File No. 220090

Committee Item No. <u>1</u> Board Item No. <u>1</u>

COMMITTEE/BOARD OF SUPERVISORS

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Committee: <u>Government Audit and Oversight</u> Board of Supervisors Meeting: Date: <u>April 7, 2022</u> Date: <u>April 26, 2022</u>

Cmte Board

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Prepared by:	John Carroll	Date:	April 1, 2022
Prepared by:	John Carroll	Date:	April 14, 2022
Prepared by:	John Carroll	Date:	-

1	[Administrative Code - Shelter Grievance Advisory Committee and Shelter Grievance Policy]
2	
3	Ordinance amending the Administrative Code to establish the Shelter Grievance
4	Advisory Committee to advise the Department of Homelessness and Supportive
5	Housing regarding policies and procedures for clients of City-funded shelters to appeal
6	denial of shelter services; and to codify the City's Shelter Grievance Policy
7	establishing an administrative appeal process for clients of City-funded shelters denied
8	shelter services for violating a shelter's rules.
9	
10	NOTE: Unchanged Code text and uncodified text are in plain Arial font.
11	Additions to Codes are in <u>single-underline italics Times New Roman font</u> . Deletions to Codes are in strikethrough italics Times New Roman font.
12	Board amendment additions are in <u>double-underlined Arial font</u> . Board amendment deletions are in strikethrough Arial font.
13	Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.
14	
15	Be it ordained by the People of the City and County of San Francisco:
16	
17	Section 1. The Administrative Code is hereby amended by adding Article XXXVI,
18	consisting of Sections 5.36-1 through 5.36-6, to Chapter 5, to read as follows:
19	
20	ARTICLE XXXVI: SHELTER GRIEVANCE ADVISORY COMMITTEE
21	
22	SEC. 5.36-1. CREATION OF SHELTER GRIEVANCE ADVISORY COMMITTEE.
23	The Board of Supervisors hereby establishes the Shelter Grievance Advisory Committee (the
24	"Grievance Committee") of the City and County of San Francisco.
25	

1

<u>SEC. 5.36-2. MEMBERSHIP.</u>

2	The Grievance Committee shall be comprised of 13 members. Seats 1 through 12 shall be
3	appointed by the Local Homeless Coordinating Board, established under Article XXXI of Chapter 5 of
4	the Administrative Code, and Seat 13 shall be appointed by the Director of Health, as follows:
5	(a) Seats 1 through 4 shall each be held by a current or previous consumer of City temporary
6	shelter services in one or more of the following temporary shelter service categories: family shelters,
7	youth shelters, single adult shelters, navigation centers, or alternative shelter services (including, by
8	way of example but not limitation, tiny houses, safe sleeping sites, or recreational vehicle (RV) sites).
9	(b) Seats 5 through 8 shall each be held by persons who represent organizations or projects
10	providing one or more of the following shelter services in the City: family shelters, youth shelters,
11	single adult shelters, navigation centers, or alternative shelter services (including, by way of example
12	but not limitation, tiny houses, safe sleeping sites, or recreational vehicle (RV) sites).
13	(c) Seats 9 and 10 shall be held by persons who represent organizations or projects providing
14	shelter client advocate services in the City.
15	(d) Seat 11 shall be held by a person serving as arbitrator of shelter grievances under the
16	Shelter Grievance Policy, as described in Article XVIII of Chapter 20 of the Administrative Code.
17	(e) Seat 12 shall be held by any City resident with a demonstrated commitment to temporary
18	shelter services.
19	(f) Seat 13 shall be held by an employee of the Department of Public Health.
20	
21	SEC. 5.36-3. ORGANIZATION AND TERMS OF OFFICE.
22	(a) Each member in Seats 1 through 12 shall serve at the pleasure of the member's appointing
23	authority for a term of four years.
24	
25	

1	(b) If a vacancy occurs in Seats 1 through 12 on the Grievance Committee, the appointing
2	authority for the vacated seat shall appoint a successor to that seat, to complete the remainder of the
3	term of the vacated seat.
4	(c) Any member in Seats 1 through 12 who misses three regular meetings of the Grievance
5	Committee without the express approval of the Grievance Committee at or before each missed meeting
6	shall be deemed to have resigned from the Grievance Committee 10 days after the third unapproved
7	absence. The Grievance Committee shall inform the appointing authority of the resignation.
8	(d) Members of the Grievance Committee shall receive no compensation from the City, except
9	that a City employee appointed to Seat 13 shall receive compensation from the City as an employee,
10	because work on the Grievance Committee shall be considered part of the employee's work for the
11	<u>City.</u>
12	(e) The Department of Homelessness and Supportive Housing (the "Department") shall
13	provide administrative support for the Grievance Committee.
14	
15	<u>SEC. 5.36-4. DUTIES.</u>
16	The Grievance Committee shall perform the following functions:
17	(a) Advise the Department on the Shelter Grievance Policy, as described in Article XVIII of
18	Chapter 20 of the Administrative Code, including the Department's administration of the policy and its
19	regulations promulgated under the policy, and recommend any appropriate changes to the Department.
20	(b) Receive and review reports relating to the Shelter Grievance Policy, including but not
21	limited to, reports sent to the Department under Administrative Code Section 20.18-8.
22	(c) Receive complaints regarding arbitrators as provided in Section 20.18-9 of the
23	Administrative Code and recommend to the Department any appropriate action in response to such
24	<u>complaints.</u>

25

1	SEC. 5.36-5. MEETINGS AND PROCEDURES.
2	(a) The Grievance Committee shall meet at least once each quarter.
3	(b) The Grievance Committee shall elect a Chair, and may elect other officers, and shall
4	establish rules or bylaws for its organization and procedures.
5	
6	<u>SEC. 5.36-6. SUNSET.</u>
7	Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that
8	advisory bodies created by the Board should sunset within three years, unless the Board of Supervisors
9	by ordinance extends the term of the Grievance Committee, this Article XXXVI shall expire by
10	operation of law, and the Grievance Committee shall terminate, on April 30, 2032. After that date, the
11	City Attorney shall cause this Article XXXVI to be removed from the Administrative Code.
12	
13	Section 2. The Administrative Code is hereby amended by adding Article XVIII,
14	consisting of Sections 20.18-1 through 20.18-11, to Chapter 20, to read as follows:
15	
16	ARTICLE XVIII: SHELTER GRIEVANCE POLICY
17	
18	SEC. 20.18-1. FINDINGS AND PURPOSE.
19	(a) Findings.
20	(1) As of the San Francisco Department of Homelessness and Supportive Housing's
21	2019 "Point in Time" Count measuring the prevalence of homelessness, there were approximately
22	8,035 unhoused individuals in San Francisco. To combat homelessness and assist these individuals,
23	San Francisco has developed a portfolio of shelters ranging from traditional models to more recent
24	innovations like navigation centers and safe sleep sites. Each shelter establishes rules governing
25	shelter client conduct and, if a shelter client breaks a rule, the shelter can either issue a warning and

1	impose a non-immediate denial of service, or impose an immediate denial of service. If a client is
2	denied service, this may result in an unhoused individual losing the individual's place in the shelter,
3	often exiting back to the street.
4	(2) To prevent unnecessary exits to the street, and to define the rights of shelter clients,
5	the Human Services Commission adopted the Shelter Grievance Policy on April 23, 1992, and, since
6	August 25, 2016, the Department of Homelessness and Supportive Housing has administered this
7	policy. The policy consists of a two-stage appeals process that allows shelter clients to dispute their
8	denials of service. These appeals often result in an agreement between the shelter and client—
9	remedying the underlying denial of service, allowing the client to remain in the shelter, and reducing
10	the likelihood of a repeat rule violation.
11	(3) The Shelter Grievance Policy helps keep the City's unhoused individuals in shelters
12	and off the streets, while also providing a dispute resolution process for clients accused of violating
13	shelter rules. Although this Shelter Grievance Policy has been incredibly successful in accomplishing
14	both goals for three decades, the policy itself has not been codified in the Municipal Code.
15	(4) Ensuring each shelter that receives City funding has a transparent set of rules and
16	rights for their clients, including the right to a fair and speedy appeals process, creates accountability
17	and increases the quality of the shelter system.
18	(b) Purpose. The purpose of this Article XVIII is to codify the Shelter Grievance Policy with
19	appropriate revisions and establish transparent standards by which shelter clients may appeal a denial
20	<u>of service.</u>
21	
22	SEC. 20.18-2. DEFINITIONS.
23	For purposes of this Article XVIII:
24	"Arbitration" means a hearing conducted by an arbitrator adjudicating a Shelter Hearing
25	decision that was unfavorable to a Client.

1	"City" means the City and County of San Francisco.
2	"Client" means an individual receiving Services from a Shelter.
3	"Denial of Service" means either an Immediate Denial of Service or a Non-Immediate Denial
4	of Service. A Denial of Service includes denials issued for a Client's failure to meet shelter eligibility
5	<u>criteria.</u>
6	"Denial of Service Notice" means a notice issued by a Shelter to a Client that the Shelter
7	intends to deny Service to the Client.
8	"Department" means the Department of Homelessness and Supportive Housing.
9	"Director" means the Director of the Department of Homeless and Supportive Housing or the
10	Director's designee.
11	"Immediate Denial of Service" means a denial of Service due to a Rule violation that threatens
12	the health or safety of Shelter staff or Clients and results in the Shelter immediately removing the Client
13	from the Shelter.
14	"Non-Immediate Denial of Service" means a denial of Service due to a Rule violation that does
15	not threaten the health or safety of Shelter staff or Clients.
16	"Rule" means a regulation governing Client behavior established by a Shelter.
17	"Service" means temporary shelter services offered by a Shelter.
18	"Shelter" means a facility, outdoor location, or resource center, funded in whole or in part by
19	the City, providing temporary shelter services for homeless single adults, youth, or families. "Shelter"
20	shall not include domestic violence shelters; adult probation transitional housing; and Single Room
21	Occupancy (SRO) hotels that are not operated by the City as temporary accommodations for
22	emergency housing.
23	"Shelter Client Advocate" means any individual, group, or organization that provides advocacy
24	or representation services for Clients.
25	

1	"Shelter Grievance Policy" means the policy established by this Article XVIII governing
2	grievance procedures and appeals for Clients.
3	"Shelter Hearing" means a hearing conducted by a Shelter to adjudicate a Denial of Service.
4	"Warning Notice" means a notice issued by a Shelter to a Client due to a Rule violation that
5	does not threaten the health or safety of Shelter staff or Clients.
6	
7	SEC. 20.18-3. ESTABLISHMENT OF SHELTER GRIEVANCE POLICY AND
8	ADMINISTRATION.
9	The Department shall administer the Shelter Grievance Policy. The Director shall establish
10	regulations for the proper administration of the Shelter Grievance Policy consistent with this
11	Article XVIII. The Shelter Grievance Advisory Committee shall advise the Department and the
12	Director on administration of the Shelter Grievance Policy and the regulations promulgated
13	thereunder. Whenever any discretion as to the exercise of authority is given to the Director by this
14	Article or by a regulation, the Director shall exercise said discretion only in so far as the same is
15	necessary to protect the health or safety of the Clients, the Shelter and its employees, or the public, or
16	to promote the reasonable, humane, and efficient operation of the Shelter. The Shelter Grievance
17	Policy and any regulations promulgated pursuant to the Shelter Grievance Policy shall apply to the
18	Shelter operations of all City departments that fund or contract with Shelters. All contracts between
19	the City and Shelters shall include a provision that requires each Shelter to adhere to the Shelter
20	<u>Grievance Policy.</u>
21	
22	<u>SEC. 20.18-4. NOTICE PROCEDURES.</u>
23	(a) Rule Violation. A Shelter shall issue either a Warning Notice or Denial of Service Notice
24	when a Client violates a Rule. If the Shelter does not issue a Warning Notice or Denial of Service
25	Notice, the Shelter may not assert the violation of the Rule as a basis for sanctioning the Client or

1	denying Service. Shelters shall post all Rules in a Shelter common area and may not deny Service for a
2	change in Rules that the Shelter has not posted in writing in a Shelter common area. Shelter staff must
3	witness a Rule violation before issuing a Warning Notice or Denial of Service Notice except in such
4	circumstances as defined by the Department, and the notice must be issued or approved by a Shelter
5	staff member trained on this Shelter Grievance Policy. Denial of Service Notices or Warning Notices
6	may not be issued for behavior occurring outside the Shelter, except for threats or acts of violence
7	committed by a Client within 200 feet from a currently used Shelter access door, and also in such
8	circumstances as defined by the Department and as necessary to prevent an immediate threat to the
9	health, safety, or welfare of Clients and Shelter staff or of members of the public.
10	(1) Non-Immediate Denial of Service. When a Client violates a Rule in the Non-
11	Immediate Denial of Service category, a Shelter must issue a Warning Notice before issuing a Denial of
12	Service Notice. A Shelter must issue a Warning Notice within 24 hours of the Rule violation and a
13	Warning Notice is effective for 30 days from the date the Client receives the notice. A Shelter may deny
14	Service to a Client who violates the same Rule within the 30-day effective period of an existing Warning
15	Notice. A Shelter may not deny Service to a Client who violates a different Rule within the 30-day
16	effective period of an existing Warning Notice, provided that, a Shelter may deny Service to a Client
17	who receives an excessive number of Warning Notices for different Rule violations within the 30-day
18	period of an existing Warning Notice. Each Shelter shall define "excessive number of Warning
19	Notices" in the Shelter's written Rules, provided that the Department may in its regulations establish
20	criteria for defining an excessive number of Warning Notices. If a Shelter denies Service to a Client, it
21	must issue a Denial of Service Notice within 48 hours of the final Warning Notice.
22	(2) Immediate Denial of Service. When a Client violates a Rule in the Immediate
23	Denial of Service category, a Shelter must issue a Denial of Service Notice, but is not required to issue
24	a Warning Notice. A Shelter must issue a Denial of Service Notice for an Immediate Denial of Service
25	at the time of the Rule violation, or as soon thereafter as is reasonably feasible.

1	(b) Written Notice. A Warning Notice or Denial of Service Notice must be written. Such notice
2	must state (1) the reason for the warning or denial; (2) length of suspension of Service, if applicable;
3	(3) an explanation of the Shelter Grievance Policy in this Article XVIII; (4) an explanation of the good
4	cause policy in Section 20.18-7; (5) contact information for Shelter Client Advocate services; and (6)
5	the ability of a Client to receive Service while pursuing an appeal of a Non-Immediate Denial of
6	Service, as provided in Sections 20.18-5(b) and 20.18-6(b). Shelter staff shall also verbally
7	communicate the contents of the written notice to the Client except in such circumstances as defined by
8	the Department. The Department shall provide forms of written notice to Shelters, and the Department
9	shall translate such forms into the language(s) spoken by a Substantial Number of Limited English-
10	Speaking Persons, as required by Chapter 91 of the Administrative Code.
11	(c) Language Access. Shelter staff shall translate any written notice into the languages spoken
12	by Clients and shall provide oral interpretation or translation services of verbal communications
13	related to the Rule violation, notice, and any subsequent administrative proceeding in the language of
14	the Client.
15	
16	<u>SEC. 20.18-5. SHELTER HEARING PROCEDURES.</u>
17	(a) A Client, either personally or through a Shelter Client Advocate, may appeal a Denial of
18	Service by requesting a Shelter Hearing verbally or in writing to any Shelter staff within five business
19	days from the date on which the Client received a Denial of Service Notice. If the Client does not
20	request a Shelter Hearing within five business days, the Shelter shall not grant a hearing except in
21	cases of good cause, as defined in Section 20.18-7.
22	(b) If a Shelter denies Service to a Client for a Non-Immediate Denial of Service and the Client
23	timely requests a Shelter Hearing, the Client shall continue to receive Service and remain in the Shelter
24	until the current Shelter stay expires or until the Shelter issues a decision at the conclusion of a Shelter
25	<u>Hearing, whichever is earlier.</u>

1	(c) After the Client requests a Shelter Hearing, the Shelter shall establish a time and place for
2	the hearing and the Shelter shall provide the Client with written notice of the date and time of the
3	Shelter Hearing promptly upon its establishment. Either party may request a neutral hearing location
4	and, upon a Client's request or its own initiative, the Shelter shall contact the Department to secure a
5	neutral hearing location. The Shelter shall not schedule a hearing date for a time earlier than one
6	business day or later than three business days after a Client's Shelter Hearing request, provided that, a
7	Client may waive the timing requirements. The Shelter shall also notify any Shelter Client Advocate
8	advocating for or representing the Client of the scheduled Shelter Hearing. If the Client requests an
9	advocate or other representative to be present at the hearing, the Shelter may not hold a hearing
10	earlier than 24 hours from the time of the request for an advocate unless the Client waives the 24-hour
11	waiting period. The Client shall attend the Shelter Hearing and may, but is not required to, attend with
12	an advocate or other representative. If the Client fails to appear, the Client will be deemed to have
13	waived any right to pursue the grievance, unless the Client demonstrates good cause for missing the
14	hearing, as defined in Section 20.18-7, in which case the Shelter shall reschedule the Shelter Hearing.
15	(d) The Shelter shall designate as an impartial hearing officer a person who did not witness the
16	Rule violation or issue the Client's Denial of Service. Shelter hearings shall be conducted in an
17	impartial and informal manner. The Shelter shall translate a reasonable amount of written material
18	relevant to, and to be presented at, the Shelter Hearing into the language spoken by the Client and
19	shall provide oral interpretation services of the Shelter Hearing in the language of the Client. The
20	hearing officer may consider all reasonable evidence offered by either party, provided that, neither
21	party may compel the attendance or testimony of witnesses. The Client may bring witnesses to speak
22	on the Client's behalf. The Shelter is not required to bring other Clients as witnesses, and may offer
23	witness statements of other Clients with names of such witnesses redacted. The hearing officer may not
24	consider evidence concerning a Client's past criminal history.
25	

1	(e) The hearing officer shall issue a written decision within 48 hours of completion of the				
2	Shelter Hearing. Such written decision shall include: (1) the decision; (2) a reasoned explanation of				
3	the decision; (3) information describing how to request an Arbitration; (4) an explanation of the good				
4	cause policy; and (5) Shelter Client Advocate information. The hearing officer's decision may uphold,				
5	or overturn the Shelter's Denial of Service or withdraw the Denial of Service on consent of both the				
6	Shelter and the Client. If the hearing officer upholds the Denial of Service, the officer may also modify				
7	the Denial of Service by reducing the length of suspension or authorizing an additional opportunity for				
8	a Client to receive Service. The hearing officer may not increase the length of suspension, change				
9	Rules or individual case management plans agreed to by a Client and Shelter, make an exception to				
10	eligibility criteria, or award any other relief.				
11	(f) A Client who prevails at a Shelter Hearing and is not currently residing in a Shelter, shall				
12	be entitled to the next available bed at a Shelter, provided that, the Client must claim the bed within				
13	24 hours of when the Client acknowledges receipt of notification of entitlement. A Shelter must notify				
14	the Client of such entitlement and the entitlement shall expire within seven calendar days of the				
15	Shelter's notification. The Shelter may, at its discretion, extend the period during which the Client may				
16	claim the next available bed. A prevailing Client shall be credited the amount of time for which the				
17	Client did not utilize Service due to the Shelter Hearing appeal process.				
18					
19	SEC. 20.18-6. ARBITRATION PROCEDURES.				
20	(a) A Client, either personally or through a Shelter Client Advocate, may appeal a Shelter				
21	Hearing decision with which the Client disagrees by requesting an Arbitration verbally or in writing				
22	within three business days from the date of the Shelter Hearing decision. If a Client does not request				
23	an Arbitration within three business days, the Client will be deemed to have waived any right to appeal				
24	the Shelter Hearing decision and pursue Arbitration, unless the Client demonstrates good cause for				
25	having missed the deadline for requesting Arbitration, as defined in Section 20.18-7.				

1	(b) If a Shelter denies Service to a Client for a Non-Immediate Denial of Service, the Client				
2	disagrees with the Shelter Hearing decision, and the Client timely requests an Arbitration, the Client				
3	shall continue to receive Service and remain in the Shelter until the current Shelter stay expires or until				
4	the arbitrator issues a decision at the conclusion of the Arbitration, whichever is earlier.				
5	(c) After the Client requests an Arbitration, the Shelter shall, in coordination with the				
6	arbitrator, establish a time and place for the Arbitration. A Shelter shall not schedule an Arbitration				
7	<u>hearing date for a time earlier than one business day or later than four business days after a Client's</u>				
8	Arbitration request, provided that, a Client may waive the timing requirements. The Shelter shall notify				
9	the Client and any Shelter Client Advocate advocating for or representing the Client of the scheduled				
10	Arbitration. If the Client requests an advocate or other representative to be present at the Arbitration,				
11	the arbitrator may not hold an Arbitration earlier than 24 hours from the time of the request unless the				
12	<u>Client waives the 24-hour waiting period.</u>				
13	(d) The Arbitration shall be held by an arbitrator at a neutral location. The arbitrator shall be				
14	an active member of the California bar or an attorney employed by the federal government and an				
15	active member of the bar of any state.				
16	(e) An arbitrator shall have the authority to manage and control the Arbitration including, by				
17	way of example but not limitation, admitting or barring individuals to the Arbitration or terminating				
18	the proceeding due to security concerns, continual disruption, or refusal to respond to the arbitrator's				
19	direction. The Client or the Client's representative shall attend the Arbitration and the Client may, but				
20	is not required to, attend with a Shelter Client Advocate or other representative. If the Client or in the				
21	Client's absence the Client's representative fails to appear, the Client will be deemed to have waived				
22	any right to pursue the Arbitration, unless the Client demonstrates good cause for missing the hearing,				
23	as defined in Section 20.18-7, in which case the arbitrator shall reschedule the Arbitration.				
24	(f) Arbitration proceedings shall be conducted in an impartial and informal manner. The				
25	Shelter shall translate a reasonable amount of written material relevant to, and to be presented at, the				

1	Arbitration into the language spoken by the Client and shall provide oral interpretation services of the				
2	Arbitration in the language of the Client. The arbitrator shall not be bound by the rules of evidence or				
3	procedures applicable to judicial proceedings and may consider all reasonable evidence offered by a				
4	Client or the Client's advocate or representative, provided that, neither party may compel the				
5	attendance or testimony of witnesses. The arbitrator may only consider evidence offered by the Shelter				
6	that either party presented at the Shelter Hearing. The Client may bring witnesses to speak on the				
7	Client's behalf. The Shelter is not required to bring other Clients as witnesses, and may offer witness				
8	statements of other Clients with names of such witnesses redacted. The arbitrator may not consider				
9	evidence concerning a Client's past criminal history.				
10	(g) The arbitrator shall render a written decision by the end of the business day following the				
11	conclusion of the Arbitration, and such decision shall state the factual findings and grounds for the				
12	decision. The result of the Arbitration is considered final and there is no further right of administrative				
13	appeal. The arbitrator may uphold or overturn the Shelter's Denial of Service. If the arbitrator				
14	upholds the Denial of Service, the arbitrator may also modify the Denial of Service by reducing the				
15	length of suspension or authorize an additional opportunity for a Client to receive Service. The				
16	arbitrator may not authorize an increase in the length of suspension, change Rules or individual case				
17	management plans agreed to by a Client and Shelter, make an exception to eligibility criteria, or award				
18	any other relief. The arbitrator shall furnish a copy of the written decision to the Client.				
19	(h) A Client who prevails at an Arbitration and who is not currently residing in a				
20	Shelter shall be entitled to the next available bed at a Shelter, provided that, the Client must claim the				
21	bed within 24 hours of when the Client acknowledges receipt of notification of entitlement. A Shelter				
22	must notify the Client of such entitlement and the entitlement shall expire within seven calendar days of				
23	the Shelter's notification. The Shelter may, at its discretion, extend the period during which the Client				
24	may claim the next available bed. A prevailing Client shall be credited the amount of time for which				
25	the Client did not utilize Service due to the Shelter Hearing and Arbitration appeals process.				

2	<u>SEC. 20.18-7. GOOD CAUSE.</u>
3	For purposes of this Article XVIII, where a Client is required to show "good cause," good
4	cause may be shown by competent evidence of any of the following: (a) the Client's hospitalization;
5	(b) the Client's illness or injury; (c) the Client's disability; (d) death in the Client's immediate family;
6	(e) the Client's arrest or incarceration; (f) other circumstances beyond the Client's control; or
7	(g) criteria for good cause determined by the Department. The Client has the burden of providing
8	confirmation, by evidence, of facts constituting such good cause. If a Shelter denies a Client's good
9	cause, the Client may arbitrate that denial under the procedures outlined in Section 20.18-6.
10	
11	SEC. 20.18-8. REPORTING AND ANNUAL REVIEW.
12	(a) Reporting. Each Shelter shall provide to the Department, within time frames established by
13	the Department, information on a monthly basis concerning the number of Immediate and Non-
14	Immediate Denials of Service issued to Clients and the resolution of all Shelter Hearings and
15	Arbitrations pertaining to the reporting Shelter.
16	(b) Annual Review. Each Shelter shall review a Client's permanent Denial of Service, if the
17	Client requests such review. The review shall be conducted on an annual basis after the date of the
18	permanent Denial of Service. The Client may offer evidence to demonstrate the Client's eligibility to
19	receive Service and may attend the review with an advocate or representative. A Shelter shall have the
20	authority to rescind the permanent Denial of Service and the Shelter's review decision is not subject to
21	Arbitration.
22	
23	SEC. 20.18-9. COMPLAINT PROCEDURE.
24	The Department shall provide for a process for a party to file a complaint in the following
25	situations: (a) when a Shelter acts outside its scope of authority under this Article XVIII; (b) when a

1	Shelter hearing	officer or	an arhitrator	acts outside	their scone	of authorit	y under this Articl	
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- 2 (c) when a Shelter or arbitrator unreasonably rejects a Client's showing of good cause under
- 3 <u>Section 20.18-7; or (d) when a hearing officer or arbitrator is accused of bias, prejudice, or interest in</u>
- 4 *the proceeding. The Shelter Grievance Advisory Committee (established in Article XXXVI of Chapter 5)*
- 5 *of the Administrative Code) shall hear complaints related to scope of authority and good cause*
- 6 (subsection (a) through (c) of this Section 20.18-9) and make nonbinding recommendations to the
- 7 <u>Department regarding such complaints</u>. The Department shall take appropriate action to resolve such
- 8 complaints. The Department shall hear complaints related to hearing officer or arbitrator bias,
- 9 prejudice, or interest in the proceeding (subsection (d) of this Section 20.18-9), and shall take
- 10 *appropriate action to resolve such complaints.*
- 11
- 12

<u>SEC. 20.18-10. SEVERABILITY.</u>

- 13 If any section, subsection, sentence, clause, phrase, or word of this Article XVIII, or any
- 14 *application thereof to any person or circumstance, is held to be invalid or unconstitutional by a*
- 15 *decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining*
- 16 *portions or applications of this Article. The Board of Supervisors hereby declares that it would have*
- 17 *passed this Article and every section, subsection, sentence, clause, phrase, and word not declared*
- 18 *invalid and unconstitutional without regard to whether any other portion of this Article or application*
- 19 *thereof would be subsequently declared invalid or unconstitutional.*
- 20

21 <u>SEC. 20.18-11. GENERAL WELFARE.</u>

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

1						
2	Section 3. Effective Date. This ordinance shall become effective 30 days after					
3	enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the					
4	ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board					
5	of Supervisors overrides the Mayor's veto of the ordinance.					
6						
7						
8	APPROVED AS TO FORM:					
9	DAVID CHIU, City Attorney					
10	By: /s/ Henry L. Lifton					
11	HENRY L. LIFTON Deputy City Attorney					
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LEGISLATIVE DIGEST

[Administrative Code - Shelter Grievance Advisory Committee and Shelter Grievance Policy]

Ordinance amending the Administrative Code to establish the Shelter Grievance Advisory Committee to advise the Department of Homelessness and Supportive Housing regarding policies and procedures for clients of City-funded shelters to appeal denial of shelter services; and to codify the City's Shelter Grievance Policy establishing an administrative appeal process for clients of City-funded shelters denied shelter services for violating a shelter's rules.

Existing Law

The City's Shelter Grievance Policy and Shelter Grievance Advisory Committee are not currently codified in the Municipal Code. The Human Services Commission initially adopted the policy in 1992 and the uncodified policy is currently administered by the Department of Homelessness and Supportive Housing (the "Department"). The Shelter Grievance Policy governs the appeal process for shelter clients who break a shelter rule and requires the shelter to provide either a written notice or written denial of service notice, depending on the severity of the rule violation. The appeal process consists of a two-stage process. At the first stage, the client is entitled to a shelter hearing adjudicated by a hearing officer at the shelter and, at the second stage, if the client disagrees with the shelter hearing decision, an arbitration adjudicated by an attorney arbitrator. The Shelter Grievance Policy also establishes the procedural rules for both the shelter hearing and the arbitration, as well as delineates the available decisions that may be entered and a good cause procedure for failure to attend a hearing.

The Shelter Grievance Advisory Committee is a 10 to 15-member advisory committee composed of representatives from shelter providers, clients, City departments, arbitrators, shelter advocates, and community members, each appointed by the Local Homeless Coordinating Board. The Committee receives reports regarding the Shelter Grievance Policy and makes recommendations to the Department.

Amendments to Current Law

This Proposed Ordinance would codify the current Shelter Grievance Policy in the Administrative Code. The Department would continue to be responsible for administering the policy and promulgating necessary regulations to protect the health or safety of shelter clients and staff and the general public. The Proposed Ordinance maintains the basic framework of written notice required for violation of shelter rules, appeals for denials of service (consisting of a shelter hearing and an arbitration), and good cause exemptions, but would add further detail on each step in the appeal process including, but not limited to, time periods for the appeals process, notice requirements, and language access requirements. The Proposed Ordinance would add a reporting requirement to the Department, in addition to an existing annual review of permanent denials of service.

The Proposed Ordinance would also codify the Shelter Grievance Advisory Committee and set the number of seats at 13, with seats 1 through 4 designated for shelter clients, seats 5 through 8 for providers of shelter services, seats 9 and 10 for shelter client advocates, seat 11 for an arbitrator, seat 12 for an at-large City resident, and seat 13 for an employee of the Department of Public Health. The Committee would continue to advise the Department on the Shelter Grievance Policy and continue to receive and review reports relating to the Policy. The Committee would also receive complaints regarding arbitrators and recommend to the Department any appropriate action. The Committee would sunset after 10 years unless renewed by the Board.

Background Information

The Human Services Commission adopted the Shelter Grievance Policy in April 1992 to remove the hesitancy of unhoused individuals to enter a shelter by ensuring that each shelter receiving City funds has a transparent set of rules for each client, including a fair and speedy appeal process. The appeal process often results in an agreement between the shelter and the client to remedy the underlying denial of service and allow the client to remain in the shelter and reducing the likelihood of a repeat rule violation. The Policy is intended to establish a transparent dispute resolution process while also reducing the likelihood that a shelter client will be denied a shelter bed.

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BOARD of SUPERVISORS



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689 Tel. No. (415) 554-5184 Fax No. (415) 554-5163 TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: March 17, 2022

To: The Honorable Members, Board of Supervisors

From:

Angela Calvillo, Clerk of the Board

Subject:

Administrative Code - Shelter Grievance Advisory Committee and Shelter Grievance Policy

Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. In order to fulfill these requirements, the following is provided:

File No. 220090 Administrative Code - Shelter Grievance Advisory Committee and Shelter Grievance Policy

Does a current body address the same or similar subject matter?

No. There are no other bodies that address similar subjects.

Language requiring the body to meet at least once every four months?

Yes. Page 4, Lines 1-2, entitled "SEC. 5.36-5. MEETINGS AND PROCEDURES" states "The Grievance Committee shall meet at least once each quarter.'

• Language indicating members serve at the pleasure of the appointing authority?

Yes. Page 2, Lines 21-23, entitled "SEC. 5.36-3. ORGANIZATION AND TERMS OF OFFICE" states "Each member in Seats 1 through 12 shall serve at the pleasure of the member's appointing authority for a term of four years."

There are 13 seats on the proposed Grievance Committee. As stated on Page 2, Line 19, "Seat 13 shall be held by an employee of the Department of Public Health."

Language establishing attendance requirements?

Yes. Page 3, Lines 4-7, entitled "SEC. 5.36-3. ORGANIZATION AND TERMS OF OFFICE" states "Any member in Seats 1 through 12 who misses three regular meetings of the Grievance Committee without the express approval of the Grievance Committee at or before each missed meeting shall be deemed to have resigned from the Grievance Committee 10 days after the third unapproved absence. The Grievance Committee shall inform the appointing authority of the resignation."

Number of seats and qualifications?

There are a total of 13 seats. Page 2, Lines 1-19, entitled "SEC. 5.36-2. MEMBERSHIP" states:

The Grievance Committee shall be comprised of 13 members. Seats 1 through 12 shall be appointed by the Local Homeless Coordinating Board, established under Article XXXI of Chapter 5 of the Administrative Code, and Seat 13 shall be appointed by the Director of Health, as follows:

(a) Seats 1 through 4 shall each be held by a current or previous consumer of City temporary shelter services in one or more of the following temporary shelter service categories: family shelters, youth shelters, single adult shelters, navigation centers, or alternative shelter services (including, by way of example but not limitation, tiny houses, safe sleeping sites, or recreational vehicle (*RV*) sites).

(b) Seats 5 through 8 shall each be held by persons who represent organizations or projects providing one or more of the following shelter services in the City: family shelters, youth shelters, single adult shelters, navigation centers, or alternative shelter services (including, by way of example but not limitation, tiny houses, safe sleeping sites, or recreational vehicle (RV) sites).

(c) Seats 9 and 10 shall be held by persons who represent organizations or projects providing shelter client advocate services in the City.

(d) Seat 11 shall be held by a person serving as arbitrator of shelter grievances under the Shelter Grievance Policy, as described in Article XVIII of Chapter 20 of the Administrative Code.

(e) Seat 12 shall be held by any City resident with a demonstrated commitment to temporary shelter services.

(f) Seat 13 shall be held by an employee of the Department of Public Health.



Term limits (i.e., commencement date? staggered terms?)

Yes. Page 2, Lines 21-23, entitled "SEC. 5.36-3. ORGANIZATION AND TERMS OF OFFICE" states "Each member in Seats 1 through 12 shall serve at the pleasure of the member's appointing authority for a term of four years."

• Administering department?

Yes. Page 3, Lines 12-13, entitled "SEC. 5.36-3. ORGANIZATION AND TERMS OF OFFICE" states "The Department of Homelessness and Supportive Housing (the "Department") shall provide administrative support for the Grievance Committee".

• Reporting requirements?

There is no reporting requirement for the Grievance Committee.

• Sunset date?

Yes. Page 4, Lines 6-11, entitled "SEC. 5.36-6. SUNSET" states "Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that advisory bodies created by the Board should sunset within three years, unless the Board of Supervisors by ordinance extends the term of the Grievance Committee, this Article XXXVI shall expire by operation of law, and the Grievance Committee shall terminate, on April 30, 2032. After that date, the City Attorney shall cause this Article XXXVI to be removed from the Administrative Code."

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Members of the Government Audit and Oversight Committee,

My name is Calder Lorenz, I am the Director of Operations for The Gubbio Project and a San Francisco resident. I am writing to strongly urge you to vote yes on the Shelter Grievance Policy legislation. The Shelter Grievance Policy is a critical procedure protecting the rights of people staying in our city's shelters and enabling resolution of disputes between shelter residents and shelter providers.

Having a fair and transparent process regarding denials of service from shelters is critical to treating individuals utilizing shelter services with dignity and respect.

This legislation is important to codify a policy exemplifying our values as San Franciscans that everyone is entitled to be treated with respect and dignity and no one should be unfairly or arbitrarily denied shelter. By enacting this legislation, shelter residents are not entitled to shelter services but shelter providers are required to treat shelter residents fairly and provide them an opportunity to be heard when denied services.

We currently serve both guests and staff that have had to navigate the shelter system during the COVID pandemic which has been without a shelter grievance policy/process or any type of equitable platform where shelter residents can have their voices heard. Fostering dialogue when a dispute arises should be immediately available for those in need of shelter services.

Please, support this legislation!

In Community,

Calder

Calder Lorenz (he/him), *Harm Reduction Saves Lives, I carry naloxone!* Director of Operations at the Gubbio Project (415)-571-6391 cell phone calder@thegubbioproject.org thegubbioproject.org

From:	<u>Carroll, John (BOS)</u>
To:	<u>Carroll, John (BOS)</u>
Subject:	FW: Letter of Support for Shelter Due Process Legislation - File No. 220090
Date:	Wednesday, March 30, 2022 11:14:02 AM

From: Jennifer Friedenbach < ifriedenbach@cohsf.org>

Sent: Tuesday, March 29, 2022 5:38 PM

To: Angulo, Sunny (BOS) <<u>sunny.angulo@sfgov.org</u>>; hillary ronen <<u>h_ronen@hotmail.com</u>>; Low, Jen (BOS) <<u>ien.low@sfgov.org</u>>; Peskin, Aaron (BOS) <<u>aaron.peskin@sfgov.org</u>>; Stefani, Catherine (BOS) <<u>catherine.stefani@sfgov.org</u>>; Breed, Mayor London (MYR) <<u>mayorlondonbreed@sfgov.org</u>>; Hepner, Lee (BOS) <<u>lee.hepner@sfgov.org</u>>; Safai, Ahsha (BOS) analie.com; Gee, Natalie (BOS) natalie.com; Yu, Angelina (BOS) <angelina.yu@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Tom Temprano <<u>tom.temprano@sfgov.org</u>>; Gallardo, Tracy (BOS) <<u>tracy.gallardo@sfgov.org</u>>; Preston, Dean (BOS) <<u>dean.preston@sfgov.org</u>>; Haney, Matt (BOS) <<u>matt.haney@sfgov.org</u>>; Mahogany, Honey (BOS) <<u>honey.mahogany@sfgov.org</u>>; RivamonteMesa, Abigail (BOS) <a big style="color: blue;"><a big style: blue;"<a big style="color: blue;"><a big sty <erin.mundy@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Quan, Daisy (BOS) <<u>daisy.quan@sfgov.org</u>>; Alan Wong <<u>alan.wong@sfgov.org</u>>; Edward Wright <<u>edward.wright@sfgov.org</u>>; Walton, Shamann (BOS) <<u>shamann.walton@sfgov.org</u>>; Burch, Percy (BOS) <<u>percy.burch@sfgov.org</u>>; Gallardo, Tracy (BOS) <<u>tracy.gallardo@sfgov.org</u>>; Mullan, Andrew (BOS) andrew.mullan@sfgov.org; Smeallie, Kyle (BOS) <<u>kyle.smeallie@sfgov.org</u>; Kilgore, Preston (BOS) <<u>preston.kilgore@sfgov.org</u>>; Bolen, Jennifer M.(BOS) <<u>iennifer.m.bolen@sfgov.org</u>>; Melgar, Myrna (BOS) <<u>myrna.melgar@sfgov.org</u>>; Chan, Connie (BOS) <<u>connie.chan@sfgov.org</u>>; Carrillo, Lila (BOS) <<u>lila.carrillo@sfgov.org</u>>; Imperial, Megan (BOS) <<u>megan.imperial@sfgov.org</u>>; Hsieh, Frances (BOS) <<u>frances.hsieh@sfgov.org</u>>; Groth, Kelly (BOS) <<u>kellv.groth@sfgov.org</u>>; Zhihan Zou <<u>zhihan.zou@sfgov.org</u>>; Barnett, Monica (BOS) <<u>monica.barnett@sfgov.org</u>>; Adkins, Joe (BOS) <<u>ioe.adkins@sfgov.org</u>>; Bintliff, Jacob (BOS) <<u>jacob.bintliff@sfgov.org</u>>; Li Miao Lovett <u>hi.miao.lovett@sfgov.org</u>; Yan, Calvin (BOS) <<u>calvin.yan@sfgov.org</u>; Sarah Souza <<u>sarah.souza@sfgov.org</u>>; Lerma, Santiago (BOS) <<u>santiago.lerma@sfgov.org</u>>; Ernest Jones <ernest.jones@sfgov.org>; Samuel Berenson <samuel.berenson@sfgov.org>; Lauren Chung <<u>lauren.chung@sfgov.org</u>>; Bennett, Samuel (BOS) <<u>samuel.bennett@sfgov.org</u>>; Dominica Donovan <<u>fominica.donocan@sfgov.org</u>>; Falzon, Frankie (BOS) <<u>frankie.falzon@sfgov.org</u>>; Abe Evans abe.evans@cohsf.org

Cc: Ben Baczkowski <<u>benb@evictiondefense.org</u>>; Tyler Rougeau <<u>tylerr@evictiondefense.org</u>>; Breed, Mayor London (MYR) <<u>mayorlondonbreed@sfgov.org</u>>; McSpadden, Shireen (HOM) <<u>shireen.mcspadden@sfgov.org</u>>; Cohen, Emily (HOM) <<u>emily.cohen@sfgov.org</u>>; Simmons, Noelle (HOM) <<u>noelle.simmons@sfgov.org</u>>

Subject: Letter of Support for Shelter Due Process Legislation

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

March 29, 2022

Dear Supervisors,

This letter is to urge you to vote yes on the Shelter Grievance Policy legislation. The Shelter Grievance Policy is a critical procedure protecting the rights of people staying in our city's shelters and enabling resolution of disputes between shelter residents and shelter providers. The Shelter Grievance Policy has been in effect for 30 years. It is a time-tested procedure that serves the public interest by ensuring that all sides are heard, respecting people rights and reducing the number of people forced out of shelters and back onto the streets of San Francisco when disputes arise.

The procedure was eliminated for single adults during the pandemic, and then came back but to serve only a portion of shelter residents. We believe this happened because the policy lost regulative seating when the homeless department was created and eliminated the chartered oversight by the Human Services Commission of the procedure.

The Shelter Grievance Policy ensures there is an independent and fair decision maker, levels the playing field, builds accountability in our shelter system, and ensures there are restorative practices built into the system. Having a fair and transparent process regarding denials of service through which shelter residents can be heard and voice their perspectives fosters dialogue and dispute resolution between shelter providers and shelter residents.

Under the Shelter Grievance Policy legislation, all basic elements of the pre- existing policy are protected, including notification, access to an advocate, internal hearing, and arbitration. Under this legislation, shelter residents can receive assistance from shelter client advocates to help them navigate the process, assert their rights, and reach resolutions with shelter providers when being faced with an expulsion from the shelter.

This legislation exemplifies our values as San Franciscans, ensuring that everyone is entitled to be treated with respect and dignity, and that no one should be unfairly or arbitrarily denied shelter. By enacting this legislation, shelter residents are not entitled to shelter services but shelter providers are required to treat shelter residents fairly and provide them an opportunity to be heard when denied services.

Attached is a list of organizations who have endorsed this legislation.

Thank you for your consideration.

List of Endorsing Organizations:

Eviction Defense Collaborative

Justice and Diversity Center of San Francisco

Five Keys Schools and Programs
Dolores Street Community Services
The Gubbio Project
Founder, #30RightNow Coalition
Faith in Action Bay Area
Hamilton Families
Central City Democrats
Simply the Basics
Women's Virtual Community
Shanti
GLIDE
San Francisco Hepatitis C Task Force
Western Regional Advocacy Project
Haight-Ashbury Neighborhood Council
Dr. Allen
Housing Rights Committee of San Francisco
DSA,SDA, Advisory Council to DAS
Democratic Socialists of America – San Francisco
AIDS Legal Referral Panel
St. John the Evangelist Episcopal Church, San Francisco
End Hep C SF

Mission Neighborhood Resource Center/Mission Neighborhood Health Center

The Gemini Collective

Providence Foundation

Shelter Grivance Advisory Committee

Glide Harm Reduction

Coalition on Homelessness

NAMI San Francisco

3rd Street Youth Center & Clinic

Faithful Fools Street Level Community

Compass Family Services

Jennifer Friedenbach (she,her) jfriedenbach@cohsf.org Coalition on Homelessness 280 Turk Street San Francisco, CA 94102 (415)346-3740 https://url.avanan.click/v2/ http://www.cohsf.org/ .YXAzOnNmZHQyOmE6bzpkM2QxMWEz MjRmZDJjZGNIOTc1NWQyZjExMDAyMTNmNzo10jc0Zjl6MjJkY2ZjNmY4YmI5ZDZmNTM1MzNI NjdkMGJjZGM1Mjg4ZTRjZDUxNmM1MmE0MjUwZmY2Nzk4YzZhZGJmNGM3Yjp00k4

Donate now to the Coalition on Homelessness!

Please note: We moved to 280 Turk Street x Leavenworth, SF CA 94102

"Love is an action, never just a feeling."

Bell Hooks

BOARD of SUPERVISORS



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689 Tel. No. (415) 554-5184 Fax No. (415) 554-5163 TDD/TTY No. (415) 554-5227

MEMORANDUM

- TO: Shireen McSpadden, Executive Director, Department of Homelessness and Supportive Housing Dr. Grant Colfax, Director, Department of Public Health
- FROM: John Carroll, Assistant Clerk, Government Audit and Oversight Committee, Board of Supervisors
- DATE: February 2, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Walton on January 25, 2022:

File No. 220090

Ordinance amending the Administrative Code to establish the Shelter Grievance Advisory Committee to advise the Department of Homelessness and Supportive Housing regarding policies and procedures for clients of Cityfunded shelters to appeal denial of shelter services; and to codify the City's Shelter Grievance Policy establishing an administrative appeal process for clients of City-funded shelters denied shelter services for violating a shelter's rules.

If you have any 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.

c: Offices of Chair Preston and Supervisor Walton Dylan Schneider, Department of Homelessness and Supportive Housing Emily Cohen, Department of Homelessness and Supportive Housing Bridget Badasow, Department of Homelessness and Supportive Housing Greg Wagner, Department of Public Health Dr. Naveena Bobba, Department of Public Health Sneha Patil, Department of Public Health Ana Validzic, Department of Public Health

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 in the second	nquiries"
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: $\Box = \Box $	
Small Business Commission Vouth Commission Ethics Commission	on
Planning Commission Building Inspection Commission	
Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative For	rm.
Sponsor(s):	
Walton, Chan, Peskin, Preston, Haney, Melgar, Ronen	
Subject:	
Administrative Code - Shelter Grievance Advisory Committee and Shelter Grievance Policy	
The text is listed:	
Ordinance amending the Administrative Code to establish the Shelter Grievance Advisory Committee Department of Homelessness and Supportive Housing regarding policies and procedures for clients of shelters to appeal denial of shelter services; and to codify the City's Shelter Grievance Policy establish administrative appeal process for clients of City-funded shelters denied shelter services for violating a	City-funded ing an
Signature of Sponsoring Supervisor: /s/ Shamann Walton	

For Clerk's Use Only