




AARON PESKIN

MEMORANDUM

TO: London N. Breed, Mayor
Dr. Tomás Aragón, Chief Health Officer
Mary Ellen Carroll, Director, Department of Emergency Operations
William Scott, Chief, San Francisco Police Department
Dr. Grant Colfax, Director, Department of Public Health

FROM: Aaron Peskin, Supervisor 

CC: Sean Elsbernd, Chief of Staff, Mayor
Teresa Ewins, Commander, SFPD Field Operations Bureau
Joseph Engler, Captain, Northern Station
Jeff Kositsky, HSOC Liaison
Matt Haney, Supervisor
Lower Polk Neighbors, Board Members
Lower Polk Community Benefit District, Director and Board Members

RE: Lack of Response to Homeless Public Health Crisis

May 22, 2020

Honorable Mayor and City Officials,

I am writing to raise several concerns on behalf of myself and my constituents.

I worked with many of you in the latter part of 2019 and in early 2020 to bring the Lower Nob Hill community around to the concept of a Navigation Center in the Lower Polk neighborhood. Neighborhood stakeholders were widely supportive of increasing resources for our local unhoused population, predicated on the City developing a plan to address conditions in the Lower Polk alleyways, (generally bound by Pine Street to the north and Eddy Street to the south.)

The Administration's decision to order sweeps throughout the Tenderloin core in 2019 created a well-documented ripple effect of unacceptable street conditions throughout the residential

alleyways of the Lower Polk neighborhood. The subsequent Emergency Shelter in Place Orders in response to the COVID-19 pandemic have only exacerbated the current crisis.

I join my District 6 colleague to the south, Supervisor Matt Haney, in pushing the Mayoral Administration, the Department of Public Health and the Emergency Operations Center to develop a real emergency response to the public health crisis in the Tenderloin and Lower Polk neighborhoods. The "Tenderloin Plan" released via the Emergency Operations Center is lacking on many fronts, starting with the absence of input and formal collaboration from the District 6 and District 3 offices (despite identifying "getting regular feedback from community stakeholders" as an immediate next step.)

The disconnect between the roles of the Executive Branch's decision-makers and city staff tasked with implementing any "guidelines" has led to confusion and a lack of accountability and follow-through. I have had to personally go out to the alleys on an almost daily basis to call in requests on behalf of constituents.

On May 13, 2020 my office co-hosted a neighborhood meeting on the City's homeless response with the Lower Polk Neighbors and the Lower Polk Community Benefit District. Below are responses and recommendations culled from that meeting, after review of the "Tenderloin Plan" and after walk-throughs of the alleys that my office has participated in with the Healthy Streets Operations Center:

1. Encampments

- a. The "Tenderloin Plan" states: "Follow DPH guidance on best practices for health and safety in encampments" –
To date, my office is not in receipt of an official health order or any formal public health guidance from the Department of Public Health on safe and healthy tent encampments. As Supervisor Preston pointed out at the May 19, 2020 DPH briefing at the Board of Supervisors, it is remarkable that the Chief Health Officer has issued public health orders on how to safely re-open golf courses and small businesses but has yet to issue a single health order addressing homelessness or clarifying how the City is providing basic homeless services in light of discontinued access points. DPH must issue clear orders addressing homelessness grounded in public health rationale under the current emergency powers.
- b. Re: "Safe Sleeping Sites" - We continue to receive contradictory information on the criteria for Safe Sleeping Sites. The Tenderloin Plan outlines objectives for both establishing encampments in the Tenderloin and "shifting" them outside of the neighborhood – but without any actual plans for implementation, particularly for the Lower Polk portion of the neighborhood. If, as we're being informed, an alternative space must be an open-air lot no less than 30,000 square feet, this would mean that there are virtually no locations in the City's dense northeast quadrant. At a minimum, the City's policy cannot be to just

close off residential alleyways to create so-called "containment zones". There is a difference between "sweeping tents" -- which only makes the crisis worse -- and relocating tents to safe sites. Most of the residential buildings in Lower Polk have egress on the alleyways, including doors, parking garages for senior facilities like On Lok and delivery and loading for small businesses. The mostly rent-controlled older buildings have residential units with windows that are directly flush with tents on the sidewalk outside, raising concerns about potential viral transmission. The Department of Real Estate has a master list of surplus property owned by the City, which we know has only grown as a result of mass facilities closures citywide. The Emergency Operations Center should be working directly with Real Estate to identify appropriate safe sleeping sites that balance the safety and wellness needs of housed and unhoused people. They should not be clustered in tiny residential alleys in the center of the densest part of the city and there should be clear guidelines on access to mobile support services, bathrooms, sanitation and safety patrols.

- c. Re: "Shelter in Place Hotel Sites" - The Board of Supervisors passed a law mandating the City re-purpose 8,250 vacant hotel units to provide temporary safe shelter for essential workers and vulnerable populations capable of self-care who cannot otherwise self-quarantine, as well as those individuals experiencing homelessness, particularly as a result of the COVID-19 crisis. Last week a total of 988 unhoused individuals were housed in hotels. The City is slowly moving unhoused people who are vulnerable (over 60 or who have confirmed underlying health condition) from the streets into hotel rooms, starting this process weeks into the pandemic. Thus far, the City lacks any clear process or referral system at this point to place vulnerable individuals into hotels. The City is still not in compliance with the law, and the process to move vulnerable populations off of the streets and into SIP units has been painfully slow. At the hotel placement rate the City has been averaging since the start of hotel placements nine weeks ago, it will take over a year to implement this law. Issues ranging from cost to staffing have been used to explain delays, and have been continually disproven by members of the Board of Supervisors. As Mission Local recently reported, we have in fact been paying tens of thousands of dollars a day for hundreds of vacant hotel rooms that were never actually populated, including some 600 hotel units secured for homeless (both COVID+ and SIP) that remain unoccupied. I have personally met several homeless individuals in the Fern, Elm and Hemlock encampments who recounted being turned away from safe shelter by the City, deemed ineligible under the City's ever-changing criteria. I've even encountered individuals that have offered to work in exchange for housing. An alarming number of the tent residents I have spoken with are single women. The Administration must comply with local emergency laws, and move the homeless

individuals identified through the tent encampment assessment into hotel units as quickly as possible, using the current emergency powers.

- d. Re: Criteria Expansion – The criteria for access to shelter must be expanded. In a recent call with District 3 social workers and SFUSD family liaisons, the stories of the increase in domestic violence were harrowing. We know that they are only a fraction of what is happening in our buildings and on our streets. While I appreciate that the Mayor and District Attorney opened up 20 temporary units for Domestic Violence referrals, we must be focused on preventing violence, not reacting to it after the fact and with extremely limited resources. The City must include women and trans- or gender non-conforming residents/unsheltered people in the list of vulnerable populations being prioritized for shelter.
- e. The “Tenderloin Plan” states: “Implement a re-encampment prevention plan” - The City should be taking steps now to negotiate acquisitions for our public affordable housing portfolio. All lease-up negotiations should include an option to purchase, and the Department of Building Inspection and the City Attorney must step up about enforcing SRO unit warehousing and “musical rooming”. Many of my residents in the Lower Nob Hill area have always been marginally housed, sometimes having enough money for a stay at a SRO hotel while on the waitlist for permanent supportive housing, and sometimes “couch-surfing” with a friend or acquaintance. As you know, the long terms consequences of the City's lack of a continuum of care that ends with permanent supportive housing will be devastating as the City recovers from COVID-19. As government analysts project a 45% increase in homelessness nationwide, the Emergency Operations Center and City Departments must develop a more robust “re-encampment prevention plan” that creates a pipeline to long-term housing security and solutions to homelessness. We continue to have vacant units across much of the rent-controlled housing in the neighborhood, including in our SRO residential hotels. It's time to think bold and outside-of-the-box to address these systemic issues.

2. Drug Dealing and Violent Crime

- a. The “Tenderloin Plan” states: “Follow police guidance on methods to address drug dealing and other concerns”- SFPD has told our office that they have been instructed not to touch individuals or make arrests “due to COVID-19”. I find this to be unacceptable. On two separate occasions during my visits to the alleys, I have had to call in criminal activity and I appreciate that officers responded with their Crisis Intervention Team (they were wonderful, actually) and were able to arrest a registered arsonist in one instance. I want to make sure that SFPD is responding with the same message and commitment to enforcing the law when my housed *and* unhoused constituents call. Drug dealers that are preying on the weak and the vulnerable need to be arrested and extracted from the encampments. Those

individuals with weapons threatening to harm others or attempting to set encampments on fire must be dealt with similarly. These are actual threats to public safety, and a much better use of SFPD's time and resources than citing small business owners for selling newspapers or grooming dogs. SFPD must enforce the law and prioritize public health threats.

- b. Re: Police District lines/SFPD coordination within HSOC - Residents have also said that they are also being told that Northern/Central/Tenderloin officers will only respond to activity in their immediate jurisdiction. When we convened the Lower Polk community in a discussion around the Navigation Center last year, HSOC and Chief Scott committed to designating one station to be the lead on the "Zone of Safety" that would constitute an outreach and response area in the Lower Polk alleyways. I know that SFPD stations work closely together to respond to crime, but residents should not be told that if a criminal activity is initiated on one side of the street but the assailant runs across Polk Street, it's no longer the responsibility of the district station. With Police Re-Districting two years away, Chief Scott should designate one station response for all the Lower Polk alleyways.
- c. The "Tenderloin Plan" states: "Work with DPH on increased access to treatment" – This sentence is meaningless at this point. Who is working with DPH on this alleged plan? With drop-in services shut down across the City, and no plan offered by DPH on continued treatment let alone "increased" treatment for individuals who have historically relied on it, the options are dismal for those struggling on our streets, many with pre-existing health conditions and dual diagnoses. The Board of Supervisors has been asking DPH for this plan for months and received no meaningful response from the Department of Public Health. The Chief Health Officer must issue an order outlining how hospitals, drop-in clinics and shelter providers are expected to re-structure their service delivery, treatment and operations in the wake of our new reality, as well as detailing the necessary resource allocations that policy makers will be asked to approve in the City's upcoming budget.
- d. Re: Additional public safety resources – SFPD should consider other resources to aid in public safety response, not in lieu of foot patrols but to augment response. Two years ago, I worked with stakeholders in Chinatown to identify a funding and management plan for security cameras within the Stockton corridor and the Broadway tunnel. The footage obtained from several physical attacks on women and seniors provided information that helped to apprehend the repeat assailants. If private building owners are willing to install cameras where foot patrols are constrained or where street-level visibility is limited, SFPD should work with SF SAFE to identify additional resources which have practical utility like security cameras, provided that their use are subject to a publicly-vetted use policy.

3. Re-purposing Public Space for Families' Essential Needs

- a. The "Tenderloin Plan" states: "Ensure neighbors have safe, socially distanced access to entrances and exits" –

This is not happening right now in the residential alleyways of Lower Polk. The tents must be relocated either to safe hotel units or to a Safe Camping Site with appropriate social distancing and access to mobile resources.

- b. The "Tenderloin Plan" states: "Close streets and parking to facilitate safe travel in the neighborhood and Activate open spaces for family recreation" –

The community has invested a significant amount of resources into adding traffic calming and pedestrian safety elements to the alleyways, particularly Fern, to create Shared Streets. These are intended for everyone to use, including our Redding Elementary School and Tenderloin Elementary School Families, our seniors and mobility-challenged residents, our essential workers, as well as housed and unhoused residents. The Lower Polk and Tenderloin neighborhoods have always struggled with a lack of open space, in comparison with the rest of the city. The City must include an equity framework for any plans it creates for operations and response in this neighborhood that take into account the unequal geographic concentration of services that Lower Polk and the Tenderloin have historically absorbed, to the detriment of open space, parks and safe streets. Redding Elementary Schools families need a plan for summer programming, as well, which could include re-purposing outdoor facilities and public shared streets, with the support of community-based non-profits that have historically supported these communities.

- c. The "Tenderloin Plan" states: "Increase food distribution to food insecure areas and consistent access to potable water" –

We continue to request that the Emergency Operations Center create a food distribution site for this neighborhood. The Redding Elementary School food pantry site used to serve at least 60 families every week prior to COVID-19 and the Principal is willing to open the site again to serve her families. The EOC must issue a plan to address food insecurity in the Lower Polk neighborhood.

- d. Re: Small Business recovery – The Lower Polk Neighbors and the Lower Polk CBD and Tenant Landlord Clinic have been surveying small business owners in the neighborhood about the massive challenges to recovery ahead. While we all wait for DPH to issue clear guidelines on what re-opening restaurants and other commercial venues, there is a general consensus among stakeholders that we should be considering ways to re-purpose the public realm to increase social distancing, increase access to essential good and services, AND allow everyone from immigrant street vendors to brick & mortar small business owners to serve the community, support their employees and rebuild together. All of this should

be done through an equity lens, and should include stakeholders from our unhoused community. At least two of the faith organizations in the neighborhood have already been working to think through workforce development and service integration in partnership with merchants and neighborhood leaders. Any plans for re-purposing the Lower Polk alleyways must balance all of these public needs through an equity lens, and include neighborhood input.

4. Sanitation, Cleanliness and Hygiene

- a. The "Tenderloin Plan" states: "Scale up access to hygiene stations and bathrooms based on population size demand"- Thank you for responding to our requests to resume staffing at the Sgt. Macaulay PitStop. The large amount of biowaste in the residential alleyways indicates a need for another Pitstop farther north. The Lower Polk CBD has recommended Hemlock and Larkin Streets. Please evaluate this location for a PitStop.
- b. The "Tenderloin Plan" states: "Improve access to showers" - There are no shower facilities identified in the lower Polk neighborhood that our office has been aware of, and the EOC confirmed that Lava Mae mobile showers were not an option. What is the EOC's plan to increase hygiene access in the neighborhood?
- c. Re: Street Cleaning – DPW has said that they will not clean the alleys if cars or tents are in the alleys, but the CBD is expected to do the baseline cleaning for the City. Please clarify the cleaning plan for the Lower Polk alleyways. Our office is willing to help disseminate fliers and notifications to car owners to move their vehicles, but the public realm must be cleaned and sanitized to mitigate the spread of infectious diseases.

5. Public Health, Behavioral Health

- a. The "Tenderloin Plan" states: "Establish Tenderloin COVID-19 testing site" – Thank you for opening up a mobile site to test residents and essential workers in the greater Tenderloin/Lower Nob Hill area. The feedback from residents has ranged from misinformation disseminated via 311 and fliers (as reported also by Mission Local) to a lack of culturally competent outreach. If we are going to re-open the City, we must prioritize testing our most vulnerable populations *first*, including SRO residents, unhoused populations and low-income communities that continue to provide essential services. A one-sized fits all approach will not work for this neighborhood and other neighborhoods with similar demographics. There must be a testing plan that builds on the existing trusted network of community organizers, social workers and service providers to provide culturally competent mass asymptomatic testing, robust contact tracing and wrap-around services.

- b. The "Tenderloin Plan" states: "Expand access to medical services" –
Where is plan for this objective? How is the City leveraging its relationship with St. Francis Memorial Hospital and the St. Francis Foundation and exploring off-site and mobile medical resources? Please update my office on DPH and the EOC's plans to address behavioral health and treatments services for the Lower Polk and Tenderloin neighborhoods.

My office is here to be a resource and support for the Administration's emergency response. But without access to information, without clear objectives underpinned by accurate medical data and public health rationales, and without clear benchmarks to hold implementing agencies accountable, the Lower Polk community is not receiving adequate services in the City's emergency response.