

**LEGISLATIVE DIGEST**  
(Substituted, 2/12/2019)

[Building, Business and Tax Regulations Codes - Temporary Homeless Shelter Provisions During Shelter Crisis]

**Ordinance amending the Building Code to adopt standards for constructing homeless shelters, and to create an alternative approval procedure for homeless shelters, during a shelter crisis, pursuant to California Government Code, Section 8698.4; amending the Business and Tax Regulations Code to provide for an expedited permit appeals process for homeless shelters during a shelter crisis; affirming the Planning Department’s determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission and 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 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 requires City departments to undergo the standard building permit approval process to site, construct, or repair homeless shelters. The City’s Building Code does not contain provisions for emergency housing during a shelter crisis and to attain a building permit, homeless shelters must generally comply with the requirements for permanent new housing. An approved building permit for a homeless shelter may be appealed to the Board of Appeals, where it is subject to automatic stay and no action pursuant to the permit may be taken until the appeal is resolved.

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 the City's ability to mitigate the shelter crisis by building shelters in a timely fashion. The proposed ordinance also finds that the Building Code's lack of provisions for emergency housing also prevents and hinders the City's ability to mitigate the shelter crisis.

#### Optional Streamlined Approval Process

To address delays caused by the standard building permit approval process, the proposed ordinance adds subsection 106A.2(23) to the Building Code, which creates an optional streamlined approval process for construction or repair of homeless shelters on City owned or leased land during a shelter crisis. Instead of undergoing the standard building permit approval process, City departments may elect for expedited review of homeless shelter repair or construction provided that: (1) the City department proposing the homeless shelter notifies the Clerk of the Board of Supervisors of the intention to invoke the streamlined approval process and 60 days elapse without the City enacting an ordinance restricting the shelter from using the exemption; (2) the City department provides the information required on standard building permit applications to the Department of Building Inspection ("DBI"); (3) DBI routes the homeless shelter plans and information to all necessary reviewing departments; (4) DBI receives written confirmation from each reviewing department that the project is compliant with the codes under their jurisdiction; (5) DBI confirms that the project complies with the City's Building, Housing, Electric, and Plumbing Codes and issues a written determination of compliance. Projects that satisfy these preceding conditions shall be exempt from needing a building permit. The timelines for each department to complete their review shall be set pursuant to a memorandum of understanding between the departments.

Under the proposed ordinance, homeless shelter projects on City owned or leased property during a declared shelter crisis may choose the written determination of compliance approval process and the corresponding time savings, or the standard building permit process.

#### Adoption of Appendix N of the 2016 California Building Code

To address the lack of emergency housing provisions in the City's Building Code, the proposed ordinance adopts Appendix N of the 2016 California Building Code with certain modifications. The California Department of Housing and Community Development adopted Appendix N in 2018 to set state-wide standards for emergency housing during shelter crises declared pursuant to California Government Code Section 8698. The proposed ordinance adds several new sections to Appendix N based on local conditions within the City. The findings for these amendments to Appendix N are contained in section 2 of the proposed ordinance.

#### Expedited Appeal Process

The proposed ordinance also amends Section 8 of the Business and Tax Regulations Code to expedite appeals to the Board of Appeals of building permits or determinations of compliance for homeless shelters during a declared shelter crisis. Appeals of building permits or determinations of compliance of homeless shelters during a crisis must be heard within 10

days of the appeal's filing, must be acted on by the Board of Appeals within 30 days of filing, and shall not be subject to rehearing. The proposed ordinance eliminates the automatic stay of homeless shelter permits or determinations of compliance while the appeal is pending. DBI and the Department of Public Works would be able to continue actions pursuant to such approvals during the appeal period.

### 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 Homeless and Supportive Housing, 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 create an optional streamlined approval process for qualifying homeless shelters, adopt emergency housing provisions codified in Appendix N, and expedite the appeals process for homeless shelters. 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. Pursuant to California Health and Safety Code Section 17958.7, the proposed ordinance, if enacted, will be submitted to the California Building Standards Commission.

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