

1 [Preservation of Emergency Nature of Shelter; Prevention of Displacement, Prioritization, or  
2 Set-Asides of Shelter Beds Based Solely on Income.]

3 **Ordinance adding Article II to Chapter 20 of the San Francisco Administrative Code to**  
4 **preserve the emergency nature of the City's shelter system; to prevent displacement of**  
5 **an individual from a shelter bed based solely on that individual's income, and to**  
6 **prohibit prioritization or set-asides of shelter beds based on income.**

7  
8 Note: This Article is entirely new.  
9 Board amendment additions are double underlined.  
Board amendment deletions are ~~strike through normal~~.

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

11 Section 1. The San Francisco Administrative Code is hereby amended by adding a  
12 new Article II to Chapter 20, to read as follows:

13 Article II - Preservation of Emergency Nature of Shelter, Prevention of Loss of Shelter  
14 Bed Based Solely on Income; Prohibition against Prioritization or Set-Asides of Shelter Beds  
15 Based Solely on Income.

16 Sec. 20.40. FINDINGS. The Board of Supervisors finds and declares the following:

17 (a) Due to the shortage of affordable housing in San Francisco, many people suffer  
18 from a lack of permanent housing and seek emergency shelter services on a temporary basis;  
19 and

20 (b) Emergency shelter services in San Francisco are a limited resource and should  
21 be preserved for individuals that lack permanent housing and who currently face a housing  
22 crisis; and

23 (c) Shelter services provided by the City should not be used as a long-term or  
24 permanent solution to homelessness.

1 Section 20.41. DEFINITIONS. For the purposes of this Chapter, the following  
2 definitions shall apply to the terms used herein.

3 (a) "Shelter" or "Shelter services" means any shelter provided by the City on City  
4 owned or leased property or through a contractual arrangement that offers temporary,  
5 overnight sleeping space on a short-term basis.

6 (b) "Emergency" means an immediate and urgent need for assistance or relief, or a  
7 time of crisis that requires immediate action.

8 (c) "Entities that refer individuals to shelter" means any government agency or  
9 community based organization that contracts with the City to provide shelter services,  
10 including but not limited to non-profit organizations and religious institutions, that refer  
11 individuals for emergency shelter or shelter services.

12 (d) For purposes of the requirements of Article II, sections 20.40 through 20.45 only,  
13 "income" shall include benefits received under government entitlement or assistance  
14 programs.

15 Section 20.42. Preservation of Emergency Nature of Shelter. Individuals that access  
16 the City's shelters and entities that refer individuals to shelter shall only utilize the shelter  
17 system in emergency situations and shall preserve shelter beds for individuals that face an  
18 immediate and urgent shelter need, thereby preserving the emergency nature of the shelter  
19 system.

20 Section 20.43. No Displacement Based on Income. Under this Chapter, there shall be  
21 no displacement of any individual using an emergency shelter bed based on that individual's  
22 lack of or source of income; nor shall there be any prioritization or set asides of emergency  
23 shelter services.

1 shelter beds based on income that would result in any individual seeking an emergency  
2 shelter bed from being unable to obtain such a bed, except for the duration of presumptive  
3 eligibility for CAAP recipients.

4 Section 20.44. LIMITATION OF LIABILITY. By adopting this Article, the City and  
5 County of San Francisco is assuming an undertaking only to promote the general welfare. It  
6 is not assuming, nor is it imposing on its officers and employees, an obligation for breach of  
7 which it is liable in money damages to any person who claims that such a breach proximately  
8 caused injury.

9  
10 Section 20.45. SEVERABILITY. If any section, subsection, clause, phrase or portion  
11 of this Chapter is for any reason held invalid or unconstitutional by any court or federal or  
12 State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and  
13 independent provision and such holding shall not affect the validity of the remaining portions  
14 thereof.

15  
16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18  
19 By: \_\_\_\_\_  
20 ALEETA M. VAN RUNKLE  
21 Deputy City Attorney