

1 [Charter Amendment - Homelessness Oversight Commission]

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3 **Describing and setting forth a proposal to the voters at an election to be held on November**

4 **8, 2022, to amend the Charter of the City and County of San Francisco to create the**

5 **Homelessness Oversight Commission (“Commission”) to oversee the Department of**

6 **Homelessness and Supportive Housing; to provide that the Commission lacks jurisdiction**

7 **to approve or disapprove criteria used to ascertain eligibility or priority for programs and**

8 **services, where such criteria are required as a condition of funding; and to require the**

9 **Board of Supervisors to adopt an ordinance amending the Municipal Code to provide that**

10 **the Commission shall appoint the members of the Local Homeless Coordinating Board and**

11 **the Shelter Monitoring Committee, and requiring those bodies to advise the Commission,**

12 **and to require the Our City, Our Home Oversight Committee to advise the Commission**

13 **and the Health Commission, in lieu of advising the Mayor and the Board of Supervisors, on**

14 **administration of the Our City, Our Home Fund and on monies appropriated from the**

15 **Fund.**

16 NOTE: **Unchanged Charter text and uncodified text** are in plain font.

17 **Additions** are *single-underline italics Times New Roman font*.

18 **Deletions** are *strike-through italics Times New Roman font*.

19 **Asterisks (* * * *)** indicate the omission of unchanged Charter subsections.

20 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City

21 and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of

22 the City and County by adding Section 4.133 to Article IV, to read as follows:

23 **SEC. 4.133. HOMELESSNESS OVERSIGHT COMMISSION.**

24 (a) There shall be a Homelessness Oversight Commission (“Commission”) to oversee

25 the Department of Homelessness and Supportive Housing (“Department”), or any successor agency. The Department shall, to the extent prescribed by ordinance, manage and direct

1 housing, programs, and services for persons experiencing homelessness in the City, including,
2 but not limited to, street outreach, homeless shelters, transitional housing, homelessness
3 prevention, and permanent supportive housing.

4 (b) The Commission shall consist of seven members, appointed as follows:

5 (1) Seats 1, 2, 3, and 4 shall be appointed by the Mayor subject to
6 confirmation by the Board of Supervisors. Each nomination shall be the subject of a public
7 hearing and vote within 60 days. If the Board of Supervisors fails to act on a nomination within
8 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the
9 nominee shall be deemed confirmed. Seat 1 shall be held by a person who has personally
10 experienced homelessness. Seat 2 shall be held by a person with significant experience
11 providing services to or engaging in advocacy on behalf of persons experiencing homelessness.
12 Seat 3 shall be held by a person with expertise in mental health service delivery or substance use
13 treatment. Seat 4 shall be held by a person with a record of participation in a merchants' or
14 small business association, or neighborhood association.

15 (2) Seats 5, 6, and 7 shall be appointed by the Board of Supervisors. Seat 5
16 shall be held by a person who has personally experienced homelessness. Seat 6 shall be held by
17 a person with significant experience providing services to or engaging in advocacy on behalf of
18 persons experiencing homelessness. Seat 7 shall be held by a person with significant experience
19 working with homeless families with children and/or homeless youth.

20 (3) Section 4.101 shall apply to these appointments, with a particular
21 emphasis on diversity in ethnicity, race, age, sex, gender identity, sexual orientation, and types of
22 disabilities.

23 (c) Commission members shall serve at the pleasure of their respective appointing
24 authorities and may be removed by their appointing authorities at any time. Vacancies shall be
25 filled by the respective appointing authorities as prescribed in subsections (b)(1) and (2).

1 (d) Commissioners shall serve four-year terms, beginning at noon on May 1, 2023;
2 provided, however, the term of the initial appointees in Seats 1, 5, and 6 shall be a two-year term,
3 expiring at noon on May 1, 2025.

4 (e) The Commission shall elect a Chair, Vice-Chair, and officers for other such
5 positions, if any, that it chooses to create.

6 (f) The Commission shall have the following powers and duties:

7 (1) With respect to the Department, the Commission shall exercise all of the
8 powers and duties of boards and commissions as set forth in Sections 4.102, 4.103, and 4.104,
9 including but not limited to, approving applicable departmental budgets, formulating goals
10 consistent with the overall objectives of the City and County, holding hearings and taking
11 testimony, conducting public education and outreach concerning programs and services for
12 homeless persons in San Francisco, and issues concerning homelessness, and conducting
13 performance audits of the Department to assess the Department's effective and timely delivery of
14 services to persons experiencing homelessness and persons participating in programs overseen
15 by the Department.

16 (2) Notwithstanding the Commission's authority to review and set policies,
17 the Commission shall not have the authority to approve, disapprove, or modify criteria used to
18 ascertain eligibility or priority for programs and/or services operated or provided by the
19 Department, where such criteria are required as a condition of the receipt of state or federal
20 funding.

21 (g) The Mayor and the Board of Supervisors shall make their initial appointments to
22 Seats 1-7, respectively, on the Commission by no later than noon, March 1, 2023. The
23 Commission shall come into existence upon the appointment, and confirmation where required,
24 of four members, or at noon on May 1, 2023, whichever is later. The Commission shall have its
25 inaugural meeting within 30 days of its coming into existence.

1 (h) By no later than May 1, 2023, the City shall enact an ordinance that:

2 (1) Amends Article XXXI of Chapter 5 of the Administrative Code, to
3 provide that the Commission shall appoint all members of the Local Homeless Coordinating
4 Board (“LHCB”) and that the LHCB’s sole duties shall be to serve as the Continuum of Care
5 governing body and to advise the Commission on issues relating to the City’s participation in the
6 Continuum of Care program. This subsection (h)(1) shall not preclude the City by ordinance
7 from amending said Article XXXI in a manner that is not inconsistent with this subsection or as
8 necessary to comply with federal requirements relating to the Continuum of Care.

9 (2) Amends Article XII of Chapter 20 of the Administrative Code, to provide
10 that the Commission shall appoint all members of the Shelter Monitoring Committee, and that
11 the Shelter Monitoring Committee shall advise the Commission in lieu of advising the LHCB.
12 This subsection (h)(2) shall not preclude the City by ordinance from amending said Article XII
13 in a manner that is not inconsistent with this subsection.

14 (3) Amends Article XLI of Chapter 5 of the Administrative Code and Section
15 2810 of Article 28 of the Business and Tax Regulations Code, to provide that the Our City, Our
16 Home Oversight Committee (“Oversight Committee”) shall advise and make recommendations
17 to the Commission and the Health Commission, in lieu of advising and making recommendations
18 to the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund
19 (“Fund”) and on monies appropriated from the Fund, which monies are subject to the City
20 budget approval process set forth in Article IX of the Charter, and to provide that the needs
21 assessment conducted by the Oversight Committee shall inform the Department’s strategic
22 planning process. This subsection (h)(3) shall not preclude the City by ordinance from amending
23 said Article XLI and said Section 2810 in a manner that is not inconsistent with this subsection,
24 Section 2811 of the Business and Tax Regulations Code, and Articles XIII A and XIII C of the
25 California Constitution, as may be amended from time to time.

1 (i) The references in subsection (h) to the LHCB, Shelter Monitoring Committee,
2 and Oversight Committee do not change their character as bodies created by ordinance.
3 Accordingly, they are not subject to provisions in the Charter or Municipal Code that apply
4 exclusively to bodies enumerated in the Charter or created by the Charter, including but not
5 limited to Charter Sections 4.101.1 and 4.101.5.

6 (j) Within one year of the effective date of the ordinance adopted by the Board of
7 Supervisors in compliance with subsection (h), the City Attorney shall cause subsections (h)-(j)
8 of this Section 4.133 to be removed from the Charter.

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10 APPROVED AS TO FORM:
11 DAVID CHIU, City Attorney

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13 By: /s/ Anne Pearson
14 ANNE PEARSON
Deputy City Attorney

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