

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
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MEMORANDUM

Date: November 7, 2023
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee
Subject: Board of Supervisors Legislation Referral - File No. 231129
Administrative Code - Extending Sunset Date of Contracting Waivers for Homeless Services

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan
 - Planning Code, Section 101.1
 - Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Victor Young at Victor.Young@sfgov.org.



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 231129 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Administrative Code - Extending Sunset Date of Contracting Waivers for Homeless Services **Date Introduced:** 10/31/2023

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Administrative Code to extend by five years, from May 5, 2024, through May 5, 2029, the sunset date of the provisions authorizing the Department of Homelessness and Supportive Housing (“HSH”) to enter into and amend contracts without requiring competitive bidding for services relating to sites and programs for people experiencing homelessness (“Projects Addressing Homelessness”), and the Department of Public Works to enter into and amend contracts without adhering to the Environment Code or to provisions relating to competitive bidding, equal benefits, local business enterprise utilization, and other requirements, for construction work and services relating to Projects Addressing Homelessness; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Sponsors: Mayor; Ronen

History of Legislative File 231129

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	10/31/2023	ASSIGNED UNDER 30 DAY RULE	Rules Committee	11/30/2023	

1 [Administrative Code - Extending Sunset Date of Contracting Waivers for Homeless Services]

2
 3 **Ordinance amending the Administrative Code to extend by five years, from May 5,**
 4 **2024, through May 5, 2029, the sunset date of the provisions authorizing the**
 5 **Department of Homelessness and Supportive Housing (“HSH”) to enter into and amend**
 6 **contracts without requiring competitive bidding for services relating to sites and**
 7 **programs for people experiencing homelessness (“Projects Addressing**
 8 **Homelessness”), and the Department of Public Works to enter into and amend**
 9 **contracts without adhering to the Environment Code or to provisions relating to**
 10 **competitive bidding, equal benefits, local business enterprise utilization, and other**
 11 **requirements, for construction work and services relating to Projects Addressing**
 12 **Homelessness; and affirming the Planning Department’s determination under the**
 13 **California 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 *strikethrough italics Times New Roman font*.
 17 **Board amendment additions** are in double-underlined Arial font.
 18 **Board amendment deletions** are in ~~strikethrough 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. Findings.

23 (a) California Government Code Sections 8698 through 8698.2 authorize the
 24 governing body of a political subdivision to declare the existence of a shelter crisis upon a
 25 finding by the governing body that a significant number of persons within the jurisdiction are
 without the ability to obtain shelter, and that the situation has resulted in a threat to the health

1 and safety of those persons. In 2016, the Board of Supervisors made the requisite finding in
2 Ordinance No. 57-16, declaring the existence of a shelter crisis in San Francisco.

3 (b) In April 2019, the City enacted Ordinance No. 61-19 to streamline the contracting
4 and siting of homeless shelters, and Ordinance No. 60-19 to expedite the permitting process
5 for homeless shelters during a declared shelter crisis.

6 (c) Ordinance No. 61-19 added Chapter 21B and Section 6.76 to the Administrative
7 Code to waive competitive bidding requirements for the Department of Homelessness and
8 Supportive Housing (“HSH”) and the Department of Public Works (“DPW”) contracts for
9 professional and other services related to Projects Addressing Homelessness and authorized
10 DPW to enter into and amend contracts without adhering to the Environment Code or to
11 provisions relating to competitive bidding, equal benefits, local business enterprise utilization,
12 and other requirements, for construction work and professional and other services relating to
13 Projects Addressing Homelessness. “Projects Addressing Homelessness” means projects
14 designed to prevent homelessness through the provision of housing subsidies or other
15 services, and projects designed to provide shelter, housing, food, and/or social services to
16 people experiencing homelessness.

17 (d) Chapter 21B and Section 6.76 will sunset on May 5, 2024, or on the effective date
18 of an ordinance making the finding that according to the most recent Point in Time (“PIT”)
19 Homeless Count that there are fewer than 5,250 homeless persons in San Francisco,
20 whichever date is earlier.

21 (e) For all HSH-funded projects that involve new construction, a change in use, or a
22 significant expansion of an existing use at a specific location, HSH complies with the
23 requirements of Administrative Code Chapter 79 (Citizens’ Right-to-Know Act of 1998) and
24 Chapter 79A by providing community notice that it is considering approval of such a project,
25 and by establishing a process by which members of the public may obtain additional

1 information about the project, and submit comments. Before opening a new facility, HSH staff
2 collaborate with the member of the Board of Supervisors who represents the district in which
3 the facility will be located, to conduct a thorough community outreach process that includes, at
4 a minimum, written notice to neighbors located within 300 feet of the facility, information about
5 how neighbors may provide input into the proposed programming at the facility, and the
6 hosting of at least one public community meeting. After opening a facility, HSH works closely
7 with the selected non-profit provider to be a good neighbor to the host community by following
8 the contractually required Good Neighbor Policy.

9 (f) According to the 2022 PIT Count, since 2019, San Francisco has had a 15%
10 decrease in unsheltered homelessness and a 3.5% decrease in overall homelessness. The
11 decreases reflected in the 2022 PIT Count were due to a number of initiatives and
12 investments in services across the homelessness response system including: preventing
13 homelessness for 5,500 at-risk households and placing approximately 2,300 formerly
14 homeless households into permanent housing in Fiscal Year 2021-22, adding over 3,000 new
15 units and subsidies of permanent supportive housing between 2020 and 2022, permanently
16 housing nearly 1,800 guests from the COVID-19 emergency Shelter in Place Hotel Program,
17 and re-opening and expanding the shelter system to a greater capacity than before the
18 COVID-19 pandemic. In April 2023, HSH released a five-year, citywide strategic plan, “Home
19 by the Bay: An Equity-Driven Plan to Prevent and End Homelessness”, that calls for an
20 expansion of prevention, shelter, and housing to meet the strategic plan’s goals, including a
21 50% reduction of unsheltered homelessness from the 2022 PIT Count. The City has made
22 progress addressing homelessness over the past few years, but the City has not reduced
23 homelessness below 5,250 people in the 2022 Point in Time Count, which was the goal
24 articulated in Ordinance 61-19, therefore more time is needed to build on progress and
25 achieve the new strategic plan goal of reducing unsheltered homelessness by 50% by 2028.

1 (g) The Planning Department has determined that the actions contemplated in this
2 ordinance comply with the California Environmental Quality Act (California Public Resources
3 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
4 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
5 this determination.

6
7 Section 2. The Administrative Code is hereby amended by revising Chapter 21B,
8 Sections 21B.2 through 21B.4, to read as follows:

9
10 **SEC. 21B.2. WAIVER OF COMPETITIVE BIDDING REQUIREMENTS.**

11 Notwithstanding Sections 21.1 and 21G.3 of the Administrative Code or any other
12 provision of the Municipal Code, the Department of Public Works and the Department of
13 Homelessness and Supportive Housing may enter into and/or amend contracts *for services or*
14 *commodities or grants for, including grants, for* professional and other services or commodities
15 relating to Projects Addressing Homelessness without adhering to the requirements of Section
16 21.1, 21G.3, or any other competitive procurement requirements. ~~The power to amend such~~
17 ~~contracts and grants extends to contracts and grants entered into prior to the effective date of the~~
18 ~~ordinance in Board File No. 190047 enacting this Chapter 21B.~~

19
20 **SEC. 21B.3. REPORTING.**

21 ~~Within one year of the effective date of this Chapter 21B, and every year thereafter, †The~~
22 Department of Homelessness and Supportive Housing and the Department of Public Works
23 shall submit to the Board of Supervisors *an annual* report that includes the following
24 information for each contract or grant that the *respective* departments executed during the prior
25 year without adhering to the requirements of Section 21.1 or Section 21G.3, pursuant to the

1 authority in ~~this~~ Section 21B.32: the name of the contractor or grantee; the services to be
2 provided under the contract or grant; the amount of funds conveyed; the duration of the
3 contract or grant; and any measurable outcomes of the contract or grant.

4
5 **SEC. 21B.4. SUNSET PROVISIONS.**

6 This Chapter 21B shall expire by operation of law ~~five years from its effective date~~ on May
7 5, 2029, or on the effective date of an ordinance making the finding that according to the most
8 recent Point in Time Homeless Count, that there are no more than 2,199 people experiencing
9 unsheltered homelessness which is a 50% reduction in unsheltered homelessness from the 2022 Point
10 in Time Count ~~there are fewer than 5,250 homeless persons in San Francisco~~, whichever date is
11 earlier. Upon expiration of this Chapter 21B, the City Attorney ~~shall~~ is authorized to cause this
12 Chapter to be removed from the Administrative Code.

13
14 Section 3. Article IV of Chapter 6 of the Administrative Code is hereby amended by
15 revising Section 6.76, to read as follows.

16
17 **SEC. 6.76. PUBLIC WORKS ADDRESSING HOMELESSNESS.**

18 (a) The Department of Public Works is authorized to enter into and/or amend any
19 contract for any Public Work or Improvement, as defined in Administrative Code Section 6.1,
20 including any professional services for a Public Work or Improvement, without adherence to
21 the requirements of this Chapter 6, Administrative Code Chapters 12B and 14B, and the
22 Environment Code; provided, however, that the Public Work or Improvement is for the
23 construction, repair, or improvement of one or more sites that will be used for the primary
24 purpose of providing housing, shelter, or services to people experiencing homelessness. ~~The~~
25

1 ~~power to amend such contracts extends to contracts entered into prior to the effective date of the~~
2 ~~ordinance in Board File No. 190047 enacting this Chapter 21B.~~

3 (b) This Section 6.76 shall expire by operation of law ~~five years from its effective date on~~
4 May 5, 2029, or on the effective date of an ordinance making the finding that according to the
5 most recent Point in Time Homeless Count, that there are no more than 2,199 people experiencing
6 unsheltered homelessness which is a 50% reduction in unsheltered homelessness from the 2022 Point
7 in Time Count ~~there are fewer than 5,250 homeless persons in San Francisco~~, whichever date is
8 earlier. Upon expiration of this Section 6.76, the City Attorney ~~shall~~ is authorized to cause this
9 Section to be removed from the Administrative Code.

10
11 Section 4. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

15
16 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
20 additions, and Board amendment deletions in accordance with the "Note" that appears under
21 the official title of the ordinance.

22
23 Section 6. Undertaking for the General Welfare. In enacting and implementing this
24 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
25 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it

LEGISLATIVE DIGEST

[Administrative Code - Extending Sunset Date of Contracting Waivers for Homeless Services]

Ordinance amending the Administrative Code to extend by five years, from May 5, 2024, through May 5, 2029, the sunset date of the provisions authorizing the Department of Homelessness and Supportive Housing (“HSH”) to enter into and amend contracts without requiring competitive bidding for services relating to sites and programs for people experiencing homelessness (“Projects Addressing Homelessness”), and the Department of Public Works to enter into and amend contracts without adhering to the Environment Code or to provisions relating to competitive bidding, equal benefits, local business enterprise utilization, and other requirements, for construction work and services relating to Projects Addressing Homelessness; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

California law authorizes the Board of Supervisors to declare the existence of a shelter crisis based on a finding that a significant number of people in the City and County of San Francisco (the “City”) lack shelter, and that the situation has resulted in a threat to their health and safety. The law authorizes the City to suspend state or local laws setting housing, health, or safety standards for new homeless shelter facilities in response to the shelter crisis, to the extent that strict compliance would prevent, hinder, or delay the mitigation of the shelter crisis.

Local Law generally requires City departments to use a competitive bidding process and follow other contracting requirements for personal services, procurement, and construction contracts, subject to exceptions. In 2019, the Board of Supervisors enacted Ordinance No. 61-19, which waived competitive bidding requirements for contracts and leases relating to a number of identified Shelter Crisis Sites, as well as the City’s existing Navigation Centers and homeless shelters. The expedited contracting and leasing authority that was granted by Ordinance No. 61-19 will expire on May 5, 2024.

Amendments to Current Law

The proposed ordinance would reaffirm the Board of Supervisors’ prior declarations of a shelter crisis and would extend the expedited contracting and leasing authority that was granted by Ordinance No. 61-19 until May 5, 2029, or until the effective date of an ordinance making the finding that according to the most recent Point in Time Homeless Count that there are not more than 2,199 people experiencing unsheltered homelessness which is a 50% reduction in the unsheltered homelessness from the 2022 Point in Time County, whichever

date is earlier. This authority would allow the Departments of Homelessness (“HSH”) and Supportive Housing and Public Works to enter into and amend contracts and grants for professional and other services or commodities relating to projects addressing homelessness without using a competitive bidding process. For purposes of this authority, “projects addressing homelessness” are projects designed to prevent homelessness through the provision of housing subsidies or other services, and projects designed to provide shelter, housing, food, and/or social services to people experiencing homelessness.

The proposed ordinance would also allow the Department of Public Works to enter into or amend contracts for public works and improvements without using a competitive bidding process, provided the contracts are for public works or improvements for the construction, repair, or improvement of one or more sites that will be used for the primary purpose of providing housing, shelter, or services to people experiencing homelessness. The authority to enter into and amend contracts without competitive bidding would expire on May 5, 2029, or until the effective date of an ordinance making the finding that according to the most recent Point in Time Homeless Count that there are not more than 2,199 people experiencing unsheltered homelessness which is a 50% reduction in the unsheltered homelessness from the 2022 Point in Time County, whichever date is earlier.

Background Information

In 2016, through the enactment of Ordinance No. 57-16, the Board of Supervisors declared the existence of a shelter crisis in San Francisco, based on findings that in January 2015, there were 6,686 individuals in San Francisco who were homeless.

In April 2019, the Board of Supervisors and Mayor London N. Breed enacted Ordinance No. 61-19 to streamline the contracting and siting of homeless shelters, and Ordinance No. 60-19 to expedite the permitting process for homeless shelters during a declared shelter crisis. The expedited contracting and leasing authority that was granted by Ordinance No. 61-19 will expire on May 5, 2024.

For all HSH-funded projects that involve new construction, a change in use, or a significant expansion of an existing use at a specific location, HSH complies with the requirements of Administrative Code Chapter 79 (Citizens’ Right-to-Know Act of 1998) and Chapter 79A by providing community notice that it is considering approval of such a project, and by establishing a process by which members of the public may obtain additional information about the project, and submit comments. Before opening a new facility, HSH staff collaborate with the member of the Board of Supervisors who represents the district in which the facility will be located, to conduct a thorough community outreach process that includes, at a minimum, written notice to neighbors located within 300 feet of the facility, information about how neighbors may provide input into the proposed programming at the facility, and the hosting of at least one public community meeting. After opening a facility, HSH works closely with the selected non-profit provider to be a good neighbor to the host community by following the contractually required Good Neighbor Policy.

According to the 2022 PIT Count, since 2019, San Francisco has had a 15% decrease in unsheltered homelessness and a 3.5% decrease in overall homelessness. The decreases reflected in the 2022 PIT Count were due to a number of initiatives and investments in services across the homelessness response system including: preventing homelessness for 5,500 at-risk households and placing approximately 2,300 formerly homeless households into permanent housing in Fiscal Year 2021-22, adding over 3,000 new units and subsidies of permanent supportive housing between 2020 and 2022, permanently housing nearly 1,800 guests from the COVID-19 emergency Shelter in Place Hotel Program and re-opening and expanding the shelter system to a greater capacity than before the COVID-19 pandemic. In April 2023, HSH released a five-year, citywide strategic plan, “Home by the Bay: An Equity-Driven Plan to Prevent and End Homelessness”, that calls for an expansion of prevention, shelter and housing to meet the strategic plan’s goals, including a 50% reduction of unsheltered homelessness from the 2022 PIT Count.

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From: [Conine-Nakano, Susanna \(MYR\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Herrera, Ana \(BOS\)](#); [Cohen, Emily \(HOM\)](#); [Schneider, Dylan \(HOM\)](#)
Subject: Mayor -- Ordinance -- Contracting Waivers for Homeless Services
Date: Tuesday, October 31, 2023 4:00:40 PM
Attachments: [Ordinance - Streamlined Contracting for Homeless Services.docx](#)
[Digest - Streamlined Contracting for Homeless Services.DOCX](#)

Hello Clerks,

Attached for introduction to the Board of Supervisors is an Ordinance amending the Administrative Code to extend by five years, from May 5, 2024 to May 5, 2029, the sunset date of the provisions authorizing the Department of Homelessness and Supportive Housing (“HSH”) to enter into and amend contracts without requiring competitive bidding for services relating to sites and programs for people experiencing homelessness (“Projects Addressing Homelessness”), and the Department of Public Works to enter into and amend contracts without adhering to the Environment Code or to provisions relating to competitive bidding, equal benefits, local business enterprise utilization, and other requirements, for construction work and services relating to Projects Addressing Homelessness; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Best,
Susanna

Susanna Conine-Nakano
Office of Mayor London N. Breed
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102
415-554-6147

From: [Radtke, Adam \(CAT\)](#)
To: [BOS Legislation, \(BOS\)](#); [Conine-Nakano, Susanna \(MYR\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Herrera, Ana \(BOS\)](#); [Cohen, Emily \(HOM\)](#); [Schneider, Dylan \(HOM\)](#)
Subject: RE: Mayor -- Ordinance -- Contracting Waivers for Homeless Services
Date: Tuesday, October 31, 2023 4:18:04 PM

Jocelyn:

Approved as to form.

Adam Radtke (he/him/él)
Deputy City Attorney, Health & Human Services
Office of City Attorney David Chiu
(415) 554-4212 Direct
Adam.Radtke@sfcityatty.org

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From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, October 31, 2023 4:08 PM
To: Conine-Nakano, Susanna (MYR) <susanna.conine-nakano@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Paulino, Tom (MYR) <tom.paulino@sfgov.org>; Herrera, Ana (BOS) <ana.herrera@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>; Radtke, Adam (CAT) <Adam.Radtke@sfcityatty.org>
Subject: RE: Mayor -- Ordinance -- Contracting Waivers for Homeless Services

Hello,

We are seeking the confirmation from Deputy City Attorney Adam Radtke for use of his electronic signature and approval as to form for the attached proposed Ordinance, by reply to this email. Thank you.

Jocelyn Wong

Legislative Clerk
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

---

**From:** Conine-Nakano, Susanna (MYR) <[susanna.conine-nakano@sfgov.org](mailto:susanna.conine-nakano@sfgov.org)>

**Sent:** Tuesday, October 31, 2023 4:01 PM

**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>

**Cc:** Paulino, Tom (MYR) <[tom.paulino@sfgov.org](mailto:tom.paulino@sfgov.org)>; Herrera, Ana (BOS) <[ana.herrera@sfgov.org](mailto:ana.herrera@sfgov.org)>;

Cohen, Emily (HOM) <[emily.cohen@sfgov.org](mailto:emily.cohen@sfgov.org)>; Schneider, Dylan (HOM)

<[dylan.schneider@sfgov.org](mailto:dylan.schneider@sfgov.org)>

**Subject:** Mayor -- Ordinance -- Contracting Waivers for Homeless Services

Hello Clerks,

Attached for introduction to the Board of Supervisors is an Ordinance amending the Administrative Code to extend by five years, from May 5, 2024 to May 5, 2029, the sunset date of the provisions authorizing the Department of Homelessness and Supportive Housing (“HSH”) to enter into and amend contracts without requiring competitive bidding for services relating to sites and programs for people experiencing homelessness (“Projects Addressing Homelessness”), and the Department of Public Works to enter into and amend contracts without adhering to the Environment Code or to provisions relating to competitive bidding, equal benefits, local business enterprise utilization, and other requirements, for construction work and services relating to Projects Addressing Homelessness; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Best,  
Susanna

Susanna Conine-Nakano

Office of Mayor London N. Breed  
City & County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 200  
San Francisco, CA 94102  
415-554-6147



**From:** [Prager, Jackie \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#); [Ferrigno, Jennifer \(BOS\)](#); [Herrera, Ana \(BOS\)](#); [Lerma, Santiago \(BOS\)](#)  
**Subject:** Re: Mayor -- Ordinance -- Contracting Waivers for Homeless Services  
**Date:** Wednesday, November 1, 2023 9:32:59 AM  
**Attachments:** [image001.png](#)

---

Confirming Supervisor Ronen as co-sponsor.

Thank you,

Jackie Prager  
Legislative Aide  
Office of Supervisor Hillary Ronen, District 9  
[jackie.prager@sfgov.org](mailto:jackie.prager@sfgov.org) | 415-554-7743  
Pronouns: she/her/hers

---

**From:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Sent:** Wednesday, November 1, 2023 8:48 AM  
**To:** Conine-Nakano, Susanna (MYR) <[susanna.conine-nakano@sfgov.org](mailto:susanna.conine-nakano@sfgov.org)>; Herrera, Ana (BOS) <[ana.herrera@sfgov.org](mailto:ana.herrera@sfgov.org)>; Lerma, Santiago (BOS) <[santiago.lerma@sfgov.org](mailto:santiago.lerma@sfgov.org)>; Ferrigno, Jennifer (BOS) <[jennifer.ferrigno@sfgov.org](mailto:jennifer.ferrigno@sfgov.org)>; Prager, Jackie (BOS) <[jackie.prager@sfgov.org](mailto:jackie.prager@sfgov.org)>  
**Cc:** Paulino, Tom (MYR) <[tom.paulino@sfgov.org](mailto:tom.paulino@sfgov.org)>; Cohen, Emily (HOM) <[emily.cohen@sfgov.org](mailto:emily.cohen@sfgov.org)>; Schneider, Dylan (HOM) <[dylan.schneider@sfgov.org](mailto:dylan.schneider@sfgov.org)>; BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>; RADTKE, ADAM (CAT) <[Adam.Radtke@sfcityatty.org](mailto:Adam.Radtke@sfcityatty.org)>  
**Subject:** RE: Mayor -- Ordinance -- Contracting Waivers for Homeless Services

Hello,

Please find attached proof with slight clerical edit to the long title. Kindly review and confirm these changes are agreeable. Also, at yesterday's Board meeting during the Supervisors Roll Call for Introduction, Supervisor Ronen mentioned she is a co-sponsor for this item. Please confirm should Supervisor Ronen be added as a co-sponsor.

Thank you.

**Lisa Lew**  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



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**From:** Conine-Nakano, Susanna (MYR) <susanna.conine-nakano@sfgov.org>

**Sent:** Tuesday, October 31, 2023 4:01 PM

**To:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>

**Cc:** Paulino, Tom (MYR) <tom.paulino@sfgov.org>; Herrera, Ana (BOS) <ana.herrera@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>

**Subject:** Mayor -- Ordinance -- Contracting Waivers for Homeless Services

Hello Clerks,

Attached for introduction to the Board of Supervisors is an Ordinance amending the Administrative Code to extend by five years, from May 5, 2024 to May 5, 2029, the sunset date of the provisions authorizing the Department of Homelessness and Supportive Housing (“HSH”) to enter into and amend contracts without requiring competitive bidding for services relating to sites and programs for people experiencing homelessness (“Projects Addressing Homelessness”), and the Department of Public Works to enter into and amend contracts without adhering to the Environment Code or to provisions relating to competitive bidding, equal benefits, local business enterprise utilization, and other requirements, for construction work and services relating to Projects Addressing Homelessness; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Best,  
Susanna

Susanna Conine-Nakano  
Office of Mayor London N. Breed  
City & County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 200  
San Francisco, CA 94102  
415-554-6147

[Administrative Code - Extending Sunset Date of Contracting Waivers for Homeless Services]

Ordinance amending the Administrative Code to extend by five years, from May 5, 2024, ~~through~~ May 5, 2029, the sunset date of the provisions authorizing the Department of Homelessness and Supportive Housing (“HSH”) to enter into and amend contracts without requiring competitive bidding for services relating to sites and programs for people experiencing homelessness (“Projects Addressing Homelessness”), and the Department of Public Works to enter into and amend contracts without adhering to the Environment Code or to provisions relating to competitive bidding, equal benefits, local business enterprise utilization, and other requirements, for construction work and services relating to Projects Addressing Homelessness; and affirming the Planning Department’s determination under the California Environmental Quality Act.

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

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

Section 1. Findings.

(a) California Government Code Sections 8698 through 8698.2 authorize the governing body of a political subdivision to declare the existence of a shelter crisis upon a finding by the governing body that a significant number of persons within the jurisdiction are without the ability to obtain shelter, and that the situation has resulted in a threat to the health

1 and safety of those persons. In 2016, the Board of Supervisors made the requisite finding in  
2 Ordinance No. 57-16, declaring the existence of a shelter crisis in San Francisco.

3 (b) In April 2019, the City enacted Ordinance No. 61-19 to streamline the contracting  
4 and siting of homeless shelters, and Ordinance No. 60-19 to expedite the permitting process  
5 for homeless shelters during a declared shelter crisis.

6 (c) Ordinance No. 61-19 added Chapter 21B and Section 6.76 to the Administrative  
7 Code to waive competitive bidding requirements for the Department of Homelessness and  
8 Supportive Housing (“HSH”) and the Department of Public Works (“DPW”) contracts for  
9 professional and other services related to Projects Addressing Homelessness and authorized  
10 DPW to enter into and amend contracts without adhering to the Environment Code or to  
11 provisions relating to competitive bidding, equal benefits, local business enterprise utilization,  
12 and other requirements, for construction work and professional and other services relating to  
13 Projects Addressing Homelessness. “Projects Addressing Homelessness” means projects  
14 designed to prevent homelessness through the provision of housing subsidies or other  
15 services, and projects designed to provide shelter, housing, food, and/or social services to  
16 people experiencing homelessness.

17 (d) Chapter 21B and Section 6.76 will sunset on May 5, 2024, or on the effective date  
18 of an ordinance making the finding that according to the most recent Point in Time (“PIT”)  
19 Homeless Count that there are fewer than 5,250 homeless persons in San Francisco,  
20 whichever date is earlier.

21 (e) For all HSH-funded projects that involve new construction, a change in use, or a  
22 significant expansion of an existing use at a specific location, HSH complies with the  
23 requirements of Administrative Code Chapter 79 (Citizens’ Right-to-Know Act of 1998) and  
24 Chapter 79A by providing community notice that it is considering approval of such a project,  
25 and by establishing a process by which members of the public may obtain additional

1 information about the project, and submit comments. Before opening a new facility, HSH staff  
2 collaborate with the member of the Board of Supervisors who represents the district in which  
3 the facility will be located, to conduct a thorough community outreach process that includes, at  
4 a minimum, written notice to neighbors located within 300 feet of the facility, information about  
5 how neighbors may provide input into the proposed programming at the facility, and the  
6 hosting of at least one public community meeting. After opening a facility, HSH works closely  
7 with the selected non-profit provider to be a good neighbor to the host community by following  
8 the contractually required Good Neighbor Policy.

9 (f) According to the 2022 PIT Count, since 2019, San Francisco has had a 15%  
10 decrease in unsheltered homelessness and a 3.5% decrease in overall homelessness. The  
11 decreases reflected in the 2022 PIT Count were due to a number of initiatives and  
12 investments in services across the homelessness response system including: preventing  
13 homelessness for 5,500 at-risk households and placing approximately 2,300 formerly  
14 homeless households into permanent housing in Fiscal Year 2021-22, adding over 3,000 new  
15 units and subsidies of permanent supportive housing between 2020 and 2022, permanently  
16 housing nearly 1,800 guests from the COVID-19 emergency Shelter in Place Hotel Program,  
17 and re-opening and expanding the shelter system to a greater capacity than before the  
18 COVID-19 pandemic. In April 2023, HSH released a five-year, citywide strategic plan, “Home  
19 by the Bay: An Equity-Driven Plan to Prevent and End Homelessness”, that calls for an  
20 expansion of prevention, shelter, and housing to meet the strategic plan’s goals, including a  
21 50% reduction of unsheltered homelessness from the 2022 PIT Count. The City has made  
22 progress addressing homelessness over the past few years, but the City has not reduced  
23 homelessness below 5,250 people in the 2022 Point in Time Count, which was the goal  
24 articulated in Ordinance 61-19, therefore more time is needed to build on progress and  
25 achieve the new strategic plan goal of reducing unsheltered homelessness by 50% by 2028.

1 (g) The Planning Department has determined that the actions contemplated in this  
2 ordinance comply with the California Environmental Quality Act (California Public Resources  
3 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
4 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board affirms  
5 this determination.

6  
7 Section 2. The Administrative Code is hereby amended by revising Chapter 21B,  
8 Sections 21B.2 through 21B.4, to read as follows:

9  
10 **SEC. 21B.2. WAIVER OF COMPETITIVE BIDDING REQUIREMENTS.**

11 Notwithstanding Sections 21.1 and 21G.3 of the Administrative Code or any other  
12 provision of the Municipal Code, the Department of Public Works and the Department of  
13 Homelessness and Supportive Housing may enter into and/or amend contracts for services or  
14 commodities or grants for, including grants, for professional and other services or commodities  
15 relating to Projects Addressing Homelessness without adhering to the requirements of Section  
16 21.1, 21G.3, or any other competitive procurement requirements. ~~The power to amend such~~  
17 ~~contracts and grants extends to contracts and grants entered into prior to the effective date of the~~  
18 ~~ordinance in Board File No. 190047 enacting this Chapter 21B.~~

19  
20 **SEC. 21B.3. REPORTING.**

21 ~~Within one year of the effective date of this Chapter 21B, and every year thereafter, †The~~  
22 Department of Homelessness and Supportive Housing and the Department of Public Works  
23 shall submit to the Board of Supervisors an annual report that includes the following  
24 information for each contract or grant that the respective departments executed during the prior  
25 year without adhering to the requirements of Section 21.1 or Section 21G.3, pursuant to the

1 authority in ~~this~~ Section 21B.32: the name of the contractor or grantee; the services to be  
2 provided under the contract or grant; the amount of funds conveyed; the duration of the  
3 contract or grant; and any measurable outcomes of the contract or grant.

4  
5 **SEC. 21B.4. SUNSET PROVISIONS.**

6 This Chapter 21B shall expire by operation of law ~~five years from its effective date~~ on May  
7 5, 2029, or on the effective date of an ordinance making the finding that according to the most  
8 recent Point in Time Homeless Count, that there are no more than 2,199 people experiencing  
9 unsheltered homelessness which is a 50% reduction in unsheltered homelessness from the 2022 Point  
10 in Time Count ~~there are fewer than 5,250 homeless persons in San Francisco~~, whichever date is  
11 earlier. Upon expiration of this Chapter 21B, the City Attorney ~~shall~~ is authorized to cause this  
12 Chapter to be removed from the Administrative Code.

13  
14 Section 3. Article IV of Chapter 6 of the Administrative Code is hereby amended by  
15 revising Section 6.76, to read as follows.

16  
17 **SEC. 6.76. PUBLIC WORKS ADDRESSING HOMELESSNESS.**

18 (a) The Department of Public Works is authorized to enter into and/or amend any  
19 contract for any Public Work or Improvement, as defined in Administrative Code Section 6.1,  
20 including any professional services for a Public Work or Improvement, without adherence to  
21 the requirements of this Chapter 6, Administrative Code Chapters 12B and 14B, and the  
22 Environment Code; provided, however, that the Public Work or Improvement is for the  
23 construction, repair, or improvement of one or more sites that will be used for the primary  
24 purpose of providing housing, shelter, or services to people experiencing homelessness. ~~The~~  
25

1 ~~power to amend such contracts extends to contracts entered into prior to the effective date of the~~  
2 ~~ordinance in Board File No. 190047 enacting this Chapter 21B.~~

3 (b) This Section 6.76 shall expire by operation of law ~~five years from its effective date on~~  
4 May 5, 2029, or on the effective date of an ordinance making the finding that according to the  
5 most recent Point in Time Homeless Count, that there are no more than 2,199 people experiencing  
6 unsheltered homelessness which is a 50% reduction in unsheltered homelessness from the 2022 Point  
7 in Time Count ~~there are fewer than 5,250 homeless persons in San Francisco~~, whichever date is  
8 earlier. Upon expiration of this Section 6.76, the City Attorney ~~shall~~ is authorized to cause this  
9 Section to be removed from the Administrative Code.

10  
11 Section 4. Effective Date. This ordinance shall become effective 30 days after  
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
14 of Supervisors overrides the Mayor's veto of the ordinance.

15  
16 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
20 additions, and Board amendment deletions in accordance with the "Note" that appears under  
21 the official title of the ordinance.

22  
23 Section 6. Undertaking for the General Welfare. In enacting and implementing this  
24 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
25 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it



1 is liable in money damages to any person who claims that such breach proximately caused  
2 injury.

3

4 APPROVED AS TO FORM:  
5 DAVID CHIU, City Attorney

6 By: /s/  
7 ADAM RADTKE  
8 Deputy City Attorney

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