

1 [Administrative Code - Safe Sleeping Sites Program]

2

3 Ordinance amending the Administrative Code to require the Department of
4 Homelessness and Supportive Housing (HSH) to establish a Safe Sleeping Sites
5 Program to provide offer all unsheltered persons with a safe place to sleep overnight; to
6 require HSH to submit to the Board of Supervisors a plan to implement the Safe Sleep
7 Program, including a cost estimate of implementation; to provide that the Safe Sleep
8 Program shall not become operative until the Board of Supervisors has approved the
9 appropriation of general funds to finance the program; and affirming the Planning
10 Department's determination under the California Environmental Quality Act.

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

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16

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

18

19 Section 1. Environmental Findings.

20

21 The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. 201187 and is incorporated herein by reference. The Board affirms
25 this determination.

25

1 Section 2. General Findings.

2 (a) San Francisco has struggled with homelessness for nearly four decades. Since
3 the 1980's, successive mayoral administrations have implemented different and sometimes
4 divergent strategies to address the City's most enduring crisis.

5 (b) In 1982, Mayor Dianne Feinstein launched a network of church-based
6 emergency winter shelters and soup kitchens. In the late 1980s and early 1990s, Mayor Art
7 Agnos took a different approach, unveiling the "Beyond Shelter" plan to provide unhoused
8 people access to supportive services and a pathway to long-term housing. In 1990, Mayor
9 Agnos opened the City's first two Multi-Service Centers, which were homeless shelters with
10 onsite mental health and substance use disorder services.

11 (c) In 1993, Mayor Frank Jordan instituted the Matrix Program which tasked police
12 officers accompanied by social workers or health aides with clearing unhoused people from
13 City streets and connecting them to services. In the first six months of the program, police
14 issued over 6,000 citations for quality-of-life misdemeanors, such as public inebriation or
15 sleeping in doorways. In 1992, voters approved Mayor Jordan's Proposition J, which banned
16 aggressive panhandling. Voters also approved Mayor Jordan's 1994 ballot measure, also
17 named Proposition J, which banned loitering within 30 feet of an automated teller machine for
18 more than one minute.

19 (d) After his election in 1996, Mayor Willie Brown declared homelessness
20 unsolvable at a local level, and insisted any measurable improvement would require state and
21 federal dollars to fund the housing and services needed to keep people off the streets. During
22 his two terms in office, Mayor Brown's administration nonetheless added thousands of units of
23 affordable and subsidized housing, including leasing and renovating single room occupancy
24 hotels for low-income and unhoused people.

1 (e) Prior to his election as Mayor in 2004, as a member of the Board of Supervisors,
2 Gavin Newsom authored a 2002 ballot measure, entitled “Care Not Cash,” which reduced
3 City-funded General Assistance cash payments to unhoused people, and redirected the
4 savings to fund services and supportive housing. According to a 2008 City Controller’s audit,
5 the Care Not Cash program housed 2,127 people between its implementation in 2003 and
6 December 2007. The Department of Homelessness and Supportive Housing (“HSH”)
7 estimates that Care Not Cash led to the creation of 1,300 units of permanent supportive
8 housing.

9 (f) In 2004, Mayor Newsom introduced his “Ten Year Plan to Abolish Chronic
10 Homelessness,” which proposed to create 3,000 units of permanent supportive housing by
11 2010, and to replace shelters with 24-hour crisis clinics and sobering centers. By 2014, the
12 City was still 300 units shy of the 3,000 pledged units, and had reduced the number of
13 shelters beds by a third, from 1,910 beds in 2004 to 1,145 beds in 2014.

14 (g) Mayor Newsom authored two additional voter-approved ballot measures aimed
15 at responding to homelessness: Proposition M in 2003, which amended the City’s
16 panhandling and loitering bans, and Proposition L in 2010, which made it illegal to sit or lie on
17 sidewalks citywide from 7am to 11pm.

18 (h) Mayor Ed Lee oversaw the opening of the City’s first Navigation Center in 2015,
19 and in 2016 created HSH, pledging to spend at least \$1 billion over the next four years to
20 address homelessness. Mayor Lee directed implementation of the City’s Coordinated Entry
21 system, seeking to improve the coordination of services by consolidating the dozens of City-
22 funded homeless service groups into one system with a shared database. In the winter of
23 2017, shortly before his death, Mayor Lee pledged to move 1,000 unhoused people off the
24 streets, and open two more Navigation Centers.

1 (i) Today, nearly four decades after Mayor Feinstein first attempted to respond to
2 rising homelessness in San Francisco, the issue continues to vex the City. According to the
3 Homeless Point-in-Time Count conducted on January 24, 2019, more than 8,035 people were
4 experiencing homelessness at that time, a 17% increase from 2017. Among those surveyed,
5 5,180 were unsheltered, with 86% of unsheltered individuals sleeping outdoors in streets,
6 parks or tents. According to a database of homeless individuals who use health care and
7 other services, the number of people experiencing homelessness over the course of a year is
8 estimated to be much higher than the number of people who experience homelessness on a
9 given night, with estimates that more than 17,500 people experience homelessness in San
10 Francisco during a given year.

11 (j) During those same four decades, San Francisco has earned an international
12 reputation for the severity of its homelessness crisis, with widespread reports of the City's
13 street conditions appearing in media outlets around the world. In January 2017, Leilani Farha,
14 a United Nations Special Rapporteur on adequate housing, issued a report finding that San
15 Francisco's response to its unhoused population constitutes cruel and inhumane treatment,
16 and is a violation of international human rights law including laws establishing the rights to life,
17 housing, health and water and sanitation. Her report further stated "[T]he scope and severity
18 of the living conditions in informal settlements make them one of the most pervasive violations
19 of the human rights of dignity, security, health and life worldwide."

20 (k) San Francisco voters expressed their own dissatisfaction with the current state
21 of homelessness in a Dignity Health CityBeat Poll conducted in January 2020. 71% of San
22 Francisco voters identified homelessness and street conditions as the top issue facing the
23 City, and 89% stated that homelessness and street behavior had gotten worse in the past few
24 years.

1 (l) The COVID-19 pandemic and the City's Shelter in Place response exacerbated
2 street conditions and contributed to an increase in the number of tent encampments citywide,
3 with large numbers of unhoused people seeking shelter in neighborhoods throughout the City.
4 This was at least partly due to a 75% reduction in available shelter beds, and a halt on new
5 admissions to the shelter system in the early days of the pandemic, in compliance with
6 guidance from the Centers for Disease Control requiring social distancing in the City's
7 homeless shelters, thus necessitating a decrease in the shelter capacity. ~~This reduction in
8 shelter capacity is estimated to have forced nearly 1,000 unhoused people to return to City
9 streets.~~ From January to May 2020, the number of tents citywide increased by 71%.

10 (m) Although encampments increased across the City during Shelter in Place, the
11 increase and related impacts were felt more severely in neighborhoods where homelessness
12 was most acute prior to COVID-19. In the Tenderloin, the number of tents increased 285%
13 between January and May 2020.

14 (n) On May 4, 2020, UC Hastings Law School filed a lawsuit on behalf of a group of
15 Tenderloin residents and business owners over conditions in the neighborhood. As part of a
16 settlement, the City agreed to achieve a 70% reduction in the number of tents by July 20,
17 2020. By July 3, 2020, the number of tents in the Tenderloin decreased by 65%. By July 10,
18 2020, the City reduced the number of tents in the Tenderloin by over 73%. As of August 18,
19 2020, the City had moved 87% of tents from the Tenderloin, and placed more than 600 people
20 into Shelter in Place (SIP) hotels or other shelter. Since the Hastings lawsuit, three other
21 lawsuits have been filed against the City. These lawsuits, except one filed by a plaintiff
22 proceeding in propria persona, have been dismissed.

23 (o) Following the issuance of new guidance from the Department of Public Health
24 ("DPH") regarding street encampments, the City's Healthy Streets Operations Center began
25

1 resolving encampments in other neighborhoods as well, subject to the availability of
2 alternative placements.

3 (p) Notwithstanding such efforts, conditions on our streets remain unacceptable.
4 While some progress has been made in parts of the City, many thousands of people continue
5 to sleep in unregulated, unsafe encampments without access to basic services such as water,
6 food, sanitation, or bathrooms.

7 (q) As demonstrated by the summary of mayoral initiatives above, the reality that
8 thousands of individuals remain without homes or shelter is not for lack of effort or investment
9 in solutions by the City. Since 2004, San Francisco has ~~housed~~helped over 26,000 ~~homeless~~
10 ~~people~~individuals exit from homelessness. Today, the City has more than 8,000 units of
11 permanent supportive housing which house approximately 10,000 formerly homeless
12 individuals every night who would otherwise be homeless.

13 (r) Since 2015, the City's development of the Navigation Center model has
14 represented a significant expansion of shorter-term shelter as well. Navigation Centers are
15 unlike traditional emergency shelters because they are service-intensive and low-barrier, and
16 provide case management, meals, showers, laundry, and 24-hour access, and allow guests to
17 bring their partners, pets, and belongings.

18 (s) Since 2015, HSH has opened ~~eight~~ten Navigation Centers, ~~four~~seven of which
19 are currently operating. According to HSH, from the launch of Navigation Centers in 2015
20 through the end of 2019, 48% of Navigation Center exits were either to permanent housing or
21 reunifications with family or friends through the Homeward Bound program. Over 5,000 clients
22 have been served at Navigation Centers from 2015 to December 2019.

23 (t) In October 2018, Mayor Breed announced a commitment to open at least 1,000
24 additional shelter beds, including Navigation Center beds, by the end of 2020. Prior to the
25

1 outbreak of the coronavirus pandemic, the City was close to meeting this goal, and anticipates
2 opening 880 of the proposed 1,000 beds by March 2021.

3 (u) In November 2018, the voters approved Proposition C (“Prop. C”), creating a
4 new gross receipts tax on high-grossing companies estimated to generate over \$300 million
5 annually for homeless housing and services. In June 2020, a state appeals court upheld a
6 lower court decision validating Prop. C, and on September 9, 2020, the California Supreme
7 Court denied further legal review, freeing up nearly \$500 million in revenue that had been
8 collected but remained unspent pending resolution of the litigation.

9 (v) During Shelter in Place, the City has acquired over 2,441 SIP hotel rooms to
10 provide shelter to homeless individuals determined to be medically vulnerable to COVID-19.
11 The cost of providing a hotel room is approximately \$260 per person per night, although the
12 City anticipates that 75100% of eligible sheltering costs for hotel residents who meet eligibility
13 criteria set by the Federal Emergency Management Agency (“FEMA”) may be reimbursed by
14 the FEMA Federal Emergency Management Agency.

15 (w) On September 29, the Board of Supervisors enacted the Fiscal Year 2020-21
16 budget, which includes funding for the acquisition or leasing of an additional 1,500 permanent
17 supportive housing units over the next two years, largely funded through Prop. C revenue.
18 These units, proposed in Mayor Breed’s Homelessness Recovery Plan, represent the largest
19 one-time expansion of permanent supportive housing in San Francisco in 20 years. The
20 budget for HSH increased from \$367,690,818, in Fiscal Year 2019-20, to \$850,065,660, for
21 Fiscal Year 2020-21, with the bulk of the increase paying for Shelter in Place hotel rooms and
22 new permanent supportive housing units.

23 (x) San Franciscans are justifiably frustrated that after multiple decades and many
24 billions of dollars of investment in additional shelter bed capacity, hotel placements, and
25 permanent supportive housing units, thousands of unsheltered people continue to sleep on

1 the streets night after night, and that the City relies on residential neighborhoods to serve as
2 campsites of last resort for unhoused people, including individuals struggling with significant
3 behavioral health conditions and substance use disorders.

4 (y) The Ninth Circuit Court of Appeals in a case entitled Martin v. City of Boise, 902
5 F.3d 1031 (9th Cir. 2018), held that the Eighth Amendment’s prohibition on cruel and unusual
6 punishment bars a city from criminally prosecuting people for sleeping on public property
7 when those persons have committed no offenses other than sleeping on public property, and
8 the city has not offered alternative shelter.

9 (z) Notwithstanding the many investments described above, San Francisco has
10 never established a comprehensive citywide strategy for meeting the shelter needs of the
11 unhoused. Safe sleeping sites offer a potential strategy for addressing the needs of thousands
12 of people who continue to suffer outside every night.

13 (aa) Safe sleeping sites are designated and officially sanctioned outdoor spaces for
14 unsheltered people, providing an organized area to stay with access to amenities and
15 services that may include handwashing stations, bathrooms, daily meals, social services, and
16 access to the City’s Coordinated Entry System.

17 (bb) Safe sleeping sites offer a scalable and sustainable strategy for addressing the
18 needs of those people who continue to shelter outside every night and for whom the City does
19 not have an available housing unit or shelter available.

20 (cc) On May 8, 2020, the Board of Supervisors unanimously enacted Resolution No.
21 191-20, urging the City to establish safe sleeping sites for unsheltered people, to encourage
22 social distancing, improve sanitation, and slow the spread of COVID-19.

23 (dd) Subsequent to introduction of Resolution No. 191-20, on May 5, 2020,
24 Supervisors Sandra Lee Fewer and Gordon Mar introduced legislation authorizing the use of
25 San Francisco park property for temporary shelter and other measures in response to the

1 COVID-19 pandemic, and directed the Recreation and Park Department (“RPD”) to provide to
2 the Board of Supervisors with a list of potential locations for such uses. RPD and the Real
3 Estate Division submitted a list of 42 potential sites. The sponsors tabled the legislation on
4 May 18, 2020.

5 (ee) On May 13, 2020, the City established its first ~~sanctioned and supervised~~ safe
6 sleeping site, the Safe Sleeping Village, on Fulton Street between the Asian Art Museum and
7 the Main Library, which provides space for safely distanced tents, 24/7 access to bathrooms
8 and handwashing stations, daily meals, and health care services. As of ~~October 14,~~
9 ~~2020~~January 2021, the City has ~~had~~ opened ~~six~~eight safe sleeping ~~S~~sites, ~~five~~six of which are
10 active. In total, the active safe sleeping sites provide a place to sleep to approximately ~~213~~
11 ~~unhoused individuals~~300 individuals in 265 tents. Safe sleeping sites are a proven model
12 providing safe places to sleep and access to services for unhoused individuals who ~~were~~ are
13 otherwise unable to access housing, shelter, or services. However, the HSH Fiscal ~~y~~Year
14 2020-21 Budget includes funding for only the existing approximately 300~~450~~ safe sleeping site
15 placements, with funding decreasing to just 50 placements in Fiscal Year 2021-22.

16 (ff) Because the City’s ~~safe sleeping sites~~Safe Sleeping Villages provide outdoor
17 space with socially distanced areas for sleeping, access to sanitation and bathrooms, and
18 24/7 onsite ~~security~~safety services, guests are at lower risk of contracting and spreading
19 COVID-19 than in congregate shelters where guests sleep in confined indoor spaces close to
20 others, or unregulated encampments where there is little access to sanitation and no
21 enforcement of social distancing.

22 (gg) Safe sleeping sites are a preferred ~~option~~ over congregate shelter ~~of~~ by a
23 majority of unhoused people. According to a survey of 584 unhoused individuals conducted by
24 the Coalition on Homelessness ~~between June 3 and August 30, 2020,~~ in 2019, 58% of
25 unhoused people surveyed prefer a “legal free campsite” to existing congregate shelters.

1 (hh) Because the City lacks sufficient capacity in the shelter system or adequate
2 housing alternatives to accommodate the thousands of people still living in tent encampments,
3 far too many unhoused people continue to seek shelter on the streets. By establishing a
4 network of safe sleeping sites so that every unsheltered person who is unable to access a
5 shelter bed or housing unit can be offered a placement, San Francisco can ensure that all
6 unhoused people have a safe place to spend the night, and no neighborhood's sidewalks
7 need serve as shelter of last resort.

8
9 Section 3. The Administrative Code is hereby amended by adding Chapter 118,
10 consisting of Sections 118.1 to 118.8, to read as follows:

11
12 **CHAPTER 118:**

13 **SAFE SLEEPING SITES PROGRAM**

14
15 **SEC. 118.1. TITLE.**

16 *This ordinance shall be known as "A Place for All Ordinance."*

17
18 **SEC. 118.2. SAFE SLEEPING SITE POLICY.**

19 *It shall be the policy of the City and County of San Francisco ("City") to ensure that offer to*
20 *every person experiencing homelessness in San Francisco has a safe place to sleep overnight. First*
21 *and foremost, the City is committed to expanding opportunities for safe, affordable, and permanent*
22 *housing for all residents. To supplement permanent housing, the City is committed to expanding*
23 *opportunities for people experiencing homelessness to have temporary shelter, including but not limited*
24 *to, Navigation Centers, adult emergency shelters, crisis stabilization units, family shelters, hotel*
25 *placements, and shelters for transitional aged youth ("TAY"). To the extent that there is insufficient*

1 permanent housing and temporary shelter for people experiencing homelessness in San Francisco, it
2 shall be the policy of the City to expeditiously establish and operate a network of temporary Safe
3 Sleeping Sites where individuals may safely take shelter sleep for the night, and to provide
4 transportation as reasonably needed to and from such locations sites.

5
6 **SEC. 118.3. ESTABLISHMENT OF THE SAFE SLEEPING SITES PROGRAM.**

7 (a) Subject to the budgetary aid fiscal provisions of the Charter, the Department of
8 Homelessness and Supportive Housing (“HSH”) shall establish a Safe Sleeping Sites Program (the
9 “Program”). By no later than 1824 months after the Effective Operative Date, the City shall have
10 opened as many Safe Sleeping Sites or other temporary shelter facilities as are necessary to
11 accommodate all of the Unsheltered people in San Francisco who are willing may be expected to
12 accept a referral to such sites or facilities, based on the most recent estimate prepared by HSH
13 pursuant to Section 118.5, with such excess capacity as HSH reasonably determines may be
14 necessary to ensure that a space at a Safe Sleeping Site will generally be available for
15 anyone accepting such placement.

16 (b) HSH shall coordinate with the Division of Real Estate, the Recreation and Park
17 Department, the Human Services Agency, the Port of San Francisco (“Port”), the Public Utilities
18 Commission (“PUC”), the Municipal Transportation Agency (“MTA”), and such other City
19 departments, offices, agencies, boards, and commissions as may be necessary or appropriate for
20 successful implementation of the Program.

21
22 **SEC. 118.4. DEFINITIONS.**

23 As used in this Chapter 118, the following words or phrases shall mean:

24 “City” means the City and County of San Francisco.

1 “Effective Date” means the effective date of the ordinance in Board File No. 201187, enacting
2 this Chapter 118.

3 “Operative Date” means the operative date of Chapter 118 of the Administrative Code,
4 as stated in the ordinance in Board File No. 201187.

5 “Safe Sleeping Site” means an outdoor lot or facility meeting the operational requirements set
6 forth in Section 118.7, as may be applicable, where Unsheltered individuals may sleep overnight in
7 their own tent or bedding and may access services.

8 “Unsheltered” means having a primary nighttime residence that is a public or private place not
9 designed for or ordinarily used as a regular sleeping accommodation for human beings, including a
10 car, park, abandoned building, bus or train station, airport, or camping ground.

11
12 **SEC. 118.5. ANNUAL ESTIMATE OF THE NUMBER OF UNSHELTERED PEOPLE.**

13 Within 60 days of the ~~Effective~~Operative Date, and every year thereafter, HSH shall prepare
14 an estimate of the number of Unsheltered people in San Francisco who ~~are willing~~may be expected
15 to accept a referral to a Safe Sleeping Site or other temporary shelter facility, which estimate shall
16 be used to determine the number of Safe Sleeping Sites and/or other temporary shelter facilities that
17 the City is required to operate, consistent with Section 118.3. HSH shall calculate the estimate in
18 collaborationconsultation with the Controller, using the most accurate and current data sources
19 available, including but not limited to the Point-in-Time Homeless Count, tent counts, and data
20 collected and maintained by HSH and other City departments reflecting the rate of acceptance of
21 successful referrals to temporary shelters, including Safe Sleeping Sites, among people who are
22 offered such placement.

23
24 **SEC. 118.6. SURVEY OF REAL PROPERTY.**

1 (a) The Director of Real Estate shall conduct a survey of real property in the City to identify
2 lots or facilities appropriate for use as Safe Sleeping Sites or other temporary shelter facilities, and
3 shall submit the findings of such survey to the Board of Supervisors no later than ~~three months~~60
4 days after the Effective/Operative Date. The survey shall include vacant or unused sites owned or
5 controlled by the City; sites owned or controlled by the City that are being used for other purposes but
6 could feasibly be converted to a Safe Sleeping Site or other temporary shelter facility; private
7 property, including property owned by non-City agencies, that could be leased or acquired by the City;
8 and such other information, if any, as the Director of Real Estate deems appropriate to aid in
9 identifying lots or facilities as intended by this Section 118.6. As part of the survey, the Director of
10 Real Estate, in consultation with the Planning Department, shall note whether the use of a particular
11 lotsite as a Safe Sleeping Site or other temporary shelter facility would require a variance,
12 conditional use permit, or amendment of the Planning Code.

13 (b) The Director of Real Estate shall annually update the survey of real property required
14 by subsection (a) and shall submit such updated survey to the Board of Supervisors.

15
16 **SEC. 118.7. OPERATIONAL REQUIREMENTS.**

17 (a) Applicability of Requirements. The location of a facility or lot on property under the
18 jurisdiction of the MTA, PUC, or the Port requires the approval of the agency with jurisdiction over the
19 property.

20 (b) Operational Requirements for Safe Sleeping Sites. Each Safe Sleeping Site shall:

21 (1) Accommodate up to no more than 150 Unsheltered individuals;

22 (2) Prepare and implement a Safety Plan to ensure that the site is safe and secure;

23 (3) Prepare and implement an Intake Plan designed to support Unsheltered people
24 and address street encampments;

1 (4) Prepare and implement an Exit Plan to assist clients who are exiting the site to
2 relocate to places other than the street;

3 (5) Provide access to clean and regularly-serviced bathroom facilities, electricity,
4 drinking water, hand washing facilities, garbage services, and may also provide access to
5 showers;

6 (6) Prepare and implement a Disability Access Plan to address access for
7 people with physical and/or mental disabilities;

8 (7) Provide access to harm reduction services, including overdose prevention
9 services and substance use treatment, and supplies to prevent transmission of HIV/AIDS and
10 Hepatitis C; and

11 (8) Implement strategies to promote and maintain public health, including but
12 not limited to strategies to prevent the spread of COVID-19, such as through the distribution of
13 personal protective equipment, disinfection of common areas, and promotion of physical
14 distancing.

15 (6) ~~Be open and available for use during hours to be established by HSH, but~~
16 ~~at a minimum shall be open from 8:00 p.m. to 8:00 a.m.~~

17 (c) Transportation. HSH shall ensure that transportation is provided between to those
18 persons who need assistance to travel to and from Safe Sleeping Sites, and designated HSH
19 shelter reservation sites, access points, and other designated pick-up/drop-off locations to
20 persons who have been assigned a reservation at a Safe Sleeping Site by HSH or its
21 designee, and shall provide expanded pick-up/drop-off service during wet weather events and
22 emergency conditions. For purposes of this subsection (c), “transportation” shall not include bus or
23 light rail service operated for public transportation by the MTA.

24
25 **SEC. 118.8. IMPLEMENTATION AND EVALUATION.**

1 (a) The Director of HSH may issue rules, regulations, and/or guidelines, applicable to the
2 Program, consistent with the objectives and requirements of this Chapter 118.

3 (b) To the extent consistent with Charter requirements, the Director of HSH may enter into
4 contracts or other agreements with other City departments, public agencies, and private entities to aid
5 in the administration of this Chapter 118.

6 (c) All City officers and entities shall cooperate with the Director of HSH in the
7 implementation and administration of this Chapter 118.

8 ~~(d) Within 60 days of the Effective Date, HSH shall submit to the Mayor and the~~
9 ~~Board of Supervisors a plan to open enough Safe Sleeping Sites to serve 500 Unsheltered~~
10 ~~people within nine months of the Effective Date, and enough Safe Sleeping Sites to meet the~~
11 ~~requirements set forth in Section 118.3 within 18 months of the Effective Date~~
12 ~~("Implementation Plan"). The Implementation Plan shall include, but not necessarily be limited~~
13 ~~to:~~

14 ~~—— (1) An estimate of the cost of implementing the Safe Sleeping Sites program~~
15 ~~during the 18-month implementation period, and the annual cost of operating the Program~~
16 ~~once it is fully operational. These estimates shall specify what portion of the costs, if any, can~~
17 ~~be paid for out of money that has already been appropriated to HSH's budget, and what~~
18 ~~portion of the costs would require a new appropriation;~~

19 ~~—— (2) An analysis of the cost-effectiveness of different Safe Sleeping Site~~
20 ~~models;~~

21 ~~—— (3) A description of any services to be provided on the site of a Safe~~
22 ~~Sleeping Site, including but not limited to case management, treatment referrals, and/or~~
23 ~~coordinated entry referrals;~~

1 ~~—— (4) —— A description of any accommodations that may be provided at some or all~~
2 ~~of the Safe Sleeping Sites, such as but not limited to cots, tents, pods, tuff sheds, and/or tiny~~
3 ~~homes.~~

4 ~~—— (5) —— A description of the method by which HSH intends to select contractors or~~
5 ~~grantees to implement and/or operate the Safe Sleeping Sites Program.~~

6 ~~(ed) Within two years of the Effective Operative Date and annually every two years~~
7 ~~thereafter, the Controller shall submit to the Mayor and the Board of Supervisors, as well as HSH, a~~
8 ~~report evaluating the Program, including an assessment of the number of Unsheltered persons served,~~
9 ~~the number of sSafe sSleeping Site spaces made available, the number of Safe Sleep Site~~
10 ~~placements made, the average nightly occupancy rate for each Safe Sleeping Site, and data showing~~
11 ~~the number and percentage of exits from Safe Sleeping Sites that are made to permanent housing,~~
12 ~~shelter, the streets, or another location, and any programmatic recommendations, along with a~~
13 ~~resolution for the Board to accept for consideration the report.~~

14
15 Section 4. Implementation Plan and Survey of Real Property.

16 ~~(a) Within 120 days of the Effective Date, HSH shall submit to the Mayor and the~~
17 ~~Board of Supervisors a plan (“Implementation Plan”) to open enough Safe Sleep Sites to~~
18 ~~serve 500 Unsheltered people within nine months of submission of the plan and enough Safe~~
19 ~~Sleep Sites or other temporary shelter facilities as are necessary to accommodate all of the~~
20 ~~Unsheltered people in San Francisco who may be expected to accept a referral to such sites~~
21 ~~or facilities, within 24 months of submission of the plan, along with a resolution for the Board~~
22 ~~to accept for consideration the Implementation Plan.~~

23 ~~(b) The Implementation Plan shall include, but not necessarily be limited to:~~

24 ~~(1) An estimate of the number of Unsheltered people in San Francisco who~~
25 ~~may be expected to accept a referral to temporary shelter, including a Safe Sleep Site. HSH~~

1 shall calculate the estimate in consultation with the Controller, using the most accurate and
2 current data sources available, including but not limited to the Point-in-Time Homeless Count,
3 tent counts, and data collected and maintained by HSH and other City departments reflecting
4 the rate of successful referrals to temporary shelters, including Safe Sleep Sites, among
5 people who are offered such placement;

6 (2) An estimate of the cost of implementing the Safe Sleep Program during
7 the 24-month implementation period, and the annual cost of operating the Program once it is
8 fully operational. These estimates shall specify what portion of the cost, if any, can be paid
9 out of money that has already been appropriated to HSH's budget, and what portion of the
10 cost would require a new appropriation;

11 (3) An alternative estimate of the cost of opening enough Safe Sleep Sites to
12 serve 500 Unsheltered people within nine months of submission of the Implementation Plan,
13 and the annual cost of operating enough Safe Sleep Sites to serve 500 Unsheltered people;

14 (4) An analysis of the cost-effectiveness of different Safe Sleep Site models;

15 (5) A description of any services to be provided at a Safe Sleep Site,
16 including but not limited to case management, treatment referrals, and/or coordinated entry
17 referrals;

18 (6) A description of any accommodations that may be provided at some or all
19 of the Safe Sleep Sites, such as cots, tents, pods, tuff sheds, and/or tiny homes;

20 (7) A description of the method by which HSH intends to select contractors or
21 grantees to implement and/or operate the Safe Sleep Program;

22 (8) A description of the method by which HSH will engage community-based
23 organizations in the referral process for Safe Sleep Program placements;

24 (9) A geographic equity strategy for the selection of Safe Sleep Program
25 sites;

1 (10) A description of strategies to develop site-specific decision-making
2 models that are informed by guests, in collaboration with the site operator and HSH; and

3 (11) Standards for the provision of adequate space for community-building
4 activities and meals at Safe Sleep Sites.

5 (c) The Director of Real Estate shall conduct a survey of real property in the City to
6 identify lots or facilities appropriate for use as Safe Sleep Sites or other temporary shelter,
7 and shall submit the findings of such survey to the Board of Supervisors no later than 120
8 days after the Effective Date. The survey shall include vacant or unused sites owned or
9 controlled by the City; sites owned or controlled by the City that are being used for other
10 purposes but could feasibly be converted to a Safe Sleep Site or other temporary shelter;
11 private property, including property owned by non-City agencies, that could be leased or
12 acquired by the City; and such other information, if any, as the Director of Real Estate deems
13 appropriate to aid in identifying lots or facilities. As part of the survey, the Director of Real
14 Estate, in consultation with the Planning Department, shall note whether the use of a
15 particular site as a Safe Sleep Site or other temporary shelter facilities would require a
16 variance, conditional use permit, or amendment of the Planning Code.

17
18 Section 45. Effective Date; Operative Date.

19 (a) This ordinance shall become effective 30 days after enactment. Enactment
20 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
21 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors
22 overrides the Mayor's veto of the ordinance.

23 (b) Section 3 of this ordinance, adding Chapter 118 to the Administrative Code,
24 shall not become operative until, but shall become operative upon, the City's enactment of an
25

1 appropriations ordinance approving the use of funds from the General Fund to sufficiently
2 finance the costs of the Safe Sleep Program.

3
4 Section 56. Undertaking for the General Welfare. In enacting and implementing this
5 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
6 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
7 is liable in money damages to any person who claims that such breach proximately caused
8 injury.

9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: /s/ _____
13 ANNE PEARSON
Deputy City Attorney

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