304. HOUSING.**

19 (a) **Prohibited Activity.** It shall be unlawful for any person to do any of the following acts
20 wholly or partially because of a person's actual or perceived race, color, ancestry, national origin, place
21 of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, source of income,

weight, ~~or~~ height, or contact with the criminal justice system, including if an individual was arrested, charged, or convicted:

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

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

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

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

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

including if an individual was arrested, charged, or convicted. For purposes of this Subsection (a), "source of income" means all lawful sources of income or rental assistance from any federal, State, local, or nonprofit-administered benefit or subsidy program. "Source of income" also means a rental

1 assistance program, homeless assistance program, security deposit assistance program or housing
2 subsidy program. "Source of income" includes any requirement of any such program or source of
3 income, or rental assistance.

4 (b) **Prohibited Economic Discrimination.** It shall be unlawful for any person to use a
5 financial or income standard for the rental of housing that does either of the following:

6 (1) Fails to account for any rental payments or portions of rental payments that will be made
7 by other individuals or organizations on the same basis as rental payments to be made directly by the
8 tenant or prospective tenant;

9 (2) Fails to account for the aggregate income of persons residing together or proposing to
10 reside together, or aggregate income of tenants or prospective tenants and their cosigners or proposed
11 cosigners, on the same basis as the aggregate income of married persons residing together or proposing
12 to reside together.

13 (c) **Exceptions.**

14 (1) Nothing in this Article shall be construed to apply to the rental or leasing of any housing
15 unit in which the owner or any member of his or her family occupies one of the living units and: (1) it
16 is necessary for the owner to use either a bathroom or kitchen facility in common with the prospective
17 tenant; or (2) the structure contains less than three dwelling units;

18 (2) Nothing in this Article shall be deemed to permit any rental or occupancy of any dwelling
19 unit or commercial space otherwise prohibited by law.

20 **SEC. 3305. BUSINESS ESTABLISHMENTS AND PUBLIC ACCOMMODATIONS.**

21 (a) **Prohibited Activity.** It shall be unlawful for any person to do any of the following acts
22 wholly or partially because of a person's actual or perceived race, color, ancestry, national origin, place

1 of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, ~~or~~ height, or
2 contact with the criminal justice system, including if an individual was arrested, charged, or convicted:

3 (1) To deny, directly or indirectly, any person the full and equal enjoyment of the goods,
4 services, facilities, privileges, advantages, and accommodations of any business establishment or public
5 accommodation;

6 (2) Except as otherwise permitted by law, to deny, directly or indirectly, any person admittance
7 to the premises of the business establishment or public accommodation. No business establishment or
8 public accommodation requesting or requiring identification documents to demonstrate or confirm a
9 person's proof of age may deny admittance to any person displaying one valid identification document
10 as proof of age. For purposes of Section 3305(a)(2), the term "valid identification document "means a
11 document which contains the name, date of birth and picture of the person presenting the document,
12 and is issued by a federal, state, county or municipal government, or subdivision or agency thereof,
13 including, but not limited to, a motor vehicle operator's license or identification card issued to a
14 member of the Armed Forces;

15 (3) To make, print, publish, advertise or disseminate in any way, or cause to be made, printed,
16 published, advertised or disseminated in any way, any notice, statement or advertisement with respect
17 to any business establishment or public accommodation which indicates that the full enjoyment of such
18 business establishment or public accommodation will be unlawfully refused an individual;

19 (4) For business establishments and public accommodations to discriminate in any manner
20 described in Subsections (a)(1), (a)(2), or (a)(3) between patrons with domestic partners and patrons
21 with spouses, and/or between the domestic partners and spouses of such patrons, where the domestic

partnership has been registered with a governmental entity pursuant to State or local law authorizing such registration;

(5) For any business establishment or public accommodation to boycott or blacklist, to surcharge, or to refuse to buy from, contract with, sell to, or trade with any person.

SEC. 3305.1. HOME DELIVERY SERVICES.

(a) It shall be unlawful for any person or business entity to refuse to provide home delivery services to any residential address within the City and County of San Francisco falling within that person's or business entity's normal service range. A person or business entity may not set its normal service range to exclude a neighborhood or location based upon the race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, ~~or~~ height, or contact with the criminal justice system, including if an individual was arrested, charged, or convicted, of the residents of that neighborhood or location. Where a person or business entity regularly advertises home delivery services to the entire City and County, that person or business entity's "normal service range" shall be defined by the geographic boundaries of the City and County.

(b) For purposes of this Section, "home delivery services" shall mean the delivery of merchandise to residential addresses, when such services are regularly advertised or provided by any person or business entity.

(c) Notwithstanding any other provision of this Section, it shall not be unlawful for a person or business entity to refuse to provide home delivery services to a residential address if (i) the occupants at that address have previously refused to pay in full for services provided to them by that person or business entity; or (ii) such refusal is necessary for the employer to comply with any applicable State or federal occupational safety and health requirements or existing union contract; or (iii) the person or

1 business entity has a reasonable good faith belief that providing delivery services to that address would
2 expose delivery personnel to an unreasonable risk of harm.

3 **SEC. 3305.2. ASSOCIATION AND RETALIATION.**

4 (a) **Association.** It shall be unlawful for any person to do any of the acts described in
5 Sections 3303(a), 3304(a), 3304.1(d), 3305(a), or 3305.1(a) wholly or partially because a person
6 associates with a person or persons who are protected by this Article 33 from discrimination based on
7 their actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed
8 disability, sexual orientation, gender identity, weight, ~~or~~ height, or contact with the criminal justice
9 system, including if an individual was arrested, charged, or convicted.

10 (b) **Retaliation.** It shall be unlawful for any person to do any of the acts described in
11 Sections 3303(a), 3304(a), 3304.1(d), 3305(a), or 3305.1(a) wholly or partially in retaliation against a
12 person because that person: (1) has opposed any act or practice made unlawful by this Article 33; (2)
13 has supported this Article 33 and its enforcement; (3) has filed a complaint under this Article 33 with
14 the San Francisco Human Rights Commission or any court; or (4) has testified, assisted or participated
15 in any investigation, proceeding, or litigation under this Article 33.

1 **ORDINANCE AMENDING CHAPTER 5 OF THE SAN FRANCISCO**
2 **ADMINISTRATIVE CODE BY AMENDING SECTION 5.1-3 THEREOF, TO REQUIRE**
3 **THAT MAYORAL OR BOARD OF SUPERVISORS APPOINTMENTS TO THE**
4 **REENTRY COUNCIL WHO ARE EMPLOYED BY A CITY DEPARTMENT OR**
5 **OTHER AGENCY WHO GAINS A NEW SEAT ON THE COUNCIL EXPIRE 60 DAYS**
6 **AFTER THE NEW SEAT IS APPOINTED TO THE REENTRY COUNCIL.**

7 Note: Additions are single-underline italics Times New Roman;
8 deletions are ~~strikethrough italics Times New Roman~~.
9 Board amendment additions are double underlined.
10 Board amendment deletions are ~~strikethrough normal~~.
11

12 **SEC. 5.1-3. MEMBERSHIP AND ORGANIZATION.**

13 (a) **Members.** The Council shall consist of 24 members, as further described below.

14 (1) Seven of the members shall be persons formerly incarcerated in the San Francisco
15 County Jail, a California Department of Corrections and Rehabilitation adult facility, and/or a
16 United States Bureau of Prisons facility.

17 (2) The Mayor, or the Mayor's designee, shall serve as a member of the Council, and
18 the Mayor shall also appoint three of the seven members who are formerly incarcerated persons
19 referenced in subsection (a)(1). Of these three members, at least one must be between the ages of
20 18 to 35, inclusive, at the time of appointment and have been a person incarcerated before the
21 age of 24, and at least one shall have expertise in providing services to individuals exiting the
22 criminal justice system.

23 (3) The Board of Supervisors shall designate one of its members to serve as a member
24 of the Council, and shall appoint the other four of the seven members who are formerly
25 incarcerated persons referenced in subsection (a)(1). Of these four members, at least one shall

1 have expertise in providing services to individuals exiting the criminal justice system, at least
2 one must have been released from custody within three years of that member's appointment, at
3 least one must have served multiple terms of incarceration, and at least one must self-identify as
4 a survivor of violence or crime.

5 (4) All members of the Council shall be exempt from the Charter requirement that they
6 be electors of the City and County of San Francisco.

7 (5) Mayoral and Board of Supervisors appointments to the Council shall expire 90 days
8 following an appointee's date of hire in any of the following City departments or agencies: the
9 Public Defender's Office, the District Attorney's Office, the Sheriff's Department, the Police
10 Department, the Adult Probation Department, the Juvenile Probation Department, the Office of
11 Economic and Workforce Development, the Human Services Agency, the Department of
12 Children Youth and Families, the Department of Public Health, and the Department of
13 Homelessness and Supportive Housing. Additionally, if a Mayoral or Board of Supervisors
14 appointee is employed by a City Department or other Agency which gains a new seat on the
15 Reentry Council after the member has been appointed, their appointment shall expire 60 days
16 after the new Council Member is appointed to the Council.

17 (6) The following City departments or agencies shall appoint one member each to the
18 Council: the Public Defender's Office, the District Attorney's Office, the Sheriff's Department,
19 the Police Department, the Adult Probation Department, the Juvenile Probation Department, the
20 Office of Economic and Workforce Development, the Human Services Agency, the Department
21 of Children Youth and Families, the Department of Public Health, and the Department of
22 Homelessness and Supportive Housing. In addition, Council co-chairs shall invite the San
23 Francisco Superior Court, the Department of Child Support Services, the California Department

1 of Corrections and Rehabilitation Division of Adult Parole Operations, and the United States
2 Probation and Pretrial Services System to appoint one member each to the Council.

3 (7) Members of the Council shall serve two-year terms and shall serve at the pleasure of
4 the appointing authority. Members may serve multiple terms.

5 (b) **Quorum.** Thirteen members of the Council shall constitute a quorum, and the
6 Council shall have the authority to act on the vote of the majority of the quorum.

7 (c) **Officers.** The four members appointed by the Adult Probation Department, the
8 District Attorney's Office, the Public Defender's Office, and the Sheriff's Department,
9 respectively, as well as the Mayor or the Mayor's designee, shall co-chair the Council. In
10 addition, the seven members who are formerly incarcerated persons referenced in subsection
11 (a)(1) shall select by majority vote one of the seven to serve as an additional co-chair of the
12 Council.

13 (d) **Subcommittees.** The Council may establish subcommittees to be convened as
14 directed by the Council. The Council's co-chairs shall appoint members to the subcommittees.
15 Subcommittees shall report findings and make recommendations to the full Council for its
16 consideration. The membership of these subcommittees shall be open to non-members of the
17 Council who shall be drawn from a range of diverse experiences, identities, and interests related
18 to the issue of reentry.

19 (e) **Meeting Frequency.** The Council shall meet in full at least three times per year.

20 (f) **Roles of Council Members.** Each member of the Council shall retain his or her
21 official authority and duties granted under State law. In adopting this legislation, the Board of
22 Supervisors recognizes that each member of the Council retains his or her authority and duties
23 under State law and that where conflicts may arise out of members' dual roles, State powers and

FILE NO. _____

ORDINANCE NO. _____

1 duties shall supersede the duties that the ordinance creating the Council imposes on Council
2 members.

3

Reentry Council of the City and County of San Francisco

2023 Meeting Calendar

Council Meetings: 3rd Thursday of the first month of each quarter 1pm – 3pm

- January 19, 2023- Zoom Meeting
- April 20, 2023 - Room 305, City Hall
- July 20, 2023 - Room 305, City Hall
- October 19, 2023 - Room 305, City Hall

Subcommittee on Direct Action: 1st Thursday of all even months 1:00pm – 3:00pm

- February 3, 2023 - CASC, 564 6th Street, Upstairs Conference Room 226/227
- April 7, 2023 - CASC, 564 6th Street, Upstairs Conference Room 226/227 (Moved to Friday)
- June 1, 2023 - CASC, 564 6th Street, Upstairs Conference Room 226/227
- August 3, 2023 - CASC, 564 6th Street, Upstairs Conference Room 226/227
- October 5, 2023 - CASC, 564 6th Street, Upstairs Conference Room 226/227
- December 8, 2023 - CASC, 564 6th Street, Upstairs Conference Room 226/227 (Moved to Friday)

Subcommittee on Legislation, Policy and Practices: 4th Wednesday of all uneven months 2:30-4:30pm, plus additional strategic planning meetings

- January 25, 2023 - Zoom Meeting
- February 22, 2023 - CASC, 564 6th Street, Upstairs Conference Room 226/227
- March 22, 2023 - CASC, 564 6th Street, Upstairs Conference Room 226/227
- April 12, 2023 - CASC, 564 6th Street, Upstairs Conference Room 226/227
- May 24, 2023 – CASC, 564 6th Street, Upstairs Conference Room 226/227
- September 27, 2023 - CASC, 564 6th Street, Upstairs Conference Room 226/227

Women 1st Subcommittee: 1st Monday of all even months 12:00-2:00pm

- February 6, 2023 - Zoom Meeting
- April 3, 2023 – Women’s Resource Center, 930 Bryant St, San Francisco, CA 94103
- June 5, 2023 – Women’s Resource Center, 930 Bryant St, San Francisco, CA 94103
- August 7, 2023 – Women’s Resource Center, 930 Bryant St, San Francisco, CA 94103
- October 2, 2023 – Women’s Resource Center, 930 Bryant St, San Francisco, CA 94103
- December 4, 2023 – Women’s Resource Center, 930 Bryant St, San Francisco, CA 94103

Slated Community Events supported and/or hosted by Reentry Council

- 3^{ed} Annual Recovery Day at Boeddeker Park (Jones St. & Eddy St.) – Friday, August 18, 2023, 12:00pm – 3:00pm
- 2nd Annual Reentry Family & Friends Day at South East Community Center, 1550 Evans Street – Friday, July 21, 2023, 11:00am
- 11^h Annual Restorative Justice Reentry Conference and Resource Fair at Cathedral of St. Mary of the Assumption Event Center located at 1111 Gough St - Friday, September 8, 2023, 8:00am – 4:00pm

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For more information about the
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