

File No. 180367

Committee Item No. _____

Board Item No. 42

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: 4/24/18

Cmte Board

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OTHER

- California State Senate Bill 1045 April 9, 2018
- Post Packet Public Correspondence April 10, 2018
- _____
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- _____

Prepared by: Jocelyn Wong
Prepared by: _____

Date: April 20, 2018
Date: _____

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2018 APR 10 PM 3:33

BY _____ Time stamp or meeting date: AK

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

President London N. Breed

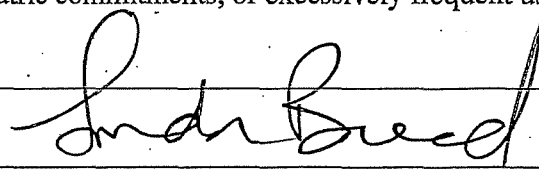
Subject:

Supporting SB 1045 (Wiener, Stern) - Conservatorship: Chronic Homelessness and Substance Abuse Disorders

The text is listed below or attached:

Resolution Supporting Senate Bill 1045, authored by Senators Scott Wiener and Henry Stern, expanding California's mental health conservatorship law to include individuals suffering from chronic homelessness when accompanied by debilitating mental illness, severe drug addiction, repeated psychiatric commitments, or excessively frequent use of emergency medical services.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only:

1 [Supporting California State Senate Bill 1045 (Wiener, Stern) - Conservatorship: Chronic
2 Homelessness and Substance Abuse Disorders]

3 **Resolution supporting California State Senate Bill 1045, authored by Senators Scott**
4 **Wiener and Henry Stern, expanding California's mental health conservatorship law to**
5 **include individuals suffering from chronic homelessness when accompanied by**
6 **debilitating mental illness, severe drug addiction, repeated psychiatric commitments,**
7 **or excessively frequent use of emergency medical services.**

8
9 WHEREAS, Many individuals in San Francisco are struggling with severe mental
10 health challenges, and research shows rates of mental illness are elevated among vulnerable
11 populations, including people experiencing homelessness; and

12 WHEREAS, According to the 2017 Homeless Count and Survey Comprehensive
13 Report ("Report"), San Francisco has approximately 7,499 homeless individuals, 3,840 of
14 which are unsheltered living in tents in our parks and on our streets; and

15 WHEREAS, Approximately 31 percent of San Francisco's homeless population is
16 chronically homeless. Chronic homelessness is defined as individuals who have experienced
17 homelessness for a year or longer or who have experienced at least four episodes of
18 homelessness in the last three years, and also have a condition that prevents them from
19 maintaining work or housing; and

20 WHEREAS, According to the Report, more than two-thirds of San Francisco's
21 homeless population reported one or more health conditions, 41 percent reported struggling
22 with drug and alcohol abuse, and 39 percent reported suffering from a psychiatric or
23 emotional condition; and

24 WHEREAS, These same health conditions are even more acute for San Francisco's
25 chronically homeless population; 65 percent of individuals who are chronically homeless

1 reported struggling with drug and alcohol abuse, 63 percent reported suffering from a
2 psychiatric or emotional condition, and 45 percent reported Post-Traumatic Stress Disorder;
3 and

4 WHEREAS, Many homeless individuals grapple with a confluence of mental health,
5 medical, and substance abuse issues, with the most at-risk subset of the population
6 (approximately 338 individuals according to health data in 2016) accessing the most
7 emergency services; and

8 WHEREAS, In 2016 San Francisco's Department of Public Health provided medical,
9 mental health, or substance abuse services to 9,975 homeless individuals, 75 percent of whom
10 used emergency health services at a cost to the City of more than \$150,000,000; and

11 WHEREAS, Chronically homeless individuals are one of the most vulnerable populations
12 on our streets with a mortality rate four to nine times higher than the general population; and

13 WHEREAS, California has two conservatorship programs: those allowed the
14 Lanterman-Petris-Short (LPS) Act, which are designed for individuals unable to care for
15 themselves due to debilitating mental illness, and those permitted pursuant to the Probate
16 Code designed for individuals unable to care for themselves due to physical health issues,
17 cognitive impairment, or elder abuse; and

18 WHEREAS, Existing state conservatorship laws are limited, and in many cases,
19 excludes those who are chronically homeless and have severe mental illness or drug
20 addiction, and is therefore unable to assist San Francisco in fully addressing the needs of
21 many chronically homeless individuals who are suffering on our streets; and

22 WHEREAS, The San Francisco Public Conservator provides mental health
23 conservatorship services for residents who are gravely disabled due to mental illness, and
24 who have been found by the Court to be unable or unwilling to accept voluntary treatment;
25 and

1 WHEREAS, Chronically homeless individuals grappling with severe mental illness
2 and/or a debilitating drug addiction are often difficult to treat with the existing short-term
3 psychiatric programs and outpatient drug treatments available outside of conservatorship;
4 these individuals often cycle in and out of treatment and have difficulty maintaining stable
5 housing; and

6 WHEREAS, There currently is no avenue to conserve individuals in a supportive
7 housing environment which provides wraparound services; and

8 WHEREAS, The existing status quo is not adequately serving our most vulnerable
9 population in San Francisco, including those who are chronically homeless and suffering from
10 grave mental health challenges and substance abuse issues; and

11 WHEREAS, It is not compassionate to allow individuals to suffer on our streets with
12 severe mental health and substance abuse issues, and as a city, we must treat all individuals
13 who are grappling with these issues with compassion and dignity while also helping them get
14 healthy, housed, and stabilized for the long-term; and

15 WHEREAS, In recognition that greater flexibility is needed for local governments to
16 provide adequate support for chronically homeless individuals; and

17 WHEREAS, California Senate Bill 1045 (SB 1045) sponsored by Senators Scott
18 Wiener and Henry Stern, creates a new type of conservatorship that focuses on providing
19 housing with wraparound services to the most vulnerable individuals living on the streets; and

20 WHEREAS, Under SB 1045, in order to be considered for conservatorship, an
21 individual must be chronically homeless, suffering from serious mental illness or substance
22 use disorder such that those co-occurring conditions have resulted in that individual frequently
23 visiting the emergency room, being frequently detained by police under a 5150, or frequently
24 held for psychiatric evaluation and treatment; and

1 WHEREAS, SB 1045 would give the San Francisco Public Conservator greater ability
2 to conserve individuals who cannot care for themselves and meet these criteria and provide
3 them long-term care and treatment in supportive housing with wraparound services for up to
4 one year; now, therefore be it

5 RESOLVED, That the Board of Supervisors for the City and County of San Francisco
6 hereby supports and urges the California State Legislature to pass and the Governor to sign
7 SB 1045; and be it

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
9 the Clerk of the Board to send a copy of this Resolution to the Governor of California, the
10 California State Senate, and the California State Assembly.

AMENDED IN SENATE APRIL 9, 2018

AMENDED IN SENATE MARCH 13, 2018

SENATE BILL

No. 1045

Introduced by Senators Wiener and Stern
(Coauthors: Senators Allen and Bradford)
(Coauthor: Assembly Member Chen)

February 8, 2018

An act to add Chapter 5 (commencing with Section 5450) to, and to add Article 7 (*commencing with Section 5555*) to Chapter 6.2 (~~commencing with Section 5555~~) of, Part 1 of Division 5 of the Welfare and Institutions Code, relating to conservatorship.

LEGISLATIVE COUNSEL'S DIGEST

SB 1045, as amended, Wiener. Conservatorship: chronic homelessness: mental illness and substance-abuse *use* disorders.

Existing law establishes a procedure for the appointment of a conservator for a person who is determined to be gravely disabled as a result of a mental health disorder or an impairment by chronic alcoholism for the purpose of providing individualized treatment, supervision, and placement, which may include placement in a medical, psychiatric, nursing, or other state-licensed facility. Under existing law, a professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment for a gravely disabled person may recommend a conservatorship for that person. Existing law requires an officer, including a county public guardian or a county mental health program, to conduct a conservatorship investigation and render a written report to the court of his or her investigation and requires the officer providing conservatorship investigation, when he or she concurs with a recommendation of

conservatorship, to petition the superior court in the individual's county of residence for a conservatorship.

This bill would establish a ~~procedure~~ *procedure, for counties that elect to participate*, for the appointment of a conservator for a person who is chronically homeless and incapable of caring for the person's own health and well-being due to ~~acute and severe mental illness or a severe substance abuse~~ *a serious mental illness and substance use disorder*, as evidenced by high-frequency emergency department use, high-frequency jail detention due to behavior resulting from the person's ~~severe mental illness or substance abuse~~ *serious mental illness and substance use disorder*, or frequent placement under a 72-hour involuntary hold because, based on probable cause, the person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or is gravely disabled, for the purpose of providing appropriate placement in ~~supportive housing that provides wraparound services~~: *placement, including a licensed health care or psychiatric facility or community-based residential care setting, in supportive housing that provides wraparound services, as specified.*

This bill would require an officer providing conservatorship investigation in ~~the a participating~~ county to conduct a conservatorship investigation upon recommendation of conservatorship by specified individuals and would require the officer, if he or she concurs in the recommendation of conservatorship, to petition the superior court in the person's county of residence for a conservatorship and to provide a written report to the court of his or her investigation prior to the hearing. The bill would authorize the court to appoint the public conservator or the director of a local agency who is tasked with addressing the homeless population in the county of residence of the person to serve as conservator if it is in the best interests of the proposed conservatee. The bill would require the conservator to place his or her conservatee in ~~supportive housing that provides wraparound services~~ and would grant the conservator the right, if specified in the court order, to require his or her conservatee to be at the conservatee's housing location each night: *an appropriate placement, including a licensed health care or psychiatric facility or community-based residential care setting, in supportive housing that provides wraparound services, as specified.*

This bill would require a conservatorship initiated under these provisions to automatically terminate one year after the appointment of the conservator by the superior court, but would authorize the

conservator, if upon the termination of an initial or a succeeding period of conservatorship the conservator determines that conservatorship is still required, to petition the superior court for his or her reappointment as conservator for a succeeding one-year period.

This bill would authorize the Judicial Council to adopt rules, forms, and standards necessary to implement these provisions.

This bill would require each county *that elects to participate* to establish a working group, comprised of representatives of local agencies and disability rights groups, to conduct an evaluation of the effectiveness of the implementation of the conservatorship provisions described above in addressing the needs of chronically homeless persons with *serious* mental illness or substance abuse *and substance use* disorders. The bill would require each working group to prepare and submit a report to the Legislature on its findings and recommendations no later than January 1, 2020.

~~By creating new duties for counties relating to the above-described conservatorship procedures and working group, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 5450) is
2 added to Part 1 of Division 5 of the Welfare and Institutions Code,
3 to read:

4
5 CHAPTER 5. HOUSING CONSERVATORSHIP FOR CHRONICALLY
6 HOMELESS PERSONS WITH ~~ACUTE AND SEVERE~~ *SERIOUS* MENTAL
7 ILLNESS ~~OR SEVERE AND SUBSTANCE ABUSE~~ *USE* DISORDERS

8
9 5450. ~~A~~ *In a county that elects to implement this chapter, a*
10 conservator of the person may be appointed for a person who is

1 chronically homeless and incapable of caring for the person's own
2 health and well-being due to ~~acute and severe mental illness or a~~
3 ~~severe substance abuse~~ *serious mental illness and substance use*
4 disorder, as evidenced by high-frequency emergency department
5 use, high-frequency jail detention due to behavior resulting from
6 the person's ~~severe~~ *serious* mental illness ~~or and substance abuse~~
7 *use* disorder, or frequent detention for evaluation and treatment
8 pursuant to Section 5150. The procedure for establishing,
9 administering, and terminating a conservatorship under this chapter
10 shall be the same as provided for in Division 4 (commencing with
11 Section 1400) of the Probate Code, except as follows:

12 (a) The court may appoint the public conservator or the director
13 of a local agency who is tasked with addressing the homeless
14 population in the county of residence of the person to serve as
15 conservator if it is in the best interests of the proposed conservatee.

16 (b) (1) The person for whom conservatorship is sought shall
17 have the right to demand a court or jury trial on the issue of whether
18 the person meets the criteria for the appointment of a conservator
19 of the person under this chapter. Demand for court or jury trial
20 shall be made within five days following the hearing on the
21 conservatorship petition. If the proposed conservatee demands a
22 court or jury trial before the date of the hearing as provided for in
23 Section 5465, the demand shall constitute a waiver of the hearing.

24 (2) Court or jury trial shall commence within 10 days of the
25 date of the demand, except that the court shall continue the trial
26 date for a period not to exceed 15 days upon the request of counsel
27 for the proposed conservatee.

28 (3) This right shall also apply in subsequent proceedings to
29 reestablish conservatorship.

30 (c) Conservatorship investigation shall be conducted pursuant
31 to this part and shall not be subject to Section 1826 of, or Chapter
32 2 (commencing with Section 1850) of Part 3 of Division 4 of, the
33 Probate Code.

34 (d) Notice of proceedings under this chapter shall be given to
35 a guardian or conservator of the person or estate of the proposed
36 conservatee appointed under the Probate Code.

37 (e) As otherwise provided for in this chapter.

38 5451. For purposes of this chapter, the following definitions
39 apply:

1 (a) "Chronically homeless" shall have the same meaning as that
2 term is defined in Section 578.3 of Title 24 of the Code of Federal
3 Regulations.

4 (b) "Frequent detention for evaluation and treatment" means
5 four or more detentions for evaluation and treatment in the
6 preceding 12 months.

7 (c) "High-frequency emergency department use" means five or
8 more monthly individual patient visits to an emergency department.

9 (d) "High-frequency jail detention" means five or more monthly
10 bookings, detentions, or other processing of the person into a jail.

11 (e) "Homeless" shall have the same meaning as that term is
12 defined in Section 578.3 of Title 24 of the Code of Federal
13 Regulations.

14 5452. The purpose of conservatorship under this chapter is to
15 provide appropriate placement, including ~~supportive community~~
16 ~~housing~~, a licensed health care or psychiatric ~~facility~~, *facility* or
17 community-based residential care settings, in supportive *community*
18 housing that provides wraparound services, such as on-site physical
19 and behavioral health services, for a person who is chronically
20 homeless and incapable of caring for the person's own health and
21 well-being due to ~~acute and severe mental illness or a severe~~
22 ~~substance abuse~~ *a serious mental illness and substance use*
23 disorder, as evidenced by high-frequency emergency department
24 use, high-frequency jail detention due to behavior resulting from
25 the person's ~~severe mental illness or substance abuse~~ *serious*
26 *mental illness and substance use* disorder, or frequent detention
27 for evaluation and treatment pursuant to Section 5150.

28 5453. In ~~each~~ *a participating* county or *participating* counties
29 acting jointly under the provisions of Article 1 (commencing with
30 Section 6500) of Chapter 5 of Division 7 of Title 1 of the
31 Government Code, the governing board shall designate the agency
32 or agencies to provide conservatorship investigation as set forth
33 in this chapter. The governing board may designate that
34 conservatorship services be provided by the public guardian or
35 agency providing public guardian services.

36 5454. (a) (1) The professional person in charge of a hospital
37 facility providing emergency services may recommend
38 conservatorship to the officer providing conservatorship
39 investigation in the county of residence of the person if the
40 professional person in charge of the hospital facility determines

1 that a person in the professional's care is chronically homeless and
2 incapable of caring for the person's own health and well-being
3 due to ~~acute and severe mental illness or a severe substance abuse~~
4 *a serious mental illness and substance use* disorder, as evidenced
5 by high-frequency emergency department use, high-frequency jail
6 detention due to behavior resulting from the person's ~~severe mental~~
7 ~~illness or substance abuse~~ *serious mental illness and substance*
8 *use* disorder, or frequent detention for evaluation and treatment
9 pursuant to Section 5150.

10 (2) The county sheriff may recommend conservatorship to the
11 officer providing conservatorship investigation in the county of
12 residence of the person if the sheriff determines that a person
13 detained in a jail is chronically homeless and incapable of caring
14 for the person's own health and well-being due to ~~acute and severe~~
15 ~~mental illness or a severe substance abuse~~ *a serious mental illness*
16 *and substance use* disorder, as evidenced by high-frequency
17 emergency department use, high-frequency jail detention due to
18 behavior resulting from the person's ~~severe mental illness or~~
19 ~~substance abuse~~ *serious mental illness and substance use* disorder,
20 or frequent detention for evaluation and treatment pursuant to
21 Section 5150.

22 (3) The director of a county mental health department or county
23 department of public social services may recommend
24 conservatorship to the officer providing conservatorship
25 investigation in the county of residence of the person if the director
26 determines that a person is chronically homeless and incapable of
27 caring for the person's own health and well-being due to ~~acute and~~
28 ~~severe~~ *a serious* mental illness ~~or a severe substance abuse~~ *and*
29 *substance use* disorder, as evidenced by high-frequency emergency
30 department use, high-frequency jail detention due to behavior
31 resulting from the person's ~~severe mental illness or substance abuse~~
32 *serious mental illness and substance use* disorder, or frequent
33 detention for evaluation and treatment pursuant to Section 5150.

34 (4) The professional person in charge of an agency providing
35 comprehensive evaluation or a facility providing intensive
36 treatment may recommend conservatorship to the officer providing
37 conservatorship investigation in the county of residence of the
38 person if the professional person in charge of the agency providing
39 comprehensive evaluation or the facility providing intensive
40 treatment determines that a person in the professional's care is

1 chronically homeless and incapable of caring for the person's own
2 health and well-being due to ~~acute and severe mental illness or a~~
3 ~~severe substance abuse~~ *a serious mental illness and substance use*
4 disorder, as evidenced by high-frequency emergency department
5 use, high-frequency jail detention due to behavior resulting from
6 the person's ~~severe mental illness or substance abuse~~ *serious*
7 *mental illness and substance use* disorder, or frequent detention
8 for evaluation and treatment pursuant to Section 5150.

9 (b) If the officer providing conservatorship investigation concurs
10 with the recommendation, the officer shall petition the superior
11 court in the county of residence of the person to establish
12 conservatorship.

13 5455. (a) The officer providing conservatorship investigation
14 shall investigate all available alternatives to conservatorship and
15 shall recommend conservatorship to the court only if no suitable
16 alternatives are available. This officer shall render to the court a
17 written report of investigation prior to the hearing. The report to
18 the court shall be comprehensive and shall contain all relevant
19 aspects of the person's medical, psychological, financial, family,
20 vocational, and social condition, and information obtained from
21 the person's family members, close friends, social worker, or
22 principal therapist. The report shall also contain all available
23 information concerning the person's real and personal property.
24 The facilities providing medical treatment, or intensive treatment
25 or comprehensive evaluation, the sheriff, and the director of the
26 county mental health department or the county department of public
27 social services shall disclose any records or information that may
28 facilitate the investigation. If the officer providing conservatorship
29 investigation recommends against conservatorship, he or she shall
30 set forth all alternatives available. ~~A copy of the report shall be~~
31 ~~transmitted to the individual who originally recommended~~
32 ~~conservatorship, to the person or agency, if any, recommended to~~
33 ~~serve as conservator, and to the person recommended for~~
34 ~~conservatorship.~~ *When confidentiality and client privacy laws*
35 *permit, a copy of the report shall be transmitted to the individual*
36 *who originally recommended conservatorship, and the information*
37 *shared shall be compliant with state and federal laws governing*
38 *protected health information.* The court may receive the report in
39 evidence and may read and consider the contents of the report in
40 rendering its judgment.

1 (b) The report of the officer providing conservatorship
2 investigation shall contain the officer's recommendations
3 concerning the powers to be granted to, and the duties to be
4 imposed upon, the conservator, the legal disabilities to be imposed
5 upon the conservatee, and the proper placement for the conservatee
6 pursuant to Section 5458. The report to the court shall also contain
7 an agreement signed by the person or agency recommended to
8 serve as conservator certifying that the person or agency is able
9 and willing to serve as conservator.

10 5456. Except as otherwise provided in this chapter, the person
11 recommended to serve as conservator shall promptly notify the
12 officer providing conservatorship investigation whether the person
13 recommended to serve as conservator will accept the position if
14 appointed. If notified that the person or agency recommended will
15 not accept the position if appointed, the officer providing
16 conservatorship investigation shall promptly recommend another
17 person to serve as conservator.

18 5457. (a) ~~If the conservatorship investigation results in a~~
19 ~~recommendation for conservatorship, the recommendation shall~~
20 ~~designate the most suitable local agency or county officer, or~~
21 ~~employee designated by the county to serve as conservator. A~~
22 person or agency shall not be designated as conservator whose
23 interests, activities, obligations, or responsibilities are such as to
24 compromise the person's or agency's ability to represent and
25 safeguard the interests of the conservatee.

26 (b) If a public guardian is appointed conservator, the public
27 guardian's official bond and oath as public guardian are in lieu of
28 the conservator's bond and oath on the grant of letters of
29 conservatorship. A bond shall not be required of any other public
30 officer or employee appointed to serve as conservator.

31 5458. When ordered by the court after the hearing required by
32 this chapter, a conservator appointed pursuant to this chapter shall
33 ~~place the conservator's conservatee in supportive housing that~~
34 ~~provides wraparound services. A conservator shall have the right,~~
35 ~~if specified in the court order, to require the conservatee to be at~~
36 ~~the conservatee's housing location each night. *provide appropriate*~~
37 ~~*placement for the conservatee, including a licensed health care*~~
38 ~~*or psychiatric facility or community-based residential care setting,*~~
39 ~~*in supportive housing that provides wraparound services, such as*~~
40 ~~*onsite physical and behavioral health services.*~~

1 5459. A conservator or public guardian appointed pursuant to
2 this chapter shall not be held civilly or ~~criminal~~ *criminally* liable
3 for any action by a conservatee.

4 5460. (a) At any time, a conservatee or any person on the
5 conservatee's behalf with the consent of the conservatee or the
6 conservatee's counsel, may petition the court for a hearing to
7 contest the powers granted to the conservator under Section 5458.
8 However, after the filing of the first petition for hearing pursuant
9 to this section, no further petition for rehearing shall be submitted
10 for a period of six months.

11 (b) A request for hearing pursuant to this section shall not affect
12 the right of a conservatee to petition the court for a rehearing as
13 to his or her status as a conservatee pursuant to Section 5464. A
14 hearing pursuant to this section shall not include trial by jury.

15 5461. (a) Conservatorship initiated pursuant to this chapter
16 shall automatically terminate one year after the appointment of
17 the conservator by the superior court. If upon the termination of
18 an initial or a succeeding period of conservatorship the conservator
19 determines that conservatorship is still required, the conservator
20 may petition the superior court for the conservator's reappointment
21 as conservator for a succeeding one-year period.

22 (b) Any supportive housing program in which a conservatee is
23 placed shall release the conservatee at the conservatee's request
24 when the conservatorship terminates. A petition for reappointment
25 filed by the conservator or a petition for appointment filed by a
26 public guardian *or public conservator* shall be transmitted to the
27 supportive housing program at least 30 days before the automatic
28 termination date. The program may ~~detain~~ *hold* the conservatee
29 after the end of the termination date only if the conservatorship
30 proceedings have not been completed and the court orders the
31 conservatee to be held until the proceedings have been completed.

32 5462. (a) The clerk of the superior court shall notify each
33 conservator, the conservatee, the person in charge of the supportive
34 housing program in which the conservatee receives services, and
35 the conservatee's attorney, at least 60 days before the termination
36 of the one-year period. Notification shall be given in person or by
37 first-class mail.

38 (b) Subject to a request for a court hearing or jury trial, the judge
39 may, on the judge's own motion, accept or reject the conservator's
40 petition.

1 (c) If the conservator does not petition to reestablish
2 conservatorship at or before the termination of the one-year period,
3 the court shall issue a decree terminating conservatorship. The
4 decree shall be sent to the conservator and the conservatee by
5 first-class mail.

6 (d) The Judicial Council may adopt rules, forms, and standards
7 necessary to implement this chapter.

8 5463. In the event the conservator continues in good faith to
9 act within the powers granted to the conservator in the original
10 decree of conservatorship beyond the one-year period, the
11 conservator may petition for and shall be granted a decree ratifying
12 the conservator's acts as conservator beyond the one-year period.
13 The decree shall provide for a retroactive appointment of the
14 conservator to provide continuity of authority in those cases where
15 the conservator did not apply in time for reappointment.

16 5464. (a) At any time, the conservatee may petition the
17 superior court for a rehearing as to the conservatee's status as a
18 conservatee. However, after the filing of the first petition for
19 rehearing pursuant to this section, no further petition for rehearing
20 shall be submitted for a period of ~~six months~~. 30 days.

21 (b) If a conservatee appeals a court's decision to establish a
22 conservatorship, the conservatorship shall continue unless
23 execution of judgment is stayed by the appellate court.

24 5465. A hearing shall be held on all petitions under this chapter
25 within 30 days of the date of the petition. The court shall appoint
26 the public defender or other attorney for the conservatee or
27 proposed conservatee within five days after the date of the petition.

28 SEC. 2. Article 7 (commencing with Section 5555) is added
29 to Chapter 6.2 of Part 1 of Division 5 of the Welfare and
30 Institutions Code, to read:

31
32 Article 7. Housing Conservatorship Working Group
33

34 5555. (a) Each county ~~shall that elects to implement this article~~
35 *may* establish a working group to conduct an evaluation of the
36 effectiveness of the implementation of Chapter 5 (commencing
37 with Section 5450) in addressing the needs of chronically homeless
38 persons with *serious* mental illness ~~or substance abuse and~~
39 *substance use* disorders in the county. The working group shall be
40 comprised of representatives of disability rights advocacy groups,

1 the county mental health department, *the county health department*,
2 the county-welfare *social services* department, law enforcement,
3 staff from hospitals located in the county, and, if one exists, the
4 county department of housing and homeless services.

5 (b) Each working group shall prepare and submit a report to the
6 Legislature on its findings and recommendations regarding the
7 implementation of Chapter 5 (commencing with Section 5450).
8 The report shall be submitted to the Legislature no later than
9 January 1, 2020, in compliance with Section 9795 of the
10 Government Code. Pursuant to Section 10231.5 of the Government
11 Code, the reporting requirement imposed under this subdivision
12 shall become inoperative on January 1, 2024.

13 ~~SEC. 3. If the Commission on State Mandates determines that~~
14 ~~this act contains costs mandated by the state, reimbursement to~~
15 ~~local agencies and school districts for those costs shall be made~~
16 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
17 ~~4 of Title 2 of the Government Code.~~

Homeless Emergency Service Providers Association

April 10, 2018

Honorable Hannah-Beth Jackson
Chair, Judiciary Committee
California State Senate
Capitol Building, Room 2032
Sacramento, CA 95814

RE: SB 1045 (WIENER) (as proposed to be amended) – OPPOSE

Dear Senator Jackson:

San Francisco Homeless Emergency Service Providers Association (HESPA) is writing in opposition to **SB 1045**. This bill is scheduled for hearing in the Senate Judiciary Committee on April 17, 2018.

SB 1045 would establish, outside of the Lanterman-Petris-Short Act (LPS) and the Assisted Outpatient Treatment Demonstration Project Act (AOT), a new process for the appointment of a conservator for a person who is chronically homeless and incapable of caring for their own health and well-being due to acute and severe mental illness and a severe substance abuse disorder. An individual would meet the new criteria to be conserved if he or she is a high frequency emergency department user, has a history of high frequency jail detention due to behavior resulting from severe mental illness or substance abuse disorder, or a history of frequent placement under a 5150 involuntary hold as a result of a mental health disorder.

We are **OPPOSED** to SB 1045 because it: 1) needlessly expands involuntary care for individuals in a restrictive and confined environment beyond what is allowed in current law; 2) proposes a solution that does not meet the sponsors' goals of addressing homelessness and medical care; 3) is dangerously expansive at the expense of individual rights; and, 4) does nothing to ensure that those proposed to be conserved under the expansion will be provided with adequate housing, food, clothing, or medical and behavioral health care.

Nothing in this bill expands housing or access to medical and behavioral health services for individuals who are homeless and have behavioral and medical health treatment needs. Expanding voluntary services (e.g. Full-Service Partnerships, permanent supported housing) and access to quality, integrated medical care is more cost efficient, more effective, and more humane. Indeed, solutions that foster independence and self-direction are more successful than the forced and involuntary care this bill proposes.

We assert there is no point to more aggressive intervention if there is no place to house and treat the people who need help. Nothing in this bill expands services or creates more housing, or medical or mental health care, which is what the real problem is. There are already

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significant delays in receiving services, housing, and even emergency shelter in San Francisco and throughout the state -- ER, specialty services, substance abuse treatment, full service partnerships and transitional and supportive housing are not readily available. Which raises the question, if those services are available, why are they not being used now for those who do not need conservatorships or those that are conserved under LPS or AOT? If they are being used, for whom will services be reduced to accommodate these new conservatorships?

In San Francisco, homeless single adults seeking shelter must add their name to a wait list which currently numbers over 1,000 people, which represents a 4 – 6 week wait for a shelter bed. Involuntary treatment means the county has the duty to house and treat the conservatees, which includes making physical and mental health services actually available. This bill puts the cart before the horse since San Francisco County is already unable to provide adequate services and housing to the homeless population.

For these reasons, we respectfully oppose SB 1045. Please contact us if you have any questions about our position or if we can provide any further information.

Sincerely,

Kathy Treggiari

Co-Chair

Malea Chavez

Co-Chair

HESPA Members:

AIDS Housing Alliance/SF
AIDS Legal Referral Panel
Catholic Charities
Causa Justa :: Just Cause
Coalition on Homelessness, San Francisco
Community Awareness Treatment Services, Inc.
Compass Family Services
Curry Senior Center
Dolores Street Community Services
Episcopal Community Services
Eviction Defense Collaborative
GLIDE Foundation
The Gubbio Project

Hamilton Families
Homeless Advocacy Project | Justice & Diversity Center
Homeless Prenatal Program
Hospitality House
Larkin Street Youth Services
Lava Mae
MNHC/Mission Neighborhood Resource Center
Providence Foundation of San Francisco
Raphael House
Saint Vincent de Paul
St. Anthony Foundation
San Francisco SafeHouse
Swords to Plowshares
United Council of Human Services