

LEGISLATIVE DIGEST

[Administrative Code - Shelter Grievance Advisory Committee and Shelter Grievance Policy]

Ordinance amending the Administrative Code to establish the Shelter Grievance Advisory Committee to advise the Department of Homelessness and Supportive Housing regarding policies and procedures for clients of City-funded shelters to appeal denial of shelter services; and to codify the City's Shelter Grievance Policy establishing an administrative appeal process for clients of City-funded shelters denied shelter services for violating a shelter's rules.

Existing Law

The City's Shelter Grievance Policy and Shelter Grievance Advisory Committee are not currently codified in the Municipal Code. The Human Services Commission initially adopted the policy in 1992 and the uncodified policy is currently administered by the Department of Homelessness and Supportive Housing (the "Department"). The Shelter Grievance Policy governs the appeal process for shelter clients who break a shelter rule and requires the shelter to provide either a written notice or written denial of service notice, depending on the severity of the rule violation. The appeal process consists of a two-stage process. At the first stage, the client is entitled to a shelter hearing adjudicated by a hearing officer at the shelter and, at the second stage, if the client disagrees with the shelter hearing decision, an arbitration adjudicated by an attorney arbitrator. The Shelter Grievance Policy also establishes the procedural rules for both the shelter hearing and the arbitration, as well as delineates the available decisions that may be entered and a good cause procedure for failure to attend a hearing.

The Shelter Grievance Advisory Committee is a 10 to 15-member advisory committee composed of representatives from shelter providers, clients, City departments, arbitrators, shelter advocates, and community members, each appointed by the Local Homeless Coordinating Board. The Committee receives reports regarding the Shelter Grievance Policy and makes recommendations to the Department.

Amendments to Current Law

This Proposed Ordinance would codify the current Shelter Grievance Policy in the Administrative Code. The Department would continue to be responsible for administering the policy and promulgating necessary regulations to protect the health or safety of shelter clients and staff and the general public. The Proposed Ordinance maintains the basic framework of written notice required for violation of shelter rules, appeals for denials of service (consisting of a shelter hearing and an arbitration), and good cause exemptions, but would add further detail on each step in the appeal process including, but not limited to, time periods for the appeals process, notice requirements, and language access requirements. The Proposed

Ordinance would add a reporting requirement to the Department, in addition to an existing annual review of permanent denials of service.

The Proposed Ordinance would also codify the Shelter Grievance Advisory Committee and set the number of seats at 13, with seats 1 through 4 designated for shelter clients, seats 5 through 8 for providers of shelter services, seats 9 and 10 for shelter client advocates, seat 11 for an arbitrator, seat 12 for an at-large City resident, and seat 13 for an employee of the Department of Public Health. The Committee would continue to advise the Department on the Shelter Grievance Policy and continue to receive and review reports relating to the Policy. The Committee would also receive complaints regarding arbitrators and recommend to the Department any appropriate action. The Committee would sunset after 10 years unless renewed by the Board.

Background Information

The Human Services Commission adopted the Shelter Grievance Policy in April 1992 to remove the hesitancy of unhoused individuals to enter a shelter by ensuring that each shelter receiving City funds has a transparent set of rules for each client, including a fair and speedy appeal process. The appeal process often results in an agreement between the shelter and the client to remedy the underlying denial of service and allow the client to remain in the shelter and reducing the likelihood of a repeat rule violation. The Policy is intended to establish a transparent dispute resolution process while also reducing the likelihood that a shelter client will be denied a shelter bed.

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