

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/23/2025)

[Administrative Code - Equitable Citywide Access to Shelters, Transitional Housing, and Behavioral Health Services]

Ordinance amending the Administrative Code to promote equitable access to shelter and behavioral health services by prohibiting the City from siting a new, City-funded homeless shelter, transitional housing facility, or certain behavioral health residential care and treatment facilities (collectively, “Covered Facilities”) in a neighborhood where the neighborhood’s share of the City’s shelter and transitional housing beds exceeds the neighborhood’s share of the City’s unsheltered persons, and prohibiting the City from siting a new City-funded homeless shelter within 300 feet of an existing homeless shelter; and authorizing the Board of Supervisors to waive these prohibitions upon a finding that approving the Covered Facility or homeless shelter at the proposed location is in the public interest; and providing that this ordinance shall sunset on December 31, 2031.

Existing Law

Currently, there is no law that prohibits the City from siting City-funded homeless shelters, transitional housing, or behavioral health facilities in any neighborhood within the City that is zoned for such uses.

Amendments to Current Law

This ordinance would prohibit the City from siting a Homeless Shelter, Transitional Housing Facility, or Behavioral Residential Care and Treatment Facility (collectively, “Covered Facilities”) in any neighborhood where the neighborhood’s share of the City’s shelter and transitional housing beds exceeds the neighborhood’s share of the City’s unsheltered persons (“Fair Share Rule”). It would also prohibit the City from siting a new City-funded homeless shelter within 300 feet of an existing homeless shelter (“300 Foot Rule”). These prohibitions would not become operative until January 1, 2026.

The ordinance would authorize the Board of Supervisors to waive by resolution the Fair Share Rule and the 300 Foot Rule as applied to a specific Covered Facility upon making a finding that siting the Covered Facility at the proposed location is in the public interest and is justified by the demand for the facility type, the cost of siting the facility at the proposed location as compared to alternative sites, and the commitment made by the sponsoring department to address neighborhood concerns, if any.

The ordinance would establish a number of exceptions to the prohibitions on approval of new Covered Facilities for: 1) Covered Facilities for which the City applied for financing prior to the

effective date, including but not limited to state funding and financing through Proposition 1; 2) Covered Facilities that would be sited within an existing Covered Facility; and, 3) Covered Facilities that would be sited in a neighborhood where an existing Covered Facility closed within the prior year.

Covered Facilities do not include projects that are undertaken by non-City entities. Therefore, the proposed ordinance would not impact the opening or siting of privately funded facilities.

Background

This Legislative Digest reflects amendments made in the Budget and Finance Committee on July 16, 2025. Those amendments:

- Replaced the requirement that the City approve the opening of at least one new Covered Facility in each Supervisorial district before June 30, 2026, with a prohibition on approving Covered Facilities in some neighborhoods based on the Fair Share Rule and the 300 Foot Rule, unless the Board of Supervisors makes a finding that siting the facility is in the public interest;
- Added exceptions to application of the Fair Share Rule and the 300 Foot Rule for Covered Facilities that would be located within the physical space occupied by an existing Covered Facility, and for a new Covered Facility that would be located in a neighborhood in which a Covered Facility had closed in the prior year;
- Established an operative date of January 1, 2026; and
- Added a sunset date of December 31, 2031.

This Digest also reflects amendments made in the Budget and Finance Committee on July 23, 2025. Those amendments:

- Removed Behavioral Health Specialized Outpatient Clinics from the categories of facilities that are subject to the “fair share rule”;
- Clarified that “homeless shelters” do not include facilities that provide behavioral health treatment and shelter to unsheltered individuals who have been identified as having behavioral health needs;
- Removed the following facilities from the definition of “Behavioral Health Residential Care and Treatment Facility,” thereby allowing them to be approved without application of the “fair share rule”: Behavioral Health Respite Facilities, crisis stabilization units, sobering centers, psychiatric respite facilities, and other low-barrier treatment facilities. For purposes of this Chapter 124, Behavioral Health Residential Care and Treatment Facilities do not include Adult Residential Facilities licensed under 22 C.C.R. Division 6, Chapter 6; Residential Care Facilities for the Elderly licensed under 22 C.C.R. Division 6, Chapter 8; Residential Substance Use Disorder Treatment Facilities licensed under 9 C.C.R. Division 4, Chapter 5; Residential Mental Health Treatment

Facilities (also known as Social Rehabilitation Facilities) licensed under 22 C.C.R. Division 6, Chapter 2; Mental Health Rehabilitation Centers licensed under 9 C.C.R. Division 1, Chapter 3.5; and Psychiatric Health Facilities licensed under 22. C.C.R. Division 5, Chapter 9.

- Requiring the report mandated by Section 124.4 to indicate for each Homeless Shelter Approved in a Neighborhood that already included a Homeless Shelter, a description of the steps taken to identify and develop an appropriate site in a Neighborhood with no Homeless Shelters.
- Clarifying that nothing in Chapter 124 is intended to supersede or conflict with any laws requiring that the location of family violence shelters be treated as confidential.

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