

**ARTICLE XII:
SHELTER MONITORING COMMITTEE**

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SEC. 20.300. FINDINGS.

The Board of Supervisors finds and declares the following:

- (a) The City and County of San Francisco funds shelters and resource centers that serve homeless people; and
- (b) There is a significant public interest in determining that the homeless shelters that the City funds are safe and sanitary, that the shelters' policies and procedures are fair and meet the needs of the clients accessing shelter services; that operators receiving City funds are complying with their contractual obligations to the City, and that shelter clients benefit from the expenditure of public funds; and
- (c) The Mayor, the Board of Supervisors, the Local Homeless Coordinating Board, any future advisory body created by the City and County of San Francisco, and the public, among others, need to be able to access accurate and comprehensive information regarding shelters.

SEC. 20.301. DEFINITIONS.

For purposes of this Article only, "shelter" shall include shelters and resource centers that have a primary goal of serving homeless people and that are funded in whole or in part by the City.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004)

SEC. 20.302. ESTABLISHMENT.

A Shelter Monitoring Committee ("Committee") is hereby established. The Committee shall document its findings and shall submit reports consistent with this Article to the Mayor, the Board of Supervisors, the Local Homeless Coordinating Board, the public, and any other entity, as appropriate. Subject to the fiscal and budgetary provisions of the Charter, the Department of Public Health shall assign two full-time employees to staff the Shelter Monitoring Committee. The Committee shall, among other things, receive and document complaints made to the Committee regarding shelters and shall refer complaints to appropriate committee members for follow-up.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004; Ord. 150-07, File No. 070084, App. 7/3/2007; Ord. 51-08, File No. 080229, App. 3/28/2008)

SEC. 20.303. PURPOSE.

The purpose of the Committee is to provide the Mayor, the Board of Supervisors, the Local Homeless Coordinating Board, the public, and any other appropriate agency with accurate, comprehensive information about the conditions in and operations of shelters covered by this Article, as well as City policies in place that affect operations of shelters or their impact on shelter clients.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004; Ord. 150-07, File No. 070084, App. 7/3/2007)

SEC. 20.304. POWERS AND DUTIES.

The Committee shall have all of the powers and duties necessary to carry out the functions of the Committee as follows:

(a) **Site Visits.** Individual Committee members shall form teams and make unannounced site visits to all shelters a minimum of 4 times per year, per site. The scope of the site visits shall be limited to gathering information relevant to: 1) health and safety conditions in shelters, 2) the adequacy of policies and procedures governing each facility, and 3) the treatment and personal experience of shelter residents in the shelters. Committee members shall conduct site visits in the least invasive manner possible and shall respect the privacy rights of shelter clients. In addition, teams shall make two announced site visits per year for the purpose of giving shelter residents the opportunity to discuss shelter conditions with the members of the Committee. All site visits shall occur during shelter operating hours only. After consulting shelter staff, the Committee shall post Committee contact information and information regarding announced visits at each shelter. Each team shall prepare a report for the full Committee on their findings and recommendations as described below under subsection (b), "Reports."

(b) **Reports.** The Committee shall prepare and submit quarterly reports that shall include but not be limited to information on the following: safety in the shelter, cleanliness in the shelter, disability access to and within the shelter, family life in the shelter, a review of policies and procedures in place at the shelter, and any information received regarding the treatment and personal experiences of shelter residents. In order to enable the Committee to prepare reports required under this subsection, City departments that contract for services at a shelter that is under review must respond within 15 days to any reasonable request for information submitted by the Committee relative to the shelter or to City policies that affect shelter clients. The reports shall also include recommended action steps for the shelter and for the City department that contracts for services at the shelter. City departments and the reports referenced in this subsection shall not identify shelter residents or disclose any confidential information concerning shelter residents consistent with state and federal law. The Committee may issue emergency reports at any time it deems necessary. The reports shall be provided to: 1) the Mayor, 2) the Board of Supervisors, 3) the Local Homeless Coordinating Board, 4) the appropriate city department responsible to take action, 5) the city department that contracts for services at the shelter, 6) the shelter under review, and 7) the public. These reports shall be public documents. Any city department identified in the report as responsible to take action recommended in the report shall, within 30 days of issuance of the report, provide to the Board of Supervisors a departmental report setting forth how the department intends to respond to the Committee's recommendations.

(c) **Training.** All members of the Committee shall receive training in confidentiality laws regarding the provision of services to homeless people, as applicable, and will agree in writing to comply with any and all confidentiality requirements. In addition, members

of the Committee may not disclose the following information before an unannounced shelter visit occurs: the date, time, and location of an unannounced shelter visit and the identity of the members of the team conducting the visit. After providing notice and an opportunity to be heard, the Committee may remove a Committee member for making disclosures prohibited by this subsection. If the Committee removes a Committee member pursuant to this subsection, it shall inform the appointing authority of this fact and request that the appointing authority appoint a replacement as soon as possible. All members of the Committee shall receive sensitivity training related to cultural differences, gender issues and the Americans With Disabilities Act. Committee members shall receive other training deemed necessary by the Committee to carry out its functions.

(d) **Monitoring unaccepted shelter bed reservations.** The Committee shall collect information from reservation sites regarding how many shelter clients are turned away from a shelter bed reservation and shall include this information in the reports required under subsection (b), above. Information reported shall include the number of unaccepted bed reservations and the reason, if available, for the missed reservation.

(e) **Retaliation Prohibition.** Shelter staff and shelter clients shall not be retaliated against for participating in any activity involving the Committee. This section is not intended to create a private right of action against the City and County of San Francisco.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004; Ord. 150-07, File No. 070084, App. 7/3/2007; Ord. 131-10, File no. 100437, App. 6/24/2010)

SEC. 20.305. MEMBERSHIP AND ORGANIZATION.

(a) The membership of the Committee shall reflect the diversity of the homeless people that access shelter in the City. The Committee shall consist of 13 members, one of whom shall be a homeless person (or homeless within the 3 years prior to appointment) with a disability and one of whom shall be a homeless person (or homeless within the 3 years prior to appointment) living with their homeless child who is under the age of 18. The 13 members of the Committee shall be appointed as follows: three members shall be appointed by the Mayor, including one member from the Department of Homelessness and Supportive Housing, one member from the Department of Public Health, and one member who is homeless or formerly homeless and who has experience providing direct services to the homeless through a community setting. Six members shall be appointed by the Board of Supervisors including: two homeless or formerly homeless individuals; one member who has experience providing direct services to the homeless through a community setting; one member selected from a list of candidates that are nominated by community agencies that provide behavioral health, housing placement, or other services to the homeless; and two members selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people, one of which is homeless or formerly homeless. Four members shall be appointed by the Local Homeless Coordinating Board, including: one member selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people; two members who have experience providing direct services to the homeless through a community setting, one of which is formerly homeless; and one member shall be homeless or formerly homeless and selected from a list of candidates that are nominated by community agencies that provide behavioral health, housing placement, or other services to homeless individuals. In making their appointments to the Committee, the appointing authorities are encouraged to select people who are bilingual.

(b) **Officers.** At the first calendared meeting and thereafter at the beginning of each even-numbered calendar year, the members of the Shelter Monitoring Committee shall elect members to serve as chair, vice-chair, and secretary of the Committee. The chair, or vice-chair, in the absence of the chair, shall be responsible for developing agendas and conducting meetings. The secretary shall be responsible for approving meeting minutes and committee correspondence prior to distribution.

(c) Committee members who work at a resource center or shelter shall not conduct site visits at that site or any other site that is part of that agency. If they are former employees of a site, they must wait at least six months before conducting a site visit. Committee members who currently reside at a shelter shall not conduct site visits at that site or any other site that is part of that agency. Committee members who used to reside at a shelter must wait at least six months before conducting a site visit at that site or any other site that is part of that agency.

Committee members from the Department of Homelessness and Supportive Housing and the Department of Public Health shall not conduct official site visits on behalf of the Shelter Monitoring Committee at a site where their respective agency holds a contract with said site or agency.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004; amended by Ord. 150-07, File No. 070084, App. 7/3/2007; Ord. [116-16](#), File No. 160638, App. 6/29/2016, Eff. 7/29/2016)

SEC. 20.306. TERMS OF OFFICE.

The term of office of each Committee member shall be two years. In the event that a vacancy occurs during the term of office of

any Committee member, a successor shall be appointed to complete the expired term of office. The interim appointment shall be made in the same or similar manner that governed the initial appointment of the departing member.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004)

SEC. 20.307. MEETINGS.

The Committee shall meet a minimum of once per quarter at such times and places as the Committee shall designate. The location of the meetings shall be accessible to the public and the meetings shall comply with applicable public meeting requirements under state and local law.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004)

SEC. 20.308. ATTENDANCE REQUIREMENT.

The Committee shall monitor the attendance of Committee members. In the event that any Committee member misses three regularly scheduled Committee meetings in a six-month period without prior notice to the Committee, the Committee shall certify in writing to the Committee that the member missed three meetings in a six-month period of time. On the date of such certification, the member shall be deemed to have resigned from the Committee. The Committee shall notify the appointing authority accordingly and request the appointment of a new member. The vacant seat shall be filled within two months or an alternate appointing body shall fill the vacant seat. The alternate appointing body shall rotate per appointment as follows: the Local Homeless Coordinating Board, the Board of Supervisors, and the Mayor.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004; Ord. 150-07, File No. 070084, App. 7/3/2007)

SEC. 20.309. LIMITATION OF LIABILITY.

By adopting this Article, the City and County of San Francisco 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 a breach proximately caused injury.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004)

SEC. 20.310. SEVERABILITY.

If any section, subsection, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004)

SEC. 20.311. INITIAL COMMITTEE REPORT.

Once initially constituted, the Committee shall, within sixty days, report to the Rules Committee of the Board of Supervisors (or its successor committee) regarding its planned course of action.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004)

SEC. 20.312. COORDINATION WITH LOCAL HOMELESS COORDINATING BOARD.

The Chair of the Shelter Monitoring Committee, or his or her designee, shall attend all meetings of the Full Local Homeless Coordinating Board and Local Homeless Coordinating Board Steering Committee in order to report on this Committee's site visits and recommended actions based on those site visits.

(Added by Ord. 283-04, File No. 041449, App. 12/1/2004; Ord. 150-07, File No. 070084, App. 7/3/2007)