

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/13/2022)

[Human Services Agency - Agreements with Hotels Providing Non-Congregate Shelter to Persons Experiencing Homelessness]

Ordinance authorizing the Human Services Agency (HSA) to amend certain hotel booking agreements that were executed on or before February 10, 2022 to provide non-congregate shelter to people experiencing homelessness by extending the terms beyond August 31, 2022 to August 31, 2023; waiving for said agreements certain requirements in the Administrative and Environment Codes; approving certain agreements with anticipated expenditures in excess of \$10 million under Charter Section 9.118; and authorizing HSA to enter into modifications of such agreements that do not increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the agreement.

Amendments to Current Law

Currently, under the authority of the Forty-Fifth Supplement (described below), HSA is authorized to enter into certain hotel booking agreements up to August 31, 2022. This uncodified Proposed Ordinance would authorize HSA to amend those hotel booking agreements that the agency entered into on or before February 10, 2022 to extend the term of those agreements beyond August 31, 2022 up to and including August 31, 2023. The Proposed Ordinance would also allow HSA to continue to waive certain provisions in the Administrative and Environment Codes that HSA previously waived under the authority of the Mayor's Supplements to the Proclamation (as that term is defined below). Finally, extending the term for five of the hotel booking agreements would increase the not to exceed amounts of those agreements over \$10 million and the Proposed Ordinance would approve those expenditures under the authority of Section 9.118 of the Charter.

Background Information

On February 25, 2020, Mayor London Breed proclaimed a state of emergency in response to the COVID-19 pandemic (the "Proclamation"). On May 11, 2020, the Mayor issued the Thirteenth Supplement to the Proclamation, authorizing City departments to enter into COVID-19 related contracts with a term of one year or less and that exempted the departments from certain contracting requirements. On February 19, 2021, the Mayor issued the Thirty-Fifth Supplement to the Proclamation authorizing a term extension of up to 12 months for the COVID-19 related emergency contracts initially authorized by the Thirteenth Supplement.

Under the authority of the Thirteenth Supplement, HSA entered into hotel booking agreements with 30 hotels to provide rooms for shelter-in-place, isolation and quarantine, and first responders. Because HSA executed these agreements under the authority of the Thirteenth

Supplement, the agency also had the authority to waive certain provisions of the Administrative and Environment Codes, which it exercised. Then, under the authority of the Thirty-Fifth Supplement, HSA extended the term for existing hotel booking agreements and continued to waive the Administrative and Environment Code provisions.

On February 10, 2022, the Mayor issued the Forty-Fifth Supplement to the Proclamation authorizing HSA to amend any hotel booking agreement the agency had in place as of February 10, 2022 for the use of hotel rooms to house individuals experiencing homelessness or individuals who are at risk of developing severe COVID-19 to extend the term of any such agreements up to and including August 31, 2022. The Supplement also provides that if any such amendment includes an option to further extend the term beyond August 31, 2022, HSA must first obtain approval of the Board of Supervisors by ordinance waiving any applicable restrictions in the Municipal Code before exercising such extension.

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