

1 [Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission  
and Related City Bodies]

2  
3 **Ordinance amending the Administrative Code and Business and Tax Regulations Code**  
4 **as required by Proposition C, adopted at the November 8, 2022 election, to provide that**  
5 **the Homelessness Oversight Commission (“Commission”) appoint all members of the**  
6 **Local Homeless Coordinating Board (“Coordinating Board”); that the Coordinating**  
7 **Board’s sole duties are to serve as the governing body required to participate in the**  
8 **federal Continuum of Care Program and to advise the Commission on issues relating**  
9 **to the Continuum of Care; that the Shelter Monitoring Committee advise the**  
10 **Commission in lieu of the Coordinating Board; that the Our City, Our Home Oversight**  
11 **Committee (“Oversight Committee”) advise and make recommendations to the**  
12 **Commission and the Health Commission; and that the Oversight Committee inform the**  
13 **Department of Homelessness and Supportive Housing’s strategic planning process.**

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

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

22 Section 1. Background.

23 On November 8, 2022, the voters approved Proposition C, which established the  
24 Homelessness Oversight Commission to oversee the Department of Homelessness and  
25 Supporting Housing. One subsection of Proposition C, codified in Charter Section 4.133(h),  
requires the City to enact an ordinance to amend various provisions of the Administrative and

1 Business and Tax Regulations Codes to reflect changes to the duties, methods of  
2 appointment, and reporting structures of several City bodies that advise on issues relating to  
3 homelessness. The intent of this ordinance is to comply with the requirement set forth in  
4 Charter Section 4.133(h).

5  
6 Section 2. Regarding the Local Homeless Coordinating Board, the Administrative  
7 Code is hereby amended by revising Article XXXI of Chapter 5, Sections 5.31-2 through 5.31-  
8 4, to read as follows:

9  
10 **SEC. 5.31-2. MEMBERSHIP.**

11 The Coordinating Board shall be comprised of nine members, appointed by the  
12 Homelessness Oversight Commission (“Commission”) as follows:

13 (a) Seat 1 shall be held by ~~appointed by the Mayor and shall be~~ a homeless or formerly  
14 homeless person.

15 (b) Seats 2 through ~~9~~4 shall be held by people who ~~appointed by the Mayor. The~~  
16 ~~appointees shall~~ represent organizations or projects serving one or more of the following  
17 homeless subpopulations in San Francisco: families with children; single adults; veterans; the  
18 chronically homeless; unaccompanied youth; persons with HIV/AIDS; persons with substance  
19 use disorders; the seriously mentally ill; and victims of domestic violence, dating violence,  
20 sexual assault, and stalking. For purposes of this subsection (b) regarding Seats 2 through 9, o~~One~~  
21 Board member may represent the interests of more than one homeless subpopulation.

22 ~~—(c) Seats 5 through 8 shall be appointed by the Board of Supervisors. The appointees shall~~  
23 ~~represent one or more of the homeless subpopulations listed in subsection (b) of this Section 5.31-2.~~  
24 ~~One Board member may represent the interests of more than one homeless subpopulation.~~

1           ~~—(d) Seat 9 shall be appointed by the Controller and shall represents one or more of the~~  
2 ~~homeless subpopulations listed in subsection (b) of this Section 5.31-2. One Board member may~~  
3 ~~represent the interests of more than one homeless subpopulation.~~

4           (c) All of the homeless subpopulations listed in subsection (b) ~~of this Section 5.31-2~~  
5 must be represented on the Coordinating Board to the extent that someone is available and  
6 willing to represent that subpopulation on the Board. At the time of appointment, the  
7 ~~Commission appointing authority~~ shall identify the homeless subpopulation(s) represented by the  
8 appointee.

9  
10           **SEC. 5.31-3. ORGANIZATION AND TERMS OF OFFICE.**

11           (a) Each member of the Coordinating Board shall serve at the pleasure of the  
12 ~~Commission member's appointing authority~~ for a term of four years, except as qualified in  
13 subsections (a)(2) and (a)(4).

14           (1) The term of office for each of the seats on the Coordinating Board appointed by the  
15 Commission shall commence on July 1, 2023, at noon.

16           (2) To provide for staggered terms, the members appointed to Seats 2, 4, 6, and 8 shall  
17 serve for an initial term of two years starting at noon on July 1, 2023 and ending at noon on July 1,  
18 2025; thereafter the term for Seats 2, 4, 6, and 8 shall be a four-year term, with the first such term  
19 starting on July 1, 2025 at noon. The members appointed to Seats 1, 3, 5, 7, and 9 shall serve for an  
20 initial term of four years starting at noon on July 1, 2023 and ending at noon on July 1, 2027, with the  
21 next four-year term starting at that time.

22           (3) If the Commission does not appoint a member to a seat prior to the commencement  
23 of the term on July 1, 2023, the member of the Coordinating Board in that respective seat shall remain  
24 as a holdover in the seat until the Commission appoints a member to the seat; provided, however, that  
25 the holdover member serves at the pleasure of the Commission.

1                   (4) Notwithstanding subsection (a)(1), the Commission has discretion to appoint  
2 members to seats on the Coordinating Board prior to July 1, 2023, to serve on the Coordinating Board  
3 for whatever time remains between such appointment and July 1, 2023, at noon.

4                   (5) Members of the Coordinating Board who are seated as of July 1, 2023 prior to the  
5 commencement of the term at noon, may be appointed by the Commission for that term provided they  
6 meet the qualifications for the seat to which the Commission appoints them.

7                   (b) If a vacancy occurs in any seat on the Coordinating Board, the Commission  
8 ~~appointing authority for the vacated seat~~ shall appoint a successor to that seat, to complete the  
9 remainder of the term of the vacated seat.

10                  (c) Members of the Coordinating Board shall receive no compensation.

11                  (d) Any member who misses three regular meetings of the Coordinating Board  
12 without the express approval of the Coordinating Board at or before each missed meeting  
13 shall be deemed to have resigned from the Coordinating Board 10 days after the third  
14 unapproved absence. The Coordinating Board shall inform the ~~appointing authority~~Commission  
15 of the resignation.

16  
17                  **SEC. 5.31-4. DUTIES.**

18                  The Coordinating Board shall perform the following functions:

19                  (a) Serve as the Continuum of Care governing body in accordance with applicable  
20 U.S. Department of Housing and Urban Development ("HUD") rules and regulations, including  
21 but not limited to 24 CFR Part 578 et seq., as amended. The Coordinating Board shall adopt,  
22 and all members shall abide by, a written conflict of interest policy that complies with 24 CFR  
23 ~~Part~~ Section 578.95(b), as amended.

1 (b) Advise the ~~Department of Homelessness and Supportive Housing on homeless policy~~  
2 ~~and budget allocations.~~ Commission on issues relating to the City's participation in the Continuum of  
3 Care program.  
4

5 Section 3. Regarding the Shelter Monitoring Committee, the Administrative Code is  
6 hereby amended by revising Article XII of Chapter 20, Sections 20.300, 20.303, and 20.304,  
7 to read as follows:  
8

9 **SEC. 20.300. FINDINGS.**

10 The Board of Supervisors finds and declares the following:

11 (a) The City and County of San Francisco funds shelters and resource centers that  
12 serve homeless people; and

13 (b) There is a significant public interest in determining that the homeless shelters  
14 that the City funds are safe and sanitary, that the shelters' policies and procedures are fair  
15 and meet the needs of the clients accessing shelter services; that operators receiving City  
16 funds are complying with their contractual obligations to the City, and that shelter clients  
17 benefit from the expenditure of public funds; and

18 (c) The Mayor, the Board of Supervisors, the Homelessness Oversight Commission  
19 ("Commission"), established by Charter Section 4.133 ~~Local Homeless Coordinating Board~~, any  
20 future advisory body created by the City and County of San Francisco, and the public, among  
21 others, need to be able to access accurate and comprehensive information regarding shelters.  
22

23 **SEC. 20.303. PURPOSE.**

24 The purpose of the Committee is to provide the Mayor, the Board of Supervisors, the  
25 Commission ~~Local Homeless Coordinating Board~~, the public, and any other appropriate agency

1 with accurate, comprehensive information about the conditions in and operations of shelters  
2 covered by this Article XII, as well as City policies in place that affect operations of shelters or  
3 their impact on shelter clients.

4  
5 **SEC. 20.304. POWERS AND DUTIES.**

6 The Committee shall have all of the powers and duties necessary to carry out the  
7 functions of the Committee as follows:

8 \* \* \* \*

9 (b) Reports. The Committee shall prepare and submit quarterly reports that shall  
10 include but not be limited to information on the following: safety in the shelter, cleanliness in  
11 the shelter, disability access to and within the shelter, family life in the shelter, a review of  
12 policies and procedures in place at the shelter, and any information received regarding the  
13 treatment and personal experiences of shelter residents. In order to enable the Committee to  
14 prepare reports required under this subsection (b), City departments that contract for services  
15 at a shelter that is under review must respond within 15 days to any reasonable request for  
16 information submitted by the Committee relative to the shelter or to City policies that affect  
17 shelter clients. The reports shall also include recommended action steps for the shelter and  
18 for the City department that contracts for services at the shelter. City departments and the  
19 reports referenced in this subsection shall not identify shelter residents or disclose any  
20 confidential information concerning shelter residents consistent with state and federal law.  
21 The Committee may issue emergency reports at any time it deems necessary. The reports  
22 shall be provided to: 1) the Mayor, 2) the Board of Supervisors, 3) the ~~Commission~~  
23 ~~Homeless Coordinating Board~~, 4) the appropriate City department responsible to take action, 5)  
24 the City department that contracts for services at the shelter, 6) the shelter under review, and  
25 7) the public. These reports shall be public documents. Any City department identified in the

1 report as responsible to take action recommended in the report shall, within 30 days of  
2 issuance of the report, provide to the Board of Supervisors a departmental report setting forth  
3 how the department intends to respond to the Committee's recommendations.  
4

5 Section 4. Regarding the Our City, Our Home Oversight Committee, the Business and  
6 Tax Regulations Code is hereby amended by revising Article 28, Section 2810, to read as  
7 follows:  
8

9 **SEC. 2810. DEPOSIT OF PROCEEDS; EXPENDITURE OF PROCEEDS.**

10 \* \* \* \*

11 (e) Our City, Our Home Oversight Committee.

12 (1) By February 28, 2019, the Board of Supervisors shall establish by ordinance  
13 the Our City, Our Home Oversight Committee (“Oversight Committee”) to make  
14 recommendations to the Mayor, ~~and~~ the Board of Supervisors, the Health Commission, and the  
15 Homelessness Oversight Commission to ensure that the Our City, Our Home Fund is  
16 administered in a manner consistent with the provisions of this Section 2810.

17 (2) The purpose of the Oversight Committee shall be to monitor and make  
18 recommendations in the administration of the Our City, Our Home Fund, to take steps to  
19 ensure that the fund is administered in a manner accountable to the community and  
20 consistent with the law, and to advise the Board of Supervisors, the Health Commission, and the  
21 Homelessness Oversight Commission on appropriations from the Our City, Our Home Fund. As  
22 part of this purpose, the Oversight Committee shall:

23 (A) Develop recommendations for prioritizing the use of funds appropriated from  
24 the Our City, Our Home Fund;  
25

1 (B) By December 31, 2019, and every three years thereafter, conduct a needs  
2 assessment with respect to homelessness and Homeless populations, including but not  
3 limited to an assessment of available data on subpopulations with regard to race, family  
4 composition, sexual orientation, age, and gender served by the programs and expenditures  
5 described in Section 2810(b)(3), and make annual recommendations about appropriations  
6 from the Our City, Our Home Fund to the Board of Supervisors, the Health Commission, and the  
7 Homelessness Oversight Commission consistent with that needs assessment, and such needs  
8 assessment shall inform the Department of Homelessness and Supportive Housing's strategic planning  
9 process;

10 (C) Promote and facilitate transparency in the administration of the Our City, Our  
11 Home Fund.

12 (D) Promote implementation of the programs funded by the Our City, Our Home  
13 Fund in a culturally sensitive manner.

14 \* \* \* \*

15  
16 Section 5. Also regarding the Our City, Our Home Oversight Committee, the  
17 Administrative Code is hereby amended by revising Article XLI of Chapter 5, Section 5.41-2,  
18 to read as follows:

19  
20 **SEC. 5.41-2. PURPOSES AND DUTIES.**

21 The Committee shall have the following purposes and duties:

22 (a) All the purposes and duties as set forth in Business and Tax Regulations Code  
23 Section 2810(e)(1) and (2).  
24  
25

1 (b) Identify barriers to safe and successful exits out of homelessness, and propose  
2 to the Board of Supervisors, ~~and~~ the Mayor, the Health Commission, and the Homelessness  
3 Oversight Commission ways to reduce those barriers or the impact of those barriers.

4 (c) Solicit substantive input from people who are Homeless regarding spending  
5 priorities. The Committee may seek this input through all appropriate means, including but not  
6 limited to conducting surveys and focus groups, and coordinating with community  
7 organizations that conduct outreach and/or provide services to Homeless people.

8 (d) Each needs assessment conducted in accordance with Business and Tax  
9 Regulations Code Section 2810(e)(2)(B) shall be provided in the form of a written report within  
10 the time frames there specified. The needs assessment specified in Section 2810(e)(2)(B)  
11 shall include an assessment of the needs of Homeless people with disabilities, and the report  
12 shall include an assessment of available data regarding the disability status of Homeless  
13 people served by the programs and expenditures described in Business and Tax Regulations  
14 Code Section 2810(b)(3). Each needs assessment shall be transmitted to the Department of  
15 Homelessness and Supportive Housing to inform the Department's strategic planning process.

16 (e) In conjunction with each needs assessment report, at least 60 days before  
17 issuing the report, the Committee shall provide a draft of the report to each City department  
18 discussed in the report, and allow the department 30 days to provide a written response to the  
19 Committee. The Committee shall include any such responses that it timely receives from  
20 departments in the report.

21 (f) For purposes of this Section 5.41-2, the term "Homeless" has the same meaning  
22 as in Business and Tax Regulations Code Section 2810(h)(1).

23  
24 Section 6. Effective Date. This ordinance shall become effective 30 days after  
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
8 additions, and Board amendment deletions in accordance with the "Note" that appears under  
9 the official title of the ordinance.

10  
11  
12 APPROVED AS TO FORM:  
13 DAVID CHIU, City Attorney

14 By: /s/ Henry L. Lifton  
15 HENRY L. LIFTON  
16 Deputy City Attorney

17 n:\legana\as2022\2300129\01643122.docx