

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Abigail Stewart-Kahn, Interim Director, Department of Homelessness and Supportive Housing
Ben Rosenfield, City Controller

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: October 28, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Mandelman on October 20, 2020:

File No. 201187

Ordinance amending the Administrative Code to require the Department of Homelessness and Supportive Housing to establish a Safe Sleeping Sites Program to provide unsheltered persons with a safe place to sleep overnight; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have any 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.

c: Office of Chair Mandelman
Dylan Schneider, Department of Homelessness and Supportive Housing
Emily Cohen, Department of Homelessness and Supportive Housing
Todd Rydstrom, Office of the Controller

1 [Administrative Code - Safe Sleeping Sites Program]

2

3 **Ordinance amending the Administrative Code to require the Department of**
4 **Homelessness and Supportive Housing to establish a Safe Sleeping Sites Program to**
5 **provide unsheltered persons with a safe place to sleep overnight; and affirming the**
6 **Planning Department's determination under the California Environmental Quality Act.**

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

11

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

13

14 Section 1. Environmental Findings.

15 The Planning Department has determined that the actions contemplated in this
16 ordinance comply with the California Environmental Quality Act (California Public Resources
17 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
18 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
19 determination.

20

21 Section 2. General Findings.

22 (a) San Francisco has struggled with homelessness for nearly four decades. Since
23 the 1980's, successive mayoral administrations have implemented different and sometimes
24 divergent strategies to address the City's most enduring crisis.

25

1 (b) In 1982, Mayor Dianne Feinstein launched a network of church-based
2 emergency winter shelters and soup kitchens. In the late 1980s and early 1990s, Mayor Art
3 Agnos took a different approach, unveiling the “Beyond Shelter” plan to provide unhoused
4 people access to supportive services and a pathway to long-term housing. In 1990, Mayor
5 Agnos opened the City’s first two Multi-Service Centers, which were homeless shelters with
6 onsite mental health and substance use disorder services.

7 (c) In 1993, Mayor Frank Jordan instituted the Matrix Program which tasked police
8 officers accompanied by social workers or health aides with clearing unhoused people from
9 City streets and connecting them to services. In the first six months of the program, police
10 issued over 6,000 citations for quality-of-life misdemeanors, such as public inebriation or
11 sleeping in doorways. In 1992, voters approved Mayor Jordan’s Proposition J, which banned
12 aggressive panhandling. Voters also approved Mayor Jordan’s 1994 ballot measure, also
13 named Proposition J, which banned loitering within 30 feet of an automated teller machine for
14 more than one minute.

15 (d) After his election in 1996, Mayor Willie Brown declared homelessness
16 unsolvable at a local level, and insisted any measurable improvement would require state and
17 federal dollars to fund the housing and services needed to keep people off the streets. During
18 his two terms in office, Mayor Brown’s administration nonetheless added thousands of units of
19 affordable and subsidized housing, including leasing and renovating single room occupancy
20 hotels for low-income and unhoused people.

21 (e) Prior to his election as Mayor in 2004, as a member of the Board of Supervisors,
22 Gavin Newsom authored a 2002 ballot measure, entitled “Care Not Cash,” which reduced
23 City-funded General Assistance cash payments to unhoused people, and redirected the
24 savings to fund services and supportive housing. According to a 2008 City Controller’s audit,
25 the Care Not Cash program housed 2,127 people between its implementation in 2003 and

1 December 2007. The Department of Homelessness and Supportive Housing (“HSH”)
2 estimates that Care Not Cash led to the creation of 1,300 units of permanent supportive
3 housing.

4 (f) In 2004, Mayor Newsom introduced his “Ten Year Plan to Abolish Chronic
5 Homelessness,” which proposed to create 3,000 units of permanent supportive housing by
6 2010, and to replace shelters with 24-hour crisis clinics and sobering centers. By 2014, the
7 City was still 300 units shy of the 3,000 pledged units, and had reduced the number of
8 shelters beds by a third, from 1,910 beds in 2004 to 1,145 beds in 2014.

9 (g) Mayor Newsom authored two additional voter-approved ballot measures aimed
10 at responding to homelessness: Proposition M in 2003, which amended the City’s
11 panhandling and loitering bans, and Proposition L in 2010, which made it illegal to sit or lie on
12 sidewalks citywide from 7am to 11pm.

13 (h) Mayor Ed Lee oversaw the opening of the City’s first Navigation Center in 2015,
14 and in 2016 created HSH, pledging to spend at least \$1 billion over the next four years to
15 address homelessness. Mayor Lee directed implementation of the City’s Coordinated Entry
16 system, seeking to improve the coordination of services by consolidating the dozens of City-
17 funded homeless service groups into one system with a shared database. In the winter of
18 2017, shortly before his death, Mayor Lee pledged to move 1,000 unhoused people off the
19 streets, and open two more Navigation Centers.

20 (i) Today, nearly four decades after Mayor Feinstein first attempted to respond to
21 rising homelessness in San Francisco, the issue continues to vex the City. According to the
22 Homeless Point-in-Time Count conducted on January 24, 2019, more than 8,035 people were
23 experiencing homelessness at that time, a 17% increase from 2017. Among those surveyed,
24 5,180 were unsheltered, with 86% of unsheltered individuals sleeping outdoors in streets,
25 parks or tents. According to a database of homeless individuals who use health care and

1 other services, the number of people experiencing homelessness over the course of a year is
2 estimated to be much higher than the number of people who experience homelessness on a
3 given night, with estimates that more than 17,500 people experience homelessness in San
4 Francisco during a given year.

5 (j) During those same four decades, San Francisco has earned an international
6 reputation for the severity of its homelessness crisis, with widespread reports of the City's
7 street conditions appearing in media outlets around the world. In January 2017, Leilani Farha,
8 a United Nations Special Rapporteur on adequate housing, issued a report finding that San
9 Francisco's response to its unhoused population constitutes cruel and inhumane treatment,
10 and is a violation of international human rights law including laws establishing the rights to life,
11 housing, health and water and sanitation. Her report further stated "[T]he scope and severity
12 of the living conditions in informal settlements make them one of the most pervasive violations
13 of the human rights of dignity, security, health and life worldwide."

14 (k) San Francisco voters expressed their own dissatisfaction with the current state
15 of homelessness in a Dignity Health CityBeat Poll conducted in January 2020. 71% of San
16 Francisco voters identified homelessness and street conditions as the top issue facing the
17 City, and 89% stated that homelessness and street behavior had gotten worse in the past few
18 years.

19 (l) The COVID-19 pandemic and the City's Shelter in Place response exacerbated
20 street conditions and contributed to an increase in the number of tent encampments citywide,
21 with large numbers of unhoused people seeking shelter in neighborhoods throughout the City.
22 This was at least partly due to a 75% reduction in available shelter beds, and a halt on new
23 admissions to the shelter system in the early days of the pandemic, in compliance with
24 guidance from the Centers for Disease Control requiring social distancing in the City's
25 homeless shelters, thus necessitating a decrease in the shelter capacity. This reduction in

1 shelter capacity is estimated to have forced nearly 1,000 unhoused people to return to City
2 streets. From January to May 2020, the number of tents citywide increased by 71%.

3 (m) Although encampments increased across the City during Shelter in Place, the
4 increase and related impacts were felt more severely in neighborhoods where homelessness
5 was most acute prior to COVID-19. In the Tenderloin, the number of tents increased 285%
6 between January and May 2020.

7 (n) On May 4, 2020, UC Hastings Law School filed a lawsuit on behalf of a group of
8 Tenderloin residents and business owners over conditions in the neighborhood. As part of a
9 settlement, the City agreed to achieve a 70% reduction in the number of tents by July 20,
10 2020. By July 3, 2020, the number of tents in the Tenderloin decreased by 65%. By July 10,
11 2020, the City reduced the number of tents in the Tenderloin by over 73%. As of August 18,
12 2020, the City had moved 87% of tents from the Tenderloin, and placed more than 600 people
13 into Shelter in Place (SIP) hotels or other shelter. Since the Hastings lawsuit, three other
14 lawsuits have been filed against the City. These lawsuits, except one filed by a plaintiff
15 proceeding in propria persona, have been dismissed.

16 (o) Following the issuance of new guidance from the Department of Public Health
17 (“DPH”) regarding street encampments, the City’s Healthy Streets Operations Center began
18 resolving encampments in other neighborhoods as well, subject to the availability of
19 alternative placements.

20 (p) Notwithstanding such efforts, conditions on our streets remain unacceptable.
21 While some progress has been made in parts of the City, many thousands of people continue
22 to sleep in unregulated, unsafe encampments without access to basic services such as water,
23 food, sanitation, or bathrooms.

24 (q) As demonstrated by the summary of mayoral initiatives above, the reality that
25 thousands of individuals remain without homes or shelter is not for lack of effort or investment

1 in solutions by the City. Since 2004, San Francisco has housed 26,000 homeless people.
2 Today, the City has more than 8,000 units of permanent supportive housing which house
3 approximately 10,000 formerly homeless individuals every night who would otherwise be
4 homeless.

5 (r) Since 2015, the City's development of the Navigation Center model has
6 represented a significant expansion of shorter-term shelter as well. Navigation Centers are
7 unlike traditional emergency shelters because they are service-intensive and low-barrier, and
8 provide case management, meals, showers, laundry, and 24-hour access, and allow guests to
9 bring their partners, pets, and belongings.

10 (s) Since 2015, HSH has opened eight Navigation Centers, four of which are
11 currently operating. According to HSH, from the launch of Navigation Centers in 2015 through
12 the end of 2019, 48% of Navigation Center exits were either to permanent housing or
13 reunifications with family or friends through the Homeward Bound program. Over 5,000 clients
14 have been served at Navigation Centers from 2015 to December 2019.

15 (t) In October 2018, Mayor Breed announced a commitment to open at least 1,000
16 additional shelter beds, including Navigation Center beds, by the end of 2020. Prior to the
17 outbreak of the coronavirus pandemic, the City was close to meeting this goal, and anticipates
18 opening 880 of the proposed 1,000 beds by March 2021.

19 (u) In November 2018, the voters approved Proposition C ("Prop. C"), creating a
20 new gross receipts tax on high-grossing companies estimated to generate over \$300 million
21 annually for homeless housing and services. In June 2020, a state appeals court upheld a
22 lower court decision validating Prop. C, and on September 9, the California Supreme Court
23 denied further legal review, freeing up nearly \$500 million in revenue that had been collected
24 but remained unspent pending resolution of the litigation.

25

1 (v) During Shelter in Place, the City has acquired over 2,441 SIP hotel rooms to
2 provide shelter to homeless individuals determined to be medically vulnerable to COVID-19.
3 The cost of providing a hotel room is approximately \$260 per person per night, although the
4 City anticipates that 75% of costs may be reimbursed by the Federal Emergency
5 Management Agency.

6 (w) On September 29, the Board of Supervisors enacted the Fiscal Year 2020-21
7 budget, which includes funding for the acquisition or leasing of an additional 1,500 permanent
8 supportive housing units over the next two years, largely funded through Prop. C revenue.
9 These units, proposed in Mayor Breed's Homelessness Recovery Plan, represent the largest
10 one-time expansion of permanent supportive housing in San Francisco in 20 years. The
11 budget for HSH increased from \$367,690,818, in Fiscal Year 2019-20, to \$850,065,660, for
12 Fiscal Year 2020-21, with the bulk of the increase paying for Shelter in Place hotel rooms and
13 new permanent supportive housing units.

14 (x) San Franciscans are justifiably frustrated that after multiple decades and many
15 billions of dollars of investment in additional shelter bed capacity, hotel placements, and
16 permanent supportive housing units, thousands of unsheltered people continue to sleep on
17 the streets night after night, and that the City relies on residential neighborhoods to serve as
18 campsites of last resort for unhoused people, including individuals struggling with significant
19 behavioral health conditions and substance use disorders.

20 (y) The Ninth Circuit Court of Appeals in a case entitled Martin v. City of Boise, 902
21 F.3d 1031 (9th Cir. 2018), held that the Eighth Amendment's prohibition on cruel and unusual
22 punishment bars a city from criminally prosecuting people for sleeping on public property
23 when those persons have committed no offenses other than sleeping on public property, and
24 the city has not offered alternative shelter.

25

1 (z) Notwithstanding the many investments described above, San Francisco has
2 never established a comprehensive citywide strategy for meeting the shelter needs of the
3 unhoused. Safe sleeping sites offer a potential strategy for addressing the needs of
4 thousands of people who continue to suffer outside every night.

5 (aa) Safe sleeping sites are designated and officially sanctioned outdoor spaces for
6 unsheltered people, providing an organized area to stay with access to amenities and
7 services that may include handwashing stations, bathrooms, daily meals, social services, and
8 access to the City's Coordinated Entry System.

9 (bb) Safe sleeping sites offer a scalable and sustainable strategy for addressing the
10 needs of those people who continue to shelter outside every night and for whom the City does
11 not have an available housing unit or shelter available.

12 (cc) On May 8, 2020 the Board of Supervisors unanimously enacted Resolution 191-
13 20, urging the City to establish safe sleeping sites for unsheltered people, to encourage social
14 distancing, improve sanitation, and slow the spread of COVID-19.

15 (dd) Subsequent to introduction of Resolution 191-20, on May 5, 2020 Supervisors
16 Sandra Lee Fewer and Gordon Mar introduced legislation authorizing the use of San
17 Francisco park property for temporary shelter and other measures in response to the COVID-
18 19 pandemic, and directed the Recreation and Park Department ("RPD") to provide to the
19 Board of Supervisors with a list of potential locations for such uses. RPD and the Real Estate
20 Division submitted a list of 42 potential sites. The sponsors tabled the legislation on May 18,
21 2020.

22 (dd) On May 13, 2020, the City established its first sanctioned and supervised safe
23 sleeping site on Fulton Street between the Asian Art Museum and the Main Library, which
24 provides space for safely distanced tents, 24/7 access to bathrooms and handwashing
25 stations, daily meals, and health care services. As of October 14, 2020, the City has opened

1 six Safe Sleeping Sites, five of which are active. In total, the active Safe Sleeping sites
2 provide a place to sleep to approximately 213 unhoused individuals. Safe sleeping sites are a
3 proven model providing safe places to sleep and access to services for unhoused individuals
4 who were otherwise unable to access housing, shelter or services. However, the HSH Fiscal
5 year 2020-21 Budget includes funding for only 150 safe sleeping site placements, with funding
6 decreasing to just 50 placements in 2021-22.

7 (ff) Because the City's safe sleeping sites provide outdoor space with socially
8 distanced areas for sleeping, access to sanitation and bathrooms, and 24/7 onsite security,
9 guests are at lower risk of contracting and spreading COVID-19 than in congregate shelters
10 where guests sleep in confined indoor spaces close to others, or unregulated encampments
11 where there is little access to sanitation and no enforcement of social distancing.

12 (gg) Safe sleeping sites are a preferred option of unhoused people. According to a
13 survey of 584 unhoused individuals conducted by the Coalition on Homelessness between
14 June 3 and August 30, 2020, 58% of unhoused people surveyed prefer a "legal free campsite"
15 to existing shelters.

16 (hh) Because the City lacks sufficient capacity in the shelter system or adequate
17 housing alternatives to accommodate the thousands of people still living in tent encampments,
18 far too many unhoused people continue to seek shelter on the streets. By establishing a
19 network of safe sleeping sites so that every unsheltered person who is unable to access a
20 shelter bed or housing unit can be offered a placement, San Francisco can ensure that all
21 unhoused people have a safe place to spend the night, and no neighborhood's sidewalks
22 need serve as shelter of last resort.

23
24 Section 3. The Administrative Code is hereby amended by adding Chapter 118,
25 consisting of Sections 118.1 to 118.8, to read as follows:

1
2 **CHAPTER 118:**
3 **SAFE SLEEPING SITES**
4

5 **SEC. 118.1. TITLE.**

6 This ordinance shall be known as “A Place for All Ordinance.”
7

8 **SEC. 118.2. SAFE SLEEPING SITE POLICY.**

9 It shall be the policy of the City and County of San Francisco (“City”) to ensure that every
10 person experiencing homelessness in San Francisco has a safe place to sleep overnight. First and
11 foremost, the City is committed to expanding opportunities for safe, affordable, and permanent housing
12 for all residents. To supplement permanent housing, the City is committed to expanding opportunities
13 for people experiencing homelessness to have temporary shelter, including but not limited to,
14 Navigation Centers, adult emergency shelters, crisis stabilization units, family shelters, and shelters for
15 transitional aged youth (“TAY”). To the extent that there is insufficient permanent housing and
16 temporary shelter for people experiencing homelessness in San Francisco, it shall be the policy of the
17 City to expeditiously establish and operate a network of temporary Safe Sleeping Sites where
18 individuals may safely take shelter for the night, and to provide transportation as reasonably needed to
19 and from such locations.
20

21 **SEC. 118.3. ESTABLISHMENT OF THE SAFE SLEEPING SITES PROGRAM.**

22 (a) Subject to the budgetary and fiscal provisions of the Charter, the Department of
23 Homelessness and Supportive Housing (“HSH”) shall establish a Safe Sleeping Sites Program (the
24 “Program”). By no later than 18 months after the Effective Date, the City shall have opened as many
25 Safe Sleeping Sites as are necessary to accommodate all of the Unsheltered people in San Francisco

1 who are willing to accept a referral to such sites, based on the most recent estimate prepared by HSH
2 pursuant to Section 118.5, with such excess capacity as HSH reasonably determines may be necessary
3 to ensure that a space at a Safe Sleeping Site will generally be available for anyone accepting such
4 placement.

5 (b) HSH shall coordinate with the Division of Real Estate, the Recreation and Park
6 Department, the Human Services Agency, the Port of San Francisco (“Port”), the Public Utilities
7 Commission (“PUC”), the Municipal Transportation Agency (“MTA”), and such other City
8 departments, offices, agencies, boards, and commissions as may be necessary or appropriate for
9 successful implementation of the Program.

10
11 **SEC. 118.4. DEFINITIONS.**

12 As used in this Chapter 118, the following words or phrases shall mean:

13 “City” means the City and County of San Francisco.

14 “Effective Date” means the effective date of the ordinance in Board File No. 201187, enacting
15 this Chapter 118

16 “Safe Sleeping Site” means an outdoor lot or facility meeting the operational requirements set
17 forth in Section 118.7, as may be applicable, where Unsheltered individuals may sleep overnight in
18 their own tent or bedding and may access services.

19 “Unsheltered” means having a primary nighttime residence that is a public or private place not
20 designed for or ordinarily used as a regular sleeping accommodation for human beings, including a
21 car, park, abandoned building, bus or train station, airport, or camping ground.

22
23 **SEC. 118.5. ANNUAL ESTIMATE OF THE NUMBER OF UNSHELTERED PEOPLE.**

24 Within 60 days of the Effective Date, and every year thereafter, HSH shall prepare an estimate
25 of the number of Unsheltered people in San Francisco who are willing to accept a referral to a Safe

1 Sleeping Site, which estimate shall be used to determine the number of Safe Sleeping Sites that the City
2 is required to operate, consistent with Section 118.3. HSH shall calculate the estimate in collaboration
3 with the Controller, using the most accurate and current data sources available, including but not
4 limited to the Point-in-Time Homeless Count, tent counts, and data collected and maintained by HSH
5 and other City departments reflecting the rate of acceptance of referrals to Safe Sleeping Sites among
6 people who are offered such placement.

7
8 **SEC. 118.6. SURVEY OF REAL PROPERTY.**

9 (a) The Director of Real Estate shall conduct a survey of real property in the City to identify
10 lots appropriate for use as Safe Sleeping Sites, and shall submit the findings of such survey to the
11 Board of Supervisors no later than three months after the Effective Date. The survey shall include
12 vacant or unused sites owned or controlled by the City; sites owned or controlled by the City that are
13 being used for other purposes but could feasibly be converted to a Safe Sleeping Site; private property,
14 including property owned by non-City agencies, that could be leased or acquired by the City; and such
15 other information, if any, as the Director of Real Estate deems appropriate to aid in identifying lots as
16 intended by this Section 118.6. As part of the survey, the Director of Real Estate, in consultation with
17 the Planning Department, shall note whether the use of a particular lot as a Safe Sleeping Site would
18 require a variance, conditional use permit, or amendment of the Planning Code.

19 (b) The Director of Real Estate shall annually update the survey of real property required
20 by subsection (a) and shall submit such updated survey to the Board of Supervisors.

21
22 **SEC. 118.7. OPERATIONAL REQUIREMENTS.**

23 (a) **Applicability of Requirements.** The location of a facility or lot on property under the
24 jurisdiction of the MTA, PUC, or the Port requires the approval of the agency with jurisdiction over the
25 property.

1 (b) **Operational Requirements for Safe Sleeping Sites.** Each Safe Sleeping Site shall:

2 (1) Accommodate up to 150 Unsheltered individuals;

3 (2) Prepare and implement a Safety Plan to ensure that the site is safe and secure;

4 (3) Prepare and implement an Intake Plan designed to support Unsheltered people
5 and address street encampments;

6 (4) Prepare and implement an Exit Plan to assist clients who are exiting the site to
7 relocate to places other than the street;

8 (5) Provide access to clean and regularly-serviced bathroom facilities, and may also
9 provide access to showers;

10 (6) Be open and available for use during hours to be established by HSH, but at a
11 minimum shall be open from 8:00 p.m. to 8:00 a.m.

12 (c) **Transportation.** HSH shall ensure that transportation is provided between Safe Sleeping
13 Sites and designated HSH shelter reservation sites, access points, and other designated pick-up/drop-
14 off locations to persons who have been assigned a reservation at a Safe Sleeping Site by HSH or its
15 designee, and shall provide expanded pick-up/drop-off service during wet weather events and
16 emergency conditions. For purposes of this subsection (c), “transportation” shall not include bus or
17 light rail service operated for public transportation by the MTA.

18
19 **SEC. 118.8. IMPLEMENTATION.**

20 (a) The Director of HSH may issue rules, regulations, and/or guidelines, applicable to the
21 Program, consistent with the objectives and requirements of this Chapter 118.

22 (b) To the extent consistent with Charter requirements, the Director of HSH may enter into
23 contracts or other agreements with other City departments, public agencies, and private entities to aid
24 in the administration of this Chapter 118.

1 (c) All City officers and entities shall cooperate with the Director of HSH in the
2 implementation and administration of this Chapter 118.

3 (d) Within 60 days of the Effective Date, HSH shall submit to the Mayor and the Board of
4 Supervisors a plan to open enough Safe Sleeping Sites to serve 500 Unsheltered people within nine
5 months of the Effective Date, and enough Safe Sleeping Sites to meet the requirements set forth in
6 Section 118.3 within 18 months of the Effective Date (“Implementation Plan”). The Implementation
7 Plan shall include, but not necessarily be limited to:

8 (1) An estimate of the cost of implementing the Safe Sleeping Sites program during
9 the 18-month implementation period, and the annual cost of operating the Program once it is fully
10 operational. These estimates shall specify what portion of the costs, if any, can be paid for out of
11 money that has already been appropriated to HSH’s budget, and what portion of the costs would
12 require a new appropriation;

13 (2) An analysis of the cost-effectiveness of different Safe Sleeping Site models;

14 (3) A description of any services to be provided on the site of a Safe Sleeping Site,
15 including but not limited to case management, treatment referrals, and/or coordinated entry referrals;

16 (4) A description of any accommodations that may be provided at some or all of the
17 Safe Sleeping Sites, such as but not limited to cots, tents, pods, tuff sheds, and/or tiny homes.

18 (5) A description of the method by which HSH intends to select contractors or
19 grantees to implement and/or operate the Safe Sleeping Sites Program.

20 (e) Within two years of the Effective Date and annually thereafter, the Controller shall
21 submit to the Mayor and the Board of Supervisors, as well as HSH, a report evaluating the Program,
22 including an assessment of the number of Unsheltered persons served, the number of safe sleeping
23 spaces made available, the average nightly occupancy rate for each Safe Sleeping Site, and data
24 showing the number and percentage of exits from Safe Sleeping Sites that are made to permanent
25

1 housing, shelter, the streets, or another location, and any programmatic recommendations, along with
2 a resolution to accept the report.

3
4 Section 4. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

8
9 Section 5. Undertaking for the General Welfare. In enacting and implementing this
10 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
11 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
12 is liable in money damages to any person who claims that such breach proximately caused
13 injury.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: /s/
18 ANNE PEARSON
19 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Safe Sleeping Sites Program]

Ordinance amending the Administrative Code to require the Department of Homelessness and Supportive Housing to establish a Safe Sleeping Sites Program to provide unsheltered persons with a safe place to sleep overnight; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Currently, there is no law requiring the City to operate outdoor sites where unsheltered people may sleep overnight and receive access to services.

Amendments to Current Law

The proposed ordinance, known as the “A Place for All Ordinance,” would establish that it is the policy of the City and County of San Francisco (“City”) to expeditiously establish and operate a network of temporary Safe Sleeping Sites where individuals may safely take shelter for the night, and would require the Department of Homelessness and Supportive Housing (“HSH”) to establish a Safe Sleeping Sites Program.

Subject to the budgetary and fiscal provisions of the Charter, and within 18 months of the effective date of the ordinance, HSH would be required to open as many Safe Sleeping Sites as are necessary to accommodate all of the unsheltered people in San Francisco who are willing to accept a referral to such sites, with such excess capacity as may be necessary to ensure that a space at a Safe Sleeping Site shall generally be available for anyone accepting such placement. HSH would conduct an annual estimate of the number of unsheltered people willing to accept referral to a site to inform the number of Safe Sleeping Sites that must be opened.

Once opened, Safe Sleeping Sites would be required to accommodate up to 150 unsheltered individuals; prepare and implement a safety plan, intake plan, and exit plan; provide access to clean and regularly-serviced bathrooms; and be open and available for use from at least 8:00 p.m. to 8:00 a.m. In addition, HSH would be required to provide private transportation between Safe Sleeping Sites and designated HSH shelter reservation sites, access points, and other designated pick-up/drop-off locations to persons who have been assigned a reservation at a Safe Sleeping Site.

Background Information

As of January 2019, more than 8,035 people in San Francisco were experiencing homelessness. 5,180 of these individuals were unsheltered, 86% of whom were sleeping outdoors in streets, parks or tents.

The COVID-19 pandemic and the City's Shelter in Place response exacerbated street conditions and contributed to an increase in the number of tent encampments citywide, with large numbers of unhoused people seeking shelter in neighborhoods throughout the City. This was at least partly due to a 76% reduction in available shelter beds, and a halt on new admissions to the shelter system in the early days of the pandemic, in compliance with guidance from the Centers for Disease Control requiring social distancing in the City's homeless shelters, thus necessitating a decrease in the shelter capacity. This reduction in shelter capacity is estimated to have forced nearly 1,000 unhoused people to return to City streets. From January to May 2020, the number of tents citywide increased by 71%.

On May 13, 2020, the City established its first sanctioned and supervised safe sleeping site on Fulton Street between the Asian Art Museum and the Main Library, which provides space for safely distanced tents, 24/7 access to bathrooms and handwashing stations, daily meals, and health care services. As of October 14, 2020, the City has opened six safe sleeping sites, five of which are active. In total, the active safe sleeping sites provide a place to sleep to approximately 213 unhoused individuals.

Safe sleeping sites are a preferred option of unhoused people. According to a survey of 584 unhoused individuals conducted by the Coalition on Homelessness between June 3 and August 30, 2020, 58% of unhoused people surveyed prefer a "legal free campsite" to existing shelters.

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