

File No. 160223

Committee Item No. 2

Board Item No. 8

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Public Safety and Neighborhood Services Date March 24, 2016

Board of Supervisors Meeting Date APRIL 12, 2016

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- Referral FYI - 03/15/2016
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Completed by: Erica Major Date March 18, 2016

Completed by: JM Date 3/29/2016

1 [Declaring Existence of a Shelter Crisis]

2

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

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

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

13

14 Section 1. Findings.

15 (a) A significant number of people in San Francisco cannot obtain adequate or
16 appropriate shelter. According to the San Francisco biennial homeless count taken in
17 January 2015, there were 6,686 individuals without a place to live, a 3.8% increase over the
18 6,436 people counted in 2013. In addition, there were 853 unaccompanied children and
19 transitional-aged-youth, for a total of 7,539 homeless people. The number of homeless
20 people rose in seven of the 11 supervisorial districts in the city.

21 (b) San Francisco's homeless population is aging with deteriorating health, needing
22 more services. According to the 2015 homeless count, 22% of the homeless were between
23 the ages of 51 and 60, up from 14% in 2013, and 8% were 61 or older, up from 3% in 2013.

24 (c) The inability to obtain adequate or appropriate shelter threatens the health and
25 safety of those persons. Homelessness is an independent risk factor for a number of
illnesses through its association with exposure to harsh weather, high levels of stress, sleep
deprivation, general unsanitary surroundings, lack of access to hygiene facilities, and bad

1 nutrition. Sleep deprivation, for example, impairs cognitive processes and increases the risk
2 of heart disease, heart attack, heart failure, irregular heartbeat, high blood pressure, stroke
3 and diabetes.

4 (e) According to the National Health Care for the Homeless Council:

5 (1) Homelessness creates new health problems and exacerbates existing ones.
6 Living on the street or in crowded homeless shelters exposes people to communicable
7 disease (e.g., TB, respiratory illnesses, etc.), violence, malnutrition, and harmful weather
8 exposure. Behavioral health issues such as depression or alcoholism often develop or are
9 made worse. Conditions among people who are homeless are frequently co-occurring, with a
10 complex mix of severe physical, psychiatric, substance use, and social problems.

11 (2) Common conditions such as high blood pressure, diabetes, and asthma
12 become worse where there is no safe place to store medications or syringes properly. Injuries
13 that result from violence or accidents may not heal properly if bathing, keeping bandages
14 clean, and getting proper rest and recuperation are not possible due to homelessness. And
15 minor issues such as cuts or common colds may easily develop into large problems such as
16 infections or pneumonia. High stress, unhealthy and dangerous environments, and an
17 inability to control food intake often result in visits to emergency rooms and hospitalization
18 which worsen overall health.

19 (3) Research among patients using health centers demonstrates that even
20 among largely low-income populations, there are significant disparities when comparing
21 homeless and non-homeless populations. Individuals experiencing homelessness have
22 disproportionately high rates of acute and chronic illness, such as hypertension, diabetes,
23 asthma, emphysema, chronic bronchitis, heart problems, stroke, liver condition, weak/failing
24 kidneys, cancer, and HIV/AIDS. Each of these conditions is challenging to manage, even for
25

1 the general population. Absent stable housing, they may become nearly impossible to control
2 or cure.

3 (4) Those experiencing homelessness are three to four times more likely to die
4 prematurely than their housed counterparts, and experience an average life expectancy as
5 low as 41 years.

6 (f) According to studies cited by the American Psychological Association:

7 (1) People without homes have higher rates of hospitalizations for physical
8 illnesses, mental illness, and substance abuse than other populations.

9 (2) Rates of mental illness among people who are homeless in the United
10 States are twice the rate found for the general population.

11 (3) 47% of homeless women meet the criteria for a diagnosis of major
12 depressive disorder—twice the rate of women in general.

13 (4) People who are homeless and also suffer from mental illness are more likely
14 to use hospitals than regular outpatient care, which is not only more expensive but results in
15 fragmented service and less attention paid to ongoing mental health needs.

16
17 Section 2. Legal Authority.

18 (a) California Government Code sections 8698 through 8698.2 authorize the governing
19 body of a political subdivision, including a city and county such as San Francisco, to declare
20 the existence of a shelter crisis upon a finding by the governing body that a significant number
21 of persons within the jurisdiction are without the ability to obtain shelter, and that the situation
22 has resulted in a threat to the health and safety of those persons.

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

1 (c) Under the Government Code, the subdivision would be immune from liability for
2 ordinary negligence when using public facilities for emergency housing in this way. The
3 subdivision also could suspend state or local regulatory law setting housing, health, or safety
4 standards to the extent that strict compliance would prevent, hinder, or delay the mitigation of
5 the effects of the shelter crisis. The subdivision could, in place of such standards, enact its
6 own health and safety standards for the shelters consistent with ensuring basic public health
7 and safety in the facilities. These provisions would apply only to additional public facilities
8 opened to the homeless in response to the shelter crisis.
9

10 Section 3. Declaration of Shelter Crisis. The Board of Supervisors hereby finds that a
11 significant number of persons within the City are without the ability to obtain shelter, and that
12 the situation has resulted in a threat to the health and safety of those persons. The Board of
13 Supervisors therefore declares the existence of a shelter crisis in the City and County of San
14 Francisco. Any subsequent action taken by the City pursuant to this declaration shall comply
15 with all relevant requirements of the Charter.
16

17 Section 4. Impact of Declaration on Applicable City Law. In adopting this Declaration,
18 the Board of Supervisors does not suspend, waive, or otherwise limit the requirements of any
19 applicable City law regulating the process for selecting and developing sites for public facilities
20 to be used as emergency housing pursuant to the Declaration. Further, the Board does not
21 suspend, waive, or otherwise limit the requirements of any applicable City law providing for
22 public notification, community outreach, and/or public input as part of that process.
23


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25 / / /

1 Section 5. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9
10 By:


11 THOMAS J. OWEN
12 Deputy City Attorney

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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.

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BOARD of SUPERVISORS



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

MEMORANDUM

TO: Sam Dodge, Director, Housing Opportunity, Partnerships and Engagement
Theo Miller, Director, HOPE SF
Richard A. Carranza, Superintendent of Schools, San Francisco Unified School District
Barbara A. Garcia, Director, Department of Public Health
Trent Rhorer, Executive Director, Human Services Agency
Nicole Elliott, Mayor's Office
Robert Collins, Acting Executive Director, Rent Board

FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services Committee, Board of Supervisors

DATE: March 15, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Campos on March 8, 2016:

File No. 160223

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

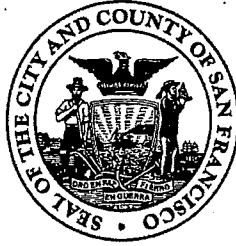
If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:

Dee Schexnayder, Housing Opportunity, Partnerships and Engagement
Christine Keener, Housing Opportunity, Partnerships and Engagement
Barbara Amaro, HOPE SF

Chris Armentrout, San Francisco Unified School District
Jamila Brooks, San Francisco Unified School District
Esther Casco, San Francisco Unified School District
Greg Wagner, Department of Public Health 328
Colleen Chawla, Department of Public Health

President, District 5
BOARD of SUPERVISORS



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BOS-11, COB, Leg
Dep. AI Luckert,
PSNS Clerk
File 160223

London Breed

PRESIDENTIAL ACTION

Date:

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)
File No. _____ (Primary Sponsor)

Title. _____

Transferring (Board Rule No. 3.3)
File No. 160223 Campos
(Primary Sponsor)

Title. Declaring Shelter Crisis

From: Land Use & Transportation Committee

To: Public Safety & Neighborhood Services Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAR 15 AM 10:24
BY [Signature]

London Breed

London Breed, President
Board of Supervisors

Print Form

Introduction Form

By a Member of the Board of Supervisors or the 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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Campos, Kim, Avalos, Mar, Yee, Breed, *Pesku*

Subject:

Declaring Existence of a Shelter Crisis

The text is listed below or attached:

Please see attached ordinance.
I kindly request that this be sent to the Neighborhood Services and Safety Committee.

Signature of Sponsoring Supervisor: *David Campos*

For Clerk's Use Only: