

1 [Emergency Ordinance - Restroom and Hand Washing Facilities for Unsheltered People]
2
3 **Reenactment of emergency ordinance (Ordinance No. 77-20, as first reenacted by**
4 **Ordinance No.131-20) to limit the spread of COVID-19 by requiring the City, through**
5 **service agreements with third parties, to provide, staff, and maintain restrooms**
6 **equipped with toilets and hand washing facilities, at a ratio of one restroom per 50**
7 **unsheltered people, concentrated in areas with the greatest need, located within 1,000**
8 **feet of any encampment, and for select “pit stop” restrooms, open 24 hours per day;**
9 **waive the requirement under Charter, Section 9.118, that the Board of Supervisors**
10 **approve the service agreements for restrooms equipped with toilets and hand washing**
11 **facilities; and affirming the Planning Department’s determination under the California**
12 **Environmental Quality Act.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
16 **Board amendment additions** are in double-underlined Arial font.
17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Code
19 subsections or parts of tables.

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

21 Section 1. CEQA Findings.

22 The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 200373 and is incorporated herein by reference. The Board affirms
this determination.

1 Section 2. Declaration of Emergency Pursuant to Charter Section 2.107.

2 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
3 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
4 of any City or County department or office required to comply with time limitations established
5 by law. An emergency ordinance enacted under Charter Section 2.107 automatically
6 terminates on the 61st day after passage, but may be reenacted upon the same terms and
7 conditions applicable to its initial enactment.

8 (b) Pursuant to Charter Section 2.107, the City enacted Ordinance No. 77-20, an
9 emergency ordinance, to require the City, through service agreements with third parties, to
10 provide, staff, and maintain restrooms equipped with toilets and hand washing facilities, at a
11 ratio of one restroom per 50 unsheltered people, concentrated in areas with the greatest
12 need, located within 1,000 feet of any encampment, and for select “pit stop” restrooms to be
13 open 24 hours per day during the public health emergency related to COVID-19. Ordinance
14 No. 77-20 was reenacted by another emergency ordinance, Ordinance No. 131-20, which
15 became effective when enacted, on July 31, 2020, and terminates automatically on
16 September 29, 2020, unless reenacted.

17 (c) The Board of Supervisors hereby finds that the findings declared in Sections 2 and
18 3 of Ordinance No. 77-20, and reaffirmed in Section 2 of Ordinance No.131-20, remain valid
19 and compelling, and declares further that an actual emergency continues to exist that requires
20 the reenactment of that emergency ordinance to reduce the likelihood of COVID-19 infection
21 among unsheltered individuals.

22
23 Section 3. Reenactment of Emergency Ordinance.

24 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an
25 additional 60 days the emergency ordinance temporarily requiring the City, through service

1 agreements with third parties, to provide, staff, and maintain restrooms equipped with toilets
2 and hand washing facilities, at a ratio of one restroom per 50 unsheltered people,
3 concentrated in areas with the greatest need, located within 1,000 feet of any encampment,
4 and for select “pit stop” restrooms to be open 24 hours per day during the public health
5 emergency related to COVID-19 (Ordinance No. 77-20, as reenacted by Ordinance No.131-
6 20).

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8 Section 4. Effective Date, Expiration.

9 (a) If enacted prior to the expiration of Ordinance No. 131-20 (which reenacted
10 Ordinance No. 77-20), this reenacted emergency ordinance shall become effective
11 immediately upon the date of expiration of Ordinance No. 131-20, and shall itself expire on the
12 61st day following its effective date unless reenacted as provided by Charter Section 2.107.

13 (b) If enacted after the expiration of Ordinance No. 131-20, this reenacted emergency
14 ordinance shall become effective immediately upon enactment, shall have operative effect
15 retroactively to the date that Ordinance No. 131-20 expired, and shall expire on the 61st day
16 following its effective date unless reenacted as provided by Charter Section 2.107.

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18 Section 5. Directions to Clerk.

19 The Clerk of the Board of Supervisors is hereby directed to place a copy of this
20 reenacted emergency ordinance in File No. 200373 for Ordinance No. 77-20 and File No.
21 200732 for Ordinance No.131-20, and to make a notation cross-referencing this emergency
22 ordinance where Ordinance Nos. 77-20 and131-20 appear on the Board of Supervisors
23 website as legislation passed.

24 Section 6. Supermajority Vote Required.

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1 In accordance with Charter Section 2.107, passage of this reenacted emergency
2 ordinance by the Board of Supervisors requires an affirmative vote of two-thirds of the Board
3 of Supervisors.

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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: /s/ Virginia Dario Elizondo
8 Virginia Dario Elizondo
9 Deputy City Attorney

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