

1 [Health Code - City-Operated Adult Residential Facility - 887 Potrero Avenue]

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3 **Ordinance amending the Health Code to require the Department of Public Health to**  
 4 **maintain and operate at full capacity a 55-bed adult residential facility located at 887**  
 5 **Potrero Avenue as soon as possible, but by no later than July 1, 2021, recognizing that**  
 6 **before then 41 of the 55 beds may be used as emergency shelter for people**  
 7 **experiencing homelessness.**

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

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

16 Section 1. The Health Code is hereby amended by adding Article 44, consisting of  
 17 Sections 4401, 4402, and 4403, to read as follows:

18 **ARTICLE 44: CITY-OPERATED ADULT RESIDENTIAL FACILITY**

19 **SEC. 4401. BACKGROUND AND FINDINGS.**

20 *(a) Adult residential facilities ("ARFs") are group care facilities that provide 24-hour*  
 21 *nonmedical care to individuals aged 18-59 who need personal services, supervision, or assistance to*  
 22 *support their activities of daily living. ARFs provide rooms, meals, housekeeping, supervision, storage*  
 23 *and distribution of medications, and personal care assistance with basic activities like hygiene,*  
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1 dressings, eating, and bathing. ARFs are licensed by the Community Care Licensing Division of the  
2 State Department of Social Services (“CCL”).

3 (b) ARFs play an important role in a locality’s continuum of care by providing people with  
4 mental illness an opportunity to live in community-based housing, rather than in institutional care.

5 (c) A 2018 report by the California Behavioral Health Planning Council observed that due  
6 to ARF closures and a lack of new ARFs, many individuals with mental illness are not able to find  
7 sustainable community housing options with the appropriate level of care following stays in acute in-  
8 patient treatment programs, hospitals, or correctional institutions. The report concludes that the  
9 absence of community-based housing options can result in a “revolving door scenario” where people  
10 are discharged or released from an institution only to be unable to find appropriate residential care or  
11 housing. When another mental health crisis ensues, the absence of community-based housing  
12 opportunities can result in a return to high-level crisis programs, facilities, hospitals, jails/prisons, or  
13 homelessness.

14 (d) Since 2005, the Department of Public Health (“DPH”) has operated an ARF at 887  
15 Potrero Ave. This ARF has been licensed by CCL to include 55 beds.

16 (e) For the past several years, DPH has been unable to maintain staffing at a level  
17 sufficient to operate the ARF at 887 Potrero Avenue at full capacity. In addition, in October 2018,  
18 CCL concluded that on a number of occasions between 2015 and 2018, DPH had failed to comply with  
19 applicable laws and regulations in its administration of the ARF at 887 Potrero Avenue. In light of the  
20 staffing shortages, and the conduct that led to findings of noncompliance, DPH determined that new  
21 residents should not be placed in vacant ARF beds until staffing issues were addressed, which would  
22 take time.

23 (f) In recognition of the acute need for emergency shelter beds, and to put the vacant beds  
24 to use, DPH asked CCL for permission to temporarily suspend from licensure a total of 41 ARF beds at  
25 887 Potrero Avenue so that they could be used instead as emergency shelter beds for people

1 experiencing homelessness. CCL granted DPH's request, thereby temporarily reducing the total  
2 number of beds at this ARF from 55 to 11. CCL's approval extends through June 30, 2021, although  
3 DPH may seek CCL approval to restore the beds for use as ARF beds prior to that date subject to  
4 CCL's finding that DPH can meet the licensing standards required to operate the ARF at full capacity.

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6 **SEC. 4402. MAINTENANCE AND OPERATION OF ADULT RESIDENTIAL FACILITY.**

7 As soon as possible, but by no later than July 1, 2021, and from that date forward, DPH shall  
8 maintain and operate at full capacity a licensed 55-bed adult residential facility located at 887 Potrero  
9 Avenue, and shall take all steps necessary to ensure that all 55 beds are occupied by persons who meet  
10 the eligibility criteria for residence in an adult residential facility set forth in State law and in the  
11 facility's license. Notwithstanding the previous sentence, DPH may permit temporary vacancies as  
12 may occur after a resident moves out and before a new resident moves in, or as may be necessary to  
13 allow for facility repairs or corrective action required by the California Department of Social Services'  
14 Community Care Licensing Division.

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16 **SEC. 4403. REPORTING.**

17 (a) Within three months of the effective date of this Article 44, DPH shall submit to the  
18 Board of Supervisors a plan describing the steps DPH will take to ensure that it will be able to operate  
19 the 55-bed adult residential facility located at 887 Potrero Avenue at full capacity as soon as possible,  
20 but not later than July 1, 2021, including but not limited to any necessary steps related to budgeting,  
21 staffing, and licensing. In addition, at the time of submitting the plan, DPH shall also submit a  
22 proposed resolution for the City to accept the plan.

23 (b) Within three months of submission of the plan required by subsection (a), and every  
24 three months thereafter until July 1, 2021, DPH shall submit to the Board of Supervisors a report

1 describing its progress in taking the steps identified in the plan, and any modifications to the plan DPH  
2 deems necessary.

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

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

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

17 By: \_\_\_\_\_  
18 ANNE PEARSON  
19 Deputy City Attorney

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