

File No. 231096

Committee Item No. 6

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Nov 13, 2023

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Information/Vacancies (Boards/Commissions)
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Hearing - Initiative Ordinance
- _____
- _____
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- _____
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Completed by: Victor Young Date November 9, 2023

Completed by: _____ Date _____

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BOARD OF SUPERVISORS
SAN FRANCISCO

2023 OCT 17 PM 3:36

BY



SAN FRANCISCO
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2023 OCT 17 PM 3:33

DEPARTMENT OF ELECTIONS
Submittal Form

**For Proposed Initiative Measure(s)
Prior to Submittal to the Department of Elections**

by 4 or more Supervisors or the Mayor

I, hereby submit the following proposed initiative measure(s) for hearing before the Board of Supervisors' Rules Committee prior to the submittal of the proposed initiative measure to the Department of Elections (per Proposition C, November 2007).

This matter is for the **March 5, 2024** Election.

Sponsor(s): Mayor London Breed

Subject: Initiative Ordinance - Administrative Code - Substance Abuse Screening, Evaluation, and Treatment Requirements for CAAP Assistance

The text is listed below or attached:

(See attached.)

Mayor Breed :



(Clerk of the Board's Time Stamp)

SAN FRANCISCO
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**PROPOSED INITIATIVE ORDINANCE TO BE SUBMITTED BY THE
MAYOR TO THE VOTERS AT THE MARCH 5, 2024 ELECTION.**

[Under Charter Sections 3.100(16) and 2.113(b), this measure must be submitted to the Board of Supervisors and filed with the Department of Elections no less than *45 days prior* to the deadline for submission of such initiatives to the Department of Elections set in Municipal Elections Code Section 300(b).]

[Initiative Ordinance - Administrative Code - Substance Abuse Screening, Evaluation, and Treatment Requirements for CAAP Assistance]

Ordinance amending the Administrative Code to require recipients of aid under the County Adult Assistance Program (CAAP) who are reasonably believed to be dependent on illegal drugs to be screened for substance abuse, and to participate in appropriate substance abuse treatment where recommended by a professional evaluator; providing that failure to comply with the drug screening, evaluation, and treatment requirements without good cause will render a recipient ineligible for assistance under the CAAP program; allowing CAAP recipients who become ineligible for assistance due to non-compliance with the screening, evaluation, or treatment requirements to receive a housing stipend or access to in-kind shelter for 30 days beyond the discontinuance of their aid, with possible extensions as necessary to prevent eviction; and establishing a special fund to support the costs of the substance abuse screening and treatment program, using savings realized from implementation of the program.

NOTE: **Unchanged Code text and uncodified text** are in plain font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman 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 and Statement of Purpose.

(a) New, synthetic opioids like Fentanyl have hit San Francisco – like cities across this country – hard. The current drug epidemic is unlike anything the City has seen before. In recent years, thousands of people overdose each year, and hundreds of those who overdose die. In 2022, the Fentanyl crisis took more than 700 lives in San Francisco, and as of October 2023 it was on track to take an even higher number of lives in 2023. The severity of this crisis calls for more tools to incentivize people into treatment, rather than blindly following the status quo.

(b) San Francisco must explore every avenue to address this overdose epidemic, including maximizing and streamlining access to care, providing shelter and housing to those in need, and disrupting the drug markets that fuel the epidemic. But the City will not save lives or improve street conditions if the substance use treatment that is offered is more often declined than accepted. More must be done to reduce the number of drug-related deaths occurring on our sidewalks and elsewhere in the City every single day. The failed policies of simply offering services to people who need treatment are not working.

(c) San Francisco offers and has available to anyone who chooses to access it, a myriad of service options. And the City is constantly working to add more services. Service options include:

(1) San Francisco has made significant investments in voluntary treatment options, adding 350 behavioral health beds in the past few years to the 2,200 health beds that already existed. And there are 50 more beds that will be added in the near future. In the last

five or six years, San Francisco has nearly doubled its investment in its county behavioral health system and its substance use disorder treatment system of care.

(2) The San Francisco Department of Public Health at any one time serves approximately 25,000 people with mental health and addiction issues, through residential and outpatient services. In addition, street outreach teams connect people to all of the City's programs.

(3) The City serves at any one time more than 4,000 people with Medication Assisted Treatment (MAT) by dispensing medications like buprenorphine and methadone. Right now, people who need treatment can access MAT the same day they seek services from one of the City's MAT programs.

(4) The City has mobile pharmacies that go to shelters and permanent supportive housing. In addition, The City employs workers to deliver medications directly to people who are unhoused, so they can receive treatment and support no matter where they are within the City's boundaries.

(5) San Francisco has outpatient services at 14 medical clinics across the City, where people can get access to treatment. This includes clinics like Maria X, which opened in early 2023 with a focus on serving the South of Market Area.

Yet even with this large investment of public funds to provide resources and help to those in need, the drug overdose epidemic continues.

(d) This ordinance is intended to help address the overdose epidemic by requiring individuals who receive assistance through the City's County Adult Assistance Program (CAAP), and who have been professionally evaluated and determined to need treatment, to participate in drug abuse treatment programs. These treatment programs include numerous interventions ranging from residential treatment, medical detox, and Medication Assisted Treatment to outpatient options. There is no one answer. Although reasonable participation

in treatment programs will be required, sobriety of participants will not be. What matters is that people get into treatment and try to improve their lives. Perfection isn't the goal; improved health and life outcomes is.

(e) State law requires all counties in California to fund and administer programs that provide aid and support to indigent single adults. In San Francisco, this state requirement is met through the CAAP program, which is administered by the City's Human Services Agency. In revising CAAP program eligibility and program requirements, this ordinance does not impact the benefit eligibility of individuals other than single adults. Benefit eligibility for seniors and families is unchanged.

(f) The goals of the CAAP program are to provide short-term financial or in-kind assistance and other services to City residents who are unable to support themselves; enable and encourage participants to find employment, if employable; and reduce or eliminate the conditions that have led to indigency and dependency. CAAP participants receive benefit packages that are intended to pay for or provide in-kind access to housing/shelter, utilities, food, and other costs. As of 2023, CAAP participants who were housed received \$712 per month. CAAP participants who were experiencing homelessness and who did not pay rent received access to in-kind shelter and food through the City's shelter system, as well as a cash grant of up to \$109 per month.

(g) State law expressly authorizes counties to require adult recipients of general assistance benefits to undergo screening for substance abuse when it is determined by the county that there is reasonable suspicion to believe that an individual is dependent upon illegal drugs. State law further authorizes counties to require as a condition of aid reasonable participation in substance abuse treatment programs for persons who are professionally evaluated to need treatment, if the services are actually available at no charge to the applicant or recipient.

(h) In amending the eligibility and program requirements to include substance abuse screening and treatment for individuals with an identified drug use dependency, it is the primary goal of the City to help individuals address their substance use and to live healthier and more productive lives. By conditioning the receipt of cash assistance on compliance with drug screening and treatment requirements, this ordinance will create an incentive for CAAP participants who have a substance use disorder to engage in treatment and achieve self-sufficiency.

Section 2. Article VII of Chapter 20 of the Administrative Code is hereby amended by adding Section 20.7-26.5, to read as follows:

SEC. 20.7-26.5. SUBSTANCE ABUSE SCREENING, EVALUATION, AND TREATMENT.

*(a) **Screening.** The Department shall require all adult Recipients of aid under the General Assistance, PAES, CALM, or SSIP Program to undergo screening for substance abuse when it is determined by the Department that there is reasonable suspicion to believe that an individual is dependent upon illegal drugs. The Department shall document all findings of reasonable suspicion.*

*(b) **Professional Evaluation.** Where the screening process set forth in subsection (a) indicates that there is reason to believe that a Recipient is abusing or dependent on illegal drugs, such Recipient shall undergo a professional evaluation for substance abuse. The professional evaluation may be performed by the Department, the Department of Public Health, or by an entity funded by the City to perform this function, subject to the Charter's restrictions regarding contracting for personal services.*

*(c) **Treatment.** Recipients who are professionally evaluated and determined to need treatment for substance abuse shall be referred to a treatment program determined to meet their rehabilitation needs, and shall be required to participate in the treatment program upon referral.*

provided the program services are actually available at the time of referral and are at no charge to the individual.

(d) **Violations.** It shall be a violation of this Section 20.7-26.5 for a Recipient to fail to comply with the screening, evaluation, and/or treatment requirements set forth in subsections (a), (b), and (c) without good cause. Recipients whose aid is discontinued for violation of this Section 20.7-26.5 shall continue to receive housing assistance for 30 days from the effective date of the notice of discontinuance. For purposes of this subsection (d), “housing assistance” means eligible, verified rent expenses and guaranteed access to in-kind shelter and meal services. The Department may extend an individual’s eligibility for housing assistance beyond 30 days provided the Department finds that such extension is necessary to prevent eviction.

(e) **Rules and Regulations.** Pursuant to Section 20.7-5, the Executive Director may establish rules and regulations to administer and enforce this Section 20.7-26.5, including but not limited to rules and regulations to:

(1) establish categorical exemptions from screening, evaluation, and treatment requirements relating to illegal drug use where necessary or appropriate to prioritize the allocation of scarce treatment resources and/or ensure that Recipients are not required to participate in multiple activities at the same time; and

(2) establish standards governing determinations relating to a Recipient’s need for an extension of housing assistance beyond 30 days to prevent eviction.

(f) **Amendments by the Board of Supervisors.** This Section 20.7-26.5 may be amended by the Board of Supervisors by a supermajority vote of eight or more members.

Section 3. Article XIII of Chapter 10 of the Administrative Code is hereby amended by adding Section 10.100-45.5, to read as follows:

SEC. 10.100-45.5. CAAP TREATMENT FUND.

(a) Establishment and Use of Fund. The CAAP Treatment Fund is established as a category two fund to support the costs of the substance abuse screening, evaluation, and treatment program set forth in Section 20.7-26.5 of Article VII of Chapter 20 of the Administrative Code.

(b) Source of Fund. Savings that result from recipient noncompliance with the requirements of Section 20.7-26.5 (Substance Abuse Screening, Evaluation, and Treatment) shall be allocated to the CAAP Treatment Fund.

(c) Administration of Fund. The method for administering the fund and for making deposits thereto and expenditures therefrom shall be approved by the Executive Director of the Human Services Agency, or the Executive Director's designee.

Section 4. Undertaking for the General Welfare.

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

Section 5. Severability.

If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect any provision or application of this ordinance that can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable.

Section 6. Conflicts with Other Measures.

This ordinance is intended to establish requirements related to the screening for and treatment of substance abuse by County Adult Assistance Program recipients, and to address the programmatic consequences of noncompliance with those requirements. The ordinance shall be deemed to conflict with any other measure appearing on the same ballot if such other measure addresses the screening for and treatment of substance abuse by County Adult Assistance Program recipients, and the programmatic consequences of noncompliance with those requirements. In the event this ordinance and any other measure as described above appearing on the same ballot are approved by the voters at the same election, and this ordinance receives a greater number of affirmative votes than the conflicting measure, this ordinance shall control in its entirety and the other measure shall be rendered void and without any legal effect. If this ordinance is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other conflicting measure, this ordinance shall take effect to the extent permitted by law.

Section 7. Effective and Operative Dates.

- (a) The effective date of this ordinance shall be ten days after the date the official vote count is declared by the Board of Supervisors.
- (b) This ordinance shall become operative on January 1, 2025.

* * *

SUBMITTED.


MAYOR LONDON N. BREED
Mayor, City and County of San
Francisco

Date:

10/17/23

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FILED
2023 OCT 17 PM 3:33
DEPARTMENT OF ELECTIONS

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: October 23, 2023
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee
Subject: Board of Supervisors Legislation Referral - File No. 231097

Hearing - Initiative Ordinance - Administrative Code - Police Department Policies and Procedures and Use of Technology

- California Environmental Quality Act (CEQA) Determination
Ordinance / Resolution
Ballot Measure
Amendment to the Planning Code, including the following Findings:
Amendment to the Administrative Code, involving Land Use/Planning
General Plan Referral for Non-Planning Code Amendments
Historic Preservation Commission

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

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

FROM: Victor Young, Assistant Clerk, Rules Committee
Board of Supervisors

A handwritten signature in black ink that reads "Victor Young".

DATE: October 23, 2023

SUBJECT: INITIATIVE ORDINANCE INTRODUCED
March 5, 2024, Election

The Board of Supervisors' Rules Committee has received the following Initiative Ordinance for the March 5, 2024, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.3.

File No. 2321096 (ver1)

Hearing to consider the proposed Initiative Ordinance submitted by the Mayor to the voters for the March 5, 2024, Election, entitled "Ordinance amending the Administrative Code to require recipients of aid under the County Adult Assistance Program (CAAP) who are reasonably believed to be dependent on illegal drugs to be screened for substance abuse, and to participate in appropriate substance abuse treatment where recommended by a professional evaluator; providing that failure to comply with the drug screening, evaluation, and treatment requirements without good cause will render a recipient ineligible for assistance under the CAAP program; allowing CAAP recipients who become ineligible for assistance due to non-compliance with the screening, evaluation, or treatment requirements to receive a housing stipend or access to in-kind shelter for 30 days beyond the discontinuance of their aid, with possible extensions as necessary to prevent eviction; and establishing a special fund to support the costs of the substance abuse screening and treatment program, using savings realized from implementation of the program."

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Office of the Controller
Natasha Mihal, Office of the Controller
Janice Levy, Office of the Controller

BOARD of SUPERVISORS



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MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
Gayathri Thaikkendiyil, Acting Executive Director, Ethics Commission
Tent Rhorer, Executive Director, Human Services Agency

FROM: Victor Young, Assistant Clerk, Rules Committee *Victor Young*
Board of Supervisors

DATE: October 23, 2023

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March 5, 2024

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Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office
 Michael Canning, Ethics Commission
 Elizabeth LaBarre, Human Services Agency
 Louis Rainey, Human Services Commission