

1 [Administrative Code - Shelter Expansion Program]

2

3 **Ordinance amending the Administrative Code to require the Department of**
4 **Homelessness and Supportive Housing (“HSH”) to submit to the Board of Supervisors**
5 **and the Mayor a plan to implement a program to provide unsheltered persons in San**
6 **Francisco with a safe place to sleep overnight (“Place for All Program”), including a**
7 **cost estimate of implementation; requiring HSH to fully implement the Place for All**
8 **Program; and affirming the Planning Department’s determination under the California**
9 **Environmental Quality Act.**

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

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

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18 Section 1. Environmental Findings.

19 The Planning Department has determined that the actions contemplated in this
20 ordinance comply with the California Environmental Quality Act (California Public Resources
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
22 Supervisors in File No. 220281 and is incorporated herein by reference. The Board affirms
23 this determination.

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1 Section 2. The Administrative Code is hereby amended by adding Chapter 118,
2 consisting of Sections 118.1 to 118.9, to read as follows:

3
4 **CHAPTER 118:**
5 **PLACE FOR ALL PROGRAM**
6

7 **SEC. 118.1. TITLE.**

8 *This Chapter 118 shall be known as the “Place for All Ordinance.”*
9

10 **SEC. 118.2 FINDINGS.**

11 *(a) San Francisco has struggled with homelessness for at least four decades. Since the*
12 *1980’s, successive mayoral administrations have implemented different and sometimes divergent*
13 *strategies to address the City’s most enduring crisis.*

14 *(1) In 1982, Mayor Dianne Feinstein launched a network of faith-based emergency*
15 *winter shelters and soup kitchens.*

16 *(2) In the late 1980s and early 1990s, Mayor Art Agnos took a different approach,*
17 *unveiling the “Beyond Shelter” plan to provide unhoused people access to supportive services and a*
18 *pathway to long-term housing. In 1990, Mayor Agnos opened the City’s first two Multi-Service Centers,*
19 *which were homeless shelters with onsite mental health and substance use disorder services.*

20 *(3) In 1993, Mayor Frank Jordan instituted the Matrix Program, which tasked*
21 *police officers accompanied by social workers or health aides with clearing unhoused people from City*
22 *streets and connecting them to services. In the first six months of the program, police issued over 6,000*
23 *citations for quality-of-life misdemeanors, such as public inebriation or sleeping in doorways. In 1992,*
24 *voters approved Mayor Jordan’s Proposition J, which banned aggressive panhandling. Voters also*
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1 approved Mayor Jordan’s 1994 ballot measure, also named Proposition J, which banned loitering
2 within 30 feet of an automated teller machine for more than one minute.

3 (4) After his election in 1995, Mayor Willie Brown declared homelessness
4 unsolvable at a local level, and insisted any measurable improvement would require state and federal
5 dollars to fund the housing and services needed to keep people off the streets. During his two terms in
6 office, Mayor Brown’s administration nonetheless added thousands of units of affordable and
7 subsidized housing, including leasing and renovating single room occupancy hotels for low-income and
8 unhoused people.

9 (5) Prior to his election as Mayor in 2003, as a member of the Board of Supervisors,
10 Gavin Newsom authored a 2002 ballot measure, entitled “Care Not Cash,” which reduced City-funded
11 General Assistance cash payments to unhoused people, and redirected the savings to fund services and
12 supportive housing. According to a 2008 City Controller’s audit, the Care Not Cash program housed
13 2,127 people between its implementation in 2003 and December 2007. The Department of
14 Homelessness and Supportive Housing (“HSH”) estimates that Care Not Cash led to the creation of
15 1,300 units of permanent supportive housing.

16 In 2004, Mayor Newsom introduced his “Ten Year Plan to Abolish Chronic
17 Homelessness,” which proposed to create 3,000 units of permanent supportive housing by 2010, and to
18 replace shelters with 24-hour crisis clinics and sobering centers. By 2014, the City was still 300 units
19 shy of the 3,000 pledged units, and had reduced the number of shelter beds by a third, from 1,910 beds
20 in 2004 to 1,145 beds in 2014.

21 Mayor Newsom authored two additional voter-approved ballot measures aimed at
22 responding to homelessness: Proposition M in 2003, which amended the City’s panhandling and
23 loitering bans, and Proposition L in 2010, which made it illegal to sit or lie on sidewalks citywide from
24 7am to 11pm.

1 (6) Mayor Ed Lee oversaw the opening of the City’s first Navigation Center in 2015,
2 and in 2016 sponsored legislation creating HSH, pledging to spend at least \$1 billion over the next four
3 years to address homelessness. Mayor Lee directed implementation of the City’s Coordinated Entry
4 system, seeking to improve the coordination of services by consolidating the dozens of City-funded
5 homeless service groups into one system with a shared database. In 2017, shortly before his death,
6 Mayor Lee pledged to move 1,000 unhoused people off the streets, and open two more Navigation
7 Centers.

8 (b) Now, four decades after Mayor Feinstein first attempted to respond to rising
9 homelessness in San Francisco, the issue continues to vex the City. According to the Homeless Point-
10 in-Time Count conducted on January 24, 2019, more than 8,035 people were experiencing
11 homelessness at that time, a 17% increase from 2017. Among those surveyed, 5,180 were unsheltered,
12 with 86% of unsheltered individuals sleeping outdoors in streets, parks, or tents. According to a
13 database of homeless individuals who use health care and other services, the number of people
14 experiencing homelessness over the course of a year is estimated to be much higher than the number of
15 people who experience homelessness on a given night, with estimates that more than 17,500 people
16 experience homelessness in San Francisco during a given year.

17 (c) During those same four decades, San Francisco has earned a national and international
18 reputation for the severity of its homelessness crisis, with widespread reports of the City’s street
19 conditions appearing in media outlets around the world. In January 2017, Leilani Farha, a United
20 Nations Special Rapporteur on adequate housing, issued a report finding that San Francisco’s
21 response to its unhoused population constitutes cruel and inhumane treatment, and is a violation of
22 international human rights law including laws establishing the rights to life, housing, health, and water
23 and sanitation. Her report further stated “[T]he scope and severity of the living conditions in informal
24 settlements make them one of the most pervasive violations of the human rights of dignity, security,
25 health and life worldwide.”

1 (d) San Francisco voters expressed their own dissatisfaction with the current state of
2 homelessness in a Dignity Health CityBeat Poll conducted in May 2021. Eighty percent of San
3 Francisco voters identified addressing homelessness and street conditions as a high priority for the
4 City, and 88% stated that homelessness and street behavior had gotten worse in the past few years.

5 (e) The COVID-19 pandemic and the City’s Shelter in Place response exacerbated street
6 conditions and contributed to an increase in the number of tent encampments citywide, with large
7 numbers of unhoused people seeking shelter in neighborhoods throughout the City. This was at least
8 partly due to a 75% reduction in available shelter beds, and a halt on new admissions to the shelter
9 system in the early days of the pandemic, in compliance with guidance from the Centers for Disease
10 Control requiring social distancing in the City’s homeless shelters, thus necessitating a decrease in
11 shelter capacity.

12 (f) Although encampments increased across the City during Shelter in Place, the increase
13 and related impacts were felt more severely in neighborhoods where homelessness was most acute
14 prior to COVID-19. In the Tenderloin, the number of tents increased 285% between January and May
15 2020.

16 (g) On May 4, 2020, UC Hastings Law School filed a lawsuit on behalf of a group of
17 Tenderloin residents and business owners over conditions in the neighborhood. As part of a settlement,
18 the City agreed to achieve a 70% reduction in the number of tents by July 20, 2020. By July 3, 2020,
19 the number of tents in the Tenderloin had decreased by 65%. By July 10, 2020, the City had reduced
20 the number of tents in the Tenderloin by over 73%. As of August 18, 2020, the City had moved 87% of
21 tents from the Tenderloin, and placed more than 600 people into Shelter in Place (SIP) hotels or other
22 shelter.

23 (h) Following the issuance of new guidance from the Department of Public Health
24 (“DPH”) regarding street encampments, the City’s Healthy Streets Operations Center resumed
25

1 resolving encampments in other neighborhoods as well, subject to the availability of alternative
2 placements.

3 (i) Notwithstanding such efforts, conditions on our streets remain unacceptable. While
4 some progress has been made in parts of the City, many thousands of people continue to sleep in
5 unregulated, unsafe encampments without access to basic services such as water, food, sanitation, or
6 bathrooms.

7 (j) As demonstrated by the summary of mayoral initiatives above, the reality that thousands
8 of individuals remain without homes or shelter is not for lack of effort or investment in solutions by the
9 City. Since 2004, San Francisco has helped over 26,000 individuals exit from homelessness. Today, the
10 City has more than 9,000 units of permanent supportive housing which house over 10,000 formerly
11 homeless individuals every night who would otherwise be homeless. The City's efforts to resolve
12 homelessness have proved successful for many individuals. But for many others, and for the City as a
13 whole, the homelessness problem persists and, in some respects, has worsened.

14 (k) Since 2015, the City's development of the Navigation Center model has represented a
15 significant expansion of shorter-term shelter as well. Navigation Centers are unlike traditional
16 emergency shelters because they are service-intensive and low-barrier, and provide case management,
17 meals, showers, laundry, and 24-hour access, and allow guests to bring their partners, pets, and
18 belongings.

19 (l) Since 2015, HSH has opened ten Navigation Centers, eight of which are currently
20 operating. According to HSH, from the launch of Navigation Centers in 2015 through the end of 2019,
21 48% of Navigation Center exits were either to permanent housing or reunifications with family or
22 friends through the Homeward Bound program. Over 5,000 clients have been served at Navigation
23 Centers from 2015 to December 2019.

24 (m) In October 2018, Mayor London Breed announced a commitment to open at least 1,000
25 additional shelter beds, including Navigation Center beds, by the end of 2020. Prior to the outbreak of

1 the coronavirus pandemic, the City was close to meeting this goal, and opened 880 of the proposed
2 1,000 beds by March 2021.

3 (n) In November 2018, the voters approved Proposition C (“Prop C”), creating a new gross
4 receipts tax on high-grossing companies estimated to generate over \$300 million annually for homeless
5 housing and services. In June 2020, a state appeals court upheld a lower court decision validating
6 Prop C, and on September 9, 2020, the California Supreme Court denied further legal review, freeing
7 up nearly \$500 million in revenue that had been collected but remained unspent pending resolution of
8 the litigation.

9 (o) During Shelter in Place, the City acquired over 2,441 SIP hotel rooms to provide shelter
10 to homeless individuals determined to be medically vulnerable to COVID-19. The cost of providing a
11 hotel room is approximately \$260 per person per night, although the City anticipates that 100% of
12 eligible sheltering costs for hotel residents who meet eligibility criteria set by the Federal Emergency
13 Management Agency (“FEMA”) may be reimbursed by FEMA.

14 (p) On September 29, 2020, the Board of Supervisors enacted the Fiscal Year 2020-21
15 budget, which included funding for the acquisition or leasing of an additional 1,500 permanent
16 supportive housing units through Fiscal Year 2022-23, largely funded through Prop C revenue. These
17 units, proposed in Mayor Breed’s Homelessness Recovery Plan, represent the largest one-time
18 expansion of permanent supportive housing in San Francisco in 20 years. The budget for HSH
19 increased from \$367,690,818, in Fiscal Year 2019-20, to \$852,100,000, for Fiscal Year 2020-21, and
20 \$667,800,000 for Fiscal Year 2021-22, with the bulk of the increase paying for Shelter in Place hotel
21 rooms and new permanent supportive housing units.

22 (q) San Franciscans are justifiably frustrated that after multiple decades and many billions
23 of dollars of investment in additional shelter bed capacity, hotel placements, and permanent supportive
24 housing units, thousands of unsheltered people continue to sleep on the streets night after night, and
25 that the City relies on residential neighborhoods to serve as campsites of last resort for unhoused

1 people, including individuals struggling with significant behavioral health conditions and substance
2 use disorders.

3 (r) The Ninth Circuit Court of Appeals in a case entitled Martin v. City of Boise, 902 F.3d
4 1031 (9th Cir. 2018), held that the Eighth Amendment’s prohibition on cruel and unusual punishment
5 bars a city from criminally prosecuting people for sleeping on public property when those persons have
6 committed no offenses other than sleeping on public property, and the city has not offered alternative
7 shelter. The Boise case provides a further impetus – though none is needed – for San Francisco to
8 provide more shelter options for unhoused people in our midst.

9 (s) Notwithstanding the many investments described above, San Francisco has never
10 established a comprehensive citywide strategy for meeting the shelter needs of the unhoused.
11 Additional shelters, safe sleep sites, and tiny homes offer a potential multi-pronged strategy for
12 addressing the needs of thousands of people who continue to suffer outside every night.

13 (t) According to the Bay Area Council’s June 2021 report entitled “Bay Area
14 Homelessness: New Urgency, New Solutions,” most Bay Area governments have defunded shelter and
15 interim housing to increase permanent housing production, while remaining “unable to scale
16 permanent housing faster than the rate at which residents are becoming homeless.”

17 (u) San Francisco’s failure to provide adequate shelter for our unhoused population is
18 reflected in the fact that the 2019 Point in Time Count found 8,035 total people experiencing
19 homelessness, 2,855 of whom were unsheltered. As a point of comparison, Boston’s 2019 Point in
20 Time Count found 6,203 total people experiencing homelessness, only 121 of whom were unsheltered.

21 (v) A February 2021 report by All Home entitled “A Call to Action from the Regional
22 Impact Council” calls for Bay Area governments to balance homelessness spending using a 1-2-4
23 framework, under which every \$1 invested in shelter or interim housing should be matched with \$2
24 invested in permanent housing and \$4 invested in homelessness prevention. As of January 2022, the
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1 Department of Homelessness and Supportive Housing estimates that to align with the 1-2-4 framework,
2 San Francisco would need at least 2,000 additional shelter beds.

3 (w) During the COVID-19 pandemic state of emergency, the City acted quickly to establish
4 thousands of temporary non-congregate shelter placements, including Shelter in Place Hotels, safe
5 sleep sites, and a tiny home village.

6 (x) San Francisco is in urgent need of additional non-congregate shelter options for our
7 unhoused residents, including tiny homes and a limited number of safe sleep sites. This is both a
8 humanitarian need, to help unhoused residents sleeping on our streets and in our public spaces every
9 night, and a quality of life need, to relieve housed residents who endure the daily quality of life
10 disruptions that result from open-air drug use, psychosis, and other behavioral health issues
11 exacerbated by unsheltered homelessness.

12
13 **SEC. 118.3. DEFINITIONS.**

14 As used in this Chapter 118, the following words or phrases shall mean:

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

16 “Effective Date” means the effective date of the ordinance in Board File No. 220281, enacting
17 this Chapter 118.

18 “HSH” means the Department of Homelessness and Supportive Housing, or any successor
19 agency.

20 “Safe Sleep Site” means an outdoor lot or facility where Unsheltered individuals may sleep and
21 may access services.

22 “Shelter” means any facility, the primary purpose of which is to provide temporary shelter for
23 Unsheltered people, including but not limited to, congregate facilities, non-congregate facilities,
24 Navigation Centers, Shelter-in-Place hotels, Safe Sleep Sites, and tiny homes.

1 “Shelter Unit” means that portion of a Shelter intended for occupancy by one person. For
2 example, a congregate facility with a maximum occupancy of 50 guests consists of 50 Shelter Units.

3 “Unsheltered” means having a primary nighttime residence that is a public or private place not
4 designed for or ordinarily used as a regular sleeping accommodation for human beings, including a
5 car, park, abandoned building, bus or train station, airport, or camping ground.

6
7 **SEC. 118.4. SHELTER POLICY.**

8 It shall be the policy of the City to offer to every person experiencing homelessness in San
9 Francisco a safe place to sleep. First and foremost, the City is committed to expanding opportunities
10 for safe, affordable, and permanent housing for all residents. To supplement permanent housing, the
11 City is committed to expanding opportunities for people experiencing homelessness to have temporary
12 shelter, including but not limited to, Navigation Centers, adult emergency shelters, crisis stabilization
13 units, family shelters, hotel placements, tiny homes, Safe Sleep Sites, other non-congregate shelter, and
14 shelters for transitional aged youth (“TAY”).

15
16 **SEC. 118.5. PLACE FOR ALL IMPLEMENTATION PLAN, SURVEY OF REAL**
17 **PROPERTY, AND DATA TRACKING.**

18 (a) Within three months of the Effective Date, HSH shall submit to the Mayor and the Board
19 of Supervisors a plan (“Implementation Plan” or “Plan”) to implement the Place for All Program
20 (“Program”) by opening, leasing, funding, or otherwise making available enough Shelters to serve all
21 of the Unsheltered people in San Francisco who may be expected to accept a referral to such sites or
22 facilities within 36 months of submission of the Plan. No later than three months after submission of
23 the Implementation Plan, the Clerk of the Board shall schedule a hearing before the full Board to
24 consider the Plan.

25 (b) The Implementation Plan shall include, but need not be limited to:

1 (1) An estimate of the number of Unsheltered people in San Francisco who may be
2 expected to accept a referral to a Shelter placement. HSH shall calculate the estimate in consultation
3 with the Controller, using the most accurate and current data sources available, including but not
4 limited to the Point-in-Time Homeless Count, tent counts, and data collected and maintained by HSH
5 and other City departments reflecting the rate of successful referrals to Shelters among people who are
6 offered such placement;

7 (2) An estimate of the cost of implementing the Program during a 36-month
8 implementation period, and the annual cost of operating the Program once it is fully operational.
9 These estimates shall specify what portion of the cost, if any, can be paid out of money that has already
10 been appropriated to HSH's budget, and what portion of the cost would require a new appropriation;

11 (3) An analysis of the cost-effectiveness of different Shelter models;

12 (4) A description of any services to be provided at a Shelter, including but not
13 limited to case management, treatment referrals, and/or coordinated entry referrals;

14 (5) A description of the method by which HSH intends to select contractors or
15 grantees to implement and/or operate the Program;

16 (6) A geographic equity strategy for the selection of Program sites.

17 (c) The Director of Real Estate shall conduct a survey of real property in the City to identify
18 lots or facilities appropriate for use as Shelters and shall submit the findings of such survey to the
19 Board of Supervisors no later than three months after the Effective Date. The survey shall include
20 vacant or unused sites owned or controlled by the City; sites owned or controlled by the City that are
21 being used for other purposes but could feasibly be converted to a Shelter; private property, including
22 property owned by non-City agencies, that could be leased or acquired by the City; and such other
23 information, if any, as the Director of Real Estate deems appropriate to aid in identifying lots or
24 facilities. As part of the survey, the Director of Real Estate, in consultation with the Planning
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1 Department, shall note whether the use of a particular site as a Shelter would require a variance,
2 conditional use permit, or amendment of the Planning Code.

3 (d) By no later than three months after the Effective Date, HSH shall create, maintain, and
4 regularly update a dashboard on its website displaying the total number of Shelters Citywide, broken
5 down by Shelter type, number of Shelter Units, and occupancy rate.

6
7 **SEC. 118.6. ESTABLISHMENT OF THE PLACE FOR ALL PROGRAM.**

8 (a) Subject to the budgetary and fiscal provisions of the Charter, HSH shall establish the
9 Place for All Program by opening, leasing, funding, or otherwise making available as many Shelters as
10 are necessary to accommodate all of the Unsheltered people in San Francisco who may be expected to
11 accept a referral to such Shelters, based on the most recent estimate prepared by HSH pursuant to
12 Section 118.6. As part of the Program, at least 50% of the Shelter Units opened must be in non-
13 congregate facilities, and no more than 20% of the Shelter Units opened may be at Safe Sleep Sites.

14 (b) HSH shall coordinate with the Division of Real Estate, the Recreation and Park
15 Department, the Human Services Agency, the Port of San Francisco, the Public Utilities Commission,
16 the Municipal Transportation Agency, and such other City departments, offices, agencies, boards, and
17 commissions as may be necessary or appropriate for successful implementation of the Program.

18
19 **SEC. 118.7. ANNUAL ESTIMATE OF THE NUMBER OF UNSHELTERED PEOPLE.**

20 By no later than January 1, 2024, and every year thereafter, HSH shall prepare an estimate of
21 the number of Unsheltered people in San Francisco who may be expected to accept a referral to a
22 Shelter, which estimate shall be used to determine the number of Shelter Units that the City is required
23 to open, lease, fund, or otherwise make available, consistent with Section 118.5. HSH shall calculate
24 the estimate in consultation with the Controller, using the most accurate and current data sources
25 available, including but not limited to the Point-in-Time Homeless Count, tent counts, and data

1 collected and maintained by HSH and other City departments reflecting the rate of successful referrals
2 to Shelters among people who are offered such placement.

3
4 **SEC. 118.8. IMPLEMENTATION AND EVALUATION.**

5 (a) The Director of HSH may issue rules, regulations, and/or guidelines, applicable to the
6 Program, consistent with the objectives and requirements of this Chapter 118.

7 (b) To the extent consistent with Charter requirements, the Director of HSH may enter into
8 contracts or other agreements with other City departments, public agencies, and private entities to aid
9 in the administration of this Chapter 118.

10 (c) All City officers and entities shall cooperate with the Director of HSH in the
11 implementation and administration of this Chapter 118.

12 (d) Within two years of the Effective Date and every two years thereafter, the Controller
13 shall submit to the Mayor and the Board of Supervisors, as well as HSH, a report evaluating the
14 Program, including but not limited to an assessment of the number of Unsheltered persons served, the
15 number of Shelter Units made available, the number of Shelter placements made, the average nightly
16 occupancy rate for each Shelter, and data showing the number and percentage of exits from Shelters
17 that are made to permanent housing, shelter, the streets, or another location, and any programmatic
18 recommendations, along with a resolution for the Board to accept for consideration the report.

19
20 **SEC. 118.9. Undertaking for the General Welfare.**

21 In enacting and implementing this ordinance, the City is assuming an undertaking only to
22 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
23 obligation for breach of which it is liable in money damages to any person who claims that such breach
24 proximately caused injury.

