

LEGISLATIVE DIGEST

[Health Code - City-Operated Adult Residential Facility - 887 Potrero Avenue]

Ordinance amending the Health Code to require the Department of Public Health to maintain and operate at full capacity a 55-bed adult residential facility located at 887 Potrero Avenue as soon as possible, but by no later than July 1, 2021, recognizing that before then 41 of the 55 beds may be used as emergency shelter for people experiencing homelessness.

Existing Law

Adult residential facilities (“ARFs”) are group care facilities that provide 24-hour nonmedical care to individuals aged 18-59 who need personal services, supervision, or assistance to support their activities of daily living. Currently, there is no legal requirement for the City and County of San Francisco to operate an ARF.

Amendments to Current Law

The proposed ordinance would require the Department of Public Health (“DPH”) to maintain and operate at full capacity a 55-bed ARF as soon as possible, but by no later than July 1, 2021, and from that date forward. The ordinance would also require DPH to submit to the Board of Supervisors within three months of its effective date a plan describing the steps DPH will take to ensure that it can comply with the July 1, 2021 deadline, including but not limited to, steps relating to budgeting, staffing, and licensing. Within three months of submission of the plan, and every three months thereafter until July 1, 2021, DPH would also be required to submit a progress report to the Board of Supervisors.

Background Information

ARFs provide rooms, meals, housekeeping, supervision, storage and distribution of medications, and personal care assistance with basic activities like hygiene, dressing, eating, and bathing. ARFs are licensed by the Community Care Licensing Division of the State Department of Social Services (“CCL”).

ARFs play an important role in a locality’s continuum of care by providing people with mental illness an opportunity to live in community-based housing, rather than in institutional care.

A 2018 report by the California Behavioral Health Planning Council observed that due to ARF closures and a lack of new ARFs, many individuals with mental illness are not able to find sustainable community housing options with the appropriate level of care following stays in acute in-patient treatment programs, hospitals, or correctional institutions. The report concludes that the absence of community-based housing options can result in a “revolving

door scenario” where people are discharged or released from an institution only to be unable to find appropriate residential care or housing. When another mental health crisis ensues, the absence of community-based housing opportunities can result in a return to high-level crisis programs, facilities, hospitals, jails/prisons, or homelessness.

Since 2005, the Department of Public Health (“DPH”) has operated an ARF at 887 Potrero Ave. This ARF has been licensed by CCL to include 55 beds.

For the past several years, DPH has been unable to maintain staffing at a level sufficient to operate the ARF at 887 Potrero Avenue at full capacity. In addition, in October 2018, CCL concluded that on a number of occasions between 2015 and 2018, DPH had failed to comply with applicable laws and regulations in its administration of the ARF at 887 Potrero Avenue. In light of the staffing shortages, and the conduct that led to findings of noncompliance, DPH determined that new residents should not be placed in vacant ARF beds until staffing issues were addressed, which would take time.

In recognition of the acute need for emergency shelter beds, and to put the vacant beds to use, DPH asked CCL for permission to temporarily suspend from licensure a total of 41 ARF beds at 887 Potrero Avenue so that they could be used instead as emergency shelter beds for people experiencing homelessness. CCL granted DPH’s request, thereby temporarily reducing the total number of beds at this ARF from 55 to 11. CCL’s approval extends through June 30, 2021, although DPH may seek CCL approval to restore the beds for use as ARF beds prior to that date subject to CCL’s finding that DPH can meet the licensing standards required to operate the ARF at full capacity.

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