

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Sophia Kittler, Liaison to the Board of Supervisors, Mayor's Office
Alaric Degrafinried, Interim Director, Public Works

FROM: Linda Wong, Assistant Clerk
Budget and Finance Committee

DATE: July 17, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, introduced by Supervisor Haney on July 7, 2020:

File No. 200732

Reenactment of emergency ordinance (Ordinance No. 77-20) to limit the spread of COVID-19 by requiring the City, through service agreements with third parties, to provide, staff, and maintain restrooms equipped with toilets and hand washing facilities, at a ratio of one restroom per 50 unsheltered people, concentrated in areas with the greatest need, located within 1,000 feet of any encampment, and for select "pit stop" restrooms, open 24 hours per day; waive the requirement under Charter, Section 9.118, that the Board of Supervisors approve the service agreements for restrooms equipped with toilets and hand washing facilities; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: linda.wong@sfgov.org.

c: Andres Power, Mayor's Office
David Steinberg, Public Works
Jeremy Spitz, Public Works
Lena Liu, Public Works

1 [Emergency Ordinance - Restroom and Hand Washing Facilities for Unsheltered People]

2

3 **Reenactment of emergency ordinance (Ordinance No. 77-20) to limit the spread of**
 4 **COVID-19 by requiring the City, through service agreements with third parties, to**
 5 **provide, staff, and maintain restrooms equipped with toilets and hand washing**
 6 **facilities, at a ratio of one restroom per 50 unsheltered people, concentrated in areas**
 7 **with the greatest need, located within 1,000 feet of any encampment, and for select “pit**
 8 **stop” restrooms, open 24 hours per day; waive the requirement under Charter, Section**
 9 **9.118, that the Board of Supervisors approve the service agreements for restrooms**
 10 **equipped with toilets and hand washing facilities; and affirming the Planning**
 11 **Department’s determination under the California Environmental Quality Act.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 15 **Board amendment additions** are in double-underlined Arial font.
 16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 17 **Asterisks (* * * *)** indicate the omission of unchanged Code
 18 subsections or parts of tables.

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

20 Section 1. CEQA Findings.

21 The Planning Department has determined that the actions contemplated in this
 22 ordinance comply with the California Environmental Quality Act (California Public Resources
 23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 24 Supervisors in File No. 200373 and is incorporated herein by reference. The Board affirms
 25 this determination.

1 Section 2. Declaration of Emergency Pursuant to Charter Section 2.107.

2 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
3 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
4 of any City or County department or office required to comply with time limitations established
5 by law. An emergency ordinance enacted under Charter Section 2.107 automatically
6 terminates on the 61st day after passage, but may be reenacted upon the same terms and
7 conditions applicable to its initial enactment.

8 (b) Pursuant to Charter Section 2.107, the City enacted Ordinance No. 77-20, an
9 emergency ordinance, to require the City, through service agreements with third parties, to
10 provide, staff, and maintain restrooms equipped with toilets and hand washing facilities, at a
11 ratio of one restroom per 50 unsheltered people, concentrated in areas with the greatest
12 need, located within 1,000 feet of any encampment, and for select “pit stop” restrooms to be
13 open 24 hours per day during the public health emergency related to COVID-19. That
14 emergency ordinance became effective when enacted, on May 15, 2020, and terminates
15 automatically on July 14, 2020, unless reenacted.

16 (c) The Board of Supervisors hereby finds that the findings declared in Sections 1, 2
17 and 3 of Ordinance No. 77-20 remain valid and compelling, and declares further that an actual
18 emergency continues to exist that requires the reenactment of that emergency ordinance to
19 reduce the likelihood of COVID-19 infection among unsheltered individuals.
20

21 Section 3. Reenactment of Emergency Ordinance.

22 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an
23 additional 60 days the emergency ordinance temporarily requiring the City, through service
24 agreements with third parties, to provide, staff, and maintain restrooms equipped with toilets
25 and hand washing facilities, at a ratio of one restroom per 50 unsheltered people,

1 concentrated in areas with the greatest need, located within 1,000 feet of any encampment,
2 and for select “pit stop” restrooms to be open 24 hours per day during the public health
3 emergency related to COVID-19 (Ordinance No. 77-20).

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5 Section 4. Effective Date, Expiration.

6 (a) If enacted prior to the expiration of Ordinance No. 77-20, this reenacted emergency
7 ordinance shall become effective immediately upon the date of expiration of Ordinance No.
8 77-20, and shall itself expire on the 61st day following its effective date unless reenacted as
9 provided by Charter Section 2.107.

10 (b) If enacted after the expiration of Ordinance No. 77-20, this reenacted emergency
11 ordinance shall become effective immediately upon enactment, and shall expire on the 61st
12 day following its effective date unless reenacted as provided by Charter Section 2.107.

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14 Section 5. Directions to Clerk.

15 The Clerk of the Board of Supervisors is hereby directed to place a copy of this
16 reenacted emergency ordinance in File No. 200373 for Ordinance No. 77-20, and to make a
17 notation cross-referencing this emergency ordinance where Ordinance No. 77-20 appears on
18 the Board of Supervisors website as legislation passed.

1 Section 6. Supermajority Vote Required.

2 In accordance with Charter Section 2.107, passage of this reenacted emergency
3 ordinance by the Board of Supervisors requires an affirmative vote of two-thirds of the Board
4 of Supervisors.

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6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: /s/Virginia Dario Elizondo
9 Virginia Dario Elizondo
Deputy City Attorney

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LEGISLATIVE DIGEST

[Emergency Ordinance - Restroom and Hand Washing Facilities for Unsheltered People]

Reenactment of emergency ordinance (Ordinance No. 77-20) to limit the spread of COVID-19 by requiring the City, through service agreements with third parties, to provide, staff, and maintain restrooms equipped with toilets and hand washing facilities, at a ratio of one restroom per 50 unsheltered people, concentrated in areas with the greatest need, located within 1,000 feet of any encampment, and for select “pit stop” restrooms, open 24 hours per day; waive the requirement under Charter, Section 9.118, that the Board of Supervisors approve the service agreements for restrooms equipped with toilets and hand washing facilities; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

An emergency ordinance (Ordinance No. 77-20) required the City to procure, through service agreements, restroom units equipped with both a toilet and a hand washing facility, at a ratio of one restroom unit per 50 unsheltered individuals. Such restroom units shall be concentrated in areas with the greatest need, and located within 1,000 feet of any encampment. The hours of operation for all existing and new “pit stop” restrooms shall be 24 hours per day seven days per week, except at the following locations: corner of Market Street and Church Street; corner of Haight Street and Buena Vista Avenue; corner of 16th Street and Capp Street; corner of 18th Street and Mission Street; Washington Square Park on Union Street near Stockton Street; and adjacent to the Great Highway near the Beach Chalet, by no later than three weeks after the effective date of Ordinance 77-20.

If an adequate supply of such units is not available to meet the required 1:50 ratio, the City shall procure alternative toilet units sufficient to meet the required ratio, and must accompany them with a corresponding hand washing station.

The requirements of Charter Section 9.118, regarding Board of Supervisors approval of the service agreements authorized by this emergency ordinance, are waived.

The Department of Public Works is authorized to develop rules and regulations in order to implement and administer the ordinance.

Amendments to Current Law

The proposed emergency ordinance reenacts Ordinance No. 77-20, with the result that it does not terminate on July 14, 2020, but rather is extended for an additional 60 days.

Background Information

The emergency ordinance, and reenactment of that emergency ordinance, addresses the present high risk of COVID-19 spread through lack of adequate sanitation and hygiene facilities for unsheltered individuals. On March 22, 2020, the Centers for Disease Control (CDC) issued Interim Guidance: “Responding to Coronavirus Disease 2019 COVID-19 among People Experiencing Unsheltered Homeless,” which was updated on May 13, 2020, and specifically provides that one method of preventing the spread of COVID-19 among those who are unsheltered is to “[e]nsure nearby restroom facilities have functional water taps, are stocked with hand hygiene materials (soap, drying materials) and bath tissue, and remain open to people experiencing homelessness 24 hours per day. If toilets or handwashing facilities are not available nearby, assist with providing access to portable latrines with handwashing facilities for encampments of more than 10 people.”

The CDC guidance recommending the provision of restrooms is clear. But thousands of unsheltered people are unable to maintain proper personal hygiene and to comply with the social distancing requirements to wash their hands frequently and thoroughly. The lack of restrooms equipped with a toilet and hand washing facility that enable unhoused people to maintain personal hygiene and to frequently and thoroughly wash their hands, poses a severe and imminent threat to the health, safety, and well-being of themselves and others.

The United Nations High Commissioner for Refugees Emergency Handbook establishes standards for the ratio of toilets to individuals at one toilet for 50 people in an emergency. This ratio corresponds to the standards set by Sphere, an international humanitarian organization that provides disaster relief response guidance. To meet the needs of San Francisco’s approximately 5,180 unsheltered individuals at a ratio one restroom for 50 unsheltered persons, the City needs approximately 65 additional restrooms.

The prevalence of underlying health conditions among people experiencing homelessness increases their vulnerability to COVID-19 infection, and therefore increases the likelihood that COVID-19 will spread rapidly through the homeless community. This makes it especially important that unsheltered individuals have access to free, public restrooms with hand washing facilities.

Having a sufficient number of restrooms equipped with hand washing facilities will allow people experiencing homelessness to maintain proper personal hygiene and to frequently and thoroughly wash their hands, and will help slow community spread of COVID-19.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Haney

Subject:

Renewal of Emergency Ordinance - Restrooms and Hand Washing Facilities for Unsheltered People

The text is listed:

Emergency Ordinance to limit the spread of COVID-19 by requiring the City, through service agreements with third parties, to provide, staff, and maintain restrooms equipped with toilets and hand washing facilities, at a ratio of one restroom per 50 unsheltered people; waive the requirement under Charter, Section 9.118, that the Board of Supervisors approve the service agreements for restrooms equipped with toilets and hand washing facilities; and affirming the Planning Department determination under the California Environment Act.

Signature of Sponsoring Supervisor: Matt Haney

For Clerk's Use Only