TO OBTAIN EMPLOYMENT
TO HOUSE OUR FAMILIES
TO HELP US THRIVE

FAIR CHANCE ORDINANCE
2016 REPORT

SAN FRANCISCO HUMAN RIGHTS COMMISSION
ABOUT THE FAIR CHANCE ORDINANCE


The FCO applies to all affordable housing providers (“housing providers”) in San Francisco, as well as all employers located or doing business in the City that have 20 or more employees. The HRC enforces the FCO’s provisions related to affordable housing, and the Office of Labor Standards Enforcement (“OLSE”) enforces its employment provisions.

With regard to affordable housing, all housing providers are subject to specific advertising, communication, notice, posting, and record-keeping requirements related to consideration of arrest and/or conviction records as a factor in any negative housing action, including refusal to rent. Blanket exclusions of persons with arrest and/or conviction records are unlawful, and housing providers may only consider a tenant applicant’s arrest and/or conviction record at certain times and within certain limitations. If a housing provider wishes to take a negative housing action based on a person’s arrest and/or conviction record, the housing provider must follow a specific procedure that includes proper notice, a response period, and consideration of additional mitigating evidence.

In sum, the FCO provides persons with arrest and/or conviction records the opportunity to be considered for employment and housing on an individual basis, thereby affording them with a “fair chance” to acquire employment and housing, effectively reintegrate into the community, and provide for their families and themselves.

ABOUT THE HRC

The San Francisco Human Rights Commission provides leadership and advocacy in securing, protecting and promoting human rights for all people. For over 50 years, HRC has grown in response to San Francisco’s mandate to address the causes of and problems resulting from bias and discrimination. HRC has the good faith and commitment of San Francisco’s leaders to be an independent voice of human rights protection for all people and, again and again, leads the way on groundbreaking initiatives in the realm of human and civil rights. To that end, HRC:

- Advocates for human and civil rights;
- Resolves community disputes involving individual or systemic illegal discrimination;
- Provides assistance and referrals to individuals, community groups, businesses, and government agencies related to equity and human rights; and
- Investigates and mediates discrimination complaints.
THE HRC’S FCO OBLIGATIONS

Under Article 49, the Human Rights Commission has the following primary responsibilities:

- Publish and issue a notice that informs affordable housing applicants of their rights under the Article;
- Enforce the Ordinance, including investigating possible violations of the Article;
- Establish rules for the administrative process for determining and appealing violations of the Article; and
- Establish a community-based outreach program regarding rights and procedures under the Article.

In addition, Section 4911(b) of Article 49 requires the HRC to maintain a record of the number and types of complaints it receives and the resolution of those complaints.

FCO COMPLIANCE SURVEY OVERVIEW

After years of outreach and community engagement on the FCO, HRC released the “Fair Chance Ordinance Compliance Survey: First Year Report” in January 2016. This previous report covered the 365-day period from August 13, 2014, the day the FCO went into force, to August 13, 2015 and is available on the HRC website at http://sf-hrc.org/fair-chance-ordinance.

Additional roundtable discussions with affordable housing providers were held after the release of the First Year Report to help streamline reporting processes and minimize burdens for affordable housing providers; improve performance of HRC’s reporting obligations under the FCO; and advance the spirit of the Ordinance. An initial series of roundtables was held on February 10, 17, and 24, 2016 to discuss the original compliance survey leading to the First Year Report, the First Year Report itself, and best practices for FCO compliance generally. With these considerations in mind, HRC drafted a new survey to build off its previous data collection. Additional roundtables were held on September 14 and 21, 2016 to discuss the new survey. A large number of affordable housing providers, representing the vast majority of affordable housing in the City, attended at least one roundtable.

As a result of these discussions, the 2016 FCO Compliance Survey differs from the 2015 survey upon which the First Year Report is based. Both surveys sought to collect the same quantitative data, although the 2016 survey language was updated for clarity and precision. Instructions were also separated out. In addition, the 2016 Compliance Survey asks qualitative questions meant to address core concerns regarding the success of the Ordinance. These questions were optional.

In response to feedback from affordable housing providers, the reporting time period was also changed so that it will match the calendar year going forward. Consequently, the time period reported for this compliance period is August 14, 2015 to December 31, 2016. This enables future compliance surveys to cover the full calendar year, as requested, without a gap in required reporting.
**FCO COMPLIANCE SURVEY RESULTS**

**QUANTITATIVE QUESTIONS**

**Q1**
From August 14, 2015 to December 31, 2016, how many **vacant units** did your company **have** in San Francisco?

**Q2**
From August 14, 2015 to December 31, 2016, how many **tenant applications** did your company process to approval in San Francisco?

**Q3**
From August 14, 2015 to December 31, 2016, how many **vacant units** did your company **fill** in San Francisco?

**Q4**
From August 14, 2015 to December 31, 2016, how many of your company’s vacant units in San Francisco were **filled by persons with arrest and/or conviction records**?

<table>
<thead>
<tr>
<th>Size of Housing Provider (by Employees)</th>
<th>1-5</th>
<th>6-10</th>
<th>11-50</th>
<th>51-200</th>
<th>201-500</th>
<th>&gt;500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total No. Units or Appl.</td>
<td>70/4.6%</td>
<td>54/3.6%</td>
<td>26/1.7%</td>
<td>398/26.2%</td>
<td>693/45.6%</td>
<td>279/18.4%</td>
</tr>
<tr>
<td></td>
<td>69/5.0%</td>
<td>56/4.1%</td>
<td>30/2.2%</td>
<td>289/21.1%</td>
<td>641/46.8%</td>
<td>286/20.9%</td>
</tr>
<tr>
<td></td>
<td>52/4.2%</td>
<td>39/3.1%</td>
<td>23/1.9%</td>
<td>246/19.8%</td>
<td>604/48.6%</td>
<td>279/22.4%</td>
</tr>
<tr>
<td></td>
<td>7/4.5%</td>
<td>10/6.5%</td>
<td>0/0.0%</td>
<td>32/20.6%</td>
<td>32/20.6%</td>
<td>74/47.7%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>155</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
From August 14, 2015 to December 31, 2016, which of the following steps has your company taken to comply with the FCO?

a. Change your rental application to comply with the Fair Chance Ordinance. 11

b-1. Post the San Francisco Human Rights Commission’s “Notice to Tenants, Housing Applicants, and Affordable Housing Providers: San Francisco Police Code Article 29 – Fair Chance Ordinance (FCO) Protections for People with Prior Arrests or Conviction Records” (“HRC FCO Notice”) on your website. 6

b-2. If your company had already posted the HRC FCO Notice on its website prior to August 14, 2015, and did not do so from August 14, 2015 to December 31, 2016, check this box instead of 5(b-1). 22

c-1. Post the HRC FCO Notice in a location under your company’s control frequently visited by applicants or potential applicants. 22

c-2. If your company had already posted the HRC FCO Notice in a location under its control frequently visited by applicants or potential applicants prior to August 14, 2015, and did not do so from August 14, 2015 to December 31, 2016, check this box instead of 5(c-1). 9

d. Provide applicants with a copy of the HRC FCO Notice before running the applicant’s background check or other conviction history report. 27

e. Conduct individualized assessments of applicants with conviction history, after receiving their background check or other conviction history report, considering only “directly related” convictions and “unresolved arrests” in light of time elapsed, any evidence of rehabilitation, mitigating factors, or inaccuracy in the report. 15

f. When issuing a Notice of Prospective Adverse Action, provide applicants with a copy of their background check or other conviction history report and a copy of the HRC FCO Notice. 12

g. Designate employees to attend an HRC Fair Chance Ordinance Training. 22

h. Conduct an in-house training for employees on the Fair Chance Ordinance. 27
The Fair Chance Ordinance prohibits housing providers from inquiring about the following at any time: a) An arrest not leading to conviction, except for unresolved arrests; b) A conviction that is more than 7 years old; c) Participation in a diversion or deferral of judgement program; d) A conviction that has been dismissed, expunged, or otherwise invalidated; e) A conviction in the juvenile justice system; and f) An offense other than a felony or misdemeanor, such as an infraction. From August 14, 2015 to December 31, 2016, did your company inquire about any of the above?

If you answered "yes" to Question 6, please check the box for each item your company inquired about.

a) An arrest not leading to conviction, except for unresolved arrests
   - No: 7
   - Yes: 1

b) A conviction that is more than 7 years old
   - No: 1
   - Yes: 0

c) Participation in a diversion or deferral of judgement program
   - No: 1
   - Yes: 0

d) A conviction that has been dismissed, expunged, or otherwise invalidated
   - No: 1
   - Yes: 0

e) A conviction in the juvenile justice system
   - No: 0
   - Yes: 0

f) An offense other than a felony or misdemeanor, such as an infraction.
   - No: 0
   - Yes: 1

If you would like to provide clarifying information for Questions 5, 6, and/or 7, you may do so here.

[no quantitative data]
**FCO COMPLIANCE SURVEY RESULTS**

**QUANTITATIVE QUESTIONS**

**Q9**

Before taking a negative action such as eviction, failing or refusing to rent or lease property to an individual, failing or refusing to add a household member to an existing lease, or reducing any tenant subsidy, the housing provider MUST issue a “Notice of Prospective Adverse Action” and give the individual 14 days to respond orally or in writing to provide evidence of rehabilitation, mitigating factors, or inaccuracy in the report. The housing provider must also delay any negative action for a reasonable time, and reconsider the negative action in light of the applicant’s response. From August 14, 2015 to December 31, 2016, did your company issue any “Notices of Prospective Adverse Action”?

| No (68.6%) | Yes (31.4%) |

[survey results and table for Questions 10-13 on next page]

**Q14**

If you would like to provide clarifying information for Questions 9, 10, 11, 12, and/or 13, you may do so here.

[no quantitative data]
FCO COMPLIANCE SURVEY RESULTS

QUANTITATIVE QUESTIONS

Q10

If answering “yes” to Question 9, **how many** “Notices of Prospective Adverse Action” did you issue?

Q11

If answering “yes” to Question 9, after waiting the required 14-day period, **how many applicants did your company REJECT** based on a “directly related” conviction or “unresolved arrest?”

Q12

If answering “yes” to Question 9, after waiting the required 14-day period, **how many applicants did your company ACCEPT** based on reconsideration of the applicant’s conviction history information?

Q13

If answering “yes” to Question 9, if your company accepted applicants based on reconsideration of the applicant’s conviction history from August 14, 2015 to December 31, 2016, **how many of these applicants were subsequently evicted** during this time period?
QUALITATIVE QUESTIONS

Q15

Based on your experience processing applications for tenancy from August 14, 2015 to December 31, 2016, are most applicants aware of the FCO before your company notifies them?

No (62.9%)  
Yes (11.4%)  
Could not Determine (17.1%)  
N/A (8.6%)

Q16

Based on your experience at your company from August 14, 2015 to December 31, 2016, has the FCO resulted in a better understanding of the relationship, if any, between conviction history and fitness for tenancy?

No (54.3%)  
Yes (20.0%)  
Could not Determine (20.0%)  
N/A (5.7%)

Q17

Based on your experience at your company from August 14, 2015 to December 31, 2016, has the FCO resulted in a greater number of in-place tenants or live-in aides NOT being evicted?

No (22.9%)  
Yes (2.9%)  
Could not Determine (25.7%)  
N/A (48.6%)
Based on your experience processing applications for tenancy from August 14, 2015 to December 31, 2016, has the FCO resulted in a greater number of applicants with conviction history being accepted for tenancy?

- **No** (31.4%)
- **Yes** (11.4%)
- **Could not Determine** (40.0%)
- **N/A** (17.1%)

Based on your experience at your company from August 14, 2015 to December 31, 2016, are individuals who have been granted or retained housing as a result of the FCO’s procedural framework more likely than other tenants to participate in resident engagement activities, such as community organizing, case management, or other services?

- **No** (8.6%)
- **Yes** (2.9%)
- **Could not Determine** (68.6%)
- **N/A** (20.0%)

Based on your experience at your company from August 14, 2015 to December 31, 2016, are lease violations less common for individuals who have been granted or retained housing as a result of the FCO’s procedural framework?

- **No** (20.0%)
- **Yes** (0.0%)
- **Could not Determine** (62.9%)
- **N/A** (17.1%)
**FCO COMPLIANCE SURVEY RESULTS**

**DEMOGRAPHIC QUESTIONS**

**Q21**

*How many employees* does your company have in San Francisco?

<table>
<thead>
<tr>
<th>Number of Employees</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5</td>
<td>(51.4%)</td>
</tr>
<tr>
<td>6-10</td>
<td>(14.3%)</td>
</tr>
<tr>
<td>11-50</td>
<td>(8.6%)</td>
</tr>
<tr>
<td>51-200</td>
<td>(11.4%)</td>
</tr>
<tr>
<td>201-500</td>
<td>(11.4%)</td>
</tr>
<tr>
<td>&gt;500</td>
<td>(2.9%)</td>
</tr>
</tbody>
</table>

**Q22**

Among your company’s total employees in San Francisco (as listed in answer to Question 21), how many of those employees have been trained on the Fair Chance Ordinance?

**Q23**

How many employees does your company have in San Francisco that process “negative housing actions” such as eviction, failing or refusing to rent or lease property to an individual, failing or refusing to add a household member to an existing lease, or reducing any tenant subsidy?

**Q24**

Among your company’s employees in San Francisco that process “negative housing actions” (as listed in answer to Question 20), how many of those employees have been trained on the Fair Chance Ordinance?

**Affordable Housing Providers with 1-5 Employees**

<table>
<thead>
<tr>
<th>Employee</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>(38.4%)</td>
</tr>
<tr>
<td>17</td>
<td>(43.6%)</td>
</tr>
<tr>
<td>18</td>
<td>(46.2%)</td>
</tr>
</tbody>
</table>

**Affordable Housing Providers with 6-10 Employees**

<table>
<thead>
<tr>
<th>Employee</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>(22.5%)</td>
</tr>
<tr>
<td>11</td>
<td>(27.5%)</td>
</tr>
<tr>
<td>15</td>
<td>(37.5%)</td>
</tr>
</tbody>
</table>

Employee Total (40/100.0%)
**FCO COMPLIANCE SURVEY RESULTS**

**DEMOGRAPHIC QUESTIONS**

**Q22**

**Affordable Housing Providers with 11-50 Employees**

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>6 (5.0%)</td>
<td>120/100.0%</td>
</tr>
<tr>
<td>16 (13.3%)</td>
<td></td>
</tr>
<tr>
<td>40 (33.3%)</td>
<td></td>
</tr>
</tbody>
</table>

**Q23**

**Affordable Housing Providers with 51-200 Employees**

<table>
<thead>
<tr>
<th></th>
<th>Employee Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>61 (12.4%)</td>
<td>493/100.0%</td>
</tr>
<tr>
<td>114 (23.1%)</td>
<td></td>
</tr>
<tr>
<td>206 (41.8%)</td>
<td></td>
</tr>
</tbody>
</table>

**Q24**

**Affordable Housing Providers with 201-500 Employees**

<table>
<thead>
<tr>
<th></th>
<th>Employee Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>97 (6.7%)</td>
<td>1,438/100.0%</td>
</tr>
<tr>
<td>147 (10.2%)</td>
<td></td>
</tr>
<tr>
<td>116 (8.1%)</td>
<td></td>
</tr>
</tbody>
</table>

**Q25**

**Affordable Housing Providers with More than 500 Employees**

<table>
<thead>
<tr>
<th></th>
<th>Employee Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>345 (50.6%)</td>
<td>682/100.0%</td>
</tr>
<tr>
<td>345 (50.6%)</td>
<td></td>
</tr>
<tr>
<td>345 (50.6%)</td>
<td></td>
</tr>
</tbody>
</table>

**Q26**

If you would like to provide clarifying information for Questions 21, 22, 23, and/or 24, you may do so here.

[no quantitative data]

Please provide contact information for the person completing this survey.

[no quantitative data]
APPENDIX

FCO COMPLIANCE SURVEY
INTRODUCTION LETTER

FCO COMPLIANCE SURVEY
INSTRUCTIONS

FCO COMPLIANCE SURVEY
QUESTIONS
December 16, 2016

Re: Introduction Letter to the 2016 Human Rights Commission Fair Chance Ordinance Compliance Survey

Dear Affordable Housing Provider,

Thank you for your ongoing compliance with San Francisco Police Code, Article 49: Procedures for Considering Arrests and Convictions and Related Information in Employment and Housing Decisions, otherwise known as the Fair Chance Ordinance (“FCO”). Per Section 4912(b) of the FCO, the Human Rights Commission formally requests that you produce information in satisfaction of the FCO’s annual reporting requirement by responding to an upcoming Google Forms survey.

As you know, the FCO went into effect on August 13, 2014. Since that time the Human Rights Commission has been working with affordable housing providers to ensure their rental application and review processes comply with the ordinance.

Over the past year, these efforts included five roundtable discussion sessions with housing providers held in part to discuss challenges related to last year’s inaugural FCO Compliance Survey and brainstorm solutions and improvements to this year’s Survey. These discussions took place on February 10, 17, and 24; and September 14 and 21, 2016. A large number of affordable housing providers, representing the vast majority of affordable housing in the City, attended at least one roundtable.

The 2016 FCO Compliance Survey was changed based on these discussions. As a result, the questions and their instructions have been separated for the sake of clarity. Also of importance is the switch in time periods from compliance years to calendar years. The HRC is now requesting information to cover the period of August 14, 2015 to December 31, 2016. This will enable future calendar surveys to cover the full calendar year, as requested, without a gap in required reporting. Furthermore, the HRC will request qualitative information regarding FCO compliance going forward. Many other minor edits and changes were also made.

- The survey will be administered through Google Forms and will be accessible in early January. You will be notified via email when the Survey launches. Kindly review, complete and return the FCO Compliance Survey no later than Wednesday, March 1, 2017.

- A reference copy of the survey questions and instructions is enclosed. These documents will also be available as separate PDFs online when the Survey launches.

Our sincere thanks for your continued participation in the HRC’s annual FCO Compliance Survey.

Best,

Noah Frigault, Policy Analyst
San Francisco Human Rights Commission
Quantitative Questions

1. Please provide a numerical total based on the total number of vacancies for affordable housing units in San Francisco available from August 14, 2015 to December 31, 2016. Include all affordable housing units from this time period regardless of whether Fair Chance Ordinance procedures were invoked for a particular applicant or unit. Units that have become vacant but were not otherwise processed during this time period should be included in the numerical total. Units that have become vacant multiple times during the time period should be counted multiple times in the numerical total; for example, if an apartment became vacant at two times from August 14, 2015 to December 31, 2016, the number of vacant units the apartment will add to the total number of vacant affordable housing units is two.

2. Please provide a numerical total based on the number of vacancies for affordable housing units in San Francisco that were processed to the point of tenant or applicant approval for the unit from August 14, 2015 to December 31, 2016. Units that were processed to approval multiple times during this time period should be counted multiple times in the numerical total; for example, if a vacant apartment was processed to the point of a tenant applicant accepting the apartment, but the tenant applicant did not move in, and a second tenant applicant ultimately moved in, the number of vacancies filled for the apartment is two.

3. Please provide a numerical total based on the number of vacancies for affordable housing units in San Francisco that were filled from August 14, 2015 to December 31, 2016. Units whose vacancies were filled multiple times during the time period should be counted multiple times in the numerical total; for example, if a vacant apartment was filled, vacated, and filled again at some time between August 14, 2015 and December 31, 2016, the number of vacancies filled for the apartment is two.

4. Please provide a numerical total based on the number of vacancies for affordable housing units in San Francisco that were processed to, at minimum, the point of tenant or applicant acceptance of the unit from August 14, 2015 to December 31, 2016. If a live-in aide or family member with an arrest and/or conviction record was approved to fill a vacant unit, include that vacant unit in the total.

5. Please check the box for each corresponding item if your company took that action between August 14, 2015 and December 31, 2016.
b. If your company had already posted the HRC FCO Notice on its website prior to August 14, 2015, and did not do so from August 14, 2015 to December 31, 2016, check the box for 5(b-2), NOT 5(b-1).

c. If your company had already posted the HRC FCO Notice in a location under its control frequently visited by applicants or potential applicants prior to August 14, 2015, and did not do so from August 14, 2015 to December 31, 2016, check the box for 5(c-2), NOT 5(c-1).

6. If your company inquired about ANY of the six listed items, answer “yes.” Otherwise, answer “no.”

7. Please check the box for each item your company inquired about. If you answered “no” to Question 6, you may skip this question.

8. This is an opportunity to provide substantive information in response to the checkboxes for Questions 5, 6, and/or 7. Answering this question is optional.

9. Answer “yes” or “no.” If your company issued a substantially similar document not named “Notice of Prospective Adverse Action” to comply with this section of the FCO, please check “yes.”

10. Please provide a numerical total only. If your company issued a substantially similar document not named “Notice of Prospective Adverse Action” to comply with this section of the Fair Chance Ordinance, include the number of these documents issued in the numerical total. If you answered “no” to Question 9, you may skip this question.

11. Please provide a numerical total only. If an applicant with a conviction history was rejected for reasons other than conviction history, do not include such an applicant in the numerical total. If you answered “no” to Question 9, you may skip this question.

12. Please provide a numerical total only. If an applicant with a conviction history was accepted for reasons other than reconsideration of conviction history information, do not include such an applicant in the numerical total. If you answered “no” to Question 9, you may skip this question.

13. Please provide a numerical total only. If you answered “no” to Question 9, you may skip this question.

14. This is an opportunity to provide substantive information in response to the numerical totals for Questions 9, 10, 11, 12, and/or 13. Answering this question is optional.

Qualitative Questions

Please note that the focus of these qualitative questions is to collect anecdotal evidence of the Fair Chance Ordinance’s effectiveness. While this data may not be immediately available to your company, we appreciate receiving your informed opinion on the topics covered in the survey.
For Questions 15-20, please answer “yes,” “no,” or “cannot determine” and provide additional information. If answering “cannot determine,” please explain why your company cannot determine an answer to the question (such as “the anecdotal evidence is inconclusive” or “our company does not currently track this information.”)

Company Demographics

21. Please provide a numerical total only.

22. Please provide a numerical total only.

23. Please provide a numerical total only.

24. Please provide a numerical total only.

25. If you would like to provide clarifying information related to company demographics and training on the Fair Chance Ordinance, you may do so here.

26. Please provide the name, title, address, phone number, and email address of the person(s) who completed this survey.
2016 Fair Chance Ordinance Compliance Survey Questions
(August 14, 2015 – December 31, 2016)

Survey QUESTIONS

Quantitative Questions

1. From August 14, 2015 to December 31, 2016, how many vacant units did your company have in San Francisco?

2. From August 14, 2015 to December 31, 2016, how many tenant applications did your company process to approval in San Francisco?

3. From August 14, 2015 to December 31, 2016, how many vacant units did your company fill in San Francisco?

4. From August 14, 2015 to December 31, 2016, how many of your company’s vacant units in San Francisco were filled by persons with arrest and/or conviction records?

5. From August 14, 2015 to December 31, 2016, which of the following steps has your company taken to comply with the Fair Chance Ordinance?

   a. Change your rental application to comply with the Fair Chance Ordinance.

   b-1. Post the San Francisco Human Rights Commission’s “Notice to Tenants, Housing Applicants, and Affordable Housing Providers: San Francisco Police Code Article 29 – Fair Chance Ordinance (FCO) Protections for People with Prior Arrests or Conviction Records” (“HRC FCO Notice”) on your website.

   b-2. If your company had already posted the HRC FCO Notice on its website prior to August 14, 2015, and did not do so from August 14, 2015 to December 31, 2016, check this box instead of 5(b-1).

   c-1. Post the HRC FCO Notice in a location under your company’s control frequently visited by applicants or potential applicants.

   c-2. If your company had already posted the HRC FCO Notice in a location under its control frequently visited by applicants or potential applicants prior to August 14, 2015, and did not do so from August 14, 2015 to December 31, 2016, check this box instead of 5(c-1).

   d. Provide applicants with a copy of the HRC FCO Notice before running the applicant’s background check or other conviction history report.

   e. Conduct individualized assessments of applicants with conviction history, after receiving their background check or other conviction history report, considering only “directly related” convictions and “unresolved arrests” in light of time elapsed, any evidence of rehabilitation, mitigating factors, or inaccuracy in the report.
When issuing a Notice of Prospective Adverse Action, provide applicants with a copy of their background check or other conviction history report and a copy of the HRC FCO Notice.

Designate employees to attend an HRC Fair Chance Ordinance Training.

Conduct an in-house training for employees on the Fair Chance Ordinance.

6. The Fair Chance Ordinance prohibits housing providers from inquiring about the following at any time:
   a. An arrest not leading to conviction, except for unresolved arrests;
   b. A conviction that is more than 7 years old;
   c. Participation in a diversion or deferral of judgement program;
   d. A conviction that has been dismissed, expunged, or otherwise invalidated;
   e. A conviction in the juvenile justice system; and
   f. An offense other than a felony or misdemeanor, such as an infraction.

   From August 14, 2015 to December 31, 2016, did your company inquire about any of the above?

7. If answering “yes” to Question 6, please check the box for each item your company inquired about:
   a. An arrest not leading to conviction, except for unresolved arrests;
   b. A conviction that is more than 7 years old;
   c. Participation in a diversion or deferral of judgement program;
   d. A conviction that has been dismissed, expunged, or otherwise invalidated;
   e. A conviction in the juvenile justice system; and
   f. An offense other than a felony or misdemeanor, such as an infraction.

8. If you would like to provide clarifying information for Questions 5, 6, and/or 7, you may do so here.

9. Before taking a negative action such as eviction, failing or refusing to rent or lease property to an individual, failing or refusing to add a household member to an existing lease, or reducing any tenant subsidy, the housing provider MUST issue a “Notice of Prospective Adverse Action” and give the individual 14 days to respond orally or in writing to provide evidence of rehabilitation, mitigating factors, or inaccuracy in the report. The housing provider must also delay any negative action for a reasonable time, and reconsider the negative action in light of the applicant’s response. From August 14, 2015 to December 31, 2016, did your company issue any “Notices of Prospective Adverse Action”?

10. If answering “yes” to Question 9, how many “Notices of Prospective Adverse Action” did you issue?

11. If answering “yes” to Question 9, after waiting the required 14-day period, how many applicants did your company REJECT based on a “directly related” conviction or “unresolved arrest?”

12. If answering “yes” to Question 9, after waiting the required 14-day period, how many applicants did your company ACCEPT based on reconsideration of the applicant’s conviction history information?”
13. If answering “yes” to Question 9, if your company accepted applicants based on reconsideration of the applicant’s conviction history from August 14, 2015 to December 31, 2016, how many of these applicants were subsequently evicted during this time period?

14. If you would like to provide clarifying information for Questions 9, 10, 11, 12, and/or 13, you may do so here.

Qualitative Questions

15. Based on your experience processing applications for tenancy from August 14, 2015 to December 31, 2016, are most applicants aware of the FCO before your company notifies them?

16. Based on your experience at your company from August 14, 2015 to December 31, 2016, has the FCO resulted in a better understanding of the relationship, if any, between conviction history and fitness for tenancy?

17. Based on your experience at your company from August 14, 2015 to December 31, 2016, has the FCO resulted in a greater number of in-place tenants or live-in aides NOT being evicted?

18. Based on your experience processing applications for tenancy from August 14, 2015 to December 31, 2016, has the FCO resulted in a greater number of applicants with conviction history being accepted for tenancy?

19. Based on your experience at your company from August 14, 2015 to December 31, 2016, are individuals who have been granted or retained housing as a result of the FCO’s procedural framework more likely than other tenants to participate in resident engagement activities, such as community organizing, case management, or other services?

20. Based on your experience at your company from August 14, 2015 to December 31, 2016, are lease violations less common for individuals who have been granted or retained housing as a result of the FCO’s procedural framework?

Company Demographics

21. How many employees does your company have in San Francisco?

22. Among your company’s total employees in San Francisco (as listed in answer to Question 21), how many of those employees have been trained on the Fair Chance Ordinance?

23. How many employees does your company have in San Francisco that process “negative housing actions” such as eviction, failing or refusing to rent or lease property to an individual, failing or refusing to add a household member to an existing lease, or reducing any tenant subsidy?
24. Among your company’s employees in San Francisco that process “negative housing actions” (as listed in answer to Question 20), how many of those employees have been trained on the Fair Chance Ordinance?

25. If you would like to provide clarifying information for Questions 21, 22, 23, and/or 24, you may do so here.

26. Please provide contact information for the person completing this survey.