

File No. 100437

Committee Item No. 6

Board Item No. 31

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules

Date May 20, 2010

Board of Supervisors Meeting

Date 6-8-10

Cmte Board

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Completed by: Linda Wong

Date May 16, 2010

Completed by: L.W.

Date 5-27-10

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

FILE NO. 100437

ORDINANCE NO.

[Standards of Care for City Shelters and Powers and Duties of Shelter Monitoring Committee.]

Ordinance amending the San Francisco Administrative Code by amending Chapter 20, Sections 20.304, 20.401, 20.403, 20.404, and 20.405, to: 1) amend City requirements in the delivery of shelter services to, among other things, expand reservation capability at shelters; provide additional training to shelter staff; and ensure case management services for shelter clients in need; and 2) require the Shelter Monitoring Committee to track refusals of shelter beds and authorize the Committee to initiate investigations into alleged violations of contractual obligations imposed by Chapter 20.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Administrative Code is hereby amended by amending Sections 20.401, 20.403, and 20.404 to read as follows:

Chapter 20, Article XIII – Standard of Care for City Shelters

SEC. 20.401. DEFINITIONS. For the purposes of this Chapter, the following definitions shall apply to the terms used herein.

(a) "City" means the City and County of San Francisco department that contracts for services at a particular shelter.

(b) "Contract monitor" means the City employee who monitors the shelter operator's compliance with the contract for shelter services.

(c) "Director" means the Director of the City department that oversees the contract for City-funded shelter services.

1 (d) "Shelter" means a facility, including a resource center, operating under a
2 contract with the City, to provide temporary emergency shelter services for homeless single
3 adults or families.

4 (e) "Shelter operator" means the operator of a shelter.

5 (f) "Case management services" means those services offered to shelter clients by people
6 with the title of "case manager," or with equivalent job duties, that include, but are not limited to,
7 housing referrals, behavioral health services referrals, and mental health services.

8 SEC. 20.403. CITY REQUIREMENTS. The City shall provide the following shelter
9 services, consistent with this Article:

10 (a) Ensure 24-hour client access to a shelter in order to make shelter
11 reservations; ~~and~~ provide on-site shelter reservations for current shelter clients, and ensure
12 that shelters with shelter reservation desks make reservations for on-site beds if requested by a shelter
13 client.

14 (b) Provide at least one 24-hour emergency drop-in center. that provides
15 shelter reservations, mental health services, medical services, and transportation to available
16 off-site services and program; ~~and~~

17 (c) Deploy a roving maintenance person to provide maintenance support to
18 all shelters; ~~and~~

19 (d) Provide bi-annual training to shelter staff on the Americans with Disabilities Act
20 and mental disabilities through interdepartmental work orders with the Mayor's Office on Disability
21 and the City Attorney's Office.

22 SEC. 20.404. CONTRACT REQUIREMENTS.

23 (a) All contracts between the City and shelter operators shall include provisions that
24 require shelter operators to:
25

1 (1) treat all shelter clients equally, with respect and dignity, including in the
2 application of shelter policies and the grievance process;

3 (2) provide shelter services in an environment that is safe and free of physical
4 violence by ensuring that safety protocols are in place that include training to shelter staff
5 regarding de-escalation techniques;

6 (3) provide liquid soap with a dispenser permanently mounted on the wall in the
7 restrooms; small individual packets of liquid soap, or small bar soap for use by one individual
8 only, paper towels or hand towels, hand sanitizers, and at least one bath-size (24" x 48")
9 towel to shelter clients and staff in each bathroom: if hand dryers are currently installed they
10 shall be maintained in proper working condition; in addition, shelters shall provide toilet paper
11 in each bathroom stall and hire janitorial staff to clean the shelters on a daily basis;

12 (4) provide feminine hygiene and incontinence supplies upon request;

13 (5) comply with current City policy set forth in the San Francisco Environment Code,
14 including the requirements set forth in Chapter 3 (the Integrated Pest Management Code) and
15 Chapter 2 (the Environmentally Preferable Purchasing Ordinance) to ensure that shelter
16 operators use products that are least harmful to shelter clients, staff, and the environment;

17 (6) ensure that first aid kits, CPR masks, and disposable gloves are available to
18 staff at all times and make Automatic External Defibrillators (AED) available to staff in
19 compliance with all regulatory requirements of state and local law relating to the use and
20 maintenance of AEDs;

21 (7) supply shelter clients with fresh cold or room temperature drinking water at all
22 times during normal operating hours;

23 (8) provide shelter services in compliance with the Americans with Disabilities Act
24 (ADA), including but not limited to:

1 (i) appropriate and secure storage of medication;
2 (ii) the provision of accessible sleeping, bathing and toileting facilities in
3 previously designated ADA compliant shelters. Sleeping areas designated as accessible shall
4 comply with federal and state law requiring a minimum of 36 inches between sleeping units
5 and a sleeping surface height between 17-19 inches above the finished floor. In consultation
6 with the contracting City department, and based on a history of previous usage, shelter
7 operators shall designate an adequate number of accessible sleeping units to meet the needs
8 of shelter clients requiring such facilities due to a mobility disability; and

9 (iii) reasonable modifications to shelter policies, practices, and procedures.

10 (iv) In addition, shelters shall provide orientation to new shelter clients that includes
11 information on shelter rules and how to access case management services, and shall ensure case
12 management services go to those shelter clients most in need of case management services. This
13 information shall be made accessible to shelter clients with disabilities through the use of appropriate
14 auxiliary aids and/or services, such as large print for clients with visual impairments or ASL
15 interpreting for Deaf clients. ~~Nothing in this section shall require the City to provide services to~~
16 ~~shelter clients with disabilities if the clients refuse such services.~~ The City shall provide equal
17 access to shelter clients with disabilities without regard to whether they accept auxiliary aids;

18 (9) engage a nutritionist, who shall develop all meal plans, including meal plans for
19 children and pregnant women and post menus on a daily basis;

20 (10) make dietary modifications to accommodate requests from clients based on
21 religious beliefs and practices, health, or disability reasons;

22 (11) ~~provide a smoke free environment for all shelter clients and prohibit smoking within 20~~
23 ~~feet of a children's play area~~ comply with Article 19F of the San Francisco Health Code that prohibits
24 smoking in homeless shelters;

1 (12) provide shelter clients with one clean blanket, two clean sheets, and one pillow
2 enclosed in a plastic or vinyl sleeve with a clean pillowcase; sheets shall be cleaned at least
3 once per week and upon client turnover;

4 (13) make the shelter facility available to shelter clients for sleeping at least 8 hours
5 per night;

6 (14) provide daytime access to beds in all 24-hour shelters;

7 (15) provide shelter clients with pest-free, secure property storage inside each
8 shelter. Shelter staff shall provide closable plastic bags to clients for storage purposes. If
9 storage inside a shelter is unavailable, the shelter operator may provide free, pest-free
10 storage off-site as long as the off-site storage is available to the shelter client up until the time
11 of evening bed check;

12 (16) provide shelter clients with access to electricity for charging their cell phones;
13 and other durable medical equipment for clients with disabilities;

14 (17) note in writing and post in a common area in the shelter when a maintenance
15 problem will be repaired and note the status of the repair;

16 (18) provide access to free local calls during non-sleeping hours, including TTY
17 access and amplified phones for clients who are deaf or hearing-impaired;

18 (19) provide a minimum of 22 inches between the sides of sleeping units, excluding
19 designated ADA-accessible sleeping units and sleeping units separated by a wall, while
20 ~~maximizing the space for sleeping in the shelter to the fullest extent possible;~~

21 (20) provide all printed materials produced by the City and shelters in English and
22 Spanish and other languages upon request and ensure that all written communications are
23 provided to clients with sensory disabilities in alternate formats such as large print, Braille, etc.
24 upon request;
25

1 (21) communicate with each client in the client's primary language or provide
2 professional translation services; including but not limited to American Sign Language
3 interpretation; however, children or other clients may be asked to translate in emergency
4 situations;

5 (22) provide at least one front line staff at each site that is bilingual in English and
6 Spanish;

7 (23) ensure that each shelter has an emergency disaster plan that requires drills on a
8 monthly basis and that, in consultation with the Mayor's Office on Disability, includes specific
9 evacuation devices and procedures for people with disabilities;

10 (24) locate an alternative sleeping unit for a client who has been immediately denied
11 shelter services after 5:00 p.m., unless the denial of service was for acts or threats of
12 violence;

13 (25) require all shelter staff to wear a badge that identifies the staff person by name
14 and position;

15 (26) ensure that all clients receive appropriate and ADA-compliant transportation
16 services, to attend medical appointments, permanent housing appointments, substance abuse
17 treatment, job-search appointments and job interviews, mental health services, and shelter
18 services;

19 (27) provide public notification at least 24 hours in advance of on-site, community
20 meetings;

21 (28) provide clients with access to free laundry services with hot water and a dryer
22 that reaches a temperature between 120-130 degrees Fahrenheit, on or off site;

1 (29) to the extent not inconsistent with Proposition N, passed by the voters on
2 November 5, 2002, ensure that all single adult shelter reservations be for a minimum of 7
3 nights;

4 (30) agree to comply with the California Department of Industrial Relations, Division
5 of Occupational Safety and Health (Cal-OSHA) General Industry Safety Orders regarding
6 Bloodborne Pathogens (8 CCR 5193) and its Injury and Illness Prevention Program (8 CCR
7 3203), including but not limited to applicable requirements regarding personal protective
8 equipment, universal precautions, and the development of an exposure control plan, as
9 defined therein; ~~and~~

10 (31) in consultation with the San Francisco Department of Public Health, provide
11 annual all-staff mandatory trainings, appropriate for each shelter position, that address Cal-
12 OSHA regulatory requirements listed in subsection (30), above, as well as the following
13 topics:

- 14 (i) hand washing requirements and other communicable disease prevention;
- 15 (ii) proper food handling and storage;
- 16 (iii) emergency procedures in case of disaster, fire, or other urgent health or
17 safety risk, including but not limited to CPR requirements;
- 18 (iv) safe and appropriate intervention with violent or aggressive shelter
19 clients, including training on the harm reduction model in dealing with substance abuse;
- 20 (v) safe and appropriate interaction with shelter clients who suffer from
21 mental illness or substance abuse;
- 22 (vi) on-the-job burn-out prevention;
- 23 (vii) requirements under the ADA; in collaboration with the Mayor's Office on
24 Disability and the City Attorney's Office;
- 25

1 (viii) policies and procedures explained in shelter training manuals; and
2 (ix) cultural humility, including sensitivity training regarding homelessness,
3 the lesbian, bisexual, gay, and transgender communities, people with visible and invisible
4 disabilities, youth, women, and trauma victims.

5 (b) In addition, every contract covered by this Article shall contain a provision in
6 which the shelter operator agrees:

- 7 (1) to be liable to the City for liquidated damages as provided in this Article;
8 (2) to be subject to the procedures governing enforcement of breaches of contracts
9 based on violations of contract provisions required by this Article as set forth in this section;
10 (3) that the contractor's commitment to comply with contractual obligations that this
11 Article imposes is a material element of the City's consideration for this contract; that the
12 failure of the contractor to comply with such obligations will cause harm to the City and the
13 public that is significant and substantial but extremely difficult to quantify; and that the
14 assessment of liquidated damages of up to \$250.00 made pursuant to the liquidated damages
15 schedule referred to in section 20.406(b)(1) below for every unmitigated failure to comply with
16 such obligations is a reasonable amount of damages to redress the harm to the City caused
17 by such obligations;
18 (4) that the failure of contractors to comply with contract provisions that this Article
19 requires may result in debarment and monetary penalties set forth in Sections 6.80 et seq. of
20 the San Francisco Administrative Code, as well as any other remedies available under the
21 contract or at law; and
22 (5) that in the event the City brings a civil action to recover liquidated damages for
23 breach of a contract provision required by this Article, and prevails, the contractor will be liable
24 for the City's costs and reasonable attorneys fees.
25

1 (c) The Board of Supervisors recognizes that these amendments will have a
2 material effect on the existing shelters whose contracts with the City require the City to pay
3 the shelter operators a certain negotiated amount for services offered at each shelter. The
4 City and the shelter operators contemplated that the shelters would operate at or near
5 capacity through most of the year. This legislation may reduce the number of beds available
6 in some shelters. In addition this legislation will impose obligations on shelter operators that
7 exceed their obligations under their existing agreements with the City and therefore increase
8 their operating costs. City officials and shelter operators based their budgetary assumptions
9 and contracting decisions on factors that existed before this legislation existed. Therefore, the
10 Board of Supervisors authorizes each City department overseeing contracts affected by this
11 legislation to negotiate amendments to existing contracts to reflect these changes so long as
12 current contract amounts are not reduced; and

13 32. maximize the space for sleeping in the shelter to the fullest extent possible.

14 Section 2. The San Francisco Administrative Code is hereby amended by amending
15 sections 20.304 and 20.405, to read as follows:

16 **Chapter 20, Article XII – Shelter Monitoring Committee**

17 **SEC. 20.304. POWERS AND DUTIES.**

18 The Committee shall have all of the powers and duties necessary to carry out the
19 functions of the Committee as follows:

20 (a) **Site Visits.** Individual Committee members shall form teams and make
21 unannounced site visits to all shelters a minimum of 4 times per year, per site. The scope of
22 the site visits shall be limited to gathering information relevant to: 1) health and safety
23 conditions in shelters, 2) the adequacy of policies and procedures governing each facility, and
24 3) the treatment and personal experience of shelter residents in the shelters. Committee
25

1 members shall conduct site visits in the least invasive manner possible and shall respect the
2 privacy rights of shelter clients. In addition, teams shall make two announced site visits per
3 year for the purpose of giving shelter residents the opportunity to discuss shelter conditions
4 with the members of the Committee. All site visits shall occur during shelter operating hours
5 only. After consulting shelter staff, the Committee shall post Committee contact information
6 and information regarding announced visits at each shelter. Each team shall prepare a report
7 for the full Committee on their findings and recommendations as described below under
8 subsection (b), "Reports."

9 (b) **Reports.** The Committee shall prepare and submit quarterly reports that shall
10 include but not be limited to information on the following: safety in the shelter, cleanliness in
11 the shelter, disability access to and within the shelter, family life in the shelter, a review of
12 policies and procedures in place at the shelter, and any information received regarding the
13 treatment and personal experiences of shelter residents. In order to enable the Committee to
14 prepare reports required under this subsection, City departments that contract for services at
15 a shelter that is under review must respond within 15 days to any reasonable request for
16 information submitted by the Committee relative to the shelter or to City policies that affect
17 shelter clients. The reports shall also include recommended action steps for the shelter and
18 for the City department that contracts for services at the shelter. City departments and the
19 reports referenced in this subsection shall not identify shelter residents or disclose any
20 confidential information concerning shelter residents consistent with state and federal law.
21 The Committee may issue emergency reports at any time it deems necessary. The reports
22 shall be provided to: 1) the Mayor, 2) the Board of Supervisors, 3) the Local Homeless
23 Coordinating Board, 4) the appropriate city department responsible to take action, 5) the city
24 department that contracts for services at the shelter, 6) the shelter under review, and 7) the
25

1 public. These reports shall be public documents. Any city department identified in the report
2 as responsible to take action recommended in the report shall, within 30 days of issuance of
3 the report, provide to the Board of Supervisors a departmental report setting forth how the
4 department intends to respond to the Committee's recommendations.

5 (c) **Training.** All members of the Committee shall receive training in confidentiality
6 laws regarding the provision of services to homeless people, as applicable, and will agree in
7 writing to comply with any and all confidentiality requirements. In addition, members of the
8 Committee may not disclose the following information before an unannounced shelter visit
9 occurs: the date, time, and location of an unannounced shelter visit and the identity of the
10 members of the team conducting the visit. After providing notice and an opportunity to be
11 heard, the Committee may remove a Committee member for making disclosures prohibited by
12 this subsection. If the Committee removes a Committee member pursuant to this subsection,
13 it shall inform the appointing authority of this fact and request that the appointing authority
14 appoint a replacement as soon as possible. All members of the Committee shall receive
15 sensitivity training related to cultural differences, gender issues and the Americans With
16 Disabilities Act. Committee members shall receive other training deemed necessary by the
17 Committee to carry out its functions.

18 (d) **Monitoring unaccepted shelter bed reservations.** The Committee shall collect
19 information from reservation sites regarding how many shelter clients are turned away from a shelter
20 bed reservation and shall include this information in the reports required under subsection (b), above.
21 Information reported shall include the number of unaccepted bed reservations and the reason, if
22 available, for the missed reservation.

1 (~~de~~) **Retaliation Prohibition.** Shelter staff and shelter clients shall not be retaliated
2 against for participating in any activity involving the Committee. This section is not intended to
3 create a private right of action against the City and County of San Francisco.

4 **Chapter 20, Article XII – Shelter Monitoring Committee**

5 **SEC. 20.405. COMPLAINT PROCESS AND INVESTIGATION**

6 (a) Each shelter shall provide client complaint forms in common areas of the shelter
7 and shall make a complaint form available to a shelter client upon request. In addition, shelter
8 staff must accept and investigate written client complaints from the Shelter Monitoring
9 Committee. Shelter staff shall review and respond to written client complaints within 2
10 business days. Shelter staff shall make best efforts to take necessary corrective action in
11 response to all client complaints internally within 5 days. If the client is not satisfied with the
12 response, the shelter operator shall refer the complaint to the contract monitor and to the
13 Shelter Monitoring Committee. The Shelter Monitoring Committee shall investigate these
14 complaints within 10 days of receipt of the complaint and shall provide the shelter operator
15 with an opportunity to respond to the allegations. The Shelter Monitoring Committee shall also
16 forward the results of its investigation to the Director of the San Francisco Department of
17 Public Health (DPH), or his or her designee, who shall comply with Section 20.406(a) below:
18 within 30 days.

19 (b) Each Director, in consultation with the Director of DPH, or his or her designee,
20 shall promulgate appropriate guidelines or rules for the enforcement of the shelter operator's
21 contractual obligations imposed pursuant to this Article. Such guidelines or rules may
22 establish procedures for ensuring fair, efficient, and cost-effective implementation of these
23 obligations, including mechanisms to monitor contractor compliance and to determine whether
24
25

1 a contractor has failed to comply with its contract obligations set forth in Section 20.404,
2 above.

3 (c) Committee teams conducting site visits may initiate investigations into alleged violations
4 of contractual obligations imposed by this Chapter and shall forward a request for a full investigation
5 to the full Shelter Monitoring Committee.
6

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By:


11 JENNIFER K. WILLIAMS
12 Deputy City Attorney
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Supervisor Mar
BOARD OF SUPERVISORS

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5/24/2010

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LEGISLATIVE DIGEST

[Standard of Care for City Shelters and Powers and Duties of Shelter Monitoring Committee.]

Ordinance amending the San Francisco Administrative Code by amending Chapter 20, Sections 20.304, 20.401, 20.403, 20.404, and 20.405, to: 1) amend City requirements in the delivery of shelter services to, among other things, expand reservation capability at shelters; provide additional training to shelter staff; and ensure case management services for shelter clients in need; and 2) require the Shelter Monitoring Committee to track refusals of shelter beds and authorize the Committee to initiate investigations into alleged violations of contractual obligations imposed by Chapter 20.

Existing Law

Administrative Code Chapter 20, Article 13 currently requires the City to provide certain minimum shelter services, and requires all contracts between the City and shelter operators to include provisions that require shelter operators to comply with express standards of care enumerated in the ordinance.

In addition, Chapter 20, Article 12 establishes the Shelter Monitoring Committee, explains their powers and duties, and describes a complaint and investigation process that allows people to lodge complaints with the Committee about shelters that fail to meet their contractual obligations. The Committee must investigate the complaints and forward the results of their investigations to the Department of Public Health, who is then required to impose a corrective action plan or liquidated damages for shelter operators who fail to comply with applicable requirements.

Amendments to Current Law

The purpose of this legislation is to increase City services at City-ran shelters, including increasing on-site reservation capacity at certain shelters and providing training to shelter staff on the Americans with Disabilities Act. This legislation also increases contractual requirements placed on shelter operators by, among other things, requiring shelters to: 1) provide orientation to new shelter clients, 2) provide case management services to those clients most in need of such services; and 3) comply with Article 19F of the Health Code that prohibits smoking in homeless shelters.

This legislation will also require the Shelter Monitoring Committee to monitor unaccepted shelter bed reservations, report its findings to designated entities, and authorize the Committee to initiate investigations into alleged violations of contractual obligations imposed by applicable law. Finally, this legislation requires the Department of Public Health to impose a corrective action plan or liquidated damages in cases where it determines that a contractor

FILE NO.

failed to comply with applicable standards within 30 days, consistent with section 20.406 of the Administrative Code.

Background Information

The Board of Supervisors established the Shelter Monitoring Committee in 2004. The Committee's purpose is to provide the Mayor, the Board of Supervisors, and others with accurate and comprehensive information about the conditions in and operations of shelters funded by the City.

After conducting numerous site visits of City-funded shelters and after investigating many complaints it received from shelter clients, the Shelter Monitoring Committee found that the City's shelter system lacks comprehensive and uniform standards of care to be provided to clients utilizing shelter services. Therefore, in 2008, the Board of Supervisors created the Standard of Care for City Shelters, which this legislation seeks to amend.

BOARD of SUPERVISORS



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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 MAY 10 AM 11:03

MEMORANDUM

TO: Department of Public Health
FROM: Angela Calvillo, Clerk of the Board
DATE: April 22, 2010
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Rules Committee

The Board of Supervisors Rules Committee has received the following proposed ordinance, which is being referred to the Department of Public Health for comment and recommendation.

File: 100437

Ordinance amending the San Francisco Administrative Code by amending Chapter 20, Sections 20.304, 20.401, 20.403, 20.404, and 20.405, to: 1) amend City requirements in the delivery of shelter services to, among other things, expand reservation capability at shelters; 2) provide additional training to shelter staff; and ensure case management services for shelter clients in need; and 3) require the Shelter Monitoring Committee to track refusals of shelter beds and authorize the Committee to initiate investigations into alleged violations of contractual obligations imposed by Chapter 20.

Please return this cover sheet with the department's response to Linda Wong, Clerk, Rules Committee.

RESPONSE FROM DEPARTMENT OF PUBLIC HEALTH - Date: April 29, 2010

☐ No Comment
☒ Recommendation Attached

Anne Kamm
Signature Deputy Director

We have no issues with the ordinance amendment. Per att achd

City and County of San Francisco



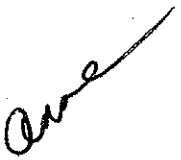
Gavin Newsom
Mayor

Department of Public Health

Mitchell H. Katz, MD
Director of Health

April 29, 2010

To: Linda Wong, Clerk
Rules Committee

From: Anne Kronenberg 
Deputy Director of Health

RE: File 100437

We have reviewed the proposed amendments to Chapter 20 of the SF Administrative Code and have no issues with the changes. Thank you for the opportunity to review the amendments.