

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

May 31, 2022

File No. 220535

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Gibson:

The following proposed Charter Amendment for the November 8, 2022, Election was received by the Board of Supervisors' Rules Committee:

File No. 220535 Charter Amendment - Homelessness Oversight Commission

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to create the Homelessness Oversight Commission ("Commission") to oversee the Department of Homelessness and Supportive Housing; to provide that the Commission lacks jurisdiction to approve or disapprove criteria used to ascertain eligibility or priority for programs and services, where such criteria are required as a condition of funding; and to require the Board of Supervisors to adopt an ordinance amending the Municipal Code to provide that the Commission shall appoint the members of the Local Homeless Coordinating Board and the Shelter Monitoring Committee, and requiring those bodies to advise the Commission, and to require the Our City, Our Home Oversight Committee to advise the Commission and the Health Commission, in lieu of advising the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund and on monies appropriated from the Fund; at an election to be held on November 8, 2022.

This legislation is being transmitted to you for environmental review.

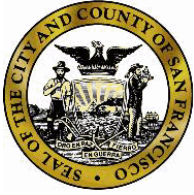
Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Victor Young".

By: Victor Young, Assistant Clerk
Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning
Laura Lynch, Environmental Planning



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220535 **File Type:** Charter Amendment **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Charter Amendment - Homelessness Oversight Commission **Date Introduced:** 05/10/2022

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to create the Homelessness Oversight Commission (“Commission”) to oversee the Department of Homelessness and Supportive Housing; to provide that the Commission lacks jurisdiction to approve or disapprove criteria used to ascertain eligibility or priority for programs and services, where such criteria are required as a condition of funding; and to require the Board of Supervisors to adopt an ordinance amending the Municipal Code to provide that the Commission shall appoint the members of the Local Homeless Coordinating Board and the Shelter Monitoring Committee, and requiring those bodies to advise the Commission, and to require the Our City, Our Home Oversight Committee to advise the Commission and the Health Commission, in lieu of advising the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund and on monies appropriated from the Fund; at an election to be held on November 8, 2022.

Sponsors: Safai; Walton

History of Legislative File 220535

| Ver | Acting Body | Date | Action | Sent To | Due Date | Result |
|-----|-------------|------------|----------------------------|-----------------|------------|--------|
| 1 | President | 05/10/2022 | ASSIGNED UNDER 30 DAY RULE | Rules Committee | 06/09/2022 | |

1 [Charter Amendment - Homelessness Oversight Commission]

2

3 **Describing and setting forth a proposal to the voters at an election to be held on November**

4 **8, 2022, to amend the Charter of the City and County of San Francisco to create the**

5 **Homelessness Oversight Commission (“Commission”) to oversee the Department of**

6 **Homelessness and Supportive Housing; to provide that the Commission lacks jurisdiction**

7 **to approve or disapprove criteria used to ascertain eligibility or priority for programs and**

8 **services, where such criteria are required as a condition of funding; and to require the**

9 **Board of Supervisors to adopt an ordinance amending the Municipal Code to provide that**

10 **the Commission shall appoint the members of the Local Homeless Coordinating Board and**

11 **the Shelter Monitoring Committee, and requiring those bodies to advise the Commission,**

12 **and to require the Our City, Our Home Oversight Committee to advise the Commission**

13 **and the Health Commission, in lieu of advising the Mayor and the Board of Supervisors, on**

14 **administration of the Our City, Our Home Fund and on monies appropriated from the**

15 **Fund.**

16 NOTE: **Unchanged Charter text and uncodified text** are in plain font.

17 **Additions** are *single-underline italics Times New Roman font.*

18 **Deletions** are *strike-through italics Times New Roman font.*

19 **Asterisks (* * * *)** indicate the omission of unchanged Charter subsections.

20 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City

21 and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of

22 the City and County by adding Section 4.133 to Article IV, to read as follows:

23 **SEC. 4.133. HOMELESSNESS OVERSIGHT COMMISSION.**

24 (a) There shall be a Homelessness Oversight Commission (“Commission”) to oversee

25 the Department of Homelessness and Supportive Housing (“Department”), or any successor agency. The Department shall, to the extent prescribed by ordinance, manage and direct

1 housing, programs, and services for persons experiencing homelessness in the City, including,
2 but not limited to, street outreach, homeless shelters, transitional housing, homelessness
3 prevention, and permanent supportive housing.

4 (b) The Commission shall consist of seven members, appointed as follows:

5 (1) Seats 1, 2, 3, and 4 shall be appointed by the Mayor subject to
6 confirmation by the Board of Supervisors. Each nomination shall be the subject of a public
7 hearing and vote within 60 days. If the Board of Supervisors fails to act on a nomination within
8 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the
9 nominee shall be deemed confirmed. Seat 1 shall be held by a person who has personally
10 experienced homelessness. Seat 2 shall be held by a person with significant experience
11 providing services to or engaging in advocacy on behalf of persons experiencing homelessness.
12 Seat 3 shall be held by a person with expertise in mental health service delivery or substance use
13 treatment. Seat 4 shall be held by a person with a record of participation in a merchants' or
14 small business association, or neighborhood association.

15 (2) Seats 5, 6, and 7 shall be appointed by the Board of Supervisors. Seat 5
16 shall be held by a person who has personally experienced homelessness. Seat 6 shall be held by
17 a person with significant experience providing services to or engaging in advocacy on behalf of
18 persons experiencing homelessness. Seat 7 shall be held by a person with significant experience
19 working with homeless families with children and/or homeless youth.

20 (3) Section 4.101 shall apply to these appointments, with a particular
21 emphasis on diversity in ethnicity, race, age, sex, gender identity, sexual orientation, and types of
22 disabilities.

23 (c) Commission members shall serve at the pleasure of their respective appointing
24 authorities and may be removed by their appointing authorities at any time. Vacancies shall be
25 filled by the respective appointing authorities as prescribed in subsections (b)(1) and (2).

1 (d) Commissioners shall serve four-year terms, beginning at noon on May 1, 2023;
2 provided, however, the term of the initial appointees in Seats 1, 5, and 6 shall be a two-year term,
3 expiring at noon on May 1, 2025.

4 (e) The Commission shall elect a Chair, Vice-Chair, and officers for other such
5 positions, if any, that it chooses to create.

6 (f) The Commission shall have the following powers and duties:

7 (1) With respect to the Department, the Commission shall exercise all of the
8 powers and duties of boards and commissions as set forth in Sections 4.102, 4.103, and 4.104,
9 including but not limited to, approving applicable departmental budgets, formulating goals
10 consistent with the overall objectives of the City and County, holding hearings and taking
11 testimony, conducting public education and outreach concerning programs and services for
12 homeless persons in San Francisco, and issues concerning homelessness, and conducting
13 performance audits of the Department to assess the Department's effective and timely delivery of
14 services to persons experiencing homelessness and persons participating in programs overseen
15 by the Department.

16 (2) Notwithstanding the Commission's authority to review and set policies,
17 the Commission shall not have the authority to approve, disapprove, or modify criteria used to
18 ascertain eligibility or priority for programs and/or services operated or provided by the
19 Department, where such criteria are required as a condition of the receipt of state or federal
20 funding.

21 (g) The Mayor and the Board of Supervisors shall make their initial appointments to
22 Seats 1-7, respectively, on the Commission by no later than noon, March 1, 2023. The
23 Commission shall come into existence upon the appointment, and confirmation where required,
24 of four members, or at noon on May 1, 2023, whichever is later. The Commission shall have its
25 inaugural meeting within 30 days of its coming into existence.

1 (h) By no later than May 1, 2023, the City shall enact an ordinance that:

2 (1) Amends Article XXXI of Chapter 5 of the Administrative Code, to
3 provide that the Commission shall appoint all members of the Local Homeless Coordinating
4 Board (“LHCB”) and that the LHCB’s sole duties shall be to serve as the Continuum of Care
5 governing body and to advise the Commission on issues relating to the City’s participation in the
6 Continuum of Care program. This subsection (h)(1) shall not preclude the City by ordinance
7 from amending said Article XXXI in a manner that is not inconsistent with this subsection or as
8 necessary to comply with federal requirements relating to the Continuum of Care.

9 (2) Amends Article XII of Chapter 20 of the Administrative Code, to provide
10 that the Commission shall appoint all members of the Shelter Monitoring Committee, and that
11 the Shelter Monitoring Committee shall advise the Commission in lieu of advising the LHCB.
12 This subsection (h)(2) shall not preclude the City by ordinance from amending said Article XII
13 in a manner that is not inconsistent with this subsection.

14 (3) Amends Article XLI of Chapter 5 of the Administrative Code and Section
15 2810 of Article 28 of the Business and Tax Regulations Code, to provide that the Our City, Our
16 Home Oversight Committee (“Oversight Committee”) shall advise and make recommendations
17 to the Commission and the Health Commission, in lieu of advising and making recommendations
18 to the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund
19 (“Fund”) and on monies appropriated from the Fund, which monies are subject to the City
20 budget approval process set forth in Article IX of the Charter, and to provide that the needs
21 assessment conducted by the Oversight Committee shall inform the Department’s strategic
22 planning process. This subsection (h)(3) shall not preclude the City by ordinance from amending
23 said Article XLI and said Section 2810 in a manner that is not inconsistent with this subsection,
24 Section 2811 of the Business and Tax Regulations Code, and Articles XIII A and XIII C of the
25 California Constitution, as may be amended from time to time.

1 (i) The references in subsection (h) to the LHCB, Shelter Monitoring Committee,
2 and Oversight Committee do not change their character as bodies created by ordinance.
3 Accordingly, they are not subject to provisions in the Charter or Municipal Code that apply
4 exclusively to bodies enumerated in the Charter or created by the Charter, including but not
5 limited to Charter Sections 4.101.1 and 4.101.5.

6 (j) Within one year of the effective date of the ordinance adopted by the Board of
7 Supervisors in compliance with subsection (h), the City Attorney shall cause subsections (h)-(j)
8 of this Section 4.133 to be removed from the Charter.

9

10 APPROVED AS TO FORM:
11 DAVID CHIU, City Attorney

12

13 By: /s/ Anne Pearson
14 ANNE PEARSON
Deputy City Attorney

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LEGISLATIVE DIGEST

[Charter Amendment - Homelessness Oversight Commission]

Describing and setting forth a proposal to the voters at an election to be held on November 8, 2022, to amend the Charter of the City and County of San Francisco to create the Homelessness Oversight Commission (“Commission”) to oversee the Department of Homelessness and Supportive Housing; to provide that the Commission lacks jurisdiction to approve or disapprove criteria used to ascertain eligibility or priority for programs and services, where such criteria are required as a condition of funding; and to require the Board of Supervisors to adopt an ordinance amending the Municipal Code to provide that the Commission shall appoint the members of the Local Homeless Coordinating Board and the Shelter Monitoring Committee, and requiring those bodies to advise the Commission, and to require the Our City, Our Home Oversight Committee to advise the Commission and the Health Commission, in lieu of advising the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund and on monies appropriated from the Fund.

Existing Law

The Department of Homelessness and Supportive Housing (“HSH”) was established in 2016. Under the supervision and direction of the department’s Director, HSH is charged with managing and directing all housing, programs, and services for homeless persons in the City including, but not limited to, street outreach, homeless shelters, transitional housing, and permanent supportive housing, as well as certain designated functions set forth in Chapter 20 of the municipal code. The Mayor appoints and may remove the head of HSH. HSH is not subject to direct oversight by a City Commission.

Chapter XXXI of Chapter 5 of the Administrative Code establishes the Local Homeless Coordinating Board (“LHCB”), which serves as the governing body of the Continuum of Care and advises HSH on homeless policy and budget allocations. With respect to HSH, the LHCB is a purely advisory body, and its advice is not binding on the department. Currently, members of the LHCB are appointed by the Mayor, the Board of Supervisors, and the Controller.

Article XII of Chapter 20 of the Administrative Code establishes the Shelter Monitoring Committee. Currently, members of the Committee are appointed by the Board of Supervisors, the LHCB, and the Mayor.

Article XLI of Chapter 5 of the Administrative Code provides that the Our City, Our Home Oversight Committee advises and makes recommendations to the Mayor and the Board of Supervisors on administration of the Our City, Our Home Fund and on monies appropriated from the Fund.

Amendments to Current Law

The proposed Charter amendment would create the Homelessness Oversight Commission. The Commission would have seven members, four appointed by the Mayor and three appointed by the Board of Supervisors. The Mayor's nominees would be subject to approval by the Board of Supervisors within 60 days of appointment.

One of the Mayor's appointees and one of the Board of Supervisors' appointees would be required to be a person who has personally experienced homelessness. One of the Mayor's appointees and one of the Board of Supervisors' appointees would be required to be a person with significant experience providing services to or engaging in advocacy on behalf of persons experiencing homelessness. One of the Mayor's appointees would be required to be a person with expertise in mental health service delivery or substance abuse treatment. One of the Board of Supervisors' appointees would be required to be a person with significant experience working with homeless families with children and/or homeless youth. And one of the Mayor's appointees would be required to have a record of participation in a merchants' or small business association, or neighborhood association.

The appointing authorities would be required to make their initial appointments by March 1, 2023, and the Commission would come into effect once four members are appointed or on May 1, 2023, whichever is later. Commissioners would serve four-year terms (except for three commissioners serving initial two-year terms).

The Commission would oversee HSH, and would have all of the powers and duties of commissions set forth in the Charter, including but not limited to formulating, evaluating, and approving goals, objectives, plans and programs, and setting policies consistent with the overall objectives of the City, approving applicable departmental budgets, nominating to the Mayor candidates for department head, removing a department head, and conducting investigations into any aspect of governmental operations within its jurisdiction.

The Commission would not have the authority to approve, disapprove, or modify criteria used to ascertain eligibility or priority for programs and/or services operated or provided by the Department, where such criteria are required as a condition of the receipt of state or federal funding.

The Charter Amendment would also require the Board of Supervisors to enact an ordinance by no later than May 1, 2023, that would amend the Municipal Code to provide that:

- The Commission shall appoint all members of the LHCB and the sole duties of the LHCB shall be to serve as the Continuum of Care governing body, and to advise the Commission on the City's participation in that program;

- The Commission shall appoint all members of the Shelter Monitoring Committee, and that body shall advise the Commission in lieu of advising the LHCB; and
- The Our City, Our Home Oversight Committee shall advise and make recommendations to the Commission and the Health Commission, in lieu of advising and making recommendations to the Board of Supervisors and the Mayor, on administration of the Our City, Our Home Fund.

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From: [Laksh Bhasin](#)
To: [Board of Supervisors, \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [ChanStaff \(BOS\)](#); [StefaniStaff, \(BOS\)](#); [PeskinStaff \(BOS\)](#); [Marstaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [RonenStaff \(BOS\)](#); [Waltonstaff \(BOS\)](#); [SafaiStaff \(BOS\)](#)
Cc: [Berniecrats SF](#); [Breed, Mayor London \(MYR\)](#)
Subject: SF Berniecrats / Mayoral HSH Commission (Safai) — Oppose Unless Amended
Date: Thursday, May 5, 2022 8:13:00 AM
Attachments: [Mayoral HSH Commission SF Berniecrats Position Letter 2022-05-05.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

My name is Laksh and I coordinate the San Francisco Berniecrats Housing Committee. I have attached a letter from the SF Berniecrats expressing our opposition to the proposed majority-Mayoral Commission (Safai) over HSH, unless amended to no longer be majority-Mayoral, through (for instance) the inclusion of Board of Supervisors appointees and tenants chosen by tenants themselves.

We urge you to not place any such majority-Mayoral Charter Commission on the ballot unless amended to be more democratic as described in our letter. We are happy to meet and discuss this with you further, but primarily encourage you to **engage longtime supportive housing activists and people with lived experience of homelessness** on developing a truly-democratic Charter Commission.

Thank you,
Laksh Bhasin

CC: Mayor London Breed



May 5, 2022

Re: Mayoral HSH Commission (Safai) — Oppose Unless Amended

Dear Board of Supervisors,

The San Francisco Berniecrats believe that everyone deserves an affordable and well-maintained home. As highlighted in a recent SF Chronicle investigation, our city is failing its most vulnerable tenants in permanent supportive housing, who are forced to suffer in substandard living conditions — in buildings where elevators regularly break, vermin run rampant, and ceilings literally fall apart. There is a clear need for more funding to care for residents in dilapidated SRO hotels, and a need for more oversight over the Department of Homelessness and Supportive Housing (HSH).

Despite the need for a Charter commission over HSH, we oppose any such commission if it has a majority of its members appointed by the Mayor. Instead, we urge you to amend Supervisor Safai's proposed Charter amendment so that power is shared co-equally among Board of Supervisors appointees, tenants chosen by permanent supportive housing tenants themselves, and – if necessary – the Mayor.

A majority Mayoral-appointed commission would not offer real oversight, and would be indistinguishable from the current oversight structure over HSH, which reports directly to the Mayor. As highlighted by the Chronicle's investigation, the Mayor's office has repeatedly opposed attempts at oversight and accountability over HSH.

Furthermore, Supervisor Safai's proposal did not include community input from supportive housing activists or people with lived experience of homelessness. We believe decisions about SRO tenants must only be made with their express approval.

In general, our City's strong mayor system exacerbates corruption in government and is un-democratic, concentrating power in the hands of one official. As mentioned by one of the authors of San Jose's Charter, "Big California cities that have a strong mayor form of government such as Los Angeles, San Francisco and Oakland have suffered from institutional corruption for as long as I can remember. **It hurts cities because it favors those in power and their close allies and neglects the public interest.**"

Favoring well-connected individuals or contractors is the exact antithesis of what the Chronicle's investigation into HSH and supportive housing sought to accomplish.

We urge you to not place any such majority-Mayoral Charter Commission on the ballot unless amended to be more democratic as described above: through the co-equal inclusion of tenants chosen by tenants and Board of Supervisors appointees.

Sincerely,

San Francisco Berniecrats

From: [Harlo Pippenger](#)
To: [Board of Supervisors, \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Subject: Opposing Strong Mayor Commission for HSH Unless Amended
Date: Tuesday, May 3, 2022 5:59:44 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am writing to urge you to oppose any Charter Amendment establishing a commission over the SF Department of Homelessness and Supportive Housing, if this commission has a majority of its members appointed by the Mayor. According to this [Chronicle article](#), this appears to be what you are considering to improve oversight over HSH.

A majority Mayoral-appointed commission would not offer real oversight. Instead, you may consider amending this proposal such that power is shared co-equally among Board of Supervisors appointees, tenants chosen by permanent supportive housing tenants themselves, and the Mayor.

SF's strong mayor system exacerbates corruption in City government. It concentrates power in the hands of one person, which is definitionally un-democratic, unlike Board of Supervisors appointments that are less subject to the whims of one person. As mentioned in this [Mercury News article](#) by an author of San Jose's charter, "Big California cities that have a strong mayor form of government such as Los Angeles, San Francisco and Oakland have suffered from institutional corruption ... **It hurts cities because it favors those in power and their close allies and neglects the public interest**" (emphasis mine).

Favoring well-connected individuals is the exact antithesis of what the Chronicle's investigation into HSH and supportive housing sought to accomplish.

I urge you to not place any such Charter Amendment on the ballot unless amended to be more democratic as described above: through the co-equal inclusion of tenants and Board appointees.

Thank you,
Harlo Pippenger

From: [Laksh Bhasin](#)
To: [Board of Supervisors, \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Subject: Opposing Strong Mayor Commission for HSH Unless Amended
Date: Monday, May 2, 2022 6:12:40 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am writing to urge you to oppose any Charter Amendment establishing a commission over the SF Department of Homelessness and Supportive Housing, if this commission has a majority of its members appointed by the Mayor. According to this [Chronicle article](#), this appears to be what you are considering to improve oversight over HSH.

A majority Mayoral-appointed commission would not offer real oversight. Instead, you may consider amending this proposal such that power is shared co-equally among Board of Supervisors appointees, tenants chosen by permanent supportive housing tenants themselves, and the Mayor.

SF's strong mayor system exacerbates corruption in City government. It concentrates power in the hands of one person, which is definitionally un-democratic, unlike Board of Supervisors appointments that are less subject to the whims of one person. As mentioned in this [Mercury News article](#) by the author of San Jose's charter, "Big California cities that have a strong mayor form of government such as Los Angeles, San Francisco and Oakland have suffered from institutional corruption ... **It hurts cities because it favors those in power and their close allies and neglects the public interest**" (emphasis mine).

Favoring well-connected individuals is the exact antithesis of what the Chronicle's investigation into HSH and supportive housing sought to accomplish.

I urge you to not place any such Charter Amendment on the ballot unless amended to be more democratic as described above: through the co-equal inclusion of tenants and Board appointees.

Thank you,
Laksh Bhasin

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):

Safai, Walton

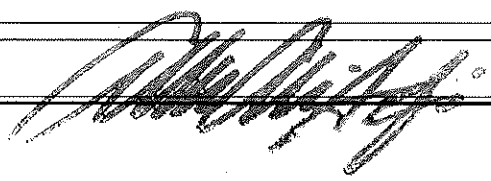
Subject:

Charter Amendment - Homelessness Oversight Commission

The text is listed:

Please see attached Charter Amendment.

Signature of Sponsoring Supervisor: []



For Clerk's Use Only

From: [Pearson, Anne \(CAT\)](#)
To: [BOS Legislation, \(BOS\)](#); [Gee, Natalie \(BOS\)](#); [Barnes, Bill \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Safai, Ahsha \(BOS\)](#); [Chung, Lauren \(BOS\)](#); [Berenson, Samuel \(BOS\)](#); [Jones, Ernest \(BOS\)](#)
Subject: RE: FOR INTRODUCTION: Homelessness Oversight Commission - Charter Amendment
Date: Wednesday, May 11, 2022 10:10:51 AM
Attachments: [image004.png](#)

Confirming that the use of my electronic signature reflects my approval as to form.

Thanks,
Anne

Anne Pearson (she/her)
Deputy City Attorney
Office of City Attorney David Chiu
(646) 241-7670 Cell
(415) 554-4706 Direct
www.sfcityattorney.org
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

Please note that during the ongoing pandemic the best way to reach me is by email or cell phone. I check only occasionally any voicemail messages left on my direct work line above.

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Wednesday, May 11, 2022 9:54 AM
To: Gee, Natalie (BOS) <natalie.gee@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Pearson, Anne (CAT) <Anne.Pearson@sfcityatty.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Berenson, Samuel (BOS) <sam.berenson@sfgov.org>; Jones, Ernest (BOS) <ernest.e.jones@sfgov.org>
Subject: RE: FOR INTRODUCTION: Homelessness Oversight Commission - Charter Amendment

Greetings,

We are seeking the approval from Deputy City Attorney Anne Pearson for use of her electronic signature and approval as form for the attached Charter Amendment. Thank you.

Jocelyn Wong

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T: 415.554.7702 | F: 415.554.5163
jocelyn.wong@sfgov.org | www.sfbos.org

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

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services



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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

From: Gee, Natalie (BOS) <natalie.gee@sfgov.org>
Sent: Tuesday, May 10, 2022 2:26 PM
To: Barnes, Bill (BOS) <bill.barnes@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Berenson, Samuel (BOS) <sam.berenson@sfgov.org>; Jones, Ernest (BOS) <ernest.e.jones@sfgov.org>
Subject: RE: FOR INTRODUCTION: Homelessness Oversight Commission - Charter Amendment

Thank you, Bill. Confirming for President Walton.

Natalie Gee 朱凱勤, Chief of Staff
Supervisor Shamann Walton, District 10
President, Board of Supervisors
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282
Direct: 415.554.7672 | **Office:** 415.554.7670

From: Barnes, Bill (BOS) <bill.barnes@sfgov.org>
Sent: Tuesday, May 10, 2022 2:25 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Berenson, Samuel (BOS) <sam.berenson@sfgov.org>; Jones, Ernest (BOS) <ernest.e.jones@sfgov.org>; Gee, Natalie (BOS) <natalie.gee@sfgov.org>
Subject: FOR INTRODUCTION: Homelessness Oversight Commission - Charter Amendment

Dear BOS-Legislation,

Attached for introduction, please find a Charter Amendment that would establish a Homelessness Oversight Commission. This Charter Amendment is co-sponsored by President Walton. Deputy City Attorney Anne Pearson approved this item as to form and is copied on this e-mail.

Thanks,

BILL BARNES *(he/him/his)*

Chief of Staff

Supervisor Ahsha Safaí

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

415.554.7896 (direct)

415.554.6975 (main line)

1 [Charter Amendment - Homelessness Oversight Commission]

2

3 **Describing and setting forth a proposal to the voters at an election to be held on November**

4 **8, 2022, to amend the Charter of the City and County of San Francisco to create the**

5 **Homelessness Oversight Commission (“Commission”) to oversee the Department of**

6 **Homelessness and Supportive Housing; to provide that the Commission lacks jurisdiction**

7 **to approve or disapprove criteria used to ascertain eligibility or priority for programs and**

8 **services, where such criteria are required as a condition of funding; and to require the**

9 **Board of Supervisors to adopt an ordinance amending the Municipal Code to provide that**

10 **the Commission shall appoint the members of the Local Homeless Coordinating Board and**

11 **the Shelter Monitoring Committee, and requiring those bodies to advise the Commission,**

12 **and to require the Our City, Our Home Oversight Committee to advise the Commission**

13 **and the Health Commission, in lieu of advising the Mayor and the Board of Supervisors, on**

14 **administration of the Our City, Our Home Fund and on monies appropriated from the**

15 **Fund.**

16 NOTE: **Unchanged Charter text and uncodified text** are in plain font.

17 **Additions** are *single-underline italics Times New Roman font*.

18 **Deletions** are *strike-through italics Times New Roman font*.

19 **Asterisks (* * * *)** indicate the omission of unchanged Charter subsections.

20 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City

21 and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of

22 the City and County by adding Section 4.133 to Article IV, to read as follows:

23 **SEC. 4.133. HOMELESSNESS OVERSIGHT COMMISSION.**

24 (a) There shall be a Homelessness Oversight Commission (“Commission”) to oversee

25 the Department of Homelessness and Supportive Housing (“Department”), or any successor agency. The Department shall, to the extent prescribed by ordinance, manage and direct

1 housing, programs, and services for persons experiencing homelessness in the City, including,
2 but not limited to, street outreach, homeless shelters, transitional housing, homelessness
3 prevention, and permanent supportive housing.

4 (b) The Commission shall consist of seven members, appointed as follows:

5 (1) Seats 1, 2, 3, and 4 shall be appointed by the Mayor subject to
6 confirmation by the Board of Supervisors. Each nomination shall be the subject of a public
7 hearing and vote within 60 days. If the Board of Supervisors fails to act on a nomination within
8 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the
9 nominee shall be deemed confirmed. Seat 1 shall be held by a person who has personally
10 experienced homelessness. Seat 2 shall be held by a person with significant experience
11 providing services to or engaging in advocacy on behalf of persons experiencing homelessness.
12 Seat 3 shall be held by a person with expertise in mental health service delivery or substance use
13 treatment. Seat 4 shall be held by a person with a record of participation in a merchants' or
14 small business association, or neighborhood association.

15 (2) Seats 5, 6, and 7 shall be appointed by the Board of Supervisors. Seat 5
16 shall be held by a person who has personally experienced homelessness. Seat 6 shall be held by
17 a person with significant experience providing services to or engaging in advocacy on behalf of
18 persons experiencing homelessness. Seat 7 shall be held by a person with significant experience
19 working with homeless families with children and/or homeless youth.

20 (3) Section 4.101 shall apply to these appointments, with a particular
21 emphasis on diversity in ethnicity, race, age, sex, gender identity, sexual orientation, and types of
22 disabilities.

23 (c) Commission members shall serve at the pleasure of their respective appointing
24 authorities and may be removed by their appointing authorities at any time. Vacancies shall be
25 filled by the respective appointing authorities as prescribed in subsections (b)(1) and (2).

1 (d) Commissioners shall serve four-year terms, beginning at noon on May 1, 2023;
2 provided, however, the term of the initial appointees in Seats 1, 5, and 6 shall be a two-year term,
3 expiring at noon on May 1, 2025.

4 (e) The Commission shall elect a Chair, Vice-Chair, and officers for other such
5 positions, if any, that it chooses to create.

6 (f) The Commission shall have the following powers and duties:

7 (1) With respect to the Department, the Commission shall exercise all of the
8 powers and duties of boards and commissions as set forth in Sections 4.102, 4.103, and 4.104,
9 including but not limited to, approving applicable departmental budgets, formulating goals
10 consistent with the overall objectives of the City and County, holding hearings and taking
11 testimony, conducting public education and outreach concerning programs and services for
12 homeless persons in San Francisco, and issues concerning homelessness, and conducting
13 performance audits of the Department to assess the Department's effective and timely delivery of
14 services to persons experiencing homelessness and persons participating in programs overseen
15 by the Department.

16 (2) Notwithstanding the Commission's authority to review and set policies,
17 the Commission shall not have the authority to approve, disapprove, or modify criteria used to
18 ascertain eligibility or priority for programs and/or services operated or provided by the
19 Department, where such criteria are required as a condition of the receipt of state or federal
20 funding.

21 (g) The Mayor and the Board of Supervisors shall make their initial appointments to
22 Seats 1-7, respectively, on the Commission by no later than noon, March 1, 2023. The
23 Commission shall come into existence upon the appointment, and confirmation where required,
24 of four members, or at noon on May 1, 2023, whichever is later. The Commission shall have its
25 inaugural meeting within 30 days of its coming into existence.

1 (h) By no later than May 1, 2023, the City shall enact an ordinance that:

2 (1) Amends Article XXXI of Chapter 5 of the Administrative Code, to
3 provide that the Commission shall appoint all members of the Local Homeless Coordinating
4 Board (“LHCB”) and that the LHCB’s sole duties shall be to serve as the Continuum of Care
5 governing body and to advise the Commission on issues relating to the City’s participation in the
6 Continuum of Care program. This subsection (h)(1) shall not preclude the City by ordinance
7 from amending said Article XXXI in a manner that is not inconsistent with this subsection or as
8 necessary to comply with federal requirements relating to the Continuum of Care.

9 (2) Amends Article XII of Chapter 20 of the Administrative Code, to provide
10 that the Commission shall appoint all members of the Shelter Monitoring Committee, and that
11 the Shelter Monitoring Committee shall advise the Commission in lieu of advising the LHCB.
12 This subsection (h)(2) shall not preclude the City by ordinance from amending said Article XII
13 in a manner that is not inconsistent with this subsection.

14 (3) Amends Article XLI of Chapter 5 of the Administrative Code and Section
15 2810 of Article 28 of the Business and Tax Regulations Code, to provide that the Our City, Our
16 Home Oversight Committee (“Oversight Committee”) shall advise and make recommendations
17 to the Commission and the Health Commission, in lieu of advising and making recommendations
18 to the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund
19 (“Fund”) and on monies appropriated from the Fund, which monies are subject to the City
20 budget approval process set forth in Article IX of the Charter, and to provide that the needs
21 assessment conducted by the Oversight Committee shall inform the Department’s strategic
22 planning process. This subsection (h)(3) shall not preclude the City by ordinance from amending
23 said Article XLI and said Section 2810 in a manner that is not inconsistent with this subsection,
24 Section 2811 of the Business and Tax Regulations Code, and Articles XIII A and XIII C of the
25 California Constitution, as may be amended from time to time.

1 (i) The references in subsection (h) to the LHCB, Shelter Monitoring Committee,
2 and Oversight Committee do not change their character as bodies created by ordinance.
3 Accordingly, they are not subject to provisions in the Charter or Municipal Code that apply
4 exclusively to bodies enumerated in the Charter or created by the Charter, including but not
5 limited to Charter Sections 4.101.1 and 4.101.5.

6 (j) Within one year of the effective date of the ordinance adopted by the Board of
7 Supervisors in compliance with subsection (h), the City Attorney shall cause subsections (h)-(j)
8 of this Section 4.133 to be removed from the Charter.

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10 APPROVED AS TO FORM:
11 DAVID CHIU, City Attorney

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13 By: /s/ Anne Pearson
14 ANNE PEARSON
Deputy City Attorney

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