

1 [Health Code - City-Operated Adult Residential Facility]

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3 Ordinance amending the Health Code to require the Department of Public Health to  
4 maintain and operate at full capacity an 55-bed adult residential facility with no fewer  
5 than 41 beds.

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

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

14 Section 1. The Health Code is hereby amended by adding Article 45, consisting of  
15 Sections 4501, 4502, and 4503, to read as follows:

16 **ARTICLE 45: CITY-OPERATED ADULT RESIDENTIAL FACILITY**

17  
18 **SEC. 4501. BACKGROUND AND FINDINGS.**

19 *(a) Adult residential facilities (“ARFs”) are group care facilities that provide 24-hour*  
20 *nonmedical care to individuals aged 18-59 who need personal services, supervision, or assistance to*  
21 *support their activities of daily living. ARFs provide rooms, meals, housekeeping, supervision, storage*  
22 *and distribution of medications, and personal care assistance with basic activities like hygiene,*  
23 *dressings, eating, and bathing. ARFs are licensed by the Community Care Licensing Division of the*  
24 *State Department of Social Services (“CCL”).*  
25

1           **(b)** ARFs play an important role in a locality's continuum of care by providing people with  
2 mental illness an opportunity to live in community-based housing, rather than in institutional care.

3           **(c)** A 2018 report by the California Behavioral Health Planning Council observed that due  
4 to ARF closures and a lack of new ARFs, many individuals with mental illness are not able to find  
5 sustainable community housing options with the appropriate level of care following stays in acute in-  
6 patient treatment programs, hospitals, or correctional institutions. The report concludes that the  
7 absence of community-based housing options can result in a "revolving door scenario" where people  
8 are discharged or released from an institution only to be unable to find appropriate residential care or  
9 housing. When another mental health crisis ensues, the absence of community-based housing  
10 opportunities can result in a return to high-level crisis programs, facilities, hospitals, jails/prisons, or  
11 homelessness.

12           **(d)** Since 2005, the San Francisco Department of Public Health ("DPH") has operated an  
13 ARF at 887 Potrero Avenue. This ARF has been licensed by CCL to include 55 beds.

14           **(e)** In recent years, DPH has failed to maintain staffing at a level that was sufficient to  
15 operate the ARF at 887 Potrero Avenue at full capacity. In 2018-2019, DPH asked CCL for permission  
16 to temporarily suspend from licensure a total of 41 ARF beds at 887 Potrero Avenue so that they could  
17 be used instead as emergency shelter beds for people experiencing homelessness. CCL granted DPH's  
18 request, thereby temporarily reducing the total number of beds at this ARF from 55 to ~~44~~14. CCL's  
19 approval extends through June 30, 2024~~0~~, although DPH may seek CCL approval to restore the beds  
20 for use as ARF beds prior to that date subject to CCL's finding that DPH can meet the licensing  
21 standards required to operate the ARF at full capacity.

22           **(f)** In October 2018, CCL concluded that on a number of occasions between 2015 and  
23 2018, DPH had failed to comply with applicable laws and regulations in its administration of the ARF  
24 at 887 Potrero Avenue. To bring the facility into compliance, CCL required that DPH prepare a  
25 corrective action plan, which DPH prepared and submitted to CCL on October 15, 2018 ("Corrective

1 Action Plan”). This plan lays out the steps DPH has taken and will continue to take, including training  
2 and monitoring, to ensure that the ARF operates in full compliance with all applicable standards.

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4 **SEC. 4502. MAINTENANCE AND OPERATION OF ADULT RESIDENTIAL FACILITY.**

5 (a) As of the effective date of this Article 45, and until March 31, 2020, DPH shall  
6 operate 28 of the beds at the ARF located at 887 Potrero Avenue as emergency shelter beds  
7 for people experiencing homelessness.

8 (ab) As of the effective date of this Article 45 By no later than April 1, 2020, and from  
9 that date forward, DPH shall maintain and operate at full capacity a licensed 55-bed adult residential  
10 facility with no fewer than 41 beds, and shall take all steps necessary to ensure that all 55 ARF beds  
11 are occupied by persons who meet the eligibility criteria for residence in an adult residential facility set  
12 forth in State law and in the facility’s license.

13 (bc) To ensure compliance with the deadlines established in subsections (a) and (b), DPH  
14 shall take immediate action to:

15 (1) Notify CCL of its intent to operate 54 ARF beds, and take all steps necessary  
16 to ensure licensure of all 54 ARF beds;

17 (2) Identify clinically appropriate alternative placements for five ARF  
18 residents, and work with those residents to facilitate their voluntary relocation. Patients who  
19 are offered clinically appropriate alternative placements shall be given the opportunity to  
20 discuss their options with the ombudsman program before being transferred;

21 (23) Hire a sufficient number of qualified City staff to operate the 54 ARF beds;  
22 and

23 (34) Identify residents who qualify for placement in any available ARF beds on or  
24 after April 1, 2020.

1           ~~(ed)~~ *Staff from the Department of Human Resources (“DHR”) shall assist DPH to*  
2 *immediately, and with urgency, hire qualified City staff.*

3           ~~(e)~~ DPH shall provide trauma-informed care training to all DPH staff who work at  
4 DPH’s Behavioral Health Center located at 887 Potrero Ave on the following topics: trauma-  
5 informed care, patient safety, evidence-based de-escalation techniques, medication  
6 management, risk management, first aid and cardiopulmonary resuscitation (CPR), and  
7 detention for evaluation and treatment under Section 5150 of the California Welfare and  
8 Institutions Code. These trainings shall be provided by subject matter experts who do not  
9 work at the Behavioral Health Center.

10           ~~(f)~~ DPH shall create a forum in which management and staff of the ARF located at  
11 887 Potrero Avenue can discuss issues relating to resident care and workplace conditions,  
12 and shall conduct an objective analysis and review of the Behavioral Health Center.

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14           **SEC. 4503. REPORTING.**

15           ~~Within three months of the effective date of this Article 45~~By no later than March 31,  
16 2020, DPH and DHR shall jointly submit to the Board of Supervisors a report summarizing the  
17 actions it has taken in compliance with this Article 45, and its objective analysis and review of  
18 the Behavioral Health Center report that describes:

19           ~~(a)~~ The number of ARF beds that have been filled and the number that remain  
20 vacant;

21           ~~(b)~~ The number of personnel hired to work at the ARF; and

22           ~~(c)~~ The steps that DPH has taken to ensure compliance with the Corrective Action  
23 Plan.

1 Section 2. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor's veto of the ordinance.

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

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12 APPROVED AS TO FORM:  
13 DENNIS J. HERRERA, City Attorney

14 By:   
15 ANNE PEARSON  
Deputy City Attorney

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**City and County of San Francisco**  
**Tails**  
**Ordinance**

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

**File Number:** 190928

**Date Passed:** November 05, 2019

Ordinance amending the Health Code to require the Department of Public Health to maintain and operate at full capacity an adult residential facility with no fewer than 41 beds.

October 17, 2019 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

October 17, 2019 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

October 29, 2019 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 10 - Brown, Fewer, Hancy, Mandelman, Mar, Peskin, Ronen, Safai, Stefani and Yee  
Excused: 1 - Walton

October 29, 2019 Board of Supervisors - DUPLICATED

October 29, 2019 Board of Supervisors - PASSED ON FIRST READING AS AMENDED


Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani and Yee  
Excused: 1 - Walton


November 05, 2019 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee  
Excused: 1 - Brown

File No. 190928

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/5/2019 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
London N. Breed  
Mayor

11/15/19  
\_\_\_\_\_  
Date Approved