

1 [Establishing a General Fund residential rent assistance program for tenants disqualified from  
2 federal rent subsidy programs in San Francisco due to failure to meet federal immigration  
3 status verification requirements; available July 1, 2002; \$ 349,000 identified for the first year.]

4 **Ordinance establishing a General Fund residential rent assistance program for tenants**  
5 **whose federal rent subsidy in San Francisco has been reduced or revoked due to a**  
6 **failure to meet federal immigration status verification requirements imposed under**  
7 **Section 592 of the federal Quality Housing and Work Responsibility Act of 1998**  
8 **("QHWRA," Public Law 105-276, 42 U.S.C. 1436a), including tenants in San Francisco**  
9 **Housing Authority units and Section 8 units; providing criteria and procedures for**  
10 **disbursement of funding, with disbursements available commencing July 1, 2002;**  
11 **providing two outreach grants of \$5,000 each; and identifying companion legislation**  
12 **that would provide funding of \$ 349,000 from the City's General Fund for the first year**  
13 **of the Program (July 2002 through June 2003).**

14 Note: Additions are *single-underline italics Times New Roman*;  
15 deletions are ~~*strikethrough italics Times New Roman*~~.  
16 Board amendment additions are double underlined.  
17 Board amendment deletions are ~~strikethrough normal~~.

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

19 Section 1. The San Francisco Administrative Code is hereby amended by adding new  
20 Chapter 84, to read as follows:

21 **CHAPTER 84: SAN FRANCISCO RESIDENTIAL RENT ASSISTANCE PROGRAM FOR**  
22 **PERSONS DISQUALIFIED FROM FEDERAL RENT SUBSIDY PROGRAMS BY THE**  
23 **FEDERAL QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998 (QHWRA).**

24 **Section 84.1. Findings.**

25 **The Board of Supervisors hereby finds and declares:**

1           (a) Congress enacted the Quality Housing and Work Responsibility Act of 1998 ("QHWRA,"  
2 Public Law 105-276), amending Section 214 of the Housing and Community Development Act of 1980  
3 (Public Law 96-399) and amending Section 576 of the Illegal Immigration Reform and Immigrant  
4 Responsibility Act of 1996 (Division C of Public Law 104-208). These amendments require recipients  
5 of identified housing subsidies to affirmatively verify their immigration status. (42 U.S.C. §1436a.)

6           (b) These changes in federal legislation are likely to result in disruption or loss of housing for  
7 some City residents, particularly some San Francisco Housing Authority residents. It is in the City's  
8 interest to minimize the homelessness and disruption to individuals and families resulting from this  
9 change in federal law.

10           (c) The City and County of San Francisco wishes to provide humanitarian assistance through  
11 residential rent subsidies to San Francisco residents whose federal rent subsidy has been reduced or  
12 revoked due to failure to meet federal immigration status verification and related requirements under  
13 QHWRA, including tenants in San Francisco Housing Authority units or Section 8 units ("Section 8" of  
14 the United States Housing Act of 1937, 42 U.S.C. 1437(f)).

15           (d) This is a pilot program, with the primary goal of preserving households in low-income  
16 federally subsidized housing. This legislation will focus on San Francisco Housing Authority tenants  
17 and San Francisco Housing Authority-based Section 8 tenants, and may be later extended to other  
18 federally subsidized tenants. To maximize the use of limited funding, the program will pay a maximum  
19 of 60% of the increased tenant payment for one year, and program recipients must pay the remainder  
20 of the increased tenant payment. The subsidy will be reduced annually after the first year to 40%, then  
21 to 20%, and then to zero, respectively. Program recipients who are actively pursuing adjustment of  
22 their immigration status can continue to receive a 20% subsidy, for three years subject to available  
23 funding.

24           (e) This pilot program will also provide two mini-grants of \$5,000 each, to be made available  
25 by the Program Administrator to culturally and linguistically competent community-based

1 organizations, to provide immediate outreach to San Francisco Housing Authority tenants regarding  
2 QHWRA and this program, to provide referrals to individuals and families for assistance with  
3 adjustment of immigration status, and to provide information to the San Francisco Housing Authority  
4 about the numbers of affected individuals and families.

5 (f) The Board of Supervisors also wishes to reaffirm that the City and County of San Francisco  
6 is a City and County of Refuge. This humanitarian assistance shall therefore be administered  
7 consistent with the provisions of San Francisco Administrative Code Chapter 12H "Immigration  
8 Status."

9 **Section 84.2. Establishment of QHWRA Disqualification Rent Assistance Program.**

10 The Board of Supervisors hereby establishes the QHWRA Disqualification Rent Assistance  
11 Program for the City and County of San Francisco ("Program"). This is a pilot project. Funds shall  
12 be expended for the purposes and on the conditions set forth below.

13 (a) Purpose. The purpose of this legislation is to preserve households in low-income federally  
14 subsidized housing by providing residential rent assistance to tenants in San Francisco whose federal  
15 residential rent subsidy has been reduced or revoked due to the tenants' failure to meet the immigration  
16 status verification requirements or related requirements of QHWRA, including tenants in San  
17 Francisco Housing Authority units and Section 8 units; and households who are moving from the wait  
18 list into federally subsidized San Francisco housing who have individual members who cannot meet the  
19 immigration status verification requirements or related requirements of QHWRA.

20 (b) Eligible Persons. In order to be eligible to receive funds from the Program, (1) the person  
21 must be a tenant in a San Francisco residential rental unit subsidized by a federal rent subsidy  
22 program, such as a San Francisco Housing Authority unit or a Section 8 unit, whose subsidy has been  
23 reduced or revoked because of the person's failure to meet the immigration status verification  
24 requirements or related requirements of QHWRA; or (2) the household is moving from the wait list into  
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1 federally subsidized San Francisco housing and has individual members who cannot meet the  
2 immigration status verification requirements or related requirements of QHWRA.

3 **(c) Limits on QHWRA Disqualification Rent Assistance.**

4 Program rent assistance funds shall only be used to partially supplant a federal residential rent  
5 subsidy provided to an eligible person prior to his or her QHWRA disqualification for housing in the  
6 City and County of San Francisco.

7 **(d) Administration.**

8 (1) The Program shall be administered by the Fund Administrator. The Fund Administrator  
9 shall be the Department of Human Services, City and County of San Francisco.

10 (2) The Fund Administrator shall promulgate rules and regulations to implement and  
11 administer this Program, including provision for the following:

12 (A) An individual may apply to the Program by submitting evidence to the Fund Administrator  
13 demonstrating the eligibility criteria set forth above. A parent or guardian or other appropriate person  
14 as determined by the Fund Administrator, may apply on behalf of a minor child..

15 (B) An application must clearly state the amount of funding the applicant is requesting.

16 (C) Subject to available Program funds, rent assistance received by an eligible person will not  
17 initially fall below 60% of that individual's increased tenant payment at the time of disqualification (see  
18 §84.2(c)(1)), provided that the individual meets all of the eligibility requirements for the federal rent  
19 subsidy except for the QHWRA disqualification. If the individual's eligibility changes, the Program  
20 subsidy may be adjusted accordingly. The subsidy will be reduced annually after the first year to 40%,  
21 then to 20%, and then to zero, respectively. Program recipients who are actively pursuing adjustment  
22 of their immigration status can continue to receive a 20% subsidy for three years, subject to available  
23 funding.

24 (D) If appropriated City funding is limited in relation to the number of eligible persons,  
25 preferences will be given to San Francisco Housing Authority tenants and San Francisco Housing

1 Authority-based Section 8 tenants in the lowest income brackets as defined by HUD for the federal  
2 program rent subsidy being replaced.

3 (3) The Fund Administrator shall insure that translation services are provided consistent with  
4 San Francisco Administrative Code Chapter 91 "Equal Access to Services."

5 (4) The Fund Administrator may contract out some or all of the program administration to a  
6 community service organization serving immigrants, consistent with other applicable City contracting  
7 requirements.

8 (5) The Fund Administrator shall award and administer two mini-grants of \$5,000 each to  
9 culturally and linguistically competent community-based organizations to provide immediate outreach  
10 to San Francisco Housing Authority tenants regarding QHWRA and this program, to provide referrals  
11 to individuals and families for assistance with adjustment of immigration status, and to provide  
12 information to the San Francisco Housing Authority about the numbers of affected individuals and  
13 families.

14 (e) Cooperation by the San Francisco Housing Authority. The Board of Supervisors strongly  
15 urges the San Francisco Housing Authority (SFHA) to fully advise all potentially eligible persons about  
16 the Program. The Board further strongly urges the SFHA to provide applicants with all necessary  
17 SFHA documentation for submission of an application to the Program. In addition, the Board strongly  
18 urges SFHA to track the total number of households affected by QHWRA disqualification, whether or  
19 not any member of such household applies for or is granted assistance under this Program, in order to  
20 more comprehensively measure the impact of QHWRA disqualification on the San Francisco  
21 community.

22 **Section 84.3. Funding Procedure.**

23 (a) Funding for the QHWRA Disqualification Rent Assistance Program shall come from the  
24 City's General Fund.

1           (b) Initial funding for fiscal year 2002-2003, in the amount of \$349,000, has been appropriated  
2 in the Annual Appropriation Ordinance No. 171-01, found in Board of Supervisors File No.011041.

3           (c) For each year following the first full fiscal year of this Program's operation the Fund  
4 Administrator shall report to the Finance Committee of the Board of Supervisors (or its successor  
5 Committee) on the administration of the Fund, and shall recommend a level of funding for the following  
6 fiscal year that is sufficient to meet projected need. The Finance Committee shall recommend a  
7 Program funding level to the full Board of Supervisors for each year following the first fiscal year of  
8 the Program's operation, after receipt and consideration of the Fund Administrator's annual report and  
9 recommendation.

10           (d) Appropriated funds that are not expended by the Program during a fiscal year shall be  
11 applied toward meeting the funding level approved for the Program for the following fiscal year.

12           (e) Funding disbursements shall be made available to eligible persons as determined by the  
13 Fund Administrator, upon the effective date of this legislation.

14           **Section 84.4. General Welfare.** In undertaking this OHWRA Disqualification Rent Assistance  
15 Program the City and County of San Francisco is assuming an undertaking only to promote the general  
16 welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of  
17 which it is liable in money damages to any person who claims that such breach proximately caused  
18 injury.

19           **Ssection 84.5 Severability.** If any section, subsection, subdivision, paragraph, sentence, clause  
20 or phrase of this Chapter 84 or any part thereof is, for any reason, held to be unconstitutional or  
21 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity  
22 or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of  
23 Supervisors hereby declares that it would have passed each section, subsection, subdivision,  
24 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more section,  
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1 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or  
2 invalid or ineffective.

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

6 By: \_\_\_\_\_  
7 Virginia Dario Elizondo  
8 Deputy City Attorney

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