ARTICLE 1.2
DISCRIMINATION IN HOUSING AGAINST FAMILIES WITH MINOR CHILDREN

Sec. 100.  Findings.

Sec. 101.  Definition: Housing Accommodation.

Sec. 102.  Prohibited Activity.

Sec. 103.  Occupancy Standards.

Sec. 104.  Tenant Age Policy Not Prohibited.

Sec. 105.  Requirements of Financial Obligations Not Prohibited.

Sec. 106.  Penalty.

Sec. 107.  Civil Action.

Sec. 107.1.  Liability.

Sec. 107.2.  Injunctive Relief.

Sec. 107.3.  Administrative Remedies.

Sec. 107.4.  Limitation on Actions.

Sec. 107.5.  Bar.

Sec. 108.  Severance Clause.

SEC. 100.  FINDINGS.

After public hearings with the reception of testimony and documentary evidence, we find that discrimination against families with minor children in the leasing or renting of housing accommodations exists within the City and County of San Francisco. We further find that the existence of such discrimination poses a substantial threat to the health and welfare of a sizable segment of the community, namely families with minor children.

We find that a shortage of housing suitable for families with minor children exists within the City and County. We further find that a low vacancy rate exists in all rental housing throughout San Francisco. The addition of discrimination against families with minor children to the above two factors creates an untenable situation for the children of San Francisco.

We find that existing state and local laws prohibiting housing discrimination against families with children have not stopped acts of discrimination. Some landlords have attempted to circumvent these laws by engaging in subtle forms of discrimination that do not overtly exclude families with children but that
nonetheless limit their opportunities to rent. Some landlords use overly restrictive occupancy standards to limit the number of persons who can reside in a rental unit. These standards have an adverse effect on the ability of families with children to rent because families with children tend to have a larger number of persons per household than childless households. Other forms of subtle discrimination include rent surcharges for additional occupants of a unit and unreasonable rules governing children's conduct in and around the rental unit.

The overall effect of such discrimination is to encourage the flight of families from the City and to further diminish family-oriented neighborhoods. It has an overall detrimental effect on the composition of the City, the stability of neighborhoods, the preservation of family life within the City, the living conditions of our children, the quality of our schools, and the viability of children's activities and organizations.

This discrimination cuts across all racial, ethnic and economic levels but has a disproportionate and adverse effect on racial and ethnic minority families.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87)

**SEC. 101. DEFINITION: HOUSING ACCOMMODATION.**

Residential rental unit consisting of one or more rooms.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87)

**SEC. 102. PROHIBITED ACTIVITY.**

It shall be unlawful for the owner, lessor, lessee, sublessee, real estate broker, assignee, or other person having the rights of ownership, the right of possession, or the right to rent or lease any housing accommodations, or any agent or employee of such person to:

(a) Refuse to rent or lease, or otherwise deny to or withhold from any person such accommodations because such person has a minor child or children who shall occupy the leased or rented premises with such person;

(b) Represent to any person because of the potential tenancy of a minor child or children that housing accommodations are not available for inspection or rental when such dwelling is in fact so available;

(c) Make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the rental of housing accommodations that indicates any preference, limitation, or discrimination based on the potential tenancy of a minor child or children;

(d) Discriminate against any person in the terms, conditions or privileges of the rental of housing accommodations or in the provision of services or facilities in connection therewith, because of the potential tenancy of a minor child or children;

(e) Refuse to rent after the making of a bona fide offer, or to refuse to negotiate for the rental of, or otherwise make unavailable or deny, housing accommodations to any person because of the potential tenancy of a minor child or children;

(f) Include in any lease or rental agreement of housing accommodations a clause providing that as a condition of continued tenancy the tenants shall remain childless or shall not bear children;

(g) Charge additional rent, deposits, fees, or surcharges on the basis of actual or potential number or age of persons living in the housing accommodations;

(h) Establish unreasonable rules for, or conditions of, occupancy of housing accommodations which
have the effect of excluding or discriminating against persons with children. Examples of unreasonable rules include, but are not limited to, the following:

1. Restricting the hours during which minor children but not adults may use recreational facilities on the property;

2. Requiring that minor children who are six years of age or older be accompanied by a parent or other adult when using common areas which are accessible to all tenants and which do not present any unusual hazards;

3. Limiting the occupancy of persons with children to certain units, floors or areas of an apartment building; and

4. Prohibiting children of the opposite sex from sharing the same bedroom.

Nothing in this subsection shall preclude a property owner or other person having the right to rent or lease any housing accommodations from adopting reasonable policies or practices regulating the use of the accommodations or its common areas, facilities, and services even though those policies and practices have the effect of excluding persons with children. A policy or practice is reasonable, under this subsection, if it fulfills a business necessity. Business necessity is demonstrated by independent and objective evidence that the policy or practice in question serves a legitimate and nondiscriminatory business purpose and is essential to the safe and continued operation of the business.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87; Ord. 123-93, App. 4/29/93)

SEC. 103. OCCUPANCY STANDARDS.

No provision of this Article shall be construed to authorize occupancies in violation of the floor-area standards of Section 501.1 of Article 5 of the San Francisco Housing code except that children under the age of six shall not be counted for purposes of determining whether a family complies with the standards of the San Francisco Housing Code.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 104. TENANT AGE POLICY NOT PROHIBITED.

In residential buildings otherwise covered by this ordinance, where the owner has complied with the requirements of Section 51.3 of the California Civil Code pertaining to senior-citizen housing, said owner or any other person enumerated in Section 102 hereinabove shall be exempt from the provisions of this ordinance.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87)

SEC. 105. REQUIREMENTS OF FINANCIAL OBLIGATIONS NOT PROHIBITED.

This ordinance shall not prohibit the person having the right to rent or lease the premises from requiring the same financial obligations of prospective tenants with minor children as he or she may require of prospective tenants without children. However, no discrimination in the amount or manner of payment of said financial obligations shall be permitted.

(Added by Ord. 320-75, App. 7/14/75)

SEC. 106. PENALTY.

Any person who violates any provision of Section 102 of this Article shall be deemed guilty of a
misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $2,000 or by imprisonment in the County Jail for a period of not more than six months, or both.

Any person believing that a violation of said section has been committed may file a complaint with the District Attorney.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87)

SEC. 107. CIVIL ACTION.

Any aggrieved person may enforce the provisions of this Article by means of a civil action.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 107.1. LIABILITY.

Any person who violates any of the provisions of this Article or who aids in the violation of any provisions of this Article shall be liable for, and the court must award to the individual whose rights are violated, three times the amount of special and general damages, or three times the amount of one month's rent that the landlord charges for the unit in question. The court may award in addition thereto, not less than $200 but not more than $400, together with attorney's fees, costs of action, and punitive damages.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 107.2. INJUNCTIVE RELIEF.

(a) Any person who commits, or proposes to commit, an action in violation of this Article may be enjoined therefrom by any court of competent jurisdiction.

(b) Any action for injunctive relief under this Article may be brought by any aggrieved person, by the District Attorney, by the City Attorney, or by any person or entity that will fairly and adequately represent the interests of the protected class.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 107.3. ADMINISTRATIVE REMEDIES.

A person or organization who believes that a violation of the provisions of this Article has occurred may file with the Human Rights Commission a complaint pursuant to the procedures of Article 33 of the San Francisco Police Code, Section 3307(b).

(Added by Ord. 399-87, App. 9/25/87)

SEC. 107.4. LIMITATION ON ACTIONS.

Judicial actions or complaints to the Human Rights Commission under this Article must be filed within one year of the alleged discriminatory acts.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 107.5. BAR.

A complaint to the Human Rights Commission is not a prerequisite to the filing of a civil action under this section. The pendency of a complaint before the Human Rights Commission shall not bar any civil action under this section, but a final judgment in any civil action shall bar any further proceedings by the Human Rights Commission.

(Added by Ord. 399-87, App. 9/25/87)
SEC. 108. SEVERANCE CLAUSE.

If any article, section, subsection, paragraph, sentence, clause or phrase of this Code, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decision shall not affect the validity or effectiveness of the remaining portions of this Code or any part hereof. The Board of Supervisors hereby declares that it would have passed each Article, section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more Articles, sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87)

Disclaimer:
This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.

For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.