

73-10

1 [Settlement of Lawsuit]

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3 **Ordinance authorizing settlement of the class action lawsuit entitled Western Regional**
4 **Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the**
5 **United States District Court for the Northern District of California, Case No. CV 08-4087-**
6 **MMC. Pursuant to the proposed settlement, the City will make revisions to current**
7 **policies of its single adult emergency shelter system in order to improve services to**
8 **homeless people with disabilities.**

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

10 Section 1. Findings:

11 (1) On August 27, 2008, plaintiffs Western Regional Advocacy Project and Calvin Davis
12 filed a class action lawsuit in federal court entitled "Western Regional Advocacy Project et al.
13 v. Mayor Gavin Newsom et al." The complaint was subsequently amended to add as plaintiffs
14 the Coalition on Homelessness. As amended, the complaint alleged violations of the
15 Americans with Disabilities Act, the Rehabilitation Act of 1973, California Civil Code Section
16 54, and California Government Code Section 11135. The plaintiff class includes all people
17 with disabilities in San Francisco who have sought access to San Francisco's single adult
18 emergency shelter system or who may seek access to those shelters during the remainder of
19 the term of the current shelter contracts. The lawsuit alleges that the City's single adult
20 emergency shelter system discriminates on the basis of disability through physical barriers
21 and through policies that make it more difficult for people with disabilities to access the shelter
22 system.

23 (2) In settlement of plaintiffs' lawsuit, the parties have negotiated an agreement,
24 pursuant to which the City will take specified steps to improve access to its single adult
25 emergency shelter system. As more particularly described in the settlement agreement, the

1 City will enhance disability access training for shelter staff, disseminate more information
2 about shelter resources and disability accommodations, add wheelchair accessibility to one of
3 the Mobile Assistance Patrol vans that provide shelter-related transportation; add evacuation
4 chairs to certain shelters; improve its monitoring of shelter reservation availability; and make a
5 one-year commitment to retain existing shelter beds, drop-in chairs, and resource center
6 service levels. Also as part of the settlement, the City will pay plaintiffs \$135,000 for
7 attorneys' fees incurred to date. A copy of the settlement agreement is contained in Board
8 File No. 100182.

9 Section 2. The above-named class action lawsuit was filed in United States District
10 Court on August 27, 2008, and the following parties were named in the lawsuit: Plaintiffs
11 Western Regional Advocacy Project, Coalition on Homelessness, Calvin Davis in his personal
12 capacity and as a representative of a similarly situated class of persons, Lauren Alden in her
13 personal capacity and as a representative of a similarly situated class of persons (but Ms.
14 Alden recently dismissed her claims), and Anthony Thompson in his personal capacity and
15 as a representative of a similarly situated class of persons (but Mr. Thompson dismissed his
16 claims prior to settlement); Defendants the City and County of San Francisco, Mayor Gavin
17 Newsom in his official capacity, and the San Francisco Board of Supervisors.

1 Section 3. The Board of Supervisors approves and authorizes the City's execution,
2 delivery, and performance of the settlement agreement.

3
4 APPROVED AS TO FORM AND
RECOMMENDED:

5 DENNIS J. HERRERA
6 City Attorney

7 

8 CHRISTINE VAN AKEN
9 Deputy City Attorney

10 FUNDS AVAILABLE:

11 
12 BEN ROSENFELD
13 Controller

14 Index Code: 975026
15 Subject: 05312



City and County of San Francisco

Tails
Ordinance

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

File Number: 100182

Date Passed: April 06, 2010

Ordinance authorizing settlement of the class action lawsuit entitled Western Regional Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the United States District Court for the Northern District of California, Case No. CV 08-4087-MMC. Pursuant to the proposed settlement, the City will make revisions to current policies of its single adult emergency shelter system in order to improve services to homeless people with disabilities.

March 30, 2010 Board of Supervisors - PASSED, ON FIRST READING

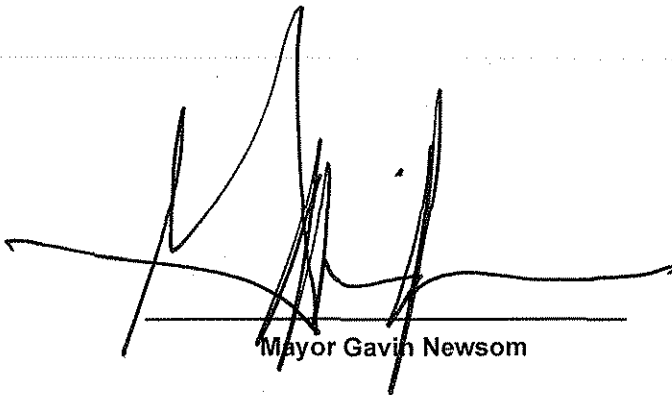
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

April 06, 2010 Board of Supervisors - FINALLY PASSED

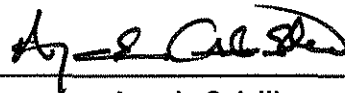
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

File No. 100182

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/6/2010 by the Board of Supervisors of the City and County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo
Clerk of the Board

4/14/2010

Date Approved