

## **LEGISLATIVE DIGEST**

[Building Code - Temporary Homeless Shelter Provisions During Shelter Crisis]

**Ordinance amending the Building Code to adopt standards and procedures for constructing homeless shelters during a shelter crisis, pursuant to California Government Code, Section 8698.4; affirming the Planning Department’s determination under the California Environmental Quality Act; and directing the Clerk to forward this Ordinance to the California Department of Housing and Community Development upon final passage.**

### 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. California Government Code Section 8698.4 (“Section 8698.4”) specifically authorizes the City to suspend local building approval procedures and state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, for new homeless shelter facilities in response to the shelter crisis, upon finding that that strict compliance would prevent, hinder, or delay the mitigation of the shelter crisis. In Ordinance Nos. 57-16 and 29-18, and Resolution No. 319-18, the Board of Supervisors has declared the existence of a shelter crisis.

The City’s Building Code generally requires City departments to receive building permits to site, construct, or repair homeless shelters. The building permits may then be appealed and subject to an automatic stay pending resolution of the appeal.

Chapter 106A.2 of the City’s Building Code lists 22 types of construction or repair projects that do not require building permits. Among the permit exemptions are projects owned and operated by Federal or State government entities and City owned projects that were funded by revenue bonds prior to July 1, 1989.

### Amendments to Current Law

The proposed ordinance reaffirms the Board of Supervisors’ prior declarations of a shelter crisis and finds, per Section 8698.4, that the local building approval procedure requiring City homeless shelters go through the standard building permit approval and appeal process prevents and hinders that City’s ability to mitigate the shelter crisis by building shelters in a timely fashion.

The proposed ordinance would add construction or repair of homeless shelters on City owned or leased land during a shelter crisis to Section 106A.2's list of permit-exempt projects provided that: (1) the City department proposing the homeless shelter notifies the Clerk of the Board of Supervisors of the intention to invoke the exemption and 60 calendar days elapse without the Board enacting an ordinance restricting the shelter from using the exemption; (2) the Department of Building Inspection confirms the shelter complies with all Building Code provisions, including, if applicable, new State provisions for Emergency Housing; and (3) the Department of Building Inspection receives written confirmation from all other applicable City departments and entities that the proposed work complies with applicable codes.

### 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. Since that time, the shelter crisis has grown. According to the January 2017 Point in Time Homeless Count administered by HSH, there were approximately 7,499 people experiencing homelessness in San Francisco on a single night. Of those persons, 58% were unsheltered, 21% were under the age of 25 years, and 32% were over the age of 51 years with attendant deteriorating physical and mental health.

On October 2, 2018, Mayor London Breed declared her intent that the City add 1,000 new shelter beds for people experiencing homelessness, with half of the new beds becoming available by the summer of 2019, and the remainder becoming available by 2020. The beds will become available as a result of establishing new Navigation Centers, expanding existing Navigation Centers, and opening a new type of shelter called a SAFE Center, a name that stands for Shelter Access for Everyone.

The proposed ordinance would streamline the approval process for qualifying homeless shelters without relaxing any building, housing, or safety provisions in City or State code. Per the requirements of Section 8698.4, the City's proposed ordinance, if enacted, will be forwarded to the State's Department of Housing and Community Development for review.

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