

1 [Settlement of Lawsuit]

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3 **Ordinance authorizing settlement of the class action lawsuit filed by Mark Chambers, et**
4 **al. against the City and County of San Francisco on October 11, 2006 in the United**
5 **States District Court for the Northern District of California, Case No. C06-06346 WHA,**
6 **entitled, Chambers et al. v. City and County of San Francisco.**

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

8 Section 1. Findings:

9 (1) On October 11, 2007, plaintiffs Mark Chambers, Woodrow Falls Jr., M.H., Phillip K.,
10 Gerald Scott, Mary T. and The Independent Living Resource Center of San Francisco filed a
11 class action lawsuit in federal court entitled "Chambers, et al. v. City and County Of San
12 Francisco," alleging violations of the Americans with Disabilities Act, the Rehabilitation Act of
13 1973 and California Government Code Sections 11135 and 11139. Class members include
14 current and former residents of Laguna Honda Hospital and Rehabilitation Center. The
15 lawsuit alleges that the City fails to provide adequate community-based services and housing
16 to class members who are eligible for and prefer to live in the community.

17 (2) By order dated July 12, 2007, the Court authorized this lawsuit to proceed as a
18 class action.

19 (3) In settlement of plaintiffs' lawsuit, the parties have negotiated a settlement
20 agreement, pursuant to which the City will provide specified enhancements to community-
21 based services available to class members, and will take specified steps to secure
22 appropriate community-based housing for class members. As more particularly described in
23 the settlement agreement, the City will timely evaluate class members and identify the
24 services, supports and type of housing each class member needs to live successfully in the
25 community. The City will seek to secure appropriate housing and coordinate delivery of the

1 identified services and supports, including case management services. The City will create
2 and fund a new scattered site housing subsidy program, through the Department of Public
3 Health, which will identify appropriate community-based housing within the City and subsidize
4 class members' rent payments. As part of the settlement, the City will pay plaintiffs \$300,000
5 for attorneys' fees incurred to date, paid in installments over three fiscal years; and a budget
6 of \$200,000 for future monitoring activities, paid out on a cost reimbursement basis. A copy of
7 the settlement agreement is contained in Board File No. _____.

8 Section 2. The above-named class action lawsuit was filed in United States District
9 Court on October 11, 2006, and the following parties were named in the lawsuit: Plaintiffs
10 Mark Chambers, Woodrow Falls Jr., M.H., Phillip K., Gerald Scott, Mary T. and The
11 Independent Living Resource Center of San Francisco.

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1 Section 3. The Board of Supervisors approves and authorizes the City's execution,
2 delivery and performance of the settlement agreement.

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4 APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

5 DENNIS J. HERRERA
6 City Attorney

SAN FRANCISCO DEPARTMENT OF
PUBLIC HEALTH

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8 _____
JOANNE HOEPER
9 Chief Trial Deputy

MITCH KATZ
Director

10 FUNDS AVAILABLE:

RECOMMENDED:

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12 _____
EDWARD HARRINGTON
13 Controller

SAN FRANCISCO DEPARTMENT OF
AGING AND ADULT SERVICES

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15 _____
ANNE HINTON
Director

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17 APPROVED:

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19 _____
SECRETARY
PUBLIC HEALTH COMMISSION