

From: [Martinsen, Janet](#)
To: [BOS Legislation, \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [BOS-Supervisors](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#)
Cc: [Ramos, Joel \(MTA\)](#); [Hunter, Mari \(MTA\)](#); [Wise, Viktoriya \(MTA\)](#); [BOS-Legislative Aides](#); [Tumlin, Jeffrey \(MTA\)](#)
Subject: SFMTA response: Appeal - Review of Municipal Transportation Agency Decision - Proposed Overnight Recreational Large Vehicle Parking Citation and Removal Project - Determination Request
Date: Monday, December 2, 2024 12:10:37 PM
Attachments: [Outlook-vpiibbsa.png](#)
[Outlook-dpsdrfp4.png](#)
[Outlook-dqg43av5.png](#)
[Outlook-4ixiz5ud.png](#)
[Outlook-wy5ii131.png](#)
[SFMTA BOS memo 24.1202 Recreational Large Vehicle Appeal Response 1.pdf](#)

Madame Clerk

Please find attached SFMTA's response to the Review of Municipal Transportation Agency Decision Appeal scheduled to be heard at the 12/10/24 Board of Supervisors meeting.

Thank you and please let us know if you need any additional information.

Best Regards

Janet L. Martinsen
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San Francisco Municipal Transportation Agency
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From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Wednesday, October 30, 2024 8:27 AM
To: Tumlin, Jeffrey <Jeffrey.Tumlin@sfmta.com>
Cc: Martinsen, Janet <Janet.Martinsen@sfmta.com>; Ramos, Joel <Joel.Ramos@sfmta.com>; Olea, Ricardo <Ricardo.Olea@sfmta.com>; Silva, Christine <Christine.Silva@sfmta.com>; Hunter, Mari E <Mari.Hunter@sfmta.com>; Wise, Viktoriya <Viktoriya.A.Wise@sfmta.com>; RUSSI, BRAD (CAT) <Brad.Russi@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; YANG, AUSTIN

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Subject: Appeal - Review of Municipal Transportation Agency Decision - Proposed Overnight Recreational Large Vehicle Parking Citation and Removal Project - Determination Request

Dear Director Tumlin,

The Office of the Clerk of the Board is in receipt of an appeal of the review of the Municipal Transportation Agency Decision for the proposed Overnight Recreational Large Vehicle Parking Citation and Removal project. The appeal was filed by Eleana Binder on behalf of the End Poverty Tows Coalition on October 29, 2024.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board. Kindly review for timely filing determination and respond by no later than Monday, November 4, 2024. Thank you.

Best regards,

Jocelyn Wong

Legislative Clerk

San Francisco Board of Supervisors

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(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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Memorandum



To: Angela Calvillo, Clerk of the San Francisco Board of Supervisors

Through: Jeffrey Tumin, Director of Transportation

From: Viktoriya Wise, Director of Streets

Date: December 2, 2024

Subject: Transportation Code Amendment – Overnight Restriction
October 1, 2024 – Appeal Response

INTRODUCTION

The San Francisco Municipal Transportation Agency (SFMTA), in coordination with members of the Department of Emergency Management (DEM) and Homelessness and Supportive Housing (HSH), submit this memorandum in support of [RESOLUTION No. 241001-116](#) for the Restriction on Overnight Parking by Recreational Large Vehicles approved by the SFMTA Board of Directors on October 1, 2024 (see [Staff Report](#) and [Presentation](#)). When enacted, recreational large vehicles (“RLV”), as defined in the legislation, may be cited and towed if violating the posted regulation of No Parking/Tow-Away between the hours of 12am-6am. As codified, if a vehicle is occupied, it may not be towed without a final offer of shelter nor if the individuals have accepted or are working with the homeless outreach teams for housing. While approved by the SFMTA Board, this regulation cannot be implemented without coordinating with HSH, DEM, and enforcement when specific conditions are identified related to transportation or public health and safety issues. As such, restrictions are likely to be implemented relatively slowly on a street-by-street basis as a last resort.

The appeal requests the Board of Supervisors (“BOS” or “supervisors”) to review the SFMTA Board of Directors’ approval based on Adopting a Limitation on the Time Period for Parked Vehicles. The appeal was initiated by the End Poverty Tows Coalition and co-signed by District 3, 5, 9, 10, and 11 supervisors.

The appeal identifies eight (8) areas of concern (DISCUSSION section provides complete text for area of concern):

1. Unfair Punishment
2. Insufficient Protections
3. RV living is a symptom of structural inequities
4. Loss of Democratic Process
5. Lack of Safe Parking and RV Parks
6. San Francisco's Unhoused Families Will Be Hit Hardest
7. This move will hit woman especially
8. There are solutions to address the issue

Memorandum



BACKGROUND

Issues around on-street parking of large vehicles, including trailers, semi-trailers, motorhomes, and recreational vehicles, have long been observed and reported by San Francisco Municipal Transportation Agency (SFMTA) parking control officers, the San Francisco Police Department, residents, businesses, and institutions throughout the city. Large vehicles parked on city streets can present a variety of public safety and public health problems, from impaired sight lines for road users to illegal dumping of garbage and waste matter on sidewalks and streets. In some districts, limited available on-street parking is diminished further due to large vehicles being stored on streets.

In 2012, the Board of Supervisors asked the SFMTA to develop a policy proposal to support and inform discussion on ways to address these issues. Based on field surveys, in September of 2012, the Board of Supervisors adopted San Francisco Transportation Code Division I, Section 7.2.54 creating a Large Vehicle Parking restriction. The restriction reads as follows:

To Park a vehicle over 22 feet in length or over 7 feet in height, or camp trailers, fifth-wheel travel trailers, house cars, trailer coaches, mobile homes, recreational vehicles, or semi-trailers as defined by the California Vehicle Code and Health and Safety Code, between the hours of 12 a.m. and 6 a.m. when Municipal Transportation Agency signs are posted giving notice.

In 2013, the SFMTA Board of Directors adopted corresponding amendments to Transportation Code, Division II requiring SFMTA Board approval to designate locations where the restriction would apply (SFMTA Board Resolution 13-005) and approved posting of the restriction in an initial set of locations. At the request of the Board of Supervisors, SFMTA staff gathered data and prepared the Oversize Vehicle Parking Restriction Pilot – Evaluation and Recommendations report in November 2013. The pilot showed that the oversize vehicle overnight parking restriction was effective in pilot locations where it was posted; however, there were concerns about displacement of oversize vehicles to other locations, as well as concerns about the displacement of people living in vehicles. In light of these findings, after legislating a second round of restricted locations in 2014, the SFMTA Board effectively adopted a moratorium on further postings of the restriction. As a result, from 2014 to the present, the SFMTA Board approved only a few locations for posting of the restriction, in each case at the request of a District Supervisor following lengthy and contentious community discussions. The large vehicle overnight parking restriction of 2012 continues to be in effect on approximately 47 miles of street frontage. Enforcement of Section 7.2.54 is typically carried out by the SFPD, per a Memorandum of Understanding with the SFMTA. Over the past five years, an average of three citations per month were issued for violations of Section 7.2.54.¹

¹ Violations of Section 7.2.54 carry a fine of \$108.

Memorandum



According to the July 2024 quarterly count, 361 large vehicles were being used for lodging in San Francisco. Lack of housing affordability in San Francisco has led to people dwelling in vehicles. Most people using a vehicle for lodging adhere to “good-neighbor” practices, and many are employed and/or have children who attend school in the city. However, others using RLVs for lodging, particularly for extended time periods, may have more serious impacts to public health and safety as City streets do not contain the facilities for managing trash and human waste that are generated by long-term vehicular lodging. San Francisco, like many other cities, is balancing the needs of those using vehicles for lodging and the public safety or health conflicts inherent in living in large vehicles on city streets.

Vehicular habitation is illegal in San Francisco. It was established as a misdemeanor in Section 97 of the Police Code in 1971. Following the U.S. Supreme Court’s decision in *Grants Pass v. Johnson*, 144 S.Ct. 2202 (2024), the SFPD issued Departmental Notice 24-126 on July 31, 2024, to provide updated guidance on Police Code Section 97 regarding enforcement options for any persons sitting, lying, sleeping, or lodging on public property, including in vehicles.

Confronted with growing requests and reports to do more to address challenges resulting from long-term parking of large vehicles, the City developed an additional tool to preclude Recreational Large Vehicles from occupying curb space for prolonged periods of time. Specifically, the Mayor requested that the SFMTA Board of Directors approve amendments to Transportation Code Division II that make parking an RLV between 12 a.m. and 6 a.m., where signs are posted, a towable violation. In the event vehicles are occupied, offers of shelter must be made prior to enforcement. The approved amendments from October 1, 2024 also allowed the Director of Transportation, in addition to the SFMTA Board of Directors, to identify locations where signs may be posted. Prior to designating the Recreational Large Vehicle parking restriction, the Director of Transportation is required to make a written finding that the vehicles have resulted in impacts, or are likely to result in impacts, to traffic and circulation, public health and safety, or both.

In response to concerns raised by appellants and others, the SFMTA Board amended the proposed legislation to include the following measures: (1) establish that staff collect data on the program and, unless reauthorized, provide that the program ends on April 1, 2026; (2) establish SFMTA Board policy to urge the Department of Homelessness and HSH staff and the Healthy Streets Operations Center (HSOC) staff to consider offering permanent housing solutions, in addition to services, whenever possible and consistent with other priorities, to occupants lodging in Recreational Large Vehicles; and (3) direct the Director of Transportation to work with other city agencies to evaluate reasonable accommodation requests from individuals with disabilities living in RLVs.

Memorandum



To minimize the impact on people living in vehicles, the recently approved amendments require engagement and offers of shelter before any towing actions can be taken. The ability to tow vehicles gives the City one more tool, to be used as a last resort, to encourage people to get the help they need. Additionally, to minimize the amount of towing, the SFMTA's "Text Before Tow" program would be expanded to include this violation. Finally, to minimize financial burden in the event of a tow, San Francisco has established subsidy programs for those who need assistance. There are three key subsidies: (1) first time tow; (2) people who qualify for low-income; and (3) people experiencing homelessness. More information about SFMTA's tow subsidy programs is available here: <https://www.sfmta.com/getting-around/drive-park/towed-vehicles>

All legislation materials from the October 1, 2024 SFMTA Board of Directors meeting can be found at <https://www.sfmta.com/reports/10-1-24-mtab-item-12-tc-amendment-overnight-restriction>.

SCOPE OF APPEAL

The Charter provides SFMTA with exclusive jurisdiction over parking but carves out a few select areas where the BOS may adopt an ordinance allowing the public to seek review of certain SFMTA decisions and, in 2018, the Board of Supervisors adopted Transportation Code, Division I, Section 10.1 to establish procedures for the public to seek such review. (Charter 8A.102(b)(8)(i).) Both the Charter and Transportation Code limit the scope of items subject to Board of Supervisor's review. In this appeal, the scope is limited to items related to the "adoption of any limitation on the time period for which a vehicle may be parked." But, the SFMTA Board's action was broader than approving a time limitation. Three items potentially directly relate to the time limitation: (1) creating a new definition of Recreational Large Vehicles subject to the time restriction; (2) establishing the restriction citywide; and (3) delegating authority to the Director to designate locations and install signage to effectuate the time restriction. But, the SFMTA Board action to permit removal by towing (in addition to citations) in Section 1010(d) is not directly related to adopting the time restriction. The SFMTA's exclusive jurisdiction over parking enforcement is under a different Charter provision that does not contain similar provisions for an appeal by a member of the public to the Board of Supervisors. (Charter (8A.102(b)(9).) And the ability to tow relates both to the recently adopted program and to the prior ability of the SFMTA Board to establish geographic areas subject to the restriction. Therefore, Section 1010(d) is not subject to this appeal.

DISCUSSION

1. Unfair Punishment

Petitioner's Statement: *The decision to change punishment for parking in a "no overnight large vehicle parking" zone from a ticket to a tow creates dire economic hardship for impoverished individuals and families who cannot afford the fees. There are discount programs for towing fees, but they are one-time discounts. If a person has already used the discount or if they are towed twice under the new policy, they will no longer be able to access discounts and they will lose their vehicle (home) forever. Excessive tow fees create a two-tiered justice system where those who can afford to pay escape the system, while those who are too poor to pay suffer significant punishment including loss of their largest asset and shelter.*

City Response: The city has three key discounts as follows:

- 1) First Time Tow Discount – Individuals having their vehicle towed for the first time receive a \$56 reduction in the tow fee. This discount is not income-based.
- 2) People Experiencing Homelessness Waiver – Individuals certified by the Department of Homelessness and Supportive Housing are eligible to have their tow fees and up to 30 days of storage fees waived on a one-time basis including the citation.
- 3) People with Low-Incomes Discount – Individuals at or below 200% of the federal poverty are eligible for a \$100 tow fee and up to 15 days storage fee waiver. If a person experiencing homelessness has already claimed the one-time waiver, they are eligible for this discount if their vehicle is towed again. Currently there is no limit on the number of low-income discounts.

2. Insufficient Protections

Petitioner's Statement: *The stated protections for those residing in vehicles are insufficient and ill advised. The resolution states that those vehicles where the SFMTA suspects are inhabited would be offered shelter and would be towed if they refuse. There are not enough shelter beds for those who are sleeping in parks, on sidewalks, and small vehicles. There are 200 individuals and over 500 families on shelter waitlists who are in dire circumstances. Individuals and families inhabiting RV's should not be given access to shelter in front of those who are in worse situations. In addition, for many who inhabit RVs, shelter may very well be an inappropriate placement, from disability access issues to other access issues such as inability to place households together and include pets.*

City Response: The Department of Homelessness and Supportive Housing (HSH) funds and oversees a robust homelessness response system that ranges from street outreach and homelessness prevention to rental assistance and long-term supportive housing. Varying circumstances of homelessness require different solutions. HSH offers shelter, services and housing options for a diverse community of adults, youth, and families experiencing

homelessness. Real-time information about availability is reported on the HSH dashboard: <https://www.sf.gov/data/shelter-and-crisis-interventions>.

It is true that demand for HSH's funded shelter and housing programs is high and there is currently a waiting list for family and adult shelter beds. That said, a portion of the City's shelter beds are not distributed through the waiting list but are rather distributed through the outreach teams and other referral sources. It is these beds that will be offered as part of the outreach to people living in their vehicles. The outreach teams will be sure to have access to sufficient beds before final outreach or enforcement to ensure that the City is able to offer people in their RVs access to beds. And again, the amended approved legislation by the SFMTA Board added language specifying the homeless outreach teams are to consider offering permanent housing solutions, in addition to services, wherever possible.

The availability of shelter beds and housing resources will be essential in determining if and when the amended restriction for RLV could be advanced when deemed necessary to address conflicts related to the approved criteria. An oft-overlooked aspect of the new RLV policy is that individuals who actively work with HSH to accept an offer of shelter will not be towed.

3. RV living is a symptom of structural inequities

Petitioner's Statement: *Wages and income have not kept up with rising rents and cost of living. This has led to many people being forced to live in recreational vehicles. The loss of those vehicles will increase the number of people on the streets and those competing for shelter beds. A third of the people who are unhoused in San Francisco live in vehicular homes -towing their homes will simply push even more people onto the streets.*

City Response: The City has committed to enforce the restriction only when offers of shelter or housing have been made and those offers have been refused. If individuals are actively working with the City to accept offers of shelter, they will not be towed. If individuals refuse offers of shelter, the vehicle may be towed or the people may simply choose to move from that street so long as they are not relocating to a place where they are in violation of a posted regulation.

It is unlikely that this policy will push more people onto the streets, rather it will encourage people to engage with the system or simply move their vehicle. The hope and intent is that this policy will provide an additional engagement tool and leverage point in our ongoing work with people living in their vehicles to accept offers of housing assistance and move out of their vehicles for the long term.

4. Loss of Democratic Process

Petitioner's Statement: *Currently, the SFMTA Board holds the power to determine which streets should have signage around towing- which requires public meetings so that the public can have a say in these decisions. This resolution strips the public of this level of transparency and provides the Department of Transportation (DOT) Director with full control over deciding where overnight parking signage is placed.*

City Response: The RLV amendments were approved by the SFMTA Board of Directors after extensive media coverage, discussion and testimony from the community. The appeal of the SFMTA Board of Directors' decision to the Board of Supervisors also presents an opportunity for members of the public to weigh-in on this policy matter.

The RLV restriction will continue to be based on considerable coordination; any new locations designated for the RLV restriction would be the subject of outreach, and as discussed above, offers of shelter would be made. Locations or restrictions must be assessed for impacts to traffic and circulation and/or public health and safety and written findings must be issued. In addition, the SFMTA Board of Directors retains the authority to designate (or remove) locations for the towable RLV restriction. The public is always welcome to provide input regarding the program in general or specific locations to the SFMTA or the SFMTA Board either in writing or during the general public comment at SFMTA Board of Directors' meetings.

5. Lack of Safe Parking and RV Park

Petitioner's Statement: *There has not been any proactive measures to serve vehicularly housed people, and instead this policy takes a criminalization approach. San Francisco does not have the infrastructure to specifically support households residing in RV's. There are no RV parks inside SF to refer people to, and the one current safe parking site has limited capacity to about 33 RV's due to lack of electricity. While RV's represent a growing segment of the unhoused community, the homeless system is not set up to serve this population yet, and very few qualify for housing.*

City Response: There is an RV park in San Francisco, located in Candlestick Park (<https://rvparksf.com/>). The City also operates a safe parking site in Candlestick Point that can currently support up to 39 vehicles and is now provided with power from PG&E. Further, the Jerrold Commons site will be opening in the Bayview in early 2025 to provide safe parking and "tiny homes." The City is committed to developing a strategy for addressing vehicular homelessness that includes safe parking but is not limited to this intervention.

In terms of petitioners' statement that this is a "criminalization" approach, California decriminalized parking violations many years ago and parking citations are civil penalties, not infractions.

6. San Francisco's Unhoused Families Will Be Hit Hardest

Petitioner's Statement: *This resolution will most impact the over 500 unhoused families in San Francisco who are waiting for shelter and the approximately 120 families living in RVs with their children. Stability for homeless children is essential to avoid adverse childhood events, to guard against negative impact on attaining educational and development goals. This resolution will force families on waitlists for shelter to wait longer and further destabilize the families in RV's.*

City Response: Families living in RVs are considered unsheltered by both local and federal definitions of homelessness and are therefore already the top priority population for family shelter. Living in an RV is not a safe or healthy alternative for families and the intent is to engage these families and connect them with shelter and services. While it is possible that this will increase the number of families on the shelter waiting list, these families are already eligible and prioritized for this resource given their unsheltered status. The City is in the process of expanding its shelter and rapid rehousing programs for families through the \$50 million Safer Families Plan. Through the Safer Families investment, we estimate that we will shelter approximately 600 families and house more than 450 families through new investments and existing turnover. This initiative includes:

- Adding 115 hotel vouchers for emergency shelter for families
- Increasing rapid rehousing (RRH) and shallow rent subsidies by 165 slots
 - 130 newly funded family RRH subsidies
- Increasing rapid rehousing (RRH) for families headed by young adults by 50 slots

This additional capacity will help the City meet the growing demand for family shelter and housing assistance.

7) This move will hit woman especially hard

Petitioner's Statement: *Many people who have experienced Domestic Violence and other forms of gender based violence have been forced to use RV's as a form of shelter. Domestic Violence shelters have large turn away rates and a significant proportion of women experiencing homelessness on our streets are survivors of Domestic Violence. An HSH report by Safe Housing Community found survivors do not feel safe in the Coordinated Entry access points or in city funded shelters, and do not do well in the Coordinated Entry system (the primary entry point for homeless housing). Women on the street fall victim to sexual assault at alarming rates. The loss of an RV for this community has devastating consequences in terms of safety.*

City Response: Unfortunately, an RV does not necessarily protect women experiencing homelessness from the dangers they face on the streets. And, the domestic violence response system is under resourced and at times is unable to meet the needs of the entire community. To help address concerns about safety and the unique needs of survivors of violence in the Homelessness Response system, HSH, the Asian Women's Shelter, Safe House and St Vincent de

Paul's Riley Center launched the Coordinated Entry for Survivors of Violence on October 1, 2024. This program includes a new assessment tool that is designed to prioritize survivors of violence seeking services from the Homelessness Response System. HSH is also now funding a dedicated Access Points specializing in serving survivors of domestic violence. Survivors seeking Coordinated Entry services can call Asian Women's Shelter or visit one of the new access points at Safe House and Riley Center.

8) There are solutions to address the issue

Petitioner's Statement: *Instead of towing family homes, the City must uphold its commitment to provide families already living out of their vehicles safe long term parking slots and a clear pathway to permanent housing. This includes filling the over 700 vacant permanent housing units.*

City Response: The City has made significant progress on addressing the issue of Permanent Supportive Housing (PSH) vacancy although it is primarily concentrated in the adult housing system, not the family housing system. Between January and December 2023, HSH achieved a 32% decrease in site-based permanent supportive housing vacancy rate, from 11.6% to 7.9%, through a coordinated effort to fill vacant units.

The 700 unit number cited by the petitioner is misleading. Yes, there are currently 725 vacancies but 252 have move-ins in process, and only 105 are available for referral. There are currently 368 units offline, the majority of which are for significant rehabilitation. HSH has recently required that all PSH operators bring offline units back online by December 16th or submit a unit-by-unit plan to bring their units back online (including timeline and cost) by March 31st.

In addition to the immediate shelter or housing opportunities that HSH may offer, the City prioritizes policy, programming and funding for long-term housing solutions including the following:

Connecting with a Housing Counselor: Getting in touch with a Housing Counselor can be a huge advantage. Counselors can assist families with:

- Setting up DAHLIA accounts
- Navigating the application process

DAHLIA San Francisco Housing Portal: The DAHLIA San Francisco Housing Portal is a valuable tool for finding and applying for affordable housing options. Creating an account is easy and allows you to:

- Browse and apply for affordable housing listings
- Stay updated on new opportunities

Memorandum



Housing listed on DAHLIA may not be immediately available, there's usually a 1-3 week listing period followed by a lottery to rank applicants, but new listings are posted weekly and offer a range of affordability levels.

More information about DAHLIA can be found online: <https://housing.sfgov.org/>

Specific resources include:

- Housing Counselor: <https://housing.sfgov.org/housing-counselors>
- DAHLIA Email Housing Alert: <https://confirmsubscription.com/h/y/C3BAFCD742D47910>
- First Come First Served opportunities: <https://www.sf.gov/reports/july-2024/first-come-first-served-bmr-rental-listings>

CONCLUSION

The City is working hard to tackle challenges around homelessness on multiple fronts. The new RLV legislation is another tool that may be used under very specific circumstances:

- Traffic and circulation and/or health and safety issues are identified;
- Resources for outreach and engagement and shelter are available and offers of shelter are made; and
- Resources for signs and enforcement are available.

Vehicles are only towed if they continue to be parked in violation of the posted regulation. And, prior to enforcement, if the vehicle is occupied, offers of shelter must be made. If the offer is accepted, the vehicle may remain until they move into the shelter.

To uphold the program or not is a policy decision that aims to address a very complex problem. The legislation approved by the SFMTA Board is one additional tool to help solve for a challenging situation. The tool is constrained by factors in the Transportation Code amendment itself that include procedural safeguards ensuring it will be used sparingly. And, further, the SFMTA Board specifically made the program an 18-month pilot to evaluate its effectiveness at which time staff will present data to the SFMTA Board to determine if the tool shall be extended or terminated. Accordingly, staff recommends that the San Francisco Board of Supervisors uphold the SFMTA Board of Directors approval from October 1, 2024 of RESOLUTION No. 241001-116.