

1 [Exits From Homelessness -- County Adult Assistance Program Implementation Guidelines.]

2

3 **Ordinance that: (1) requires the City to develop 1,000 units of housing for formerly**
 4 **homeless residents and 700 new drug and alcohol treatment slots, and requires the**
 5 **Departments of Human Services and Public Health to submit plans and budgets to**
 6 **reduce wait-lists for housing and supportive services; (2) establishes a baseline**
 7 **appropriation for housing and related services; (3) establishes a City policy that the**
 8 **State should be responsible for all treatment and care for people with mental**
 9 **disabilities; and, (4) limits any City program that provides in-kind services in lieu of**
 10 **cash to 180 days of shelter stay per recipient, with certain exceptions, including**
 11 **exceptions for homeless recipients of the County Adult Assistance Programs who have**
 12 **applications pending for the CalWORKS program or who are age sixty-five (65) or over;**
 13 **(5) requires the provision of specified services to recipients of in-kind services in lieu**
 14 **of cash; and, (6) requires Controller certification regarding shelter and housing before**
 15 **the implementation of a program of in-kind services to aid recipients.**

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17 Note: Additions are *single-underline italics Times New Roman*.
 18 Board amendment additions are double underlined.
 19 Board amendment deletions are ~~strike through normal~~.

20

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

21

22 Section 1. The San Francisco Administrative Code is hereby amended by adding new
 23 Article XII, encompassing Sections 20.300 through 20.313, to read as follows:

24

25

1 ARTICLE XII

2 SEC. 20.300. PURPOSE. The purposes of this Article are:

3 (1) To provide meaningful exits from homelessness by expanding housing options available to
4 homeless individuals;

5 (2) To reduce wait-lists for housing and services, including mental health treatment, out-patient
6 and residential substance abuse treatment programs, Supplemental Security Income (SSI) advocacy
7 programs to assist individuals in the application for receipt of SSI, and representative payee programs
8 for individuals who are unable to manage cash payments; and,

9 (3) If the voters or the Board of Supervisors adopt amendments to San Francisco's County
10 Adult Assistance Programs, concerning the provision of services to recipients in place of cash grants,
11 to guide the implementation of those programs.

12
13 SEC. 20.301. INCREASED HOUSING; WAIT-LISTS FOR SERVICES.

14 (a) The Department of Human Services and the Department of Public Health shall develop
15 1,000 units of housing for formerly homeless residents within two (2) years of the effective date of this
16 measure. Such housing shall include at least 500 supportive housing units, licensed residential
17 treatment beds and/or licensed board and care beds, all of which shall be appropriate for care of
18 mentally disabled clients. Such housing may include, but shall not be limited to, Single-Room
19 Occupancy (SRO) hotels, licensed board and care facilities or other licensed sub-acute care facilities,
20 and licensed social rehabilitation facilities. Priority shall be given to development of new permanent
21 housing units, and to rehabilitation of units not currently used as privately rented housing.

22 (b) Priority shall also be given to acquisition and rehabilitation of housing by the City, utilizing
23 affordable housing funds, including but not limited to funds generated by the Redevelopment Agency
24 and the Jobs-Housing Linkage Program Ordinance (San Francisco City Planning Code Sections 313 et
25 seq.) and the City's Residential Inclusionary Affordable Housing Program (San Francisco City

1 Planning Code Sections 315 et seq.

2 (c) The Human Services Commission and the Health Commission shall establish rent levels for
3 the units of housing developed under their respective jurisdictions, pursuant to Subsections 20.301(a)
4 and (b).

5 (d) Within two (2) years of the effective date of this Ordinance, the Department of Public
6 Health shall develop new drug treatment services for methadone maintenance, licensed residential
7 drug and alcohol treatment services and/or out-patient drug and alcohol treatment programs, sufficient
8 to treat at least 700 individuals annually. These services shall include at least 75 licensed residential
9 drug and alcohol treatment beds.

10 (e) Not later than February 1 of each year the Departments of Human Services and Public
11 Health shall submit plans and budgets to the Mayor and Board of Supervisors for the programs
12 necessary to reduce wait-lists for housing and supportive services, including, but not limited to:

13 (1) The SRO Master Lease Program, or similar subsidized supportive housing programs as
14 administered by each department;

15 (2) Licensed board and care facilities;

16 (3) Licensed sub-acute or licensed social rehabilitation facilities, for individuals with mental
17 disabilities;

18 (4) Out-patient and residential substance abuse treatment programs;

19 (5) Supplemental Security Income (SSI) advocacy programs to assist individuals in the
20 application for, or appeal from the denial of, receipt of SSI; and,

21 (6) Representative payee programs for individuals who are unable to manage cash payments.

22 (f) The Controller shall review the wait-lists for these or similar programs for housing,
23 residential treatment, and supportive services annually, and report on his or her findings to the Mayor
24 and the Board of Supervisors.

1 Sec. 20.302. STATEWIDE MENTAL HEALTH POLICY. The people of the City and County of
2 San Francisco recognize that providing housing, mental health treatment, health care, and food for
3 individuals with mental illness or mental disabilities is a matter of statewide concern and
4 responsibility; therefore, the elected officials of the City and County of San Francisco shall work with
5 the City's lobbyists and the officials of the State of California to address this matter on a statewide
6 level, including, but not limited to, submitting any necessary and appropriate legislation to the voters of
7 California.

8
9 SEC. 20.303. PROGRAM EFFECTIVENESS. All City contracts for the provision of housing,
10 shelter and services for the homeless shall contain specific performance measures.

11
12 SEC. 20.304. DEFINITIONS. The following definitions shall apply for purposes of this Article
13 XII.

14 (a) "CAAP" means County Adult Assistance Programs, which are the General Assistance
15 Program as set forth in San Francisco Administrative Code Sections 20.55 et seq., the Personal
16 Assisted Employment Services Program ("PAES") as set forth in San Francisco Administrative Code
17 Sections 20.70 et seq., the Cash Assistance Linked to Medi-Cal Program ("CALM") as set forth in San
18 Francisco Administrative Code Sections 20.100 et seq., and the Supplemental Security Income Pending
19 Program ("SSIP") as set forth in San Francisco Administrative Code Sections 20.200 et seq.

20 (b) "CalWORKS" means the California Work Opportunity and Responsibility to Kids Act as
21 defined in Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the California
22 Welfare and Institutions Code, as it may be amended from time to time, or any successor program.

23 (c) "Housing" shall include single-room occupancy residency hotels, master lease rooms,
24 apartments, transitional housing programs, supportive housing, licensed board and care facilities,
25 other licensed sub-acute care facilities, licensed social rehabilitation facilities, and residential

1 substance abuse treatment facilities. "Housing" shall not include "shelter," or any non-licensed group
2 living facility.

3 (d) "Monthly grant" means the maximum monthly aid payments for which an individual is
4 eligible under the applicable County Adult Assistance Program (see San Francisco Administrative
5 Code Sections 20.57, 20.76, 20.106, and 20.206).

6 (e) "Shelter" shall mean a safe and sanitary non-licensed group living facility with a
7 maximum of 200 beds, including semi-private sleeping accommodations. Notwithstanding this
8 provision, existing Department of Human Services and/or Department of Public Health shelters with
9 more than 200 beds as of July 31, 2002, shall also constitute shelter.

10
11 SEC. 20.305. OPERATION OF CERTAIN PROVISIONS. If voters or the Board of Supervisors
12 adopt amendments to the General Assistance Program as set forth in San Francisco Administrative
13 Code Sections 20.55 et seq., the Personal Assisted Employment Services Program ("PAES") as set forth
14 in San Francisco Administrative Code Sections 20.70 et seq., the Cash Assistance Linked to Medi-Cal
15 Program ("CALM") as set forth in San Francisco Administrative Code Sections 20.100 et seq., and/or
16 the Supplemental Security Income Pending Program ("SSIP") as set forth in San Francisco
17 Administrative Code Sections 20.200 et seq., requiring provision of housing and services in lieu of cash
18 aid payments to homeless aid recipients of these programs, the provisions of Sections 20.305 through
19 20.312 shall become operative.

20
21 SEC. 20.306. PROVISIONS OF CAAP APPLY. The provisions of this Article XII supplement
22 the provisions of the General Assistance Program as set forth in San Francisco Administrative Code
23 Sections 20.55 et seq., PAES as set forth in San Francisco Administrative Code Sections 20.70 et seq.,
24 CALM as set forth in San Francisco Administrative Code Sections 20.100 et seq., and SSIP as set forth
25 in San Francisco Administrative Code Sections 20.200 et seq. Where this Article XII is inconsistent

1 with the provisions of those County Adult Assistance Programs, the provisions of this Article prevail.

2
3 SEC. 20.307. REQUIREMENT TO OFFER HOUSING.

4 (a) The people of the City and County of San Francisco find that direct placement in housing is
5 the preferred method of providing in-kind assistance in-lieu of cash aid payments to homeless CAAP
6 recipients. If an individual receives shelter as in-kind assistance under a CAAP program, the City shall
7 offer housing to that individual when the individual has used shelter for 180 consecutive days. The
8 Human Services Commission shall adopt regulations to implement the 180-day limit. These
9 regulations shall allow exceptions that require the City to offer housing to CAAP recipients
10 notwithstanding their failure to stay in shelter for 180 consecutive days because of occasional absences
11 of short duration, illness, or other circumstances as the Commission determines appropriate.

12 These regulations may also authorize the Executive Director of the Department of Human
13 Services or a designee to make a finding and determination that an aid recipient shall not be
14 transitioned to housing because the recipient has committed more than six (6) minor violations or one
15 (1) major violation of shelter regulations within a six-month period. Such a finding and determination
16 shall be subject to appeal under the "Shelter Grievance Policy" established by the Human Services
17 Commission (as it may be amended from time to time). These determinations shall not constitute
18 withholding, decrease, denial, or discontinuance of aid under any County Adult Assistance Program.
19 The filing of an appeal under the Shelter Grievance Policy shall not stay the determination of the
20 Executive Director of Human Services or designee. If the determination of the Executive Director that
21 a recipient shall not be transitioned to housing is not appealed under the Shelter Grievance Policy, or
22 if that determination is upheld on appeal, the City may continue to provide shelter services
23 notwithstanding the 180-day limit, as determined by the Executive Director or designee.

24 (b) Within six months of the effective date of this ordinance, the Human Services Commission
25 shall adopt uniform grievance procedures for Transitional Housing facilities, and the Health

1 Commission shall adopt uniform grievance procedures for Residential Drug and Alcohol treatment
2 facilities. These uniform grievance procedures shall permit client advocacy.

3 (c) The City may refer CAAP recipients age sixty (60) years or over only to shelter suitable for
4 seniors, as determined according to regulations adopted by the Human Services Commission. Such
5 shelter shall include, at a minimum: staff trained and sensitive to the needs of seniors and persons with
6 disabilities, assistance managing medications, coordination with the in-home support services
7 program, and access for the disabled.

8 (d) If a CAAP recipient is provided housing through a CAAP program and is evicted from that
9 housing for cause, the Executive Director may then offer shelter instead of discontinuing aid.

10 (e) Six (6) or fewer minor violations by a CAAP recipient of shelter, transitional housing, or
11 drug or alcohol treatment program regulations within six months do not constitute cause for
12 discontinuance of CAAP aid.

13 (f) Notwithstanding Section 20.307(h), homeless recipients of the County Adult Assistance
14 Programs age sixty-five (65) years or over, if otherwise eligible under the County Adult Assistance
15 Programs, shall receive the same monthly grant in the same form received by recipients in the
16 applicable CAAP program who are not homeless. It is the policy of the people of the City and County
17 of San Francisco that the Department of Human Services provide housing for homeless recipients of
18 the County Adult Assistance Programs age sixty-five (65) years or over, in addition to cash assistance;
19 and that senior-appropriate shelter be provided when housing is not available, in addition to cash
20 assistance.

21 (g) Notwithstanding Section 20.307(h), homeless pregnant women and families who are
22 recipients of the County Adult Assistance Programs and who either (1) have an application pending for
23 the CalWORKS Program or (2) are not served by the CalWORKS Program, if otherwise eligible under
24 the County Adult Assistance Programs, shall receive the same monthly grant in the same form received
25 by recipients in the applicable CAAP program who are not homeless. It is the policy of the people of

1 the City and County of San Francisco that the Department of Human Services provide housing for such
2 homeless pregnant women and families who are recipients of the County Adult Assistance Programs, in
3 addition to cash assistance; and that shelter appropriate for such pregnant women and families be
4 provided when housing is not available, in addition to cash assistance.

5 (h) Applicants and recipients of CAAP are required to provide a verifiable rent receipt (which
6 may be a verifiable receipt for subletting), or verifiable documentation of shared housing, or verifiable
7 documentation of rent-free housing. Applicants and recipients of CAAP who are unable to provide
8 such receipts or documentation shall be deemed homeless. Homeless individuals otherwise eligible to
9 receive aid payments under CAAP shall have deducted from those payments the value of any in-kind
10 housing or shelter, utilities and/or meals provided to the recipient under CAAP, valued according to
11 the "Value of Income in Kind" provisions set forth in Title 22 of the California Code of Regulations
12 Section 50511, as that section may be amended from time to time or according to any successor
13 provisions. The Department of Human Services may use the rent receipts and documentation described
14 in this section only to confirm that the applicant or recipient is not homeless. Further, consistent with
15 the provisions of State and local law governing the confidentiality of public assistance information, the
16 Department of Human Services may not contact a landlord regarding such documentation without the
17 consent of the applicant or recipient.

18
19 SEC. 20.308. FAILURE TO OFFER REQUIRED HOUSING; IDENTIFICATION OF
20 HOUSING BY RECIPIENT.

21 (a) If the City fails to offer housing as required by Section 20.307(a), or suitable shelter to
22 CAAP recipients age sixty (60) years or over as required by Section 20.307(c), the recipient who is
23 eligible for that offer of housing or suitable shelter shall receive the monthly grant for which the
24 recipient is otherwise eligible under the applicable CAAP program without regard to the provisions of
25 this Article XII, until the City does offer housing as required by Section 20.307(a) or suitable shelter to

1 CAAP recipients over sixty (60) years of age as required by Section 20.307(c). In addition, if the City
2 fails to offer housing to a recipient who has remained in shelter for 180-days pursuant to Section
3 20.307, the City shall provide the recipient a housing allowance equal to the in-kind value of the shelter
4 for the number of days of the recipient's stay in shelter, up to a maximum of 180-days. This housing
5 allowance may be used toward the cost of housing under a direct rent payment program established by
6 regulations adopted by the Executive Director of the Department of Human Services consistent with the
7 Department of Human Services' modified payments program. This housing allowance shall not be
8 considered available cash for purposes of calculating the maximum monthly grant for which an
9 individual is eligible.

10 (b) Nothing in this Article precludes a recipient of CAAP from continuing to choose to receive
11 shelter after the 180-day limit set out in Section 20.307, nor the City from offering housing to
12 individuals who have remained in shelter fewer than 180 consecutive days.

13 (c) If before expiration of the 180-day limit set out in Section 20.307 a homeless recipient of
14 CAAP secures housing not offered or provided by the City, the amount deducted from the recipient's
15 aid payments under CAAP pursuant to Section 20.307(h) which represents the value of in-kind shelter
16 for the recipient's shelter stay shall be made available to the recipient to be used for move-in, lease or
17 sub-lease expenses related to that housing. The Executive Director shall adopt regulations for the
18 implementation of this Subsection 20.308(c).

19
20 SEC. 20.309. SERVICES TO RECIPIENTS OF SHELTER AND HOUSING IN LIEU OF AID
21 PAYMENTS. CAAP recipients who receive housing or shelter as in-kind assistance from the City shall
22 be offered the following services: (1) food or access to meals for recipients who are not eligible for
23 food stamps, (2) prescriptions for psychiatric drugs provided by or through the Department of Public
24 Health for which the Department of Public Health finds that there are no reasonable substitutes on the
25 City's drug formulary, (3) transportation expenses to and from job training, work or workfare in the

1 form of MUNI Fast Passes or MUNI tokens, and (4) referrals for mental health treatment, drug and
2 alcohol treatment (including methadone treatment), and services for victims of domestic violence, as
3 appropriate.

4
5 SEC. 20.310. PROTOCOLS. The Departments of Human Services and Public Health shall
6 each develop protocols for evaluating the housing needs of homeless individuals who are receiving
7 shelter or housing in lieu of cash payments from CAAP, and for identifying the appropriate housing
8 options and services for such individuals, including referral to programs for victims of domestic
9 violence, referral to programs for the disabled, and priority for placement in available housing units or
10 licensed care facilities for SSIP recipients who have an application or appeal pending with the Social
11 Security Administration based on a disability. The Director of Public Health shall develop a housing
12 advocacy outreach program to identify shelter occupants with mental disabilities who would benefit
13 from placement in licensed care facilities.

14
15 SEC. 20.311. CONTROLLER CERTIFICATION OF AVAILABLE HOUSING AND/OR
16 SHELTER; RELOCATION BENEFITS. Prior to implementation of a program to provide in-kind
17 services to CAAP aid recipients, the Department of Human Services shall obtain a certification from
18 the Controller that the Department of Human Services has adequate housing and/or shelter for the
19 population of aid recipients to whom in-kind services will be provided. Such certification shall include
20 verification that homeless shelter occupants who are not CAAP aid recipients will not be displaced as a
21 result of the program, and that current occupants of housing (including SRO hotel rooms) will not be
22 displaced without provision of substitute housing at or near the cost of their current housing plus
23 reasonable relocation benefits as determined according to regulations developed and adopted by the
24 Executive Director of the Department of Human Services. The Controller's certification shall expressly
25 allow for phased implementation of any such program.

1 SEC. 20.312. FUNDING. A baseline appropriation for housing and related services provided
2 as in-kind aid shall be established using the City and County of San Francisco Fiscal Year 2002-2003
3 Annual Appropriation Ordinance and any supplemental appropriations during that fiscal year for the
4 amount of cash aid payments to recipients who are homeless and the pro-rated amount expended on
5 shelter for such aid recipients during the 2002–2003 fiscal year. In subsequent fiscal years, this
6 baseline amount shall be appropriated to the Department of Human Services to fund housing and
7 related services for CAAP aid recipients who are homeless. This funding may be used to support, but
8 shall not be limited to, the provision of housing and services as provided in this measure. It is the
9 public intent that such funding should, at a minimum, be indexed to increase according to a consumer
10 price index for the Bay Area that includes housing costs to be selected by the Controller.

11
12 SEC. 20.313. GENERAL WELFARE. In adopting this Article, the City and County of San
13 Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it
14 imposing on its officers and employees, an obligation for breach of which it is liable in money damages
15 to any person who claims that such breach proximately caused injury.

16
17 SEC. 20.314. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence,
18 clause or phrase of this Article XII or any part thereof is, for any reason, held to be unconstitutional or
19 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity
20 or effectiveness of the remaining portions of this Chapter or any part thereof. The People hereby
21 declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause
22 or phrase thereof irrespective of the fact that any one or more section, subsections, subdivisions,
23 paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.