

BOARD of SUPERVISORS



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MEMORANDUM

TO: Rich Hillis, Director, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: March 25, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Preston on March 22, 2022:

File No. 220286

Ordinance amending the Administrative Code to require the City to acquire at least 20 additional dwelling units for use as transitional housing for homeless transitional age youth in the Haight-Ashbury neighborhood no later than March 31, 2023; and to require the Department of Homelessness and Supportive Housing to report to the Board of Supervisors on its progress for such acquisition no later than 120 days after the effective date of this ordinance; affirming the Planning Department's determination under the California Environmental Quality Act ("CEQA"); and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review and requesting findings per the legislation.

cc: Tina Tam, Planning Department
Corey Teague, Planning Department
Devyai Jain, Planning Department
AnMarie Rodgers, Planning Department
Dan Sider, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Don Lewis, Planning Department

1 [Administrative Code - Transitional Housing for Homeless Transitional Age Youth in Haight-
Ashbury]

2
3 **Ordinance amending the Administrative Code to require the City to acquire at least 20**
4 **additional dwelling units for use as transitional housing for homeless transitional age**
5 **youth in the Haight-Ashbury neighborhood no later than March 31, 2023; and to require**
6 **the Department of Homelessness and Supportive Housing to report to the Board of**
7 **Supervisors on its progress for such acquisition no later than 120 days after the**
8 **effective date of this ordinance; affirming the Planning Department’s determination**
9 **under the California Environmental Quality Act (“CEQA”); and making findings of**
10 **consistency with the General Plan, and the eight priority policies of Planning Code,**
11 **Section 101.1.**

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

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

20 Section 1. CEQA and General Plan Findings.

21 (a) 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. _____ and is incorporated herein by reference. The Board
25 affirms this determination.

1 (b) On _____, 2022, the Planning Department determined that the actions
2 contemplated in this ordinance are consistent, on balance, with the City’s General Plan and
3 eight priority policies of Planning Code Section 101.1. The Board adopts this determination
4 as its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in
5 File No. _____, and is incorporated herein by reference.

6
7 Section 2. The Administrative Code is hereby amended by adding Chapter 41H,
8 consisting of Sections 41H.1 through 41H.8, to read as follows:

9
10 **CHAPTER 41H: EXPANDING TRANSITIONAL HOUSING FOR TRANSITIONAL AGE**
11 **YOUTH IN HAIGHT-ASHBURY**

12
13 **SEC. 41H.1. FINDINGS AND PURPOSE.**

14 (a) Citywide, youth aged 18-24 make up 14% of the City’s homeless population, according
15 to the last point-in-time count. Youth experiencing homelessness have unique trauma, unique needs,
16 and face unique barriers. According to the last point-in-time count, approximately two-thirds of youth
17 experiencing homelessness in San Francisco identify as LGBTQ.

18 (b) The Haight-Ashbury neighborhood (the “Haight-Ashbury”) has long been a place of
19 refuge to many youth experiencing homelessness. An estimated 48% of youth experiencing
20 homelessness in San Francisco are homeless because they were displaced from housing in San
21 Francisco. As the Homeless Youth Alliance has noted, the Haight-Ashbury is a destination for youth
22 seeking refuge from abusive families, alienating foster care and group home situations, and juvenile
23 justice system involvement. And yet it is not a particularly safe refuge; these young people encounter
24 constant threats to both their physical and mental health while on the streets.

1 (c) Housing options for youth in the Haight-Ashbury have been extremely limited. Several
2 service providers – including Larkin Street Youth Services, Homeless Youth Alliance, and Huckleberry
3 House – provide services and housing assistance in various forms, but, as of 2022, no new housing
4 units – temporary or permanent – have been opened for youth in the Haight-Ashbury over the last
5 decade.

6 (d) Services for youth experiencing homelessness in the Haight-Ashbury enjoys broad
7 support in the community. Neighborhood organizations, including the Haight Ashbury Merchants
8 Association, Haight Ashbury Neighborhood Council, and Cole Valley Haight Allies, have supported
9 efforts including the safe sleeping site and other youth services in the neighborhood. This is further
10 evidenced by the Haight Ashbury neighborhood voting in overwhelming support of 2018’s Proposition
11 C, the Our City, Our Home initiative.

12 (e) Notwithstanding this community support, in October 2021, the City abandoned a
13 planned temporary drop-in center at 730 Stanyan Street after pressure from a small group of vocal
14 opponents of homeless services in the neighborhood. Despite having over \$10 million in uncommitted
15 funds for bridge housing for homeless transitional age youth (“TAY”) in the Our City, Our Home
16 Fund, the program approved by the voters as Proposition C in November 2018, the City also rejected
17 calls for the purchase of The Red Victorian hotel, a 21-room vacant building on Haight Street that
18 many urged be acquired for homeless TAY bridge housing.

19 (f) With an ongoing need for transitional housing for youth experiencing homelessness, and
20 no plan or commitment from the City to acquire, build, or otherwise create such housing despite
21 possessing the financial resources to do so, this Chapter 41H seeks to direct the City to create such
22 housing opportunities in the Haight-Ashbury without further delay.

23
24 **SEC. 41H.2. DEFINITIONS.**

25 For purposes of this Chapter 41H, the following definitions apply:

1 “Acquisition Deadline” means March 31, 2023.

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

3 “Haight-Ashbury” means the area bounded to the north by Oak Street, to the east by Baker
4 Street, to the south by Frederick Street and the northern border of Buena Vista Park, and to the west by
5 Stanyan Street. While the Board recognizes that there are broader definitions of the Haight-Ashbury
6 neighborhood, the Board intends to use this definition solely for the purpose of this Chapter 41H.

7 “Homeless” means an individual or family that lacks a fixed, regular, and adequate nighttime
8 residence, and whose primary nighttime residence is one or more of the following: a shelter; a sidewalk
9 or street; outdoors; a vehicle; a structure not certified or fit for human residence, such as an
10 abandoned building; a couch used for sleeping in accommodations that are inadequate or overly
11 crowded; an SRO Unit in which one or more family members are under the age of 18; a transitional
12 housing program; or in such other location that is unsafe or unstable.

13 “HSH” means the Department of Homelessness and Supportive Housing, or any successor
14 agency, department, or office.

15 “TAY” means Transitional Age Youth.

16 “TAY Services” means in-person support for TAY, provided by full-time, direct-service
17 behavioral health and medical staff, with a strong focus on supporting successful exits to permanent
18 housing.

19 “Transitional Age Youth” means Homeless youth between the ages of 18 and 29, inclusive.

20 “Transitional Housing Unit” means a dwelling unit made available to Transitional Age Youth
21 for a period of two years or less, with onsite TAY Services.

22
23 **SEC. 41H.3. ACQUISITION.**

24 Subject to the budgetary and fiscal provisions of the Charter, no later than the Acquisition
25 Deadline, the City shall acquire, either by purchase or by lease for a period of 10 years or more, or by

1 some combination of purchase and such lease, 20 or more additional dwelling units in Haight-Ashbury
2 for use as Transitional Housing Units. For the purposes of this requirement, “additional” shall mean
3 additional as compared to the number of Transitional Housing Units in Haight-Ashbury owned or
4 leased by the City as of March 22, 2022.

5
6 **SEC. 41H.4. ADMINISTRATION.**

7 This Chapter 41H shall be administered by HSH. The Director of HSH may adopt regulations
8 to carry out the provisions and purposes of this Chapter.

9
10 **SEC. 41H.5. REPORTING.**

11 No later than 120 days after the effective date of this Chapter 41H, HSH shall submit a written
12 report to the Board of Supervisors describing its progress as it relates to this Chapter. The report shall,
13 at a minimum, describe the status of the acquisition of the Transitional Housing Units referenced in
14 Section 41H.3, the steps taken and anticipated to be taken to complete the acquisition and provide TAY
15 Services at the acquired Transitional Housing Units, and the expected timeline to complete the
16 acquisition and the provision of TAY Services at the acquired Transitional Housing Units.

17
18 **SEC. 41H.6. UNDERTAKING FOR THE GENERAL WELFARE.**

19 In enacting and implementing this Chapter 41H, the City is assuming an undertaking only to
20 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
21 obligation or duty for breach of which it is liable in money damages or any other relief to any person
22 who claims that such a breach proximately caused injury.///

23 ///

24 ///

25 ///

1 **SEC. 41H.7. SEVERABILITY.**

2 If any section, subsection, sentence, clause, phrase, or word of this Chapter 41H, or any
3 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
4 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
5 portions or applications of this Chapter. The Board of Supervisors hereby declares that it would have
6 enacted this Chapter and every section, subsection, sentence, clause, phrase, and word not declared
7 invalid or unconstitutional without regard to whether any other portion of this Chapter or application
8 thereof would be subsequently declared invalid or unconstitutional.

9
10 **SECT. 41H.8. SUNSET DATE.**

11 Unless extended by ordinance, this Chapter 41H shall continue in effect through December 31,
12 2023 and expire by operation of law on January 1, 2024. Upon expiration of this Chapter, the City
13 Attorney shall cause the ordinance to be removed from the Administrative Code.

14
15 Section 3. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20
21 APPROVED AS TO FORM:
22 DAVID CHIU, City Attorney

23 By: /s/
24 JESSIE ALFARO-CASSELLA
25 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Transitional Housing for Homeless Transitional Age Youth in Haight-Ashbury]

Ordinance amending the Administrative Code to require the City to acquire at least 20 additional dwelling units for use as transitional housing for homeless transitional age youth in the Haight-Ashbury neighborhood no later than March 31, 2023; and to require the Department of Homelessness and Supportive Housing to report to the Board of Supervisors on its progress for such acquisition no later than 120 days after the effective date of this ordinance; affirming the Planning Department’s determination under the California Environmental Quality Act (“CEQA”); and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The City and County of San Francisco (the “City”) provides an array of transitional and rental housing programs, including for transitional age youth. There is currently no legal requirement for the City to acquire transitional housing units for homeless transitional age youth in the Haight-Ashbury neighborhood.

Amendments to Current Law

This ordinance would require the City to acquire, via purchase and/or long-term lease, at least 20 additional dwelling units for use as transitional housing for homeless transitional age youth in the Haight-Ashbury neighborhood, beyond those units owned or leased by the City for this purpose as of March 22, 2022, no later than March 31, 2023. This ordinance would also require the Department of Homelessness and Supportive Housing to report on its progress in acquiring such units no later than 120 days after the effective date of this ordinance.

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: