

LEGISLATIVE DIGEST

(Amended in Committee, 3/24/2016)

[Declaring Existence of a Shelter Crisis]

Ordinance making findings and declaring the existence of a shelter crisis in San Francisco under California Government Code Sections 8698 et seq.

Existing Law

California Government Code sections 8698 through 8698.2 authorize the governing body of a political subdivision, including a city and county such as San Francisco, 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 and safety of those persons.

Upon the declaration of a shelter crisis, the subdivision may allow persons unable to obtain housing to occupy designated public facilities belonging to that subdivision while the crisis lasts.

Under the Government Code, the subdivision would be immune from liability for ordinary negligence when using public facilities for emergency housing in this way. The subdivision also could suspend state or local regulatory law setting housing, health, or safety standards to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The subdivision could, in place of such standards, enact its own health and safety standards for the shelters consistent with ensuring basic public health and safety in the facilities. These provisions would apply only to additional public facilities opened to the homeless in response to the shelter crisis.

Amendments to Current Law

The proposal is an ordinance that would first make findings that a significant number of persons within the City are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons. The ordinance would then declare the existence of a shelter crisis in the City and County of San Francisco.

The proposal would direct the Clerk of the Board, in consultation with the President of the Board, to schedule a hearing every 180 days before the appropriate committee of the Board regarding the continuing need for the declaration of a shelter crisis.

The proposal would specifically provide that in adopting the declaration of a shelter crisis, the Board of Supervisors was not suspending, waiving, or otherwise limiting the requirements of any applicable City law regulating the process for selecting and developing sites for public facilities to be used as emergency housing pursuant to the declaration. And the Board was not suspending, waiving, or otherwise limiting the requirements of any applicable City law providing for public notification, community outreach, and/or public input as part of that process.

n:\legana\as2016\1600547\01093474.docx