[Declaring Existence of a Shelter Crisis]

Ordinance making findings and declaring the existence of a shelter crisis in San Francisco under California Government Code Sections 8698 et seq.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. 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. Findings.

(a) A significant number of people in San Francisco cannot obtain adequate or appropriate shelter. According to the San Francisco biennial homeless count taken in January 2015, there were 6,686 individuals without a place to live, a 3.8% increase over the 6,436 people counted in 2013. In addition, there were 853 unaccompanied children and transitional-aged-youth, for a total of 7,539 homeless people. The number of homeless people rose in seven of the 11 supervisorial districts in the city.

(b) San Francisco’s homeless population is aging with deteriorating health, needing more services. According to the 2015 homeless count, 22% of the homeless were between the ages of 51 and 60, up from 14% in 2013, and 8% were 61 or older, up from 3% in 2013.

(c) The inability to obtain adequate or appropriate shelter threatens the health and safety of those persons. Homelessness is an independent risk factor for a number of illnesses through its association with exposure to harsh weather, high levels of stress, sleep deprivation, general unsanitary surroundings, lack of access to hygiene facilities, and bad
1 nutrition. Sleep deprivation, for example, impairs cognitive processes and increases the risk of heart disease, heart attack, heart failure, irregular heartbeat, high blood pressure, stroke and diabetes.

(e) According to the National Health Care for the Homeless Council:

(1) Homelessness creates new health problems and exacerbates existing ones. Living on the street or in crowded homeless shelters exposes people to communicable disease (e.g., TB, respiratory illnesses, etc.), violence, malnutrition, and harmful weather exposure. Behavioral health issues such as depression or alcoholism often develop or are made worse. Conditions among people who are homeless are frequently co-occurring, with a complex mix of severe physical, psychiatric, substance use, and social problems.

(2) Common conditions such as high blood pressure, diabetes, and asthma become worse where there is no safe place to store medications or syringes properly. Injuries that result from violence or accidents may not heal properly if bathing, keeping bandages clean, and getting proper rest and recuperation are not possible due to homelessness. And minor issues such as cuts or common colds may easily develop into large problems such as infections or pneumonia. High stress, unhealthy and dangerous environments, and an inability to control food intake often result in visits to emergency rooms and hospitalization which worsen overall health.

(3) Research among patients using health centers demonstrates that even among largely low-income populations, there are significant disparities when comparing homeless and non-homeless populations. Individuals experiencing homelessness have disproportionately high rates of acute and chronic illness, such as hypertension, diabetes, asthma, emphysema, chronic bronchitis, heart problems, stroke, liver condition, weak/failing kidneys, cancer, and HIV/AIDS. Each of these conditions is challenging to manage, even for
the general population. Absent stable housing, they may become nearly impossible to control or cure.

(4) Those experiencing homelessness are three to four times more likely to die prematurely than their housed counterparts, and experience an average life expectancy as low as 41 years.

(f) According to studies cited by the American Psychological Association:

(1) People without homes have higher rates of hospitalizations for physical illnesses, mental illness, and substance abuse than other populations.

(2) Rates of mental illness among people who are homeless in the United States are twice the rate found for the general population.

(3) 47% of homeless women meet the criteria for a diagnosis of major depressive disorder—twice the rate of women in general.

(4) People who are homeless and also suffer from mental illness are more likely to use hospitals than regular outpatient care, which is not only more expensive but results in fragmented service and less attention paid to ongoing mental health needs.

Section 2. Legal Authority.

(a) California Government Code sections 8698 through 8698.2 authorize the governing body of a political subdivision, including a city and county such as San Francisco, to declare the existence of a shelter crisis upon a finding by the governing body that a significant number of persons within the jurisdiction are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons.

(b) Upon the declaration of a shelter crisis, the subdivision may allow persons unable to obtain housing to occupy designated public facilities belonging to that subdivision while the crisis lasts.
(c) Under the Government Code, the subdivision would be immune from liability for ordinary negligence when using public facilities for emergency housing in this way. The subdivision also could suspend state or local regulatory law setting housing, health, or safety standards to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The subdivision could, in place of such standards, enact its own health and safety standards for the shelters consistent with ensuring basic public health and safety in the facilities. These provisions would apply only to additional public facilities opened to the homeless in response to the shelter crisis.

Section 3. Declaration of Shelter Crisis. The Board of Supervisors hereby finds that a significant number of persons within the City are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons. The Board of Supervisors therefore declares the existence of a shelter crisis in the City and County of San Francisco. Any subsequent action taken by the City pursuant to this declaration shall comply with all relevant requirements of the Charter.

Section 4. Impact of Declaration on Applicable City Law. In adopting this Declaration, the Board of Supervisors does not suspend, waive, or otherwise limit the requirements of any applicable City law regulating the process for selecting and developing sites for public facilities to be used as emergency housing pursuant to the Declaration. Further, the Board does not suspend, waive, or otherwise limit the requirements of any applicable City law providing for public notification, community outreach, and/or public input as part of that process.
Section 5. 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

By: [Signature]
THOMAS J. OWEN
Deputy City Attorney

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Supervisors Campos; Kim, Avalos, Mar, Yee, Breed, Peskin, and Cohen
BOARD OF SUPERVISORS
Ordinance making findings and declaring the existence of a shelter crisis in San Francisco under California Government Code, Sections 8698, et seq.

March 24, 2016 Public Safety and Neighborhood Services Committee - AMENDED

March 24, 2016 Public Safety and Neighborhood Services Committee - RECOMMENDED AS AMENDED

April 05, 2016 Board of Supervisors - PASSED ON FIRST READING
Ayes: 8 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin and Yee
Noes: 3 - Farrell, Tang and Wiener

April 12, 2016 Board of Supervisors - FINALLY PASSED
Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin and Yee
Noes: 2 - Tang and Wiener

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/12/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved
I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo  
Clerk of the Board  
4/25/16  
Date