

1 [Administrative Code - Programs and Fund for the Vehicularly ~~Housed Persons~~Homeless]
 2
 3 **Ordinance amending the Administrative Code to ~~establish the Relocation Assistance~~**
 4 **~~Fund for the Vehicularly Housed and to allow eligible vehicularly housed persons to~~**
 5 **~~receive financial assistance from the Fund for up to six months~~; require the Department**
 6 **of Homelessness and Supportive Housing (“HSH”) to establish a Safe Overnight**
 7 **Parking Pilot Program to provide eligible vehicularly-housed homeless persons a place**
 8 **to park and sleep in their vehicles overnight, case management, and other services;**
 9 **require HSH to collaborate with the Municipal Transportation Agency (“MTA”) to**
 10 **develop an On-Street Parking Citation and Tow- and-Storage-Fee Abatement Program**
 11 **to provide eligible vehicularly-housed homeless persons with waivers ~~or reduced of~~**
 12 **parking fines and fees; and affirming the Planning Department’s determination under**
 13 **the California Environmental Quality Act.**

14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 15 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 17 **Board amendment additions** are in double-underlined Arial font.
 18 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 19 **Asterisks (* * * *)** indicate the omission of unchanged Code
 20 subsections or parts of tables.

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

22 Section 1. Environmental Findings.

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

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

3
4 Section 2. General Findings.

5 (a) San Francisco is facing a crisis of homelessness. In addition to staying in shelters
6 and living on the streets, some people experiencing homelessness live in a variety of vehicles,
7 including recreational vehicles (“RVs”), vans, and passenger cars throughout the city. A
8 ~~vehicle is not a safe place for anyone to live, and a concentration of inhabited vehicles can~~
9 ~~create a risk of health hazards in the community in which the vehicles are parked. According~~
10 ~~to information collected by Seattle University School of Law, individuals experiencing~~
11 ~~homelessness are forced to use their vehicles as a place of habitation for two common~~
12 ~~reasons: 1) as transitional shelter before moving to permanent or long term shelter, and 2) as~~
13 ~~a last resort to avoid living on the streets.~~

14 (b) Often referred to as the “vehicular homeless,” people who live in their vehicles are
15 a telling reminder of urban displacement, lack of affordable housing, and soaring housing
16 costs that currently plague major U.S. cities, including San Francisco. The vehicular homeless
17 often park under highways, near parks, in warehouse and commercial districts, and,
18 increasingly, on residential streets. Because this population relies on publicly shared spaces
19 for their habitation, they can come in conflict with residents and businesses that rely on on-
20 street, public parking or easements. For these reasons, the plight of the vehicular homeless
21 requires creative and meaningful solutions from governmental and social service agencies.

22 ~~(bc) According to data collected by the Department of Homelessness and Supportive~~
23 ~~Housing (“HSH”) in October 2018, there were 432 inhabited vehicles on the streets of San~~
24 ~~Francisco, including 313 RVs and 119 passenger cars. Data from the Municipal~~
25 ~~Transportation Agency suggest there may be as many as 1,200 vehicularly housed persons in~~

1 San Francisco. Data collected by the Department of Homelessness and Supportive Housing
2 ("HSH") during the 2017 Homeless Point-in-Time Count concluded that 6% of the persons
3 who were counted as homeless were living in a vehicle. An updated count in October 2018
4 found that there were 432 inhabited vehicles on the streets of San Francisco, including 313
5 RVs and 119 passenger cars. According to housing rights advocates, these estimates are
6 conservative, and the actual number of people who are living temporarily or permanently in
7 their vehicles may be much higher. The population of vehicularly housed homeless persons is
8 diverse and vulnerable, and includes: families with children, young people, immigrants, the
9 physically and mentally disabled, seniors, veterans, the employed, and the unemployed. Many
10 of these people are not receiving consistent services and have limited pathways and access
11 to residential (non-vehicular) housing.

12 (d) National data from 2016 demonstrate that families constitute 35% of all people
13 experiencing homelessness. Many of the families currently experiencing homelessness in
14 San Francisco were formerly housed in San Francisco. For the 2017 Homeless Point-in-Time
15 Count, 69% of respondents reported they were living in San Francisco at the time they most
16 recently became homeless; and of those, over half (55%) had lived in San Francisco for 10 or
17 more years. Only 8% had lived in San Francisco for less than one year.

18 (e) Many people who are vehicularly housed receive parking citations because they
19 are unable to move their vehicle to a lawful location. The costs of parking citations and towing
20 can exacerbate their already tenuous situation.

21 (e) Along the West Coast, several cities and counties have implemented programs for
22 the vehicularly homeless. These programs, which we refer to below as "Safe Parking
23 Programs," typically provide a place where the vehicular homeless may park, and provide
24 access to a wide variety of services and aid, but are intended as a temporary solution in
25 assisting individuals to secure permanent housing.

1 (1) New Beginnings in Santa Barbara is a Safe Parking Program in operation
2 since 2004. Through a partnership between the City of Santa Barbara, local houses of
3 worship, and non-profit organizations, New Beginnings provides 133 safe parking spots for
4 homeless individuals each night.

5 (2) The City of San Diego sponsors a Safe Parking Program operated by a
6 non-profit organization, Dreams for Change. This program offers a safe parking environment,
7 as well as supportive services for transitional homeless people who are living in their vehicles.
8 In addition, Dreams for Change operates two safe parking sites throughout San Diego
9 County, serving 70 families and individuals each evening.

10 (3) In November 2018, the City of East Palo Alto launched an RV Safe Parking
11 Pilot Program that will prioritize East Palo Alto families, the elderly, disabled persons, and
12 veterans living in RVs. The program and property are managed by a non-profit organization,
13 Project WeHOPE.

14 (4) The City of Los Angeles created a “Safe Parking LA” program, which
15 provides homeless individuals a safe place to park each night, restroom access, a security
16 guard, and social service resources in six safe parking lots throughout the city.

17 (5) Santa Clara County, the City of San Jose, and the City of Mountain View
18 have introduced pilot Safe Parking Programs in partnership with non-profit or faith-based
19 organizations.

20 (f) In San Francisco, it is unlawful to park or leave standing any vehicle on any public
21 street or highway for more than 72 consecutive hours (Transportation Code Section 7.2.29.),
22 or to park certain large Vehicles, including RVs and Mobile Homes, overnight between the
23 hours of 12 a.m. and 6 a.m. on streets where MTA signs are posted giving notice of the
24 parking restriction. (Transportation Code Section 7.2.54.) These prohibitions create
25 challenges for the vehicular homeless. People who are vehicularly homeless receive parking

1 citations or have their vehicles towed for violating these prohibitions because they are unable
2 to timely move their vehicles to locations in the City where the prohibitions do not apply.

3 (g) The costs of parking citations and/or towing often will exacerbate the already
4 tenuous situation of the vehicular homeless. The financial burden of having one's car towed
5 continues long after the car is recovered or sold to pay off the cost of the towing. For many
6 people, a vehicle is the most significant asset they own, and losing such an asset can have
7 devastating impacts on many areas of their lives, including employment, education, medical
8 care, and housing.

9
10 Section 3. Article XIII of Chapter 10 of the Administrative Code is hereby amended by
11 adding Section 10.100-265, to read as follows:

12
13 ~~SEC. 10.100-265. RELOCATION ASSISTANCE FUND FOR THE VEHICULARLY~~
14 ~~HOUSED.~~

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

21 ~~(b) Use of Fund. The Fund shall be used exclusively by the Director of the Human~~
22 ~~Services Agency or any successor agency, or the Director's designee (collectively "HSA~~
23 ~~Director"), to provide assistance to vehicularly housed persons who meet the eligibility criteria~~
24 ~~set forth in subsection (b)(1) ("Eligible Vehicularly Housed Persons") to move to residential~~
25 ~~housing.~~

1 ~~—— (1) For purposes of this Section 10.100-265, Eligible Vehicularly Housed~~
2 ~~Persons are persons, or households thereof, who:~~

- 3 ~~—— (A) Earn no more than 80% of the Area Median Income;~~
- 4 ~~—— (B) Are residing in a vehicle that is operable;~~
- 5 ~~—— (C) Have resided in their vehicle for at least 30 consecutive days; and~~
- 6 ~~—— (D) Have been assessed by the Department of Homelessness and~~
7 ~~Supportive Housing's Coordinated Entry System and prioritized for housing based on their~~
8 ~~barriers to housing, length of homelessness, and levels of vulnerability, as set forth in Section~~
9 ~~20.16-2 of the Administrative Code.~~

10 ~~—— (2) In providing assistance to Eligible Vehicularly Housed Persons, the HSA~~
11 ~~Director shall give priority to such persons who are senior citizens, chronically ill, veterans, are~~
12 ~~in households with children under the age of 18, or who have a disability.~~

13 ~~—— (3) The HSA Director shall authorize disbursements to Eligible Vehicularly~~
14 ~~Housed Persons on a case-by-case basis in accordance with HSA policy as adopted pursuant~~
15 ~~to subsection (c), and as informed by subsections (b)(1)(D) and (b)(2). In administering~~
16 ~~Section 10.100-265, the HSA Director shall collaborate with the Municipal Transportation~~
17 ~~Agency, the Police Department, the Department of Homelessness and Supportive Housing,~~
18 ~~and other City officials and entities as the HSA Director deems appropriate. The HSA Director~~
19 ~~may revise these case-by-case decisions as necessary or appropriate to take into account~~
20 ~~evolving circumstances.~~

21 ~~—— (4) For an Eligible Vehicularly Housed Person, the HSA Director may provide a~~
22 ~~rental assistance payment of up to 100% of the current established fair market rent for the~~
23 ~~area, as determined by the Department of Housing and Urban Development pursuant to~~
24 ~~Section 1437f of Title 42 of the United States Code, as may be amended from time to time,~~
25 ~~plus an amount that the HSA Director determines is sufficient for utility service deposits. The~~

1 HSA Director may make rental assistance payments from the Fund on a per-residential unit
2 for up to six months. The HSA Director shall authorize disbursements to an Eligible Tenant
3 for an initial duration not to exceed six months. At the conclusion of the initial duration for
4 authorized disbursements, whether it is six months or less, the circumstances of the Eligible
5 Vehicularly Housed Person shall be reassessed, and continued assistance may be
6 authorized, subject to the durational limits set forth in this subsection (b)(4).

7 (c) Administration of Fund. Within 60 days of the effective date of the ordinance in
8 Board File No. _____ creating the Fund, the HSA Director shall adopt a policy for
9 implementation of this Section 10.100-265, which the HSA Director may modify from time to
10 time as the HSA Director deems necessary or appropriate.

11 (d) Annual Report. The HSA Director shall submit an annual written report to the
12 Mayor, the Board of Supervisors, and the Controller within the first two weeks of July, showing
13 for the prior fiscal year donations received, the nature and amount of such donations, and the
14 disposition thereof, together with a description of the individual payments made from the
15 Fund.

16
17 Section 43. The Administrative Code is hereby amended by adding Chapter 119,
18 consisting of Article I (Sections 119.1, 119.2, 119.3, 119.4, and 119.5) and Article II
19 (Sections 119.11 and 119.12), to read as follows:

20
21 **CHAPTER 119: SAFE PARKING PROGRAMS**

22 **ARTICLE I: OVERNIGHT SAFE PARKING PROGRAM**

23 **SEC. 119.1. ESTABLISHMENT OF THE PROGRAM.**

24 *Subject to the budgetary and fiscal provisions of the Charter, the Department of Homelessness*
25 *and Supportive Housing (“HSH”) shall establish and operate a Pilot Program. In establishing the*

1 Pilot Program, HSH shall collaborate with the City Administrator, the Municipal Transportation
2 Agency (“MTA”), the Port of San Francisco (the “Port”), the Public Utilities Commission (“PUC”),
3 the Human Services Agency (“HSA”), and such other departments, offices, and commissions as may be
4 necessary or appropriate for successful implementation of the Pilot Program.

5 **SEC. 119.2. DEFINITIONS.**

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

7 “City” means the City and County of San Francisco.

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

10 “Mobile Home” has the meaning set forth in Section 18008 of the California Health and Safety
11 Code, as may be amended from time to time.

12 “Pilot Program” means an Overnight Safe Parking Program comprised of a Vehicle
13 Navigation Triage Center, where vehicularly housed homeless persons may be given a license to
14 park and sleep in their vehicle while they are assessed for eligibility for services, and Safe
15 Overnight Parking Lots, where vehicularly housed homeless persons may be given a license to park
16 and sleep in their vehicles overnight, and receive services and referrals to assist them to transition to
17 non-vehicular housing.

18 “Program Participant” means an individual who is given a license to park and sleep in the
19 individual’s Vehicle at a Safe Overnight Parking Lot, and who participates in case management and
20 social services.

21 “Recreational Vehicle” or “RV” has the meaning set forth in Section 18010 of the California
22 Health and Safety Code, as may be amended from time to time.

23 “Safe Overnight Parking Lot” means a facility or location where eligible individuals, as set
24 forth in Section 119.4(c)(1)(A) and (B), may be given a license to park and sleep in their Vehicles for a
25

1 period of time to be determined by the Director of HSH, and receive case management and social
2 services to assist them to move to non-vehicular housing.

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

5 “Vehicle Navigation Triage Center” means a facility or location where vehicularly
6 housedhomeless persons aremay be given a license to park and sleep in their vehicle while
7 they are assessed for eligibility for City services and programs, including but not limited to shelter,
8 housing, and referral to a Safe Overnight Parking Lot, and where their vehicles may be assessed. A
9 Vehicular Navigation Triage Center may be co-located with a Safe Overnight Parking Lot.

10 **SEC. 119.3. SURVEY OF REAL PROPERTY.**

11 The Director of Real Estate shall conduct a survey of real property in the City to identify lots
12 appropriate for use as a Vehicle Navigation Triage Center or a Safe Overnight Parking Lot, and shall
13 submit the findings of such survey to the Board of Supervisors no later than three months after the
14 effective date of this Chapter 119. The survey shall include vacant or unused sites owned or controlled
15 by the City; sites owned or controlled by the City that are being used for other purposes but could
16 feasibly be converted to a Vehicle Navigation Triage Center or Safe Overnight Parking Lot; private
17 property, including property owned by non-City agencies, that could be leased or acquired by the City;
18 and such other information, if any, as the Director of Real Estate deems appropriate to aid in
19 identifying lots as intended by this Section 119.3.

20 **SEC. 119.4. OPERATIONAL REQUIREMENTS.**

21 (a) Applicability of Requirements. The location of a facility or lot on property under the
22 jurisdiction of the MTA, PUC, or the Port requires the approval of the agency with jurisdiction over the
23 property.

24 (b) Operational Requirements for Vehicle Navigation Triage Centers.

1 (1) Coordinated Entry. *The Vehicle Navigation Triage Center shall provide a location*
2 *where vehicularly homeless persons may be given a license to park and sleep in their vehicles*
3 *while they are assessed by HSH staff ~~may assess vehicularly housed persons~~, consistent with*
4 *the Coordinated Entry System, as set forth in Section 20.16-2 of the Administrative Code.*

5 (2) Vehicle Assessment. *The Vehicular Navigation Triage Center shall provide for the*
6 *assessment of Vehicles to determine whether such Vehicles are registered, insured, and operable.*

7 (c) Operational Requirements for Safe Overnight Parking Lots.

8 (1) Eligibility. *Persons who are eligible to receive a license to park their Vehicle at a*
9 *Safe Overnight Parking Lot are persons, or households, who:*

10 (A) Live in a Vehicle that is operable;

11 (B) Report that they ~~h~~Have lived in their Vehicle for at least 30 consecutive
12 *days; and*

13 (C) Have been referred to the Safe Overnight Parking Lot by a Vehicle
14 *Navigation Triage Center, ~~or HSH staff~~, or a not-for-profit organization or City department or*
15 *agency designated by HSH with authority to make such referral.*

16 (2) Priority. *Priority for referral to a Safe Overnight Parking Lot shall be given to*
17 *senior citizens, people living with chronic illness, families with children under the age of 18, people*
18 *with disabilities, and people living in cars.*

19 (3) Duration of Participation. *Program Participants shall be allowed to stay at a Safe*
20 *Overnight Parking Lot for between 60 to 90 days, provided they comply with all applicable laws and*
21 *all program rules promulgated by HSH. Such license may be renewed by HSH, in HSH's discretion,*
22 *upon a determination that the Program Participant is in compliance with such rules. Any Program*
23 *Participant who has been notified by HSH that they are not in compliance with applicable laws or*
24 *rules, and ordered to vacate the Safe Overnight ~~p~~Parking Lot, may seek administrative review of the*
25 *notice by filing a notice of appeal with the Director of HSH within ~~five~~seven days from the issuance of*

1 the notice of violation. Upon receipt of a timely filed notice of appeal, the Director of HSH, or the
2 Director's Designee, shall hold a hearing and render a decision within five days, which decision shall
3 be final. Program Participants may seek the assistance of shelter client advocates in this
4 appeal process.

5 (4) **Facilities and Amenities.** A Safe Overnight Parking Lot shall provide hygiene
6 facilities, showers, Wi-Fi, and waste disposal receptacles for use by Program Participants, and security
7 services.

8 (5) **Social Services.** Safe Overnight Parking Lots shall provide Program Participants
9 with case management and housing referral services, and may provide additional services, including
10 but not limited to referrals to medical and legal assistance.

11 (6) **Camping Prohibited.** No ~~person~~ Program Participant shall construct or maintain
12 or inhabit any structure, tent, or any other thing at a Safe Overnight Parking Lot that may be used for
13 non-vehicular outdoor housing or camping.

14 (7) **Types of Vehicles.**

15 (A) The parking of Mobile Homes and Manufactured Homes is prohibited.

16 (B) A Safe Overnight Parking Lot may provide for the parking of RVs, or
17 Vehicles other than RVs, but not both, unless the Pilot Program operator is able to erect a
18 temporary physical barrier between the parts of the Lot that are occupied by RVs and the
19 parts of the Lot that are occupied by Vehicles other than RVs.

20 **SEC 119.5. ADMINISTRATIVE IMPLEMENTATION.**

21 (a) The Director of HSH may issue rules, regulations, and/or guidelines, applicable to the
22 Program, consistent with the objectives and requirements of this Chapter 119. Prior to the
23 amendment of such rules, regulations, and/or guidelines, the Director shall seek input and
24 comment from Program Participants.

1 (b) Consistent with Charter requirements, the Director of HSH may enter into contracts or
2 other agreements with other City departments, public agencies, and private entities to aid in the
3 administration of this Article I.

4 (c) All City officers and entities shall cooperate with the Director of HSH in the
5 implementation and administration of this Article I.

6 (d) The Controller shall track and evaluate the Overnight Safe Parking Program's
7 outcomes, including but not limited to the number of Program Participants served by the
8 Vehicle Navigation Triage Center and Safe Parking Lot(s); Program Participants' lengths of
9 stay; and Program Participants' destinations upon exit (e.g., permanent housing, transitional
10 housing). The Controller shall summarize these outcomes in a report to be submitted to the
11 Board of Supervisors no later than six months after the effective date of this Chapter 119, and
12 every six months thereafter, until such time as the Pilot Program is no longer in operation.
13 Within one year of the effective date of this Chapter 119, the Controller, in consultation with
14 the Director of the Department of Homelessness and Supportive Housing, shall submit to the
15 Board of Supervisors a report that describes any lessons learned from the operation of the
16 Overnight Safe Parking Program, and makes recommendations as to how and whether the
17 Program should be continued, along with a proposed resolution to accept the report.

18
19 **ARTICLE II: PARKING CITATION AND**

20 **TOW-AND-STORAGE-FEE ABATEMENT PROGRAM**

21 **SEC. 119.11. ESTABLISHMENT OF PROGRAM.**

22 (a) Subject to subsection (b), the Department of Homelessness and Supportive Housing
23 ("HSH") shall collaborate with the Municipal Transportation Agency ("MTA") to develop an On-
24 Street Parking Citation and Tow- and Storage-Fee Abatement Program ("Abatement Program") to
25 provide eligible individuals with waivers of, ~~or reductions in,~~ parking citation fines and vehicle towing

1 and storage fees resulting from MTA parking citations and tows, to the extent authorized by state or
2 City law. The purpose of the Abatement Program is to provide economic relief for eligible
3 individuals. As part of the Abatement Program, HSH shall also collaborate with the MTA and
4 other agencies to develop and administer a tow-hazard notification and mitigation system
5 designed to 1) identify vehicles at risk of being towed due to excessive unpaid, delinquent
6 parking citations, 2) notify the registered owners or occupants of such vehicles of the risk of
7 being towed, 3) offer ways to mitigate or eliminate the risk of towing, and 4) for vehicles that
8 appear to be inhabited, provide occupants clear information regarding services offered by
9 HSH, and a standardized referral to HSH for such services. The purpose of the Abatement
10 Program is to provide economic relief for eligible individuals and clear referral to social
11 services.

12 (b) Approval, implementation, and administration of the Abatement Program is subject to
13 MTA's exclusive authority under the Charter to establish fines and fees and regulate on-street parking
14 and other applicable City law, including Transportation Code, Division II, Articles 300 and 900.

15 **SEC. 119.12. ESTABLISHMENT OF ELIGIBILITY REQUIREMENTS.**

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

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

21 (b) Whether waivers of parking citation fines and vehicle towing and storage or fees or
22 fine reductions should be authorized based only on referrals from City departments that offer social
23 services to persons facing homelessness.

1 Section 54. Undertaking for the General Welfare. In enacting and implementing this
2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
3 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
4 is liable in money damages to any person who claims that such breach proximately caused
5 injury.

6
7 Section 65. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: _____
15 ANNE PEARSON
16 Deputy City Attorney

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