

Local Campaign Materials: San Francisco Fair Chance Ordinance

To help support efforts to launch fair chance campaigns, we've compiled the campaign materials developed by the lead sponsors of the San Francisco Fair Chance Ordinance. Please note that facts cited in the materials were developed in 2013 and are out-of-date.

Directly Impacted People Led the Efforts in San Francisco

The San Francisco Board of Supervisors unanimously passed the San Francisco Fair Chance Ordinance in February 2014. Mayor Ed Lee held a signing ceremony for the new law on March 4, 2014. The ordinance removed questions about convictions from applications for private employers, city contractors, and affordable housing providers and postponed such inquiries until later in the application process. The ordinance also included provisions to ensure background checks were used fairly.

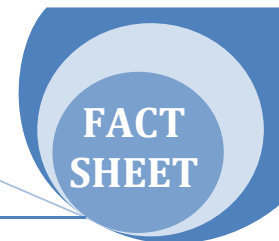
The lead co-sponsors were Supervisors Jane Kim and Malia Cohen. The ordinance garnered the support of the San Francisco Chamber of Commerce, the Human Rights Commission, and the San Francisco Reentry Council, which includes law enforcement leaders such as the District Attorney, the Chief Adult Probation Officer, and the Public Defender.

Lead sponsors were the [National Employment Law Project](#), [Legal Services for Prisoners with Children](#), [All of Us or None](#), [Lawyers Committee for Civil Rights of the San Francisco Bay Area](#), and [Community Housing Partnership](#). Dozens of organizations endorsed the legislation. The excellent media coverage included a front-page story in the *San Francisco Chronicle*, "[Push to Ban Crime Box on Job Applications Expands](#)" (Dec. 10, 2013).

Attachments

Facebook [link](#) and change.org petition [link](#)

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Assessing the Need to Regulate Use of Background Checks in San Francisco

Thousands of people in our community, as many as 200,000 San Franciscans, face discrimination based on prior arrests or convictions, and people of color are disproportionately affected.

- 1 in every 4 adult Californians, almost 7 million people, has an arrest or conviction record.¹
- The barriers resulting from a record have a particularly severe impact on communities of color, as African Americans and Latinos are disproportionately represented in the criminal justice system. In San Francisco, African Americans are arrested at twice the rate of all other racial groups combined.²

Today, employers and housing providers are conducting background checks at an unprecedented rate, and prior records are routinely used to screen out applicants.

- Surveys have shown that as many as 90% of employers and 80% of private housing providers conduct background checks.³
- One study found that 2/3 of employers surveyed would not knowingly hire a person with a record.⁴
- A criminal record reduces the likelihood of a job callback or offer by nearly 50%, and this effect has been found to be even more pronounced for African-American men than for white men.⁵

Individuals with prior records experience unemployment and homelessness at an unacceptably high rate.

- Among those seeking assistance from the Public Defender's Clean Slate program, only about 1/3 are employed, and the majority of those who are employed (75%) earn an annual income of \$3,000 or less. Nearly half of Clean Slate clients are African American.⁶
- 26% of homeless people surveyed in San Francisco had been incarcerated within the previous 12 months⁷, and an estimated 30-50% of parolees in San Francisco are homeless.⁸

When qualified individuals can access jobs and housing, San Francisco's families and communities are stronger and safer.

- Having a stable job and housing can significantly increase the likelihood that an individual will successfully reintegrate into the community and avoid future criminal justice involvement.⁹

¹ See NELP, 65 Million Need Not Apply: The Case for Reforming Background Checks for Employment at fn. 2 (March 2011)

² Report of the San Francisco Mayor's Task Force on African-American Out-Migration (2009) at 24.

³ See Society for Human Resources Management, Background Checking: Conducting Criminal Background Checks (Jan. 22, 2010) at 3; Rebecca Oyama, Do Not (Re)Enter: The Rise of Criminal Background Tenant Screening as a Violation of the Fair Housing Act, 15 Mich. J. Race & L. 181(2009) at 192.

⁴ H.J. Holzer, What Employers Want: Job Prospects for Less-Educated Workers. New York: Russell Sage Foundation, 1996.

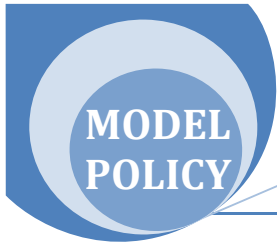
⁵ Devah Pager, Bruce Western & Naomi Sugie, Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records, 623 The Annals of the American Academy 195(2009) at 199.

⁶ Clean Slate Program Office of the Public Defender, City & County of San Francisco, 2007-2008 Evaluation Findings (2009) at 35.

⁷ 2009 San Francisco Homeless Count and Survey.

⁸ Petersilia, Joan, "When Prisoners Come Home," Oxford University Press: New York (2003), p. 121.

⁹ An Illinois study of individuals recently released from prison, found that only 8% of those who were employed for a year committed another crime, compared to the state's 54% average recidivism rate. American Correctional Assoc., 135th Congress of Correction, Presentation by Dr. Art Lurigio (Loyola University) Safer Foundation Recidivism Study (Aug. 8, 2005). See also Christy A. Visher & Shannon M.E. Courtney, The Urban Inst., One Year Out: Experiences of Prisoners Returning to Cleveland (2007) at 3.



A Model Policy to Promote Fair Use of Background Checks in San Francisco

We propose that San Francisco enact a local policy to guide the use of arrest and conviction information for the purpose of housing and employment. The following components set out a model policy that will increase employment and housing opportunities for people with prior arrests and convictions, while balancing the interests of employers and housing providers. In the housing context, this policy applies only to housing providers contracting with the City.

- 1. Determine whether the applicant is otherwise qualified for the job or housing before conducting the background check.**
- 2. Only consider an applicant's prior convictions falling within a defined "look-back period" and don't inquire about or consider arrests that did not lead to a conviction or about expunged convictions.**
- 3. Prior to denying an applicant due to a past conviction, give the applicant notice and include the reason for the denial and the background check report.**
- 4. Give the applicant an opportunity to request consideration and to provide additional evidence of rehabilitation or mitigating circumstances.**
- 5. Only deny the applicant if the conviction is "directly related" to the job or housing, taking into account the following factors:**
 - a. Whether the conduct for which the person was convicted bears a specific and direct negative bearing on:**
 - The person's ability to perform the job, given the type of the job; or
 - The safety of persons or property, given the nature of the housing.
 - b. The amount of time that has passed since the conviction.**
 - c. Evidence of rehabilitation or other mitigating circumstances.**





Dear Friends and Colleagues–

We are writing to ask for your organization’s endorsement of a ground-breaking campaign that will standardize how San Francisco employers and affordable housing providers consider background checks. Legal Services for Prisoners with Children, Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, the National Employment Law Project, and several community organizations have partnered to propose changes to San Francisco’s Administrative and Police Codes. The proposed law will prohibit private and public employers and all affordable housing providers from asking about conviction records until a candidate for a job or housing has received a conditional offer. Clear guidelines will define how and when employers and affordable housing providers may consider the conviction history of any applicant, eliminating unnecessary barriers to jobs and housing for people with prior convictions. The new ordinance will bring employers and landlords into compliance with existing state and federal laws by requiring an individualized assessment of any applicant’s prior convictions, limiting denials to convictions that are directly related to the job or housing, and by requiring consideration of the time that has passed and the applicant’s demonstrated rehabilitation.

Several organizations are collaborating to advance these amendments: The **Lawyers’ Committee for Civil Rights of the Bay Area** works to advance, protect and promote the legal rights of communities of color, immigrants, and refugees, with a specific focus on low-income communities and a long-standing commitment to African-Americans. **All of Us or None**, a project of **Legal Services for Prisoners with Children (LSPC)**, is a civil rights organizing initiative of formerly-incarcerated people and our families, determined to win full restoration of our civil and human rights after release from prison. The **National Employment Law Project** is dedicated to improving conditions for workers across America and to protecting working families from the vagaries of the global economy.

We are calling on our civil rights and social justice allies to join this effort to **standardize guidelines for considering background checks by San Francisco employers and affordable housing providers.** In 2006, All of Us or None/LSPC introduced a resolution to ban the box – eliminate questions regarding conviction history – from applications for employment with the City and County. In 2013, we are campaigning to expand the protections available, level the playing field, and allow people with an arrest or conviction record to compete for jobs and housing. This proposal has already been endorsed by the San Francisco Reentry Council and Human Rights Commission.

As part of our campaign, we are seeking endorsements for this proposed ordinance from individuals and community allies. If you or your organization would like to endorse the proposal, these are the actions we hope you will take:

- 1) Write a letter on your agency's letterhead endorsing the expanded campaign. (A sample letter is attached.) Please send the final letter to Ivy Lee, staff for Supervisor Jane Kim at ivy.lee@sfgov.org, and to Michelle Rodriguez, mrodriguez@nelp.org.
- 2) Complete the endorser form (attached) and allow us to use your name as an endorser of this proposal in front of the Board of Supervisors in San Francisco and statewide as we build the campaign for human rights for people after prison. Please send the endorser form to Jesse Stout, jesse@prisonerswithchildren.org, 415-552-3150(f).
- 3) Send representatives to speak or allow us to read a statement at public hearings.

Please contact us if you have questions or would like more details about this campaign to standardize how San Francisco employers and landlords consider background checks. Also, please forward this request to any other community organizations that might be interested in endorsing. Contact: Jesse Stout, LSPC, at 415-255-7036 x309, jesse@prisonerswithchildren.org.

Thank you very much for your ongoing support, and for endorsing this campaign.

For justice,

**All of Us or None/Legal Services for Prisoners with Children
Lawyer's Committee for Civil Rights of the San Francisco Bay Area
National Employment Law Project**



Community Endorsers for the Fair Chance Campaign

A Campaign to Expand Opportunity by Standardizing Use of Arrest or Conviction Records by Employers and Affordable Housing Providers

- ◆ ACLU of Northern California
- ◆ African American Chamber of Commerce
- ◆ American Friends Service Committee
- ◆ Americans for Safe Access, SF chapter
- ◆ Asian Law Caucus
- ◆ Bay Area Childcare Collective
- ◆ Bay Area Sex Workers' Advocacy Network (BAYSWAN)
- ◆ Big God Ministries
- ◆ Brothers Against Guns
- ◆ California Coalition for Women Prisoners
- ◆ California Prison Focus
- ◆ Californians United for a Responsible Budget (CURB)
- ◆ Center for Young Women's Development
- ◆ Center on Juvenile and Criminal Justice
- ◆ Centerforce
- ◆ Chinese for Affirmative Action
- ◆ Coleman Advocates for Families and Youth
- ◆ Community Justice Network for Youth
- ◆ Delancey Street Foundation
- ◆ Drug Policy Alliance
- ◆ Equal Justice Society
- ◆ Freedom Archives
- ◆ FYI Trilogy
- ◆ Goodwill Industries of SF, San Mateo, and Marin
- ◆ Harvey Milk Democratic Club
- ◆ Homeless Prenatal Program
- ◆ Housing Rights Committee of San Francisco
- ◆ Jobs with Justice
- ◆ Just Cause/Causa Justa
- ◆ La Raza Centro Legal/ San Francisco Day Labor Project
- ◆ NAACP- SF
- ◆ National Housing Law Project
- ◆ No More Tears – The Ripple Effects
- ◆ Operation Second Chance, City College of San Francisco
- ◆ People Organized to Win Employment Rights (POWER)
- ◆ Positive Directions
- ◆ Project Rebound@San Francisco State University
- ◆ Public Defender Jeff Adachi
- ◆ Reentry Council of the City & County of San Francisco
- ◆ Saint Andrew Missionary Baptist Church
- ◆ San Francisco Central Labor Council
- ◆ SF Council on Community Housing Organizations (SF-CCHO)
- ◆ San Francisco Goodwill
- ◆ San Francisco Human Rights Commission
- ◆ San Francisco Living Wage Coalition
- ◆ Senior Ex-Offender Program, Bayview/Hunters' Point Sen
- ◆ Tenderloin Neighborhood Development Corporation

community
housing
partnership 

NELP
National Employment
Law Project

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
OF THE SAN FRANCISCO BAY AREA



Coalition on Homelessness



For more information, contact us at (415) 563-3205x115 or facebook.com/fairchancesf

The sponsoring organizations hope that community endorsers will be actively involved in the campaign to pass legislation to standardize the consideration of background checks by San Francisco employers and affordable housing providers. This endorsement request may require discussion and agreements between your staff and/or Board members regarding your endorsement. We respect that each organization functions differently, so we ask that you send us the information below in order to communicate effectively with your organization.

Our organization supports proposed legislation to establish standards governing consideration of conviction histories by San Francisco’s employers and affordable housing providers.

Organization Name:	_____
Address:	_____
Phone:	_____
Website/Email:	_____

The following person will serve as contact person on behalf of our organization to coordinate support for this campaign.

Authorized Contact Person:

Name: _____ Position: _____

Email: _____ Phone: _____

**Please send this form to Jesse Stout, Legal Services for Prisoners with Children:
jesse@prisonerswithchildren.org, 415-552-3150(f).**

THANK YOU SO MUCH FOR YOUR SUPPORT!!

(Sample Endorsers' Letter -- On your Organization's Letterhead)

[Please email a copy of your final letter to Ivy Lee, staff for Supervisor Jane Kim at ivy.lee@sfgov.org and to Michelle Rodriguez, mrodriguez@nelp.org for tracking purposes]

[LETTERHEAD]

[DATE]

Mayor Edwin M. Lee
City and County of San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall
San Francisco, CA 94102-4689

Re: Endorsement of Ordinance to Standardize Consideration of Arrest or Conviction Records by Employers and Affordable Housing Providers

Dear Mayor Lee, President Chiu, and Members of the Board of Supervisors:

(Name of your organization) strongly supports an ordinance that will standardize the consideration of arrests and convictions of potential employees or tenants by public contractors, employers, and housing providers contracting with San Francisco, thus reducing unnecessary barriers to employment and housing.

(Description of organization and why this issue matters to organization). We have worked with dozens of individuals with arrest and convictions records who have the skills and drive to be loyal, productive employees. Yet too often these workers are automatically rejected for employment due to arrests or convictions that are unrelated to the potential job position.

One in four adult Californians, approximately 7 million, have arrest or conviction records. Therefore, a substantial number of San Franciscans are directly impacted by barriers based on prior arrest or conviction records. Obstacles to employment and housing for people with arrest and conviction records impede successful reentry, undermining the health and public safety of San Francisco.

Research has shown that stable employment and housing reduce recidivism, thus these regulations will promote public safety in San Francisco. All of San Francisco will benefit when people with records are no longer shut out of opportunities and can financially support their families and contribute to a strong economy.

For these reasons, we support an ordinance regulating the use of arrest and conviction information and removing unnecessary barriers to employment and housing.

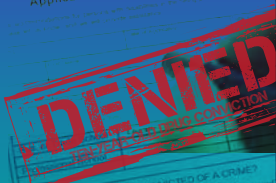
Sincerely,

(Name)
(Title)

WE ARE READY

**TO OBTAIN
EMPLOYMENT**

Application for Employment



**TO HOUSE
OUR FAMILIES**



**TO HELP
US THRIVE**



**FAIR
CHANCE
CAMPAIGN**

Working towards a fair chance
for people with conviction records

(415) 625-7049

[facebook.com/FairChanceSF](https://www.facebook.com/FairChanceSF)

Meetings every Friday at 1:00pm

FOR A FAIR CHANCE

OUR COMMUNITY NEEDS A FAIR CHANCE!

WE are women, veterans, parents, religious leaders, daughters, sons, artists, entrepreneurs, single mothers, single fathers, families, youth, public safety advocates, seniors! We are San Franciscans! We are ready for a fair chance!

OUR NEED: 1 in 7 Californians and 200,000 San Franciscans have a criminal background • Individuals with criminal records experience lifelong barriers to accessing safe and affordable housing and sustainable and lawful employment, even after they've paid their debt to society. • Employers and housing providers are conducting background checks at an unprecedented rate, and refusing to hire or house persons with criminal background, no exceptions, which excludes perfectly qualified candidates. • Since communities of color are disproportionately arrested and convicted, the lifelong barriers devastate these communities in particular.

OUR SOLUTION: Remove Questions about Conviction History from Initial Applications for jobs and affordable housing to give folks a chance to first present their qualifications • Create a Clear Process for employers and housing providers to find the best applicant • Increase Public Safety by ensure that persons with arrest and conviction records get honest work and stable affordable housing • Invest in San Francisco's Economy by housing and employing San Franciscans qualified to meet the needs and contribute to our local markets • Protect Our Communities by ensuring those who have paid their debt to society have a real chance to turn their lives around and return to their families.



JOIN THE CAMPAIGN: [FACEBOOK.COM/FAIRCHANCESF](https://www.facebook.com/fairchancesf)

**TO OBTAIN
EMPLOYMENT**

**TO HOUSE
OUR FAMILIES**

**TO HELP
US THRIVE**

WE ARE READY FOR A FAIR CHANCE



**COMMEMORATING THE TEAMWORK
LEADING TO THE UNANIMOUS PASSAGE OF
THE FAIR CHANCE ACT
BY THE SAN FRANCISCO BOARD OF SUPERVISORS
TUESDAY, FEBRUARY 4, 2014**

