

LEGISLATIVE DIGEST

(Revised 7/8/19)

[Charter Amendment - Homelessness Oversight Commission]

Describing and setting forth a proposal to the voters at an election to be held on November 5, 2019, 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 (“Department”); 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; to provide that the Commission lacks jurisdiction to approve or disapprove contracts executed by the Department during a declared shelter crisis under the authority of an ordinance that waives procurement requirements; 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, three appointed by the Mayor, three appointed by the Board of Supervisors, and one appointed by the Controller. The Mayor's nominees and the Controller's nominee 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 the Controller's appointee would be required to be a person with experience in financial management and oversight, accounting, or auditing.

The appointing authorities would be required to make their initial appointments by May 1, 2020, and the Commission would come into effect once four members are appointed. 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. In addition, the Commission would not have the authority to approve or disapprove any contract executed by the Department during a shelter crisis under the authority of an ordinance that waives otherwise applicable procurement processes.

The Charter Amendment would also require the Board of Supervisors to enact an ordinance by no later than May 1, 2020, 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.

Background Information

This Legislative Digest reflects changes introduced in the Rules Committee on July 8, 2019 as the Second Draft of the Charter Amendment.

As compared to the First Draft, the Second Draft:

- Revised the appointment scheme by providing that Seat 7 shall be appointed by the Controller instead of the San Francisco Unified School District;
- Postponed the deadline for appointment of commissioners from March 1, 2020 to May 1, 2020;
- Revised the powers and duties of the Commission to: 1) eliminate the requirement that the Commission review all decisions by the Director of HSH to open or close homeless shelters, navigation centers and all other facilities that provide shelter; 2) eliminate the requirement that the Commission review all contracts entered into by the Department with an annual value exceeding \$200,000; and 3) clarify that the Commission does not have the authority to approve, disapprove, or modify criteria used to ascertain eligibility or priority for programs where such criteria are required as a condition of funding; and 4) provide that the Commission lacks authority to review contracts executed by HSH during a shelter crisis under the authority of a local ordinance that expedites procurement processes; and
- Added the requirement that the Board of Supervisors enact an ordinance by May 1, 2020, that would require that the LHCB, Shelter Monitoring Committee, and Our City, Our Home Oversight Committee to advise the Commission, and provide that the Commission shall appoint all members of the LHCB and Shelter Monitoring Committee.