

1 [Establishing a General Fund residential rent assistance program for tenants disqualified from
2 federal rent subsidy programs in San Francisco due to failure to meet federal immigration
3 status verification requirements; available July 1, 2002; \$ 349,000 identified for the first year.]

4 **Ordinance establishing a General Fund residential rent assistance program for tenants**
5 **whose federal rent subsidy in San Francisco has been reduced or revoked due to a**
6 **failure to meet federal immigration status verification requirements imposed under**
7 **Section 592 of the federal Quality Housing and Work Responsibility Act of 1998**
8 **("QHWRA," Public Law 105-276, 42 U.S.C. 1436a), including tenants in San Francisco**
9 **Housing Authority units and Section 8 units; providing criteria and procedures for**
10 **disbursement of funding, with disbursements available commencing July 1, 2002;**
11 **providing two outreach grants of \$5,000 each; and identifying companion legislation**
12 **that would provide funding of \$ 349,000 from the City's General Fund for the first year**
13 **of the Program (July 2002 through June 2003).**

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

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

18 Section 1. The San Francisco Administrative Code is hereby amended by adding new
19 Chapter 84, to read as follows:

20 **CHAPTER 84. SAN FRANCISCO RESIDENTIAL RENT ASSISTANCE PROGRAM FOR**
21 **PERSONS DISQUALIFIED FROM FEDERAL RENT SUBSIDY PROGRAMS BY THE**
22 **FEDERAL QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998 (QHWRA).**

1 **Section 84.1. Findings.**

2 The Board of Supervisors hereby finds and declares:

3 (a) Congress enacted the Quality Housing and Work Responsibility Act of 1998 ("OHWR,"
4 Public Law 105-276), amending Section 214 of the Housing and Community Development Act of 1980
5 (Public Law 96-399) and amending Section 576 of the Illegal Immigration Reform and Immigrant
6 Responsibility Act of 1996 (Division C of Public Law 104-208). These amendments require recipients
7 of identified housing subsidies to affirmatively verify their immigration status. (42 U.S.C. §1436a.)

8 (b) These changes in federal legislation are likely to result in disruption or loss of housing for
9 some City residents, particularly some San Francisco Housing Authority residents. It is in the City's
10 interest to minimize the homelessness and disruption to individuals and families resulting from this
11 change in federal law.

12 (c) The City and County of San Francisco wishes to provide humanitarian assistance through
13 residential rent subsidies to San Francisco residents whose federal rent subsidy has been reduced or
14 revoked due to failure to meet federal immigration status verification and related requirements under
15 OHWR, including tenants in San Francisco Housing Authority units or Section 8 units ("Section 8" of
16 the United States Housing Act of 1937, 42 U.S.C. 1437(f)).

17 (d) This is a pilot program, with the primary goal of preserving households in low-income
18 federally subsidized housing. This legislation will focus on San Francisco Housing Authority tenants
19 and San Francisco Housing Authority-based Section 8 tenants, and may be later extended to other
20 federally subsidized tenants. To maximize the use of limited funding, the program will pay a maximum
21 of 60% of the increased tenant payment for one year, and program recipients must pay the remainder
22 of the increased tenant payment. The subsidy will be reduced annually after the first year to 40%, then
23 to 20%, and then to zero, respectively. Program recipients who are actively pursuing adjustment of
24 their immigration status can continue to receive a 20% subsidy, for three years subject to available
25 funding.

1 (e) This pilot program will also provide two mini-grants of \$5,000 each, to be made available
2 by the Program Administrator to culturally and linguistically competent community-based
3 organizations, to provide immediate outreach to San Francisco Housing Authority tenants regarding
4 QHWRA and this program, to provide referrals to individuals and families for assistance with
5 adjustment of immigration status, and to provide information to the San Francisco Housing Authority
6 about the numbers of affected individuals and families.

7 (f) The Board of Supervisors also wishes to reaffirm that the City and County of San Francisco
8 is a City and County of Refuge. This humanitarian assistance shall therefore be administered
9 consistent with the provisions of San Francisco Administrative Code Chapter 12H "Immigration
10 Status."

11 **Section 84.2. Establishment of QHWRA Disqualification Rent Assistance Program.**

12 The Board of Supervisors hereby establishes the QHWRA Disqualification Rent Assistance
13 Program for the City and County of San Francisco ("Program"). This is a pilot project. Funds shall
14 be expended for the purposes and on the conditions set forth below.

15 (a) Purpose. The purpose of this legislation is to preserve households in low-income federally
16 subsidized housing by providing residential rent assistance to tenants in San Francisco Housing
17 Authority units and Section 8 units whose federal residential rent subsidy has been reduced or revoked
18 due to the tenants' failure to meet the immigration status verification requirements or related
19 requirements of QHWRA.; and to households who are moving from the SFHA wait list into federally
20 subsidized San Francisco housing who have individual members who cannot meet the immigration
21 status verification requirements or related requirements of QHWRA.

22 (b) Eligible Persons. In order to be eligible to receive funds from the Program, (1) the person
23 must be a tenant in a San Francisco residential rental unit subsidized by a federal rent subsidy
24 program, such as a San Francisco Housing Authority unit or a Section 8 unit, whose subsidy has been
25 reduced or revoked because of the person's failure to meet the immigration status verification

1 requirements or related requirements of QHWRA; or (2) the household is moving from the SFHA wait
2 list into federally subsidized San Francisco housing and has individual members who cannot meet the
3 immigration status verification requirements or related requirements of QHWRA.

4 **(c) Limits on QHWRA Disqualification Rent Assistance.**

5 Program rent assistance funds shall only be used to partially supplant a federal residential rent
6 subsidy provided to an eligible person prior to his or her QHWRA disqualification for housing in the
7 City and County of San Francisco.

8 **(d) Administration.**

9 (1) The Program shall be administered by the Fund Administrator. The Fund Administrator
10 shall be the Department of Human Services, City and County of San Francisco.

11 (2) The Fund Administrator shall promulgate rules and regulations to implement and
12 administer this Program, including provision for the following:

13 (A) An individual may apply to the Program by submitting evidence to the Fund Administrator
14 demonstrating the eligibility criteria set forth above. A parent or guardian or other appropriate person
15 as determined by the Fund Administrator, may apply on behalf of a minor child.

16 (B) An application must clearly state the amount of funding the applicant is requesting.

17 (C) Subject to available Program funds, rent assistance received by an eligible person will not
18 initially fall below 60% of that individual's increased tenant payment at the time of disqualification (see
19 §84.2(c)(1)), provided that the individual meets all of the eligibility requirements for the federal rent
20 subsidy except for the QHWRA disqualification. If the individual's eligibility changes, the Program
21 subsidy may be adjusted accordingly. The subsidy will be reduced annually after the first year to 40%,
22 then to 20%, and then to zero, respectively. Program recipients who are actively pursuing adjustment
23 of their immigration status can continue to receive a 20% subsidy for three years, subject to available
24 funding.

1 (D) If appropriated City funding is limited in relation to the number of eligible persons,
2 preferences will be given to San Francisco Housing Authority tenants and San Francisco Housing
3 Authority-based Section 8 tenants in the lowest income brackets as defined by HUD for the federal
4 program rent subsidy being replaced.

5 (3) The Fund Administrator shall insure that translation services are provided consistent with
6 San Francisco Administrative Code Chapter 91 "Equal Access to Services."

7 (4) The Fund Administrator may contract out some or all of the program administration
8 another governmental agency and/or a community service organization serving immigrants, consistent
9 with other applicable City contracting requirements.

10 (5) The Fund Administrator shall award and administer two mini-grants of \$5,000 each to
11 culturally and linguistically competent community-based organizations to provide immediate outreach
12 to San Francisco Housing Authority tenants regarding OHWRA and this program, to provide referrals
13 to individuals and families for assistance with adjustment of immigration status, and to provide
14 information to the San Francisco Housing Authority about the numbers of affected individuals and
15 families.

16 (e) Cooperation by the San Francisco Housing Authority. The Board of Supervisors strongly
17 urges the San Francisco Housing Authority (SFHA) to fully advise all potentially eligible persons about
18 the Program. The Board further strongly urges the SFHA to provide applicants with all necessary
19 SFHA documentation for submission of an application to the Program. In addition, the Board strongly
20 urges SFHA to track the total number of households affected by OHWRA disqualification, whether or
21 not any member of such household applies for or is granted assistance under this Program, in order to
22 more comprehensively measure the impact of OHWRA disqualification on the San Francisco
23 community.

1 **Section 84.3. Funding Procedure.**

2 (a) Funding for the QHWRA Disqualification Rent Assistance Program shall come from the
3 City's General Fund.

4 (b) Initial funding for fiscal year 2002-2003, in the amount of \$349,000, has been appropriated
5 in the Annual Appropriation Ordinance No. 171-01, found in Board of Supervisors File No.011041.

6 (c) For each year following the first full fiscal year of this Program's operation the Fund
7 Administrator shall report to the Finance Committee of the Board of Supervisors (or its successor
8 Committee) on the administration of the Fund, and shall recommend a level of funding for the following
9 fiscal year that is sufficient to meet projected need. The Finance Committee shall recommend a
10 Program funding level to the full Board of Supervisors for each year following the first fiscal year of
11 the Program's operation, after receipt and consideration of the Fund Administrator's annual report and
12 recommendation.

13 (d) Appropriated funds that are not expended by the Program during a fiscal year shall be
14 applied toward meeting the funding level approved for the Program for the following fiscal year.

15 (e) Funding disbursements shall be made available to eligible persons as determined by the
16 Fund Administrator, upon the effective date of this legislation.

17 **Section 84.4. General Welfare.** In undertaking this QHWRA Disqualification Rent Assistance
18 Program the City and County of San Francisco is assuming an undertaking only to promote the general
19 welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of
20 which it is liable in money damages to any person who claims that such breach proximately caused
21 injury.

22 **Section 84.5 Severability.** If any section, subsection, subdivision, paragraph, sentence, clause
23 or phrase of this Chapter 84 or any part thereof is, for any reason, held to be unconstitutional or
24 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity
25 or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of

1 Supervisors hereby declares that it would have passed each section, subsection, subdivision,
2 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more section,
3 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or
4 invalid or ineffective.

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

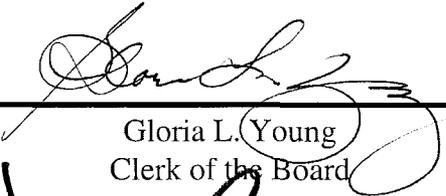
8 By: 
9 Virginia Dario Elizondo
10 Deputy City Attorney
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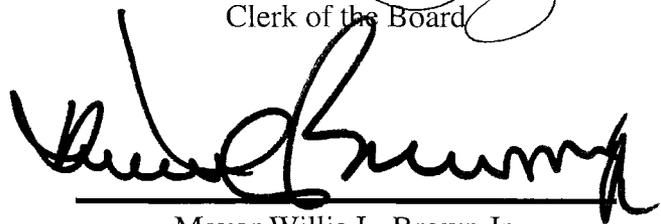
File No. 020593

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on July 15, 2002 by
the Board of Supervisors of the City and
County of San Francisco.

JUL 19 2002

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 020593

Date Passed:

Ordinance establishing a General Fund residential rent assistance program for tenants whose federal rent subsidy in San Francisco has been reduced or revoked due to a failure to meet federal immigration status verification requirements imposed under Section 592 of the federal Quality Housing and Work Responsibility Act of 1998 ("QHWRA," Public Law 105-276, 42 U.S.C. 1436a), including tenants in San Francisco Housing Authority units and Section 8 units; providing criteria and procedures for disbursement of funding, with disbursements available commencing July 1, 2002; providing two outreach grants of \$5,000 each; and identifying companion legislation that would provide funding of \$349,000 from the City's General Fund for the first year of the Program (July 2002 through June 2003).

June 17, 2002 Board of Supervisors — SUBSTITUTED

July 8, 2002 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom,
Peskin, Sandoval, Yee
Noes: 1 - Hall

July 15, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom,
Peskin, Sandoval, Yee
Noes: 1 - Hall