File No.	190141	Committee Item No.	2
·		Board Item No.	

COMMITTEE/BOARD OF SUPERVISORS

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Completed by: Erica Major Date April 12, 2019 Completed by: Erica Major Date					

NOTE:

[Administrative Code - Programs and Fund for Vehicularly Housed Persons]

Ordinance amending the Administrative Code to establish the Relocation Assistance Fund for the Vehicularly Housed and to allow eligible vehicularly housed persons to receive financial assistance from the Fund for up to six months; require the Department of Homelessness and Supportive Housing ("HSH") to establish a Safe Overnight Parking Program to provide eligible vehicularly housed persons a place to park and sleep in their vehicles overnight, case management, and other services; require HSH to collaborate with Municipal Transportation Agency to develop an On-Street Parking Citation and Tow-and-Storage-Fee Abatement Program to provide eligible vehicularly housed persons with waivers or reduced parking fines and fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in <u>single-underline italics Times New Roman font</u>.

Deletions to Codes are in <u>strikethrough italics Times New Roman font</u>.

Board amendment additions are in <u>double-underlined Arial font</u>.

Board amendment deletions are in <u>strikethrough Arial font</u>.

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. Environmental Findings.

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

Supervisors in File No. 190141 and is incorporated herein by reference. The Board affirms this determination.

Section 2. General Findings.

- (a) San Francisco is facing a crisis of homelessness. In addition to staying in shelters and living on the streets, some people experiencing homelessness live in a variety of vehicles, including recreational vehicles ("RVs"), vans, and passenger cars throughout the city. A vehicle is not a safe place for anyone to live, and a concentration of inhabited vehicles can create a risk of health hazards in the community in which the vehicles are parked.
- (b) According to data collected by the Department of Homelessness and Supportive Housing ("HSH") in October 2018, there were 432 inhabited vehicles on the streets of San Francisco, including 313 RVs and 119 passenger cars. Data from the Municipal Transportation Agency suggest there may be as many as 1,200 vehicularly housed persons in San Francisco. The population of vehicularly housed persons is diverse and vulnerable, and includes: children, young people, immigrants, the disabled, seniors, the employed, and the unemployed. Many of these people are not receiving consistent services and have limited pathways and access to residential (non-vehicular) housing.
- (c) Many people who are vehicularly housed receive parking citations because they are unable to move their vehicle to a lawful location. The costs of parking citations and towing can exacerbate their already tenuous situation.

Section 3. Article XIII of Chapter 10 of the Administrative Code is hereby amended by adding Section 10.100-265, to read as follows:

SEC. 10.100-265. RELOCATION ASSISTANCE FUND FOR THE VEHICULARLY HOUSED.

- (a) Establishment of Fund. The Relocation Assistance Fund for the Vehicularly Housed (the "Fund") is established as a category six fund to receive any monies appropriated or donated for the purpose of assisting eligible persons, as defined in subsection (b)(1), who are at risk of having their vehicle towed or impounded, as set forth in this Section 10.100-265. Donations to the Fund are deemed approved for acceptance and expenditure without further approval by the Board of Supervisors.
- (b) Use of Fund. The Fund shall be used exclusively by the Director of the Human Services

 Agency or any successor agency, or the Director's designee (collectively "HSA Director"), to provide

 assistance to vehicularly housed persons who meet the eligibility criteria set forth in subsection (b)(1)

 ("Eligible Vehicularly Housed Persons") to move to residential housing.
- (1) For purposes of this Section 10.100-265, Eligible Vehicularly Housed Persons are persons, or households thereof, who:
 - (A) Earn no more than 80% of the Area Median Income;
 - (B) Are residing in a vehicle that is operable;
 - (C) Have resided in their vehicle for at least 30 consecutive days; and
- (D) Have been assessed by the Department of Homelessness and Supportive

 Housing's Coordinated Entry System and prioritized for housing based on their barriers to housing,

 length of homelessness, and levels of vulnerability, as set forth in Section 20.16-2 of the Administrative

 Code.
- (2) In providing assistance to Eligible Vehicularly Housed Persons, the HSA Director shall give priority to such persons who are senior citizens, chronically ill, veterans, are in households with children under the age of 18, or who have a disability.
- (3) The HSA Director shall authorize disbursements to Eligible Vehicularly Housed

 Persons on a case-by-case basis in accordance with HSA policy as adopted pursuant to subsection (c),
 and as informed by subsections (b)(1)(D) and (b)(2). In administering Section 10.100-265, the HSA

Director shall collaborate with the Municipal Transportation Agency, the Police Department, the

Department of Homelessness and Supportive Housing, and other City officials and entities as the HSA

Director deems appropriate. The HSA Director may revise these case-by-case decisions as necessary

or appropriate to take into account evolving circumstances.

- (4) For an Eligible Vehicularly Housed Person, the HSA Director may provide a rental assistance payment of up to 100% of the current established fair market rent for the area, as determined by the Department of Housing and Urban Development pursuant to Section 1437f of Title 42 of the United States Code, as may be amended from time to time, plus an amount that the HSA Director determines is sufficient for utility service deposits. The HSA Director may make rental assistance payments from the Fund on a per-residential unit for up to six months. The HSA Director shall authorize disbursements to an Eligible Tenant for an initial duration not to exceed six months. At the conclusion of the initial duration for authorized disbursements, whether it is six months or less, the circumstances of the Eligible Vehicularly Housed Person shall be reassessed, and continued assistance may be authorized, subject to the durational limits set forth in this subsection (b)(4).
- (c) Administration of Fund. Within 60 days of the effective date of the ordinance in Board File No. 190141, creating the Fund, the HSA Director shall adopt a policy for implementation of this Section 10.100-265, which the HSA Director may modify from time to time as the HSA Director deems necessary or appropriate.
- (d) Annual Report. The HSA Director shall submit an annual written report to the Mayor, the Board of Supervisors, and the Controller within the first two weeks of July, showing for the prior fiscal year donations received, the nature and amount of such donations, and the disposition thereof, together with a description of the individual payments made from the Fund.

Section 4. The Administrative Code is hereby amended by adding Chapter 119, consisting of Article I (Sections 119.1, 119.2, 119.3, 119.4, and 119.5) and Article II (Sections 119.11 and 119.12), to read as follows:

CHAPTER 119: SAFE PARKING PROGRAMS

ARTICLE I: OVERNIGHT SAFE PARKING PROGRAM

SEC. 119.1. ESTABLISHMENT OF THE PROGRAM.

Subject to the budgetary and fiscal provisions of the Charter, the Department of Homelessness and Supportive Housing ("HSH") shall establish and operate a Program. In establishing the Program, HSH shall collaborate with the City Administrator, the Municipal Transportation Agency ("MTA"), the Port of San Francisco (the "Port"), the Public Utilities Commission ("PUC"), the Human Services Agency ("HSA"), and such other departments, offices, and commissions as may be necessary or appropriate for successful implementation of the Program.

SEC. 119.2. DEFINITIONS.

As used in this Chapter 119, the following words or phrases shall mean:

"City" means the City and County of San Francisco.

"Manufactured Home" has the meaning set forth in Section 18007 of the California Health and Safety Code, as may be amended from time to time.

"Mobile Home" has the meaning set forth in Section 18008 of the California Health and Safety

Code, as may be amended from time to time.

"Program" means an Overnight Safe Parking Program comprised of a Vehicle Navigation

Triage Center, where vehicularly housed persons are assessed for eligibility for services, and Safe

Overnight Parking Lots, where vehicularly housed persons may be given a license to park and sleep in their vehicles overnight, and receive services and referrals to assist them to transition to non-vehicular housing.

"Program Participant" means an individual who is given a license to park and sleep in the individual's Vehicle at a Safe Overnight Parking Lot, and who participates in case management and social services.

<u>"Recreational Vehicle" or "RV" has the meaning set forth in Section 18010 of the California</u>

Health and Safety Code, as may be amended from time to time.

"Safe Overnight Parking Lot" means a facility or location where eligible individuals, as set forth in Section 119.4(c)(1)(A) and (B), may be given a license to park and sleep in their Vehicles for a period of time to be determined by the Director of HSH, and receive case management and social services to assist them to move to non-vehicular housing.

"Vehicle" has the same meaning as set forth in California Vehicle Code Section 670, as may be amended from time to time.

"Vehicle Navigation Triage Center" means a facility or location where vehicularly housed

persons are assessed for eligibility for City services and programs, including but not limited to shelter,

housing, and referral to a Safe Overnight Parking Lot, and where their vehicles may be assessed. A

Vehicular Navigation Triage Center may be co-located with a Safe Overnight Parking Lot.

SEC. 119.3. SURVEY OF REAL PROPERTY.

The Director of Real Estate shall conduct a survey of real property in the City to identify lots appropriate for use as a Vehicle Navigation Triage Center or a Safe Overnight Parking Lot, and shall submit the findings of such survey to the Board of Supervisors no later than three months after the effective date of this Chapter 119. The survey shall include vacant or unused sites owned or controlled by the City; sites owned or controlled by the City that are being used for other purposes but could

1	(3) Duration of Participation . Program Participants shall be allowed to stay at a Safe
2	Overnight Parking Lot for between 60 to 90 days, provided they comply with all applicable laws and
3	all program rules promulgated by HSH. Such license may be renewed by HSH, in HSH's discretion,
4	upon a determination that the Program Participant is in compliance with such rules. Any Program
5	Participant who has been notified by HSH that they are not in compliance with applicable laws or
6	rules, and ordered to vacate the Safe Overnight parking Lot, may seek administrative review of the
7	notice by filing a notice of appeal with the Director of HSH within five days from the issuance of the
8	notice of violation. Upon receipt of a timely filed notice of appeal, the Director of HSH, or the
9	Director's Designee, shall hold a hearing and render a decision within five days, which decision shall
10	<u>be final.</u>
11	(4) Facilities and Amenities. A Safe Overnight Parking Lot shall provide hygiene
12	facilities, showers, Wi-Fi, and waste disposal receptacles for use by Program Participants, and security
13	<u>services.</u>
14	(5) Social Services. Safe Overnight Parking Lots shall provide Program Participants
15	with case management and housing referral services, and may provide additional services, including
16	but not limited to referrals to medical and legal assistance.
17	(6) Camping Prohibited. No person shall construct or maintain or inhabit any
18	structure, tent, or any other thing at a Safe Overnight Parking Lot that may be used for non-vehicular
19	outdoor housing or camping.
20	(7) Types of Vehicles.
21	(A) The parking of Mobile Homes and Manufactured Homes is prohibited.
22	(B) A Safe Overnight Parking Lot may provide for the parking of RVs, or

SEC 119.5. ADMINISTRATIVE IMPLEMENTATION.

<u>Vehicles other than RVs, but not both.</u>

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- (a) The Director of HSH may issue rules, regulations, and/or guidelines, applicable to the Program, consistent with the objectives and requirements of this Chapter 119.
- (b) Consistent with Charter requirements, the Director of HSH may enter into contracts or other agreements with other City departments, public agencies, and private entities to aid in the administration of this Article 1.
- (c) All City officers and entities shall cooperate with the Director of HSH in the implementation and administration of this Article 1.

ARTICLE II: PARKING CITATION AND TOW-AND-STORAGE-FEE ABATEMENT PROGRAM

SEC. 119.11. ESTABLISHMENT OF PROGRAM.

- (a) Subject to subsection (b), the Department of Homelessness and Supportive Housing

 ("HSH") shall collaborate with the Municipal Transportation Agency ("MTA") to develop an On
 Street Parking Citation and Tow- and Storage-Fee Abatement Program ("Abatement Program") to

 provide eligible individuals with waivers of, or reductions in, parking citation fines and vehicle towing

 and storage fees resulting from MTA parking citations, to the extent authorized by state or City law.

 The purpose of the Abatement Program is to provide economic relief for eligible individuals.
- (b) Approval, implementation, and administration of the Abatement Program is subject to

 MTA's exclusive authority under the Charter to establish fines and fees and regulate on-street parking
 and other applicable City law, including Transportation Code, Division II, Articles 300 and 900.

SEC. 119.12. ESTABLISHMENT OF ELIGIBILITY REQUIREMENTS.

Factors that may be, but are not required to be, considered by MTA in developing the eligibility requirements for the Abatement Program include:

Bv:

(a) Any procedural requirements that prospective program participants must satisfy to establish eligibility, including seeking assistance at Vehicle Navigation Triage Centers or other social services provided by the City; and

(b) Whether waivers or fee or fine reductions should be authorized based only on referrals from

City departments that offer social services to persons facing homelessness.

Section 5. 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 6. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

JOHN I. KENNEDY Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Programs and Fund for Vehicularly Housed Persons]

Ordinance amending the Administrative Code to establish the Relocation Assistance Fund for the Vehicularly Housed and to allow eligible vehicularly housed persons to receive financial assistance from the Fund for up to six months; require the Department of Homelessness and Supportive Housing ("HSH") to establish a Safe Overnight Parking Program to provide eligible vehicularly housed persons a place to park and sleep in their vehicles overnight, case management, and other services; require HSH to collaborate with Municipal Transportation Agency to develop an On-Street Parking Citation and Tow-and-Storage-Fee Abatement Program to provide eligible vehicularly housed persons with waivers or reduced parking fines and fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Currently, the City and County of San Francisco does not provide members of the public who live in their vehicles with financial assistance to transition to non-vehicular housing, nor does it provide these persons with off-street parking where they can park and sleep in their vehicles overnight without violating parking laws. With respect to parking citations, the Municipal Transportation Agency currently offers programs whereby members of the public who have outstanding parking citations may perform community service in-lieu of payment, or enter into a payment plan. In addition, the Municipal Transportation Agency offers waivers of certain towing and storage fees to eligible low-income individuals.

Amendments to Current Law

This ordinance would establish a Relocation Assistance Fund to assist eligible members of the public who live in their vehicles with transitioning to traditional, non-vehicular housing. An Overnight Safe Parking Program would be established to provide an off-street location where program participants may park and sleep in their vehicles overnight. At this location, additional City services and referrals would also be provided to assist these individuals with transitioning to traditional, non-vehicular housing.

In addition, the Department of Homelessness and Supportive Housing would be required to collaborate with the Municipal Transportation Agency to develop an On-Street Parking Citation and Tow- and Storage-Fee Abatement Program to provide identified individuals with waivers of, or reductions in, parking citation fines and vehicle towing and storage fees. Implementation of this program is subject to the Municipal Transportation Agency's exclusive authority under the Charter and other applicable laws.

Background Information

San Francisco is facing a crisis of homelessness. In addition to staying in shelters and living on the streets, some people experiencing homelessness live in a variety of vehicles, including recreational vehicles ("RVs"), vans, and passenger cars throughout the city. According to data collected by the Department of Homelessness and Supportive Housing ("HSH") in October 2018, there were 432 inhabited vehicles on the streets of San Francisco, including 313 RVs and 119 passenger cars. Data from the Municipal Transportation Agency suggest there may be as many as 1,200 vehicularly housed persons in San Francisco.

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BOARD of SUPERVISORS



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

February 13, 2019

File No. 190141

Lisa Gibson Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Gibson:

On February 5, 2019, Supervisor Brown introduced the following proposed legislation:

File No. 190141

Ordinance amending the Administrative Code to establish the Relocation Assistance Fund for the Vehicularly Housed and to allow eligible vehicularly housed persons to receive financial assistance from the Fund for up to six months; require the Department of Homelessness and Supportive Housing ("HSH") to establish a Safe Overnight Parking Program to provide eligible vehicularly housed persons a place to park and sleep in their vehicles overnight, case management, and other services; require HSH to collaborate with Municipal Transportation Agency to develop an On-Street Parking Citation and Tow-and-Storage-Fee Abatement Program to provide eligible vehicularly housed persons with waivers or reduced parking fines and fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning Laura Lynch, Environmental Planning Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. The ordinance is establishing a fund and program; no parcels identified for program.

2/19/2019 Laura C. Lynch

BOARD of SUPERVISORS



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February 13, 2019

File No. 190141

Lisa Gibson Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Gibson:

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File No. 190141

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Angela Calvillo, Clerk of the Board

By: Erica Major, Assistant Clerk

Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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MEMORANDUM

TO:

Ed Reiskin, Executive Director, Municipal Transportation Agency

Trent Rhorer, Executive Director, Human Services Agency

Jeff Kositsky, Director, Department of Homelessness and Supportive Housing

William Scott, Police Chief, Police Department Elaine Forbes, Executive Director, Port Department

Harlan Kelly, Jr., General Manager, Public Utilities Commission

Andrico Penick, Director, Real Estate Division

FROM:

Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE:

February 13, 2019

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Brown on February 5, 2019:

File No. 190141

Ordinance amending the Administrative Code to establish the Relocation Assistance Fund for the Vehicularly Housed and to allow eligible vehicularly housed persons to receive financial assistance from the Fund for up to six months; require the Department of Homelessness and Supportive Housing ("HSH") to establish a Safe Overnight Parking Program to provide eligible vehicularly housed persons a place to park and sleep in their vehicles overnight, case management, and other services; require HSH to collaborate with Municipal Transportation Agency to develop an On-Street Parking Citation and Tow-and-Storage-Fee Abatement Program to provide eligible vehicularly housed persons with waivers or reduced parking fines and fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have 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 or by email at: erica.major@sfgov.org.

c: Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Joel Ramos, Municipal Transportation Agency
Krista Ballard, Human Services Agency
Emily Cohen, Department of Homelessness and Supportive Housing
Rowena Carr, Police Department
Asja Steeves, Police Department
Deirdre Hussey, Police Department
Sergeant Rachael Kilshaw, Police Department
Daley Dunham, Port Department
Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
John Scarpulla, Public Utilities Commission
Christopher Whitmore, Public Utilities Commission

Introduction Form

BOARD OF SUPERVISORS

By a Member of the Board of Supervisors or Mayor

I hereby submit the following item for introduction (select only one):

2019 FEB - 5 PM Time stamp or meeting date

✓ 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	inquiries"			
5. City Attorney Request.	, , , , , , ,			
6. Call File No. from Committee.				
7. Budget Analyst request (attached written motion).				
8. Substitute Legislation File No.	*			
9. Reactivate File No.				
10. Topic 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	sion			
Planning Commission Building Inspection Commission				
Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative I	form.			
Sponsor(s):				
Brown (Primary), Safai				
Subject:	*			
[Administrative Code - Programs and Fund for Vehicularly Housed Persons]				
The text is listed:				
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Signature of Sponsoring Supervisor:

Environmental Quality Act.