AMENDED IN COMMITTEE 4/15/2019 ORDINANCE NO. 82-19

FILE NO. 190141

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Fund for the Vehicularly Housed and to allow eligible vehicularly housed persons to receive financial assistance from the Fund for up to six months; require the Department 6

Parking Pilot Program to provide eligible vehicularly housed homeless persons a place to park and sleep in their vehicles overnight, case management, and other services; require HSH to collaborate with the Municipal Transportation Agency ("MTA") to

of Homelessness and Supportive Housing ("HSH") to establish a Safe Overnight

[Administrative Code - Programs and Fund for the Vehicularly Housed Persons Homeless]

Ordinance amending the Administrative Code to establish the Relocation Assistance

develop an On-Street Parking Citation and Tow- and-Storage-Fee Abatement Program to provide eligible vehicularly housed homeless persons with waivers or reduced of

parking fines and fees; and affirming the Planning Department's determination under

the California Environmental Quality Act.

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. Environmental Findings.

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

Supervisors in File No. 190141 and is incorporated herein by reference. The Board affirms this determination.

Section 2. General Findings.

- (a) San Francisco is facing a crisis of homelessness. In addition to staying in shelters and living on the streets, some people experiencing homelessness live in a variety of vehicles, including recreational vehicles ("RVs"), vans, and passenger cars throughout the city. A vehicle is not a safe place for anyone to live, and a concentration of inhabited vehicles can create a risk of health hazards in the community in which the vehicles are parked. According to information collected by Seattle University School of Law, individuals experiencing homelessness are forced to use their vehicles as a place of habitation for two common reasons: 1) as transitional shelter before moving to permanent or long term shelter, and 2) as a last resort to avoid living on the streets.
- (b) Often referred to as the "vehicular homeless," people who live in their vehicles are a telling reminder of urban displacement, lack of affordable housing, and soaring housing costs that currently plague major U.S. cities, including San Francisco. The vehicular homeless often park under highways, near parks, in warehouse and commercial districts, and, increasingly, on residential streets. Because this population relies on publicly shared spaces for their habitation, they can come in conflict with residents and businesses that rely on onstreet, public parking or easements. For these reasons, the plight of the vehicular homeless requires creative and meaningful solutions from governmental and social service agencies.
- (bc) According to data collected by the Department of Homelessness and Supportive
 Housing ("HSH") in October 2018, there were 432 inhabited vehicles on the streets of San
 Francisco, including 313 RVs and 119 passenger cars. Data from the Municipal
 Transportation Agency suggest there may be as many as 1,200 vehicularly housed persons in

San Francisco. Data collected by the Department of Homelessness and Supportive Housing ("HSH") during the 2017 Homeless Point-in-Time Count concluded that 6% of the persons who were counted as homeless were living in a vehicle. An updated count in October 2018 found that there were 432 inhabited vehicles on the streets of San Francisco, including 313 RVs and 119 passenger cars. According to housing rights advocates, these estimates are conservative, and the actual number of people who are living temporarily or permanently in their vehicles may be much higher. The population of vehicularly housedhomeless persons is diverse and vulnerable, and includes: families with children, young people, immigrants, the physically and mentally disabled, seniors, veterans, the employed, and the unemployed. Many of these people are not receiving consistent services and have limited pathways and access to residential (non-vehicular) housing.

- (d) National data from 2016 demonstrate that families constitute 35% of all people experiencing homelessness. Many of the families currently experiencing homelessness in San Francisco were formerly housed in San Francisco. For the 2017 Homeless Point-in-Time Count, 69% of respondents reported they were living in San Francisco at the time they most recently became homeless; and of those, over half (55%) had lived in San Francisco for 10 or more years. Only 8% had lived in San Francisco for less than one year.
- (c) Many people who are vehicularly housed receive parking citations because they are unable to move their vehicle to a lawful location. The costs of parking citations and towing can exacerbate their already tenuous situation.
- (e) Along the West Coast, several cities and counties have implemented programs for the vehicularly homeless. These programs, which we refer to below as "Safe Parking Programs," typically provide a place where the vehicular homeless may park, and provide access to a wide variety of services and aid, but are intended as a temporary solution in assisting individuals to secure permanent housing.

- (1) New Beginnings in Santa Barbara is a Safe Parking Program in operation since 2004. Through a partnership between the City of Santa Barbara, local houses of worship, and non-profit organizations, New Beginnings provides 133 safe parking spots for homeless individuals each night.
- (2) The City of San Diego sponsors a Safe Parking Program operated by a non-profit organization, Dreams for Change. This program offers a safe parking environment, as well as supportive services for transitional homeless people who are living in their vehicles. In addition, Dreams for Change operates two safe parking sites throughout San Diego County, serving 70 families and individuals each evening.
- (3) In November 2018, the City of East Palo Alto launched an RV Safe Parking Pilot Program that will prioritize East Palo Alto families, the elderly, disabled persons, and veterans living in RVs. The program and property are managed by a non-profit organization, Project WeHOPE.
- (4) The City of Los Angeles created a "Safe Parking LA" program, which provides homeless individuals a safe place to park each night, restroom access, a security guard, and social service resources in six safe parking lots throughout the city.
- (5) Santa Clara County, the City of San Jose, and the City of Mountain View have introduced pilot Safe Parking Programs in partnership with non-profit or faith-based organizations.
- (f) In San Francisco, it is unlawful to park or leave standing any vehicle on any public street or highway for more than 72 consecutive hours (Transportation Code Section 7.2.29.), or to park certain large Vehicles, including RVs and Mobile Homes, overnight between the hours of 12 a.m. and 6 a.m. on streets where MTA signs are posted giving notice of the parking restriction. (Transportation Code Section 7.2.54.) These prohibitions create challenges for the vehicular homeless. People who are vehicularly homeless receive parking

(g) The costs of parking citations and/or towing often will exacerbate the already tenuous situation of the vehicular homeless. The financial burden of having one's car towed continues long after the car is recovered or sold to pay off the cost of the towing. For many people, a vehicle is the most significant asset they own, and losing such an asset can have devastating impacts on many areas of their lives, including employment, education, medical care, and housing.

Section 3. Article XIII of Chapter 10 of the Administrative Code is hereby amended by adding Section 10.100-265, to read as follows:

SEC. 10.100-265. RELOCATION ASSISTANCE FUND FOR THE VEHICULARLY HOUSED.

- (a) Establishment of Fund. The Relocation Assistance Fund for the Vehicularly Housed (the "Fund") is established as a category six fund to receive any monies appropriated or donated for the purpose of assisting eligible persons, as defined in subsection (b)(1), who are at risk of having their vehicle towed or impounded, as set forth in this Section 10.100-265. Donations to the Fund are deemed approved for acceptance and expenditure without further approval by the Board of Supervisors.
- (b) Use of Fund. The Fund shall be used exclusively by the Director of the Human Services Agency or any successor agency, or the Director's designee (collectively "HSA Director"), to provide assistance to vehicularly housed persons who meet the eligibility criteria set forth in subsection (b)(1) ("Eligible Vehicularly Housed Persons") to move to residential housing.

HSA Director may make rental assistance payments from the Fund on a per-residential unit for up to six months. The HSA Director shall authorize disbursements to an Eligible Tenant for an initial duration not to exceed six months. At the conclusion of the initial duration for authorized disbursements, whether it is six months or less, the circumstances of the Eligible Vehicularly Housed Person shall be reassessed, and continued assistance may be authorized, subject to the durational limits set forth in this subsection (b)(4).

- (c) Administration of Fund. Within 60 days of the effective date of the ordinance in Board File No. _____ creating the Fund, the HSA Director shall adopt a policy for implementation of this Section 10.100-265, which the HSA Director may modify from time to time as the HSA Director deems necessary or appropriate.
- (d) Annual Report. The HSA Director shall submit an annual written report to the Mayor, the Board of Supervisors, and the Controller within the first two weeks of July, showing for the prior fiscal year donations received, the nature and amount of such donations, and the disposition thereof, together with a description of the individual payments made from the Fund.

Section 43. The Administrative Code is hereby amended by adding Chapter 119, consisting of Article I (Sections 119.1, 119.2, 119.3, 119.4, and 119.5) and Article II (Sections 119.11 and 119.12), to read as follows:

CHAPTER 119: SAFE PARKING PROGRAMS ARTICLE I: OVERNIGHT SAFE PARKING PROGRAM SEC. 119.1. ESTABLISHMENT OF THE PROGRAM.

Subject to the budgetary and fiscal provisions of the Charter, the Department of Homelessness and Supportive Housing ("HSH") shall establish and operate a Pilot Program. In establishing the

period of time to be determined by the Director of HSH, and receive case management and social services to assist them to move to non-vehicular housing.

"Vehicle" has the same meaning as set forth in California Vehicle Code Section 670, as may be amended from time to time.

"Vehicle Navigation Triage Center" means a facility or location where vehicularly

housedhomeless persons are may be given a license to park and sleep in their vehicle while

they are assessed for eligibility for City services and programs, including but not limited to shelter,
housing, and referral to a Safe Overnight Parking Lot, and where their vehicles may be assessed. A

Vehicular Navigation Triage Center may be co-located with a Safe Overnight Parking Lot.

SEC. 119.3. SURVEY OF REAL PROPERTY.

The Director of Real Estate shall conduct a survey of real property in the City to identify lots appropriate for use as a Vehicle Navigation Triage Center or a Safe Overnight Parking Lot, and shall submit the findings of such survey to the Board of Supervisors no later than three months after the effective date of this Chapter 119. The survey shall include vacant or unused sites owned or controlled by the City; sites owned or controlled by the City that are being used for other purposes but could feasibly be converted to a Vehicle Navigation Triage Center or Safe Overnight Parking Lot; private property, including property owned by non-City agencies, that could be leased or acquired by the City: and such other information, if any, as the Director of Real Estate deems appropriate to aid in identifying lots as intended by this Section 119.3.

SEC. 119.4. OPERATIONAL REQUIREMENTS.

- (a) Applicability of Requirements. The location of a facility or lot on property under the jurisdiction of the MTA, PUC, or the Port requires the approval of the agency with jurisdiction over the property.
 - (b) Operational Requirements for Vehicle Navigation Triage Centers.

1	the notice of violation. Upon receipt of a timely filed notice of appeal, the Director of HSH, or the
2	Director's Designee, shall hold a hearing and render a decision within five days, which decision shall
3	be final. Program Participants may seek the assistance of shelter client advocates in this
4	appeal process.
5	(4) Facilities and Amenities. A Safe Overnight Parking Lot shall provide hygiene
6	facilities, showers, Wi-Fi, and waste disposal receptacles for use by Program Participants, and security
7	services.
8	(5) Social Services. Safe Overnight Parking Lots shall provide Program Participants
9	with case management and housing referral services, and may provide additional services, including
10	but not limited to referrals to medical and legal assistance.
11	(6) Camping Prohibited. No personProgram Participant shall construct or maintain
12	or inhabit any structure, tent, or any other thing at a Safe Overnight Parking Lot that may be used for
13	non-vehicular outdoor housing or camping.
14	(7) Types of Vehicles.
15	(A) The parking of Mobile Homes and Manufactured Homes is prohibited.
16	(B) A Safe Overnight Parking Lot may provide for the parking of RVs, or
17	Vehicles other than RVs, but not both, unless the Pilot Program operator is able to erect a
18	temporary physical barrier between the parts of the Lot that are occupied by RVs and the
19	parts of the Lot that are occupied by Vehicles other than RVs.
20	SEC 119.5. ADMINISTRATIVE IMPLEMENTATION.
21	(a) The Director of HSH may issue rules, regulations, and/or guidelines, applicable to the
22	Program, consistent with the objectives and requirements of this Chapter 119. Prior to the
23	amendment of such rules, regulations, and/or guidelines, the Director shall seek input and
24	comment from Program Participants.

- (b) Consistent with Charter requirements, the Director of HSH may enter into contracts or other agreements with other City departments, public agencies, and private entities to aid in the administration of this Article 1.
- (c) All City officers and entities shall cooperate with the Director of HSH in the implementation and administration of this Article 1.
- outcomes, including but not limited to the number of Program Participants served by the Vehicle Navigation Triage Center and Safe Parking Lot(s); Program Participants' lengths of stay; and Program Participants' destinations upon exit (e.g., permanent housing, transitional housing). The Controller shall summarize these outcomes in a report to be submitted to the Board of Supervisors no later than six months after the effective date of this Chapter 119, and every six months thereafter, until such time as the Pilot Program is no longer in operation. Within one year of the effective date of this Chapter 119, the Controller, in consultation with the Director of the Department of Homelessness and Supportive Housing, shall submit to the Board of Supervisors a report that describes any lessons learned from the operation of the Overnight Safe Parking Program, and makes recommendations as to how and whether the Program should be continued, along with a proposed resolution to accept the report.

<u>ARTICLE II: PARKING CITATION AND</u> TOW-AND-STORAGE-FEE ABATEMENT PROGRAM

SEC. 119.11. ESTABLISHMENT OF PROGRAM.

(a) Subject to subsection (b), the Department of Homelessness and Supportive Housing

("HSH") shall collaborate with the Municipal Transportation Agency ("MTA") to develop an On
Street Parking Citation and Tow- and Storage-Fee Abatement Program ("Abatement Program") to

provide eligible individuals with waivers of, or reductions in, parking citation fines and vehicle towing

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and storage fees resulting from MTA parking citations and tows, to the extent authorized by state or City law. The purpose of the Abatement Program is to provide economic relief for eligible individuals. As part of the Abatement Program, HSH shall also collaborate with the MTA and other agencies to develop and administer a tow-hazard notification and mitigation system designed to 1) identify vehicles at risk of being towed due to excessive unpaid, delinguent parking citations, 2) notify the registered owners or occupants of such vehicles of the risk of being towed, 3) offer ways to mitigate or eliminate the risk of towing, and 4) for vehicles that appear to be inhabited, provide occupants clear information regarding services offered by HSH, and a standardized referral to HSH for such services. The purpose of the Abatement Program is to provide economic relief for eligible individuals and clear referral to social services.

(b) Approval, implementation, and administration of the Abatement Program is subject to MTA's exclusive authority under the Charter to establish fines and fees and regulate on-street parking and other applicable City law, including Transportation Code, Division II, Articles 300 and 900.

SEC. 119.12. ESTABLISHMENT OF ELIGIBILITY REQUIREMENTS.

Factors that may be, but are not required to be, considered by MTA in developing the eligibility requirements for the Abatement Program include:

(a) Any procedural requirements that prospective PProgram PParticipants must satisfy to establish eligibility, including seeking assistance at Vehicle Navigation Triage Centers or other social services provided by the City; and

(b) Whether waivers of parking citation fines and vehicle towing and storage or fees or fine reductions should be authorized based only on referrals from City departments that offer social services to persons facing homelessness.

Section 54. Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 65. 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: ANNE PEARSON
Deputy City Attorney

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City and County of San Francisco Tails

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

Ordinance

File Number:

190141

Date Passed: April 30, 2019

Ordinance amending the Administrative Code to require the Department of Homelessness and Supportive Housing ("HSH") to establish a Safe Overnight Parking Pilot Program to provide eligible vehicularly homeless persons a place to park and sleep in their vehicles overnight, case management, and other services; require HSH to collaborate with the Municipal Transportation Agency ("MTA") to develop an On-Street Parking Citation and Tow- and-Storage-Fee Abatement Program to provide eligible vehicularly homeless persons with waivers of parking fines and fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

April 15, 2019 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

April 15, 2019 Land Use and Transportation Committee - DUPLICATED

April 15, 2019 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

April 23, 2019 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

April 30, 2019 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/30/2019 by the Board of Supervisors of the City and County of San Francisco.

> Angela Calvillo Clerk of the Board

London N. Breed Mayor **Date Approved**