[Administrative, Police Codes - Criminal History Inquiries for Employment and Housing]

Ordinance amending the Administrative and Police Codes to narrow the definition of Property Contracts that are subject to limitations on criminal history inquiries; allow employers and City contractors to inquire about and consider infractions on driving records for positions involving driving; allow employers and City contractors to inquire about and consider a conviction that is more than seven years old for positions involving the supervision or care of minors, dependent adults, or seniors; authorize the City to bring a civil action against a housing provider that violates restrictions on criminal history inquiries; and provide that the criminal history inquiry restrictions in these Codes prevail over any existing conflicting City law.

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

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

Section 1. The Administrative Code is hereby amended by revising Sections 12T.1, 12T.2, 12T.4, and 12T.8 of Chapter 12T to read as follows:

SEC. 12T.1. DEFINITIONS.

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

* * * *
'"Contract" shall mean an agreement for public works or improvements to be performed, or for goods or services to be purchased or grants to be provided, at the expense of the City or to be paid out of moneys deposited in the treasury or out of trust moneys under the control or collected by the City, and "Contract" does not include (1) Property Contracts, (2) agreements entered into pursuant to settlement of legal proceedings, (3) contracts for urgent litigation expenses as determined by the City Attorney, or (4) contracts for a cumulative amount of $5,000 or less per vendor in each fiscal year; or (5) Excluded Contracts.

* * * *

"Property Contract" shall mean a written agreement, including a lease, permit, license or easement, through which the City gives to a person or entity the right to exclusively for the exclusive use or occupancy of real property owned or controlled by the City for a term period of more than exceeding 29 days in any calendar year, but excluding the following (collectively, "Excluded Contracts"): (1) an agreement with a public entity or public utility; whether by singular or cumulative instrument (i) for the operation or use by others of real property owned or controlled by the City for the operation of a business, social, or other establishment or organization, including leases, concessions, franchises and easements, or (ii) for the City's use or occupancy of real property owned by others, including leases, concessions, franchises and easements. For the purposes of this Chapter, "exclusive use" means the right to use or occupy real property to the exclusion of others, other than the rights reserved by the fee owner. "Property Contract" shall not include (2) a revocable at-will use or encroachment permit for the use of an encroachment on City property regardless of the ultimate duration of such permit, except that "Property Contract" shall include such permits granted to a private entity for the use of City property for the purpose of unless the permittee engages in a for-profit activity on the City property; (3) regulatory permits, including street or public right of way construction, excavation and use permits; (4) "Property Contract" shall also not include street excavation, street construction or street use permits, agreements for the use of City right of way where
a contracting utility has the power of eminent domain, or agreements governing the use of City property which constitutes a public forum for activities that are primarily for the purpose of espousing or advocating causes or ideas and that are generally recognized as protected by the First Amendment to the U.S. Constitution, or (5) agreements for activities which are primarily recreational in nature, unless the user engages in a for-profit activity on the City property.

* * * *

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

The requirements of this Chapter shall only apply to a Contractor's or Subcontractor's operations to the extent those operations are in furtherance of performing a Contract or Property Contract with the City. Accordingly, the protections of this Chapter apply only to applicants and employees who would be or are performing work in furtherance of performing a Contract or Property Contract with the City. If there is a conflict between the requirements of this Chapter and any City law, rule or regulation existing as of the effective date of Ordinance No. amending this Chapter, the requirements of this Chapter shall prevail.

SEC. 12T.4. PROCEDURES FOR CONTRACTOR AND SUBCONTRACTOR USE OF CRIMINAL HISTORY INFORMATION IN EMPLOYMENT DECISIONS.

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

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

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

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

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

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

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

(b) A Contractor or Subcontractor shall not require applicants or potential applicants for employment or employees to disclose on any employment application the fact or details of any Conviction History, any Unresolved Arrest, or any matter identified in subsections (a)(1)-(6). Nor shall the Contractor or Subcontractor inquire on any employment application about the fact or details of any Conviction History, any Unresolved Arrest, or any matter identified in subsections (a)(1)-(6).

A Contractor or Subcontractor may ask on an employment application for an applicant, potential applicant or employee’s written consent for a Background Check so long as the application includes a clear and conspicuous statement that the Contractor or Subcontractor will not itself conduct or obtain from a third party the Background Check until either after the first live...
interview with the person or after a conditional offer of employment in accordance with subsection (c) of this Section 12T.4.

(c) A Contractor or Subcontractor shall not require applicants or potential applicants for employment, or employees, to disclose, and shall not inquire into or discuss, their Conviction History or an Unresolved Arrest until either after the first live interview with the person (via telephone, videoconferencing, use of other technology, or in person) or, at the discretion of the Contractor or Subcontractor, after a conditional offer of employment. A Contractor or Subcontractor may not itself conduct or obtain from a third party a Background Check until either after the first live interview with the person or after a conditional offer of employment.

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

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

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

(g) If a Contractor or Subcontractor intends to base an Adverse Action on an item or items in the applicant or employee’s Conviction History, prior to taking any Adverse Action the Contractor or Subcontractor shall provide the applicant or employee with a copy of the
Background Check Report, and shall notify the applicant or employee of the prospective Adverse Action and the item or items forming the basis for the prospective Adverse Action.

(h) If, within seven days of the date that the notice described in subsection (g) is provided by the Contractor or Subcontractor to the applicant or employee, the applicant or employee gives the Contractor or Subcontractor notice, orally or in writing, of evidence of the inaccuracy of the item or items of Conviction History or any Evidence of Rehabilitation or Other Mitigating Factors, the Contractor or Subcontractor shall delay any Adverse Action for a reasonable period after receipt of the information and during that time shall reconsider the prospective Adverse Action in light of the information.

(i) Upon taking any final Adverse Action based upon the Conviction History of an applicant or employee, a Contractor or Subcontractor shall notify the applicant or employee of the final Adverse Action.

(j) A Contractor or Subcontractor shall not engage in any communication produce or disseminate any solicitation or advertisement that is intended and reasonably likely to reach persons who are reasonably likely to seek employment to be performed under a Contract or Property Contract and that expresses, directly or indirectly, that any person with an Arrest or Conviction will not be considered for employment or may not apply for employment. For purposes of this subsection (j), engaging in a communication includes but is not limited to making a verbal statement or producing or disseminating any solicitation, advertisement, or signage.

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

SEC. 12T.8. NONAPPLICABILITY, EXCEPTIONS, AND WAIVERS.

* * * *
(e) The waiver authority granted to Contracting Officers in this Section 12T.8 shall be subject to the requirement that:

1. All proposed waivers must be submitted for approval to the Director of OCA. All proposed waivers must set forth the reasons the Contracting Officer is requesting the waiver, what steps were taken to find any entity that complies with this Chapter, and why the waiver does not defeat the intent of this Chapter, which is to prohibit the City from entering into Contracts and Property Contracts with persons that do not comply with the requirements of this Chapter to follow certain procedures when inquiring about and using criminal history information in employment decisions.

2. The Director of OCA shall take action approving or denying a proposed waiver within 30 days of receiving a notification of the proposed waiver from a contracting officer. If after 30 days the Director of OCA has taken no action on the proposed waiver, the waiver shall be deemed approved.

3. The Director of OCA or Contracting Officer shall report to the OLSE whenever such a waiver is granted within five days of granting the waiver.

(f) For any Contract or Property Contract subject to approval by the Board of Supervisors, the approving resolution shall state whether any waiver or exception under this Section 12T.8 has been or is proposed to be granted for that contract.

* * * *

(f) The Contracting Officer may waive the restriction in subsection (a)(5) of Section 12T.4 and any limitations imposed in this Chapter based on subsection (a)(5) as to any Contract or Property Contract, including any grant, where the Contracting Officer certifies in writing that, in the performance of the agreement, the Contractor or grantee (1) is providing services to or has supervisory or disciplinary authority over a minor, (2) is providing services to or has supervisory authority over a "dependent adult," as that phrase is defined in California Welfare and Institutions Code Section...
and any successor state law, or (3) is providing support services or care to or has supervisory authority over a person 65 years or older. The Contracting Officer shall report annually in writing to the Director of OCA all waivers that he or she grants pursuant to this subsection (f).

Section 2. The Police Code is hereby amended by revising Sections 4903, 4904, 4906, and 4911 of Article 49, and adding Section 4920 to Article 49, to read as follows:

SEC. 4903. DEFINITIONS.
For the purposes of this Article, the following words and phrases shall mean and include:

* * * *

"Employment" shall mean any occupation, vocation, job, or work, including but not limited to temporary or seasonal work, part-time work, contracted work, contingent work, work on commission, and work through the services of a temporary or other employment agency, or any form of vocational or educational training with or without pay. The physical location of the employment or prospective employment of an individual as to whom Section 4904 applies must be at least eight (8) hours per week in whole, or in substantial part, within the City.

* * * *

SEC. 4904. PROCEDURES FOR USE OF CRIMINAL HISTORY INFORMATION IN EMPLOYMENT DECISIONS.
(a) Regarding applicants or potential applicants for employment, or employees, an Employer shall not, at any time or by any means, inquire about, require disclosure of or if such information is received base an Adverse Action in whole or in part on:

(1) An Arrest not leading to a Conviction, excepting under circumstances identified in this Section an Unresolved Arrest;
(2) Participation in or completion of a diversion or a deferral of judgment program;

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

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

(5) A Conviction that is more than seven years old, the date of Conviction being the date of sentencing, except that this restriction and any limitations imposed in this Article based on the limitation in this subsection (a)(5) shall not apply where the applicant or employee is or will be (A) providing services to or have supervisory or disciplinary authority over a minor, (B) providing services to or have supervisory or disciplinary authority over a “dependent adult,” as that phrase is defined in California Welfare and Institutions Code Section 15610.23 or any successor state law, or (C) providing support services or care to or has supervisory authority over a person 65 years or older; or

(6) Information pertaining to an offense other than a felony or misdemeanor, such as an infraction, except that an Employer may inquire about, require disclosure of, base an Adverse Action on, or otherwise consider an infraction or infractions contained in an applicant or employee’s driving record if driving is more than a de minimis element of the employment in question.

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

(b) The Employer shall not require applicants or potential applicants for employment or employees to disclose on any employment application the fact or details of any Conviction History, any Unresolved Arrest, or any matter identified in subsections (a)(1)-(6). Nor shall the Employer inquire on any employment application about the fact or details of any Conviction
An Employer may ask on an employment application for an applicant, potential applicant or employee’s written consent for a Background Check so long as the application includes a clear and conspicuous statement that the Employer will not itself conduct or obtain from a third party the Background Check until either after the first live interview with the person or after a conditional offer of employment in accordance with subsection (c) of this Section 4904.

(c) The Employer shall not require applicants or potential applicants for employment, or employees, to disclose, and shall not inquire into or discuss, their Conviction History or an Unresolved Arrest until either after the first live interview with the person (via telephone, videoconferencing, use of other technology, or in person) or, at the Employer's discretion, after a conditional offer of employment. The Employer may not itself conduct or obtain from a third party a Background Check until either after the first live interview with the person or after a conditional offer of employment.

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

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

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

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

(h) If, within seven days of the date that the notice described in subsection (g) is provided by the Employer to the applicant or employee, the applicant or employee gives the Employer notice, orally or in writing, of evidence of the inaccuracy of the item or items of Conviction History or any Evidence of Rehabilitation or Other Mitigating Factors, the Employer shall delay any Adverse Action for a reasonable period after receipt of the information and during that time shall reconsider the prospective Adverse Action in light of the information.

(i) Upon taking any final Adverse Action based upon the Conviction History of an applicant or employee, an Employer shall notify the applicant or employee of the final Adverse Action.

(j) It shall be unlawful for any Employer to engage in any communication produce or disseminate any solicitation or advertisement that is intended and reasonably likely to reach persons who are reasonably likely to seek employment in the City, and that expresses, directly or indirectly, that any person with an Arrest or Conviction will not be considered for employment or may not apply for employment. For purposes of this subsection (j), engaging in a communication includes but is not limited to making a verbal statement or producing or disseminating any solicitation, advertisement, or signage.
(k) Nothing in this Section 4904 shall be construed to prohibit an Employer from observing the conditions of a seniority system or an employee benefit plan, provided such systems or plans are not a subterfuge to evade the purposes or requirements of this Article.

SEC. 4906. PROCEDURES FOR USE OF CRIMINAL HISTORY INFORMATION IN HOUSING DECISIONS.

* * * *

(j) It shall be unlawful for any Housing Provider to engage in any communication produce or disseminate any advertisement related to Affordable Housing that expresses, directly or indirectly, that any person with an arrest or conviction record will not be considered for the rental or lease of real property or may not apply for the rental or lease of real property, except as required by local, state, or federal law. For purposes of this subsection (j), engaging in a communication includes but is not limited to making a verbal statement or producing or disseminating any solicitation, advertisement, or signage.

* * * *

SEC. 4911. IMPLEMENTATION AND ENFORCEMENT OF HOUSING PROVISIONS.

(a) Administrative Enforcement.

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

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

Such funds shall be allocated to the HRC and used to offset the costs of implementing and enforcing this Article.

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

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

(5) The Director of the HRC, in consultation with the Mayor's Office of Housing and Community Development, shall establish rules governing the administrative process for determining and appealing violations of this Article. The Rules shall include procedures for:

(A) providing the Housing Provider with notice that it may have violated this Article;
(B) providing the Housing Provider with a right to respond to the notice;
(C) providing the Housing Provider with notice of the Director's
determination of a violation;
(D) providing the Housing Provider with an opportunity to appeal the
Director's determination to the HRC.

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

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

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

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

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

(12) The Commission may in its discretion determine to hear an appeal. In deciding whether to hear an appeal, the Commission shall consider, among other things, fairness to the parties, hardship to either party and promotion of the policies and purposes of this Article. In determining whether to hear an appeal the Commission may also review material from the administrative record of the matter as it deems necessary. A vote of the majority of the Commission shall be required for an appeal to be heard.

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

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

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

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

(b) Civil Enforcement. The City may bring a civil action in a court of competent jurisdiction
against the Housing Provider or other person violating this Article, and, upon prevailing, shall be
entitled to such legal or equitable relief as may be appropriate to remedy the violation including, but
not limited to: reinstatement; back pay; the payment of benefits or pay unlawfully withheld; the
payment of an additional sum as liquidated damages in the amount of $50.00 to each employee,
applicant or other person whose rights under this Article were violated for each day such violation
continued or was permitted to continue; appropriate injunctive relief; and, further shall be awarded
reasonable attorney's fees and costs.
(c) Interest. In any administrative or civil action brought under this Article, the HRC or court, as the case may be, shall award interest on all amounts due and unpaid at the rate of interest specified in subdivision (b) of Section 3289 of the California Civil Code.

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

(e) Limitation on Actions. Civil Actions to enforce the employment provisions of this Article must be filed within one year after the date of the violation. This limitations period shall not commence until the date the violation was discovered or could reasonably have been discovered.

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

* * * *

SEC. 4920. CONFLICT WITH OTHER CITY LAWS.

If there is a conflict between the requirements of this Article and any City law, rule or regulation existing as of the effective date of Ordinance No. ______, amending this Article, the requirements of this Article shall prevail.

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

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By: E
FRANCESCA GEESNER
Deputy City Attorney
City and County of San Francisco

Tails

Ordinance

File Number: 140878  Date Passed: December 09, 2014

Ordinance amending the Administrative and Police Codes to narrow the definition of Property Contracts that are subject to limitations on criminal history inquiries; allow employers and City contractors to inquire about and consider infractions on driving records for positions involving driving; allow employers and City contractors to inquire about and consider a conviction that is more than seven years old for positions involving the supervision or care of minors, dependent adults, or seniors; authorize the City to bring a civil action against a housing provider that violates restrictions on criminal history inquiries; and provide that the criminal history inquiry restrictions in these Codes prevail over any existing conflicting City law.

November 17, 2014 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

November 17, 2014 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

November 25, 2014 Board of Supervisors - PASSED ON FIRST READING
Ayes: 10 - Avalos, Breed, Campos, Chiu, Farrell, Kim, Mar, Tang, Wiener and Yee
Excused: 1 - Cohen

December 09, 2014 Board of Supervisors - FINALLY PASSED
Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 140878

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/9/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved: 12/17/2014