

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ed Reiskin, Executive Director, Municipal Transportation Agency
Trent Rhorer, Executive Director, Human Services Agency
Jeff Kositsky, Director, Department of Homelessness and Supportive Housing
William Scott, Police Chief, Police Department
Elaine Forbes, Executive Director, Port Department
Harlan Kelly, Jr., General Manager, Public Utilities Commission
Andrico Penick, Director, Real Estate Division

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

DATE: February 13, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Brown on February 5, 2019:

File No. 190141

Ordinance amending the Administrative Code to establish the Relocation Assistance Fund for the Vehicularly Housed and to allow eligible vehicularly housed persons to receive financial assistance from the Fund for up to six months; require the Department of Homelessness and Supportive Housing ("HSH") to establish a Safe Overnight Parking Program to provide eligible vehicularly housed persons a place to park and sleep in their vehicles overnight, case management, and other services; require HSH to collaborate with Municipal Transportation Agency to develop an On-Street Parking Citation and Tow-and-Storage-Fee Abatement Program to provide eligible vehicularly housed persons with waivers or reduced parking fines and fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Joel Ramos, Municipal Transportation Agency
Krista Ballard, Human Services Agency
Emily Cohen, Department of Homelessness and Supportive Housing
Rowena Carr, Police Department
Asja Steeves, Police Department
Deirdre Hussey, Police Department
Sergeant Rachael Kilshaw, Police Department
Daley Dunham, Port Department
Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
John Scarpulla, Public Utilities Commission
Christopher Whitmore, Public Utilities Commission

1 [Administrative Code - Programs and Fund for Vehicularly Housed Persons]

2
3 **Ordinance amending the Administrative Code to establish the Relocation Assistance**
4 **Fund for the Vehicularly Housed and to allow eligible vehicularly housed persons to**
5 **receive financial assistance from the Fund for up to six months; require the**
6 **Department of Homelessness and Supportive Housing (“HSH”) to establish a Safe**
7 **Overnight Parking Program to provide eligible vehicularly housed persons a place to**
8 **park and sleep in their vehicles overnight, case management, and other services;**
9 **require HSH to collaborate with Municipal Transportation Agency to develop an On-**
10 **Street Parking Citation and Tow-and-Storage-Fee Abatement Program to provide**
11 **eligible vehicularly housed persons with waivers or reduced parking fines and fees;**
12 **and affirming the Planning Department’s determination under the California**
13 **Environmental Quality Act.**

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 ~~*italics Times New Roman font*~~.
17 **Board amendment additions** are in double-underlined Arial font.
18 **Board amendment deletions** are in ~~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. Environmental Findings.

23 The Planning Department has determined that the actions contemplated in this
24 ordinance comply with the California Environmental Quality Act (California Public Resources
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
2 determination.

3 Section 2. General Findings.

4 (a) San Francisco is facing a crisis of homelessness. In addition to staying in shelters
5 and living on the streets, some people experiencing homelessness live in a variety of vehicles,
6 including recreational vehicles (“RVs”), vans, and passenger cars throughout the city. A
7 vehicle is not a safe place for anyone to live, and a concentration of inhabited vehicles can
8 create a risk of health hazards in the community in which the vehicles are parked.

9 (b) According to data collected by the Department of Homelessness and Supportive
10 Housing (“HSH”) in October 2018, there were 432 inhabited vehicles on the streets of San
11 Francisco, including 313 RVs and 119 passenger cars. Data from the Municipal
12 Transportation Agency suggest there may be as many as 1,200 vehicularly housed persons in
13 San Francisco. The population of vehicularly housed persons is diverse and vulnerable, and
14 includes: children, young people, immigrants, the disabled, seniors, the employed, and the
15 unemployed. Many of these people are not receiving consistent services and have limited
16 pathways and access to residential (non-vehicular) housing.

17 (c) Many people who are vehicularly housed receive parking citations because they
18 are unable to move their vehicle to a lawful location. The costs of parking citations and towing
19 can exacerbate their already tenuous situation.

20
21 Section 3. Article XIII of Chapter 10 of the Administrative Code is hereby amended by
22 adding Section 10.100-265, to read as follows:

23
24 **SEC. 10.100-265. RELOCATION ASSISTANCE FUND FOR THE VEHICULARLY**
25 **HOUSED.**

1 (a) Establishment of Fund. The Relocation Assistance Fund for the Vehicularly Housed (the
2 “Fund”) is established as a category six fund to receive any monies appropriated or donated for the
3 purpose of assisting eligible persons, as defined in subsection (b)(1), who are at risk of having their
4 vehicle towed or impounded, as set forth in this Section 10.100-265. Donations to the Fund are
5 deemed approved for acceptance and expenditure without further approval by the Board of
6 Supervisors.

7 (b) Use of Fund. The Fund shall be used exclusively by the Director of the Human Services
8 Agency or any successor agency, or the Director’s designee (collectively “HSA Director”), to provide
9 assistance to vehicularly housed persons who meet the eligibility criteria set forth in subsection (b)(1)
10 (“Eligible Vehicularly Housed Persons”) to move to residential housing.

11 (1) For purposes of this Section 10.100-265, Eligible Vehicularly Housed Persons are
12 persons, or households thereof, who:

13 (A) Earn no more than 80% of the Area Median Income;

14 (B) Are residing in a vehicle that is operable;

15 (C) Have resided in their vehicle for at least 30 consecutive days; and

16 (D) Have been assessed by the Department of Homelessness and Supportive
17 Housing’s Coordinated Entry System and prioritized for housing based on their barriers to housing,
18 length of homelessness, and levels of vulnerability, as set forth in Section 20.16-2 of the Administrative
19 Code.

20 (2) In providing assistance to Eligible Vehicularly Housed Persons, the HSA Director
21 shall give priority to such persons who are senior citizens, chronically ill, veterans, are in households
22 with children under the age of 18, or who have a disability.

23 (3) The HSA Director shall authorize disbursements to Eligible Vehicularly Housed
24 Persons on a case-by-case basis in accordance with HSA policy as adopted pursuant to subsection (c),
25 and as informed by subsections (b)(1)(D) and (b)(2). In administering Section 10.100-265, the HSA

1 Director shall collaborate with the Municipal Transportation Agency, the Police Department, the
2 Department of Homelessness and Supportive Housing, and other City officials and entities as the HSA
3 Director deems appropriate. The HSA Director may revise these case-by-case decisions as necessary
4 or appropriate to take into account evolving circumstances.

5 (4) For an Eligible Vehicularly Housed Person, the HSA Director may provide a rental
6 assistance payment of up to 100% of the current established fair market rent for the area, as
7 determined by the Department of Housing and Urban Development pursuant to Section 1437f of Title
8 42 of the United States Code, as may be amended from time to time, plus an amount that the HSA
9 Director determines is sufficient for utility service deposits. The HSA Director may make rental
10 assistance payments from the Fund on a per-residential unit for up to six months. The HSA Director
11 shall authorize disbursements to an Eligible Tenant for an initial duration not to exceed six months. At
12 the conclusion of the initial duration for authorized disbursements, whether it is six months or less, the
13 circumstances of the Eligible Vehicularly Housed Person shall be reassessed, and continued assistance
14 may be authorized, subject to the durational limits set forth in this subsection (b)(4).

15 (c) **Administration of Fund.** Within 60 days of the effective date of the ordinance in Board
16 File No. 190141, creating the Fund, the HSA Director shall adopt a policy for implementation of this
17 Section 10.100-265, which the HSA Director may modify from time to time as the HSA Director deems
18 necessary or appropriate.

19 (d) **Annual Report.** The HSA Director shall submit an annual written report to the Mayor, the
20 Board of Supervisors, and the Controller within the first two weeks of July, showing for the prior fiscal
21 year donations received, the nature and amount of such donations, and the disposition thereof, together
22 with a description of the individual payments made from the Fund.

1 Section 4. The Administrative Code is hereby amended by adding Chapter 119,
2 consisting of Article I (Sections 119.1, 119.2, 119.3, 119.4, and 119.5) and Article II (Sections
3 119.11 and 119.12), to read as follows:

4
5 **CHAPTER 119: SAFE PARKING PROGRAMS**

6
7 **ARTICLE I: OVERNIGHT SAFE PARKING PROGRAM**

8
9 **SEC. 119.1. ESTABLISHMENT OF THE PROGRAM.**

10 *Subject to the budgetary and fiscal provisions of the Charter, the Department of Homelessness*
11 *and Supportive Housing (“HSH”) shall establish and operate a Program. In establishing the Program,*
12 *HSH shall collaborate with the City Administrator, the Municipal Transportation Agency (“MTA”), the*
13 *Port of San Francisco (the “Port”), the Public Utilities Commission (“PUC”), the Human Services*
14 *Agency (“HSA”), and such other departments, offices, and commissions as may be necessary or*
15 *appropriate for successful implementation of the Program.*

16
17 **SEC. 119.2. DEFINITIONS.**

18 *As used in this Chapter 119, the following words or phrases shall mean:*

19 *“City” means the City and County of San Francisco.*

20 *“Manufactured Home” has the meaning set forth in Section 18007 of the California Health and*
21 *Safety Code, as may be amended from time to time.*

22 *“Mobile Home” has the meaning set forth in Section 18008 of the California Health and Safety*
23 *Code, as may be amended from time to time.*

24 *“Program” means an Overnight Safe Parking Program comprised of a Vehicle Navigation*
25 *Triage Center, where vehicularly housed persons are assessed for eligibility for services, and Safe*

1 Overnight Parking Lots, where vehicularly housed persons may be given a license to park and sleep in
2 their vehicles overnight, and receive services and referrals to assist them to transition to non-vehicular
3 housing.

4 “Program Participant” means an individual who is given a license to park and sleep in the
5 individual’s Vehicle at a Safe Overnight Parking Lot, and who participates in case management and
6 social services.

7 “Recreational Vehicle” or “RV” has the meaning set forth in Section 18010 of the California
8 Health and Safety Code, as may be amended from time to time.

9 “Safe Overnight Parking Lot” means a facility or location where eligible individuals, as set
10 forth in Section 119.4(c)(1)(A) and (B), may be given a license to park and sleep in their Vehicles for a
11 period of time to be determined by the Director of HSH, and receive case management and social
12 services to assist them to move to non-vehicular housing.

13 “Vehicle” has the same meaning as set forth in California Vehicle Code Section 670, as may be
14 amended from time to time.

15 “Vehicle Navigation Triage Center” means a facility or location where vehicularly housed
16 persons are assessed for eligibility for City services and programs, including but not limited to shelter,
17 housing, and referral to a Safe Overnight Parking Lot, and where their vehicles may be assessed. A
18 Vehicular Navigation Triage Center may be co-located with a Safe Overnight Parking Lot.

19
20 **SEC. 119.3. SURVEY OF REAL PROPERTY.**

21 The Director of Real Estate shall conduct a survey of real property in the City to identify lots
22 appropriate for use as a Vehicle Navigation Triage Center or a Safe Overnight Parking Lot, and shall
23 submit the findings of such survey to the Board of Supervisors no later than three months after the
24 effective date of this Chapter 119. The survey shall include vacant or unused sites owned or controlled
25 by the City; sites owned or controlled by the City that are being used for other purposes but could

1 feasibly be converted to a Vehicle Navigation Triage Center or Safe Overnight Parking Lot; private
2 property, including property owned by non-City agencies, that could be leased or acquired by the City;
3 and such other information, if any, as the Director of Real Estate deems appropriate to aid in
4 identifying lots as intended by this Section 119.3.

5
6 **SEC. 119.4. OPERATIONAL REQUIREMENTS.**

7 (a) **Applicability of Requirements.** The location of a facility or lot on property under the
8 jurisdiction of the MTA, PUC, or the Port requires the approval of the agency with jurisdiction over the
9 property.

10 **(b) Operational Requirements for Vehicle Navigation Triage Centers.**

11 (1) **Coordinated Entry.** The Vehicle Navigation Triage Center shall provide a location
12 where HSH staff may assess vehicularly housed persons, consistent with the Coordinated Entry System,
13 as set forth in Section 20.16-2 of the Administrative Code.

14 (2) **Vehicle Assessment.** The Vehicular Navigation Triage Center shall provide for the
15 assessment of Vehicles to determine whether such Vehicles are registered, insured, and operable.

16 **(c) Operational Requirements for Safe Overnight Parking Lots.**

17 (1) **Eligibility.** Persons who are eligible to receive a license to park their Vehicle at a
18 Safe Overnight Parking Lot are persons, or households, who:

- 19 (A) Live in a Vehicle that is operable;
- 20 (B) Have lived in their Vehicle for at least 30 consecutive days; and
- 21 (C) Have been referred to the Safe Overnight Parking Lot by a Vehicle

22 Navigation Triage Center, or HSH staff with authority to make such referral.

23 (2) **Priority.** Priority for referral to a Safe Overnight Parking Lot shall be given to
24 senior citizens, people living with chronic illness, families with children under the age of 18, people
25 with disabilities, and people living in cars.

1 (3) **Duration of Participation.** Program Participants shall be allowed to stay at a Safe
2 Overnight Parking Lot for between 60 to 90 days, provided they comply with all applicable laws and
3 all program rules promulgated by HSH. Such license may be renewed by HSH, in HSH's discretion,
4 upon a determination that the Program Participant is in compliance with such rules. Any Program
5 Participant who has been notified by HSH that they are not in compliance with applicable laws or
6 rules, and ordered to vacate the Safe Overnight parking Lot, may seek administrative review of the
7 notice by filing a notice of appeal with the Director of HSH within five days from the issuance of the
8 notice of violation. Upon receipt of a timely filed notice of appeal, the Director of HSH, or the
9 Director's Designee, shall hold a hearing and render a decision within five days, which decision shall
10 be final.

11 (4) **Facilities and Amenities.** A Safe Overnight Parking Lot shall provide hygiene
12 facilities, showers, Wi-Fi, and waste disposal receptacles for use by Program Participants, and security
13 services.

14 (5) **Social Services.** Safe Overnight Parking Lots shall provide Program Participants
15 with case management and housing referral services, and may provide additional services, including
16 but not limited to referrals to medical and legal assistance.

17 (6) **Camping Prohibited.** No person shall construct or maintain or inhabit any
18 structure, tent, or any other thing at a Safe Overnight Parking Lot that may be used for non-vehicular
19 outdoor housing or camping.

20 (7) **Types of Vehicles.**

21 (A) The parking of Mobile Homes and Manufactured Homes is prohibited.

22 (B) A Safe Overnight Parking Lot may provide for the parking of RVs, or
23 Vehicles other than RVs, but not both.

24 **SEC 119.5. ADMINISTRATIVE IMPLEMENTATION.**

1 (a) The Director of HSH may issue rules, regulations, and/or guidelines, applicable to the
2 Program, consistent with the objectives and requirements of this Chapter 119.

3 (b) Consistent with Charter requirements, the Director of HSH may enter into contracts or
4 other agreements with other City departments, public agencies, and private entities to aid in the
5 administration of this Article 1.

6 (c) All City officers and entities shall cooperate with the Director of HSH in the
7 implementation and administration of this Article 1.

8
9 ARTICLE II: PARKING CITATION AND
10 TOW-AND-STORAGE-FEE ABATEMENT PROGRAM

11
12 SEC. 119.11. ESTABLISHMENT OF PROGRAM.

13 (a) Subject to subsection (b), the Department of Homelessness and Supportive Housing
14 ("HSH") shall collaborate with the Municipal Transportation Agency ("MTA") to develop an On-
15 Street Parking Citation and Tow- and Storage-Fee Abatement Program ("Abatement Program") to
16 provide eligible individuals with waivers of, or reductions in, parking citation fines and vehicle towing
17 and storage fees resulting from MTA parking citations, to the extent authorized by state or City law.
18 The purpose of the Abatement Program is to provide economic relief for eligible individuals.

19 (b) Approval, implementation, and administration of the Abatement Program is subject to
20 MTA's exclusive authority under the Charter to establish fines and fees and regulate on-street parking
21 and other applicable City law, including Transportation Code, Division II, Articles 300 and 900.

22
23 SEC. 119.12. ESTABLISHMENT OF ELIGIBILITY REQUIREMENTS.

24 Factors that may be, but are not required to be, considered by MTA in developing the eligibility
25 requirements for the Abatement Program include:

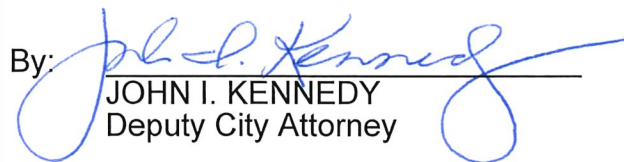
1 (a) Any procedural requirements that prospective program participants must satisfy to establish
2 eligibility, including seeking assistance at Vehicle Navigation Triage Centers or other social services
3 provided by the City; and

4 (b) Whether waivers or fee or fine reductions should be authorized based only on referrals from
5 City departments that offer social services to persons facing homelessness.

6
7 Section 5. Undertaking for the General Welfare. In enacting and implementing this
8 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
9 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
10 is liable in money damages to any person who claims that such breach proximately caused
11 injury.

12
13 Section 6. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: 
21 JOHN I. KENNEDY
22 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Programs and Fund for Vehicularly Housed Persons]

Ordinance amending the Administrative Code to establish the Relocation Assistance Fund for the Vehicularly Housed and to allow eligible vehicularly housed persons to receive financial assistance from the Fund for up to six months; require the Department of Homelessness and Supportive Housing (“HSH”) to establish a Safe Overnight Parking Program to provide eligible vehicularly housed persons a place to park and sleep in their vehicles overnight, case management, and other services; require HSH to collaborate with Municipal Transportation Agency to develop an On-Street Parking Citation and Tow- and-Storage-Fee Abatement Program to provide eligible vehicularly housed persons with waivers or reduced parking fines and fees; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Currently, the City and County of San Francisco does not provide members of the public who live in their vehicles with financial assistance to transition to non-vehicular housing, nor does it provide these persons with off-street parking where they can park and sleep in their vehicles overnight without violating parking laws. With respect to parking citations, the Municipal Transportation Agency currently offers programs whereby members of the public who have outstanding parking citations may perform community service in-lieu of payment, or enter into a payment plan. In addition, the Municipal Transportation Agency offers waivers of certain towing and storage fees to eligible low-income individuals.

Amendments to Current Law

This ordinance would establish a Relocation Assistance Fund to assist eligible members of the public who live in their vehicles with transitioning to traditional, non-vehicular housing. An Overnight Safe Parking Program would be established to provide an off-street location where program participants may park and sleep in their vehicles overnight. At this location, additional City services and referrals would also be provided to assist these individuals with transitioning to traditional, non-vehicular housing.

In addition, the Department of Homelessness and Supportive Housing would be required to collaborate with the Municipal Transportation Agency to develop an On-Street Parking Citation and Tow- and Storage-Fee Abatement Program to provide identified individuals with waivers of, or reductions in, parking citation fines and vehicle towing and storage fees. Implementation of this program is subject to the Municipal Transportation Agency’s exclusive authority under the Charter and other applicable laws.

Background Information

San Francisco is facing a crisis of homelessness. In addition to staying in shelters and living on the streets, some people experiencing homelessness live in a variety of vehicles, including recreational vehicles (“RVs”), vans, and passenger cars throughout the city. According to data collected by the Department of Homelessness and Supportive Housing (“HSH”) in October 2018, there were 432 inhabited vehicles on the streets of San Francisco, including 313 RVs and 119 passenger cars. Data from the Municipal Transportation Agency suggest there may be as many as 1,200 vehicularly housed persons in San Francisco.

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