

Date of Hearing: April 23, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 1295 (Quirk-Silva) – As Amended April 22, 2019

SUBJECT: Temporary housing and supportive services program

SUMMARY: Requires the California Health and Human Services Agency (CHHSA) to, in consultation with certain entities and stakeholders, develop a plan for and establish a temporary housing program for individuals with severe mental illness on the property of Fairview Developmental Center (DC) upon its closure as a DC, and authorizes the director of the Department of General Services (DGS) to utilize state lands and property at that site for these purposes. Specifically, **this bill:**

- 1) Authorizes the director of DGS to utilize state lands and property at the site of the former Fairview DC, upon its closure, for purposes of implementing a temporary housing program pursuant to the provisions of this bill.
- 2) Requires the CHSSA to, in consultation with specified entities and other relevant stakeholders, and in order to assist individuals with severe mental illness who require housing and other supportive services, operate at the site of Fairview DC, upon its closure, a temporary housing program for individuals with severe mental illness who are experiencing homelessness.
- 3) Requires the temporary housing program established pursuant to the provisions of this bill to meet all of the following requirements:
 - a) Cease to operate on December 31, 2025;
 - b) Accommodate up to 200 individuals;
 - c) Provide program participants with housing and supportive services including, but not limited to, mental health services and health care services, as well as referrals to available community resources; and,
 - d) Have intake and selection processes that prioritize the needs of individuals with severe mental illness who have experienced or are experiencing chronic homelessness.
- 4) Requires the CHHSA to, in consultation with specified entities and other relevant stakeholders, and in preparation for establishing the temporary housing program pursuant to the provisions of this bill, develop a plan to quickly transition the site of the former Fairview DC to use by the temporary housing program upon closure of the DC, and further, requires that plan to be submitted to the fiscal and relevant policy committees of the Legislature and to include all of the following:
 - a) A description of any maintenance or construction needed to convert the site for its new use and a timeline by which the maintenance and construction shall be completed;
 - b) Establishment of eligibility and selection criteria for program participants;

- c) Development of key policies and guidelines for administration and oversight of the program;
 - d) Identification of programmatic, administrative, and staffing needs and the entity responsible for meeting each of those needs; and,
 - e) Recommendations on the need for, feasibility of, and steps necessary to shift control or ownership of the property to local public entities or private nonprofit entities.
- 5) Sunsets the provisions of this bill as of January 1, 2026.

EXISTING LAW:

- 1) Establishes the Lanterman Developmental Disabilities Services Act (Lanterman Act), which declares California's responsibility for providing an array of services and supports to meet the needs of each person with developmental disabilities in the least restrictive environment, regardless of age or degree of disability, and to support their integration into the mainstream life of the community. (Welfare and Institutions Code [WIC] Section 4500, *et seq.*)
- 2) Defines "developmental disability" to mean a disability that originates before an individual turns 18 years old, that continues or can be expected to continue indefinitely, and that constitutes a substantial disability for that individual. Further, states that "developmental disability" includes intellectual disability, cerebral palsy, epilepsy, autism, as well as disabling conditions found to be closely related to, or require treatment similar to, intellectual disability. (WIC 4512)
- 3) Establishes the jurisdiction of the California Department of Developmental Disabilities (DDS) over state DCs, including Sonoma, Fairview, and Porterville DCs, as specified. (WIC 4440 *et seq.*)
- 4) Establishes a system of 21 nonprofit regional centers throughout the state to identify needs and coordinate services for eligible individuals with developmental disabilities and requires DDS to contract with regional centers to provide case management services and arrange for or purchase services that meet the needs of individuals with developmental disabilities, as defined. (WIC 4620 *et seq.*)
- 5) Prohibits DDS from admitting anyone to a DC unless they are determined to be eligible for developmental services, as specified, and to be one of the following:
 - a) An adult committed by a court to the Porterville DC's secure treatment program when found mentally incompetent and the action against that adult is on a complaint charging a felony offense, as specified;
 - b) An individual committed by a court to the acute crisis center at Fairview or Sonoma DCs due to an acute crisis, as specified;
 - c) An adult committed by a court to Porterville DC's secure treatment program for reasons including having committed a violent felony, or posing a danger to themselves or others;

- d) A person committed by a court, on or before June 30, 2021, to Canyon Springs Community Facility who otherwise meets the criteria for admission due to an acute crisis; and,
 - e) An individual provisionally released from a DC who maintains the right to return, as specified. (WIC 7505)
- 6) Requires DDS to submit a detailed plan to the Legislature, whenever it proposes the closure of a DC, by April 1 immediately prior to the fiscal year in which the plan will be implemented, and as part of the Governor's proposed budget, and establishes requirements and processes related to that plan. (WIC 4474.1)

FISCAL EFFECT: Unknown

COMMENTS:

Developmental center placements and closures: Developmental disabilities are defined to be those disabilities that: originate before a person turns 18 years old, are anticipated to continue indefinitely, and that constitute a substantial disability for that individual. They include intellectual disabilities, cerebral palsy, epilepsy, and autism spectrum disorders. Developmental disabilities can also be those disabling conditions similar to an intellectual disability that require care and management similar to what is required by individuals with an intellectual disability.

The state, pursuant to the Lanterman Act, has a responsibility to provide an array of services and supports to meet the needs of each person with developmental disabilities in the least restrictive environment, regardless of age or degree of disability, and to support their integration into the mainstream life of the community. All individuals with developmental disabilities are entitled, per the Lanterman Act, to treatment and habilitation services and supports in the least restrictive setting possible, and services provided under the Lanterman Act are designed to facilitate this, enabling consumers to live more independently in the community.

DDS and 21 regional centers share responsibility for the implementation of the Lanterman Act. These regional centers are private, nonprofit entities that contract with DDS to carry out many of the state's obligations under the Lanterman Act; over 345,000 individuals receive services in their communities from vendors that contract with the regional centers. Additionally, DDS still operates two DCs (and Canyon Springs, which is a state-operated, specialized community facility) which provide 24-hour habilitation and medical and social treatment services to individuals with developmental disabilities. However, both of these DCs – Fairview and Porterville – are slated to be closed in the coming year, with the exception of the forensic portion of the Porterville DC, known as the secure treatment program. The secure treatment program serves individuals who have been charged with a serious felony offense, have been found incompetent to stand trial, and who have exhibited challenging behaviors.

There are currently under 400 total individuals placed at either DC or the community facility. As of March 27, 2019, there were 70 residents at Fairview DC.

The developmental services budget trailer bill adopted in 2012 enacted a moratorium on new admissions to DCs, with limited exceptions, including the placement of certain adults committed by a court to the Porterville DC's secure treatment program. According to DDS's website, "The aging DC [developmental center] infrastructure, the moratorium on admissions and gradual

decline in DC population, associated costs of operation, and the recent development of new community-based residential and service models capable of meeting the service needs of people with significant health and behavioral needs have all reduced the reliance on State-operated DCs.”

The 2015 May Revision to the Governor’s Budget included intent to begin processes to close the state’s three remaining DCs (Sonoma DC, closed at the end of 2018, was still open at the time). State law (WIC 4474.1) requires DDS, whenever it proposes the closure of a DC, to submit a detailed plan to the Legislature by April 1 immediately prior to the fiscal year in which the plan will be implemented. On April 1, 2016, DDS submitted its plan for closure of the Fairview DC and General Treatment Area of the Porterville DC, stating that both were scheduled to close by the end of December 2021. However, due to a subsequent settlement agreement with the federal Centers for Medicare and Medicaid Services that only ensures funding for certain units through the fall of 2019, the current plan is to move the remaining residents out of Fairview DC and the General Treatment Area of Porterville DC by the end of calendar year 2019.

Homelessness in California: The United States Department of Housing and Urban Development (HUD) conducts an annual point-in-time count of individuals across the country who are experiencing homelessness. The “HUD 2018 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations” report for California indicates that, on a single night in January 2018, just under 130,000 people in the state were experiencing homelessness. Of these individuals, almost 90,000 were unsheltered. An individual experiencing chronic homelessness is defined by HUD to mean “either (1) an unaccompanied homeless individual with a disabling condition who has been continuously homeless for a year or more, OR (2) an unaccompanied individual with a disabling condition who has had at least four episodes of homelessness in the past three years.” The 2018 HUD report indicates that over one-fourth (34,332) of individuals experiencing homelessness in California during the point-in-time county were experiencing chronic homelessness. Additionally, one-fourth of those experiencing homelessness (32,168) were also found to have severe mental illness, defined by HUD as, “persons with mental health problems that are expected to be of long-continued and indefinite duration and substantially impairs the person’s ability to live independently.”

Need for this bill: As discussed by this Committee in a joint hearing held with the Assembly Committee on Housing and Community Development in January of this year, homelessness has reached crisis levels in this state. Efforts are being made at city, county, and state levels to address the causes and consequences of homelessness. On January 15, 2019, Governor Newsom signed Executive Order N-06-19 directing DGS to take an inventory of state-owned lands that may provide potential future sites for development of affordable housing. The proposal of this bill is arguably in this same vein, seeking to convert the property that is the current location of Fairview DC, once the DC has closed, to a new purpose of addressing homelessness for individuals with severe mental illness.

According to the author, “Mental health and substance abuse are the leading causes of homelessness. As a state we have a moral obligation to do more to help these vulnerable populations. The Fairview Developmental Center is an existing state-owned facility that could be used to help 200 of the most severely mentally ill once the last developmentally disabled patient exits the facility. [This bill] will allow us to continue the discussion as we work to combat the homelessness crisis on all fronts.”

REGISTERED SUPPORT / OPPOSITION:

Support

National Association of Social Workers, California Chapter

Opposition

Disability Rights California

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