



COUNCIL AGENDA: 05-06-08  
ITEM: 3.7

# Memorandum

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** SUPPORT FOR HOMELESS  
LEGISLATION

**DATE:** 05-01-08

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## RECOMMENDATION

As recommended by the Rules and Open Government Committee of April 23, 2008 and outlined in the attached memo previously submitted to and approved by the Rules and Open Government Committee, adopt a position of support for AB 2929 (Hancock) – Department of Corrections and Rehabilitation Reentry Programs, SB 1651 (Steinberg) – Mentally Ill Offenders, and SB 1738 (Steinberg) – Medi-Cal Frequent Users Pilot Program, and adopt a position of support, if amended, for AB 2052 (Lieu) – Residential Tenancies: Domestic Violence.





# Memorandum

**TO: RULES AND OPEN  
GOVERNMENT COMMITTEE**

**FROM: Leslye Krutko**

**SUBJECT: SEE BELOW**

**DATE: April 16, 2008**

Approved

Date

4-17-08

Council District: Citywide  
SNI: N/A

**SUBJECT: SUPPORT FOR HOMELESS LEGISLATION:**

## RECOMMENDATION

The Housing Department recommends that:

1. The Mayor and City Council support AB 2052, AB 2929, SB 1651, and SB 1738.
2. The Committee provide a one-week turn around for Mayor and City Council review.

## OUTCOME

If the Rules and Open Government Committee and the Mayor and City Council accept staff's recommendation, the City's State lobbyist may begin seeking support for AB 2052, AB 2929, SB 1651, and SB 1738.

## BACKGROUND

The 2007-2008 State Legislative cycle has featured many bills that address homelessness. Four of these bills are of particular interest to the City of San Jose. An analysis of AB 2052, AB 2929, SB 1651, and SB 1738 are attached to this memo for the Rules and Open Government Committee consideration.

**ANALYSIS**

A fact sheet and analysis of are attached.

**PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This legislative item does not meet any of the above criteria.

**COORDINATION**

This memorandum was coordinated with the Intergovernmental Relations Director in the City Manager's Office.

**POLICY ALIGNMENT**

The attached fact sheet and analysis is consistent with the Council-adopted 2008 Legislative Guiding Principles, and the Council-adopted guidelines.

**CEQA**

Not a project

  
LESLIE E KRUTKO  
Director of Housing

For more information call Melissa Whatley, Policy Manager, at (408) 975-4418

## AB 2052 (LIEU)-RESIDENTIAL TENANCIES: DOMESTIC VIOLENCE

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### *What's the issue the bill is trying to resolve?*

Existing law governs the renewal and termination of a lease of real property based on the terms of the lease or on the behavior of the parties. AB 2052 allows a tenant who was a victim of domestic violence, sexual assault, or stalking to terminate tenancy. The tenant will be free from payment of rent for any period following 30 days from the quit date if the tenant provides the landlord with written proof that there is a valid protective order or that the domestic violence, sexual assault, or stalking has been reported to a peace officer employed by the State or a local law enforcement agency. The bill states that the request to terminate the rental agreement must occur within 60 days of the act or circumstance that gave rise to the protective order or the date that written documentation was provided.

### *How would the passage of this bill affect San José?*

In 2007, Santa Clara County reported four identified domestic violence related deaths and the District Attorney's Office issued 3,162 criminal domestic violence complaints. When battered women flee from their abuser they face complex obstacles.

For those who are renters, the cost of terminating their lease is one more barrier to escaping the abuse. The financial penalties that result from breaking a lease are costly, and many victims of domestic violence are forced to stay in their rental housing and remain at risk of experiencing continued acts of violence. Survivors who do break their leases and flee from their abusers face money judgments, along with poor landlord references. The resulting impact upon a victim's credit and rental history makes it substantially more difficult for the victim to secure safe, permanent housing, and increases the victim's risk of homelessness.

Additionally, early lease termination is an important tool for assisting victims of sexual assault who need to quickly relocate. Many of these victims are assaulted at or near their homes. As a result, these victims often need to find new housing to regain a sense of safety and well-being. A law reducing the financial penalty for breaking a lease would eliminate one of the barriers these victims face in relocating.

### *What is staff's Proposed Position?*

Staff recommends support for AB 2052. The legislation provides a new option for victims of domestic violence and assurance to landlords by requiring that the victim give written proof that the victim has a valid protective order, or that the domestic violence, sexual assault, or stalking has been reported to a qualified third party. Further, any concerns that this law would cause many tenants to break their leases must consider that it is painful for victims to share information about the abuse with outside parties, and that domestic violence is frequently underreported.

### *Who are the bill's supporters and opponents?*

Supporters of AB 2052 include: California Partnership to End Domestic Violence, National Housing Law Project, and the Santa Clara County Domestic Violence Advocacy Consortium.

The Santa Clara County Realtors Association has stated that the organization will oppose AB 2052 until it is amended to allow the landlord to terminate tenancy of the individual who committed the domestic violence, sexual assault or stalking, and limit terminations to ones where there's a valid protective order.

*What is the current status of the measure?*

AB 2052 passed out of the Assembly Judiciary Committee on March 25, 2008 by a vote of 8-0. The bill is now on the Assembly floor for consideration.

## S.B. 1651 (STEINBERG) – MENTALLY ILL OFFENDERS

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### *What issue is the bill trying to resolve?*

As introduced, SB 1651 would provide supportive housing, comprehensive mental health, and wrap-around services to parolees with mental illnesses to keep them out of jail. It would also require the Department of Corrections and Rehabilitation, in consultation with the State Department of Mental Health, to establish a mental health court system, which would strive to keep mentally ill offenders out of jails and place them in community treatment facilities where they would have access to housing and supportive services. Currently, parolees are often ineligible to receive State services. Without access to services and housing stability, there is a high likelihood that parolees will return to prison, thereby increasing recidivism. If passed, this bill would provide a resource to re-integrate parolees into society safely and effectively.

Each year the Department of Corrections and Rehabilitation will have to submit a report to the Legislature outlining the effectiveness of the program in reducing homelessness and recidivism, and involvement by local law enforcement.

The mental health court system that would be created would lead to placement of mentally ill offenders in community treatment where feasible and consistent with public safety. Participation in the program would be voluntary. Participants of the mental health court would be required to complete their recommended treatment plans. Upon completion of their treatment plans, the Department of Corrections and Rehabilitation would work with each participant, a mental health personal services coordinator, and a relevant housing provider to develop a discharge plan that would include stable and affordable housing, job placement or applying to federal or state benefit entitlements, and an application for federally, state, or locally funded housing assistance programs.

### *How would the passage of the bill affect San José?*

If passed, the provisions in this bill would be a step forward in helping the City to meet its adopted 10-Year Strategy to End Chronic Homelessness by linking a vulnerable population to supportive housing and supportive services. The 2007 San José Homeless Census found that 60% of persons (90 people) who reported having a mental illness were not receiving mental health services. In addition, 6% indicated that incarceration was the primary reason for their homelessness. If passed, this bill would provide services to these persons and prevent them from becoming homeless.

### *What is staff's Proposed Position?*

Staff recommends supporting SB 1651 as it would be a step forward in helping the City meet its adopted 10-Year Strategy to End Chronic Homelessness. In addition it would also complement the work of the Blue Ribbon Commission on Ending Homelessness and Solving the Affordable Housing Crisis. The Blue Ribbon Commission is working on an Institutional Outreach and Discharge Planning Strategy, which would incorporate the following components: develop a program for the homeless connected to jails, secure existing programs, and increase intensive case management capacity.

***Who are the bill's supporters and opponents?***

The bill is supported by Housing California, the Corporation for Supportive Housing, and the Homes to End Homelessness Coalition. Homeless advocates point to a direct correlation between individuals who leave prison and become homeless and a growing number of ex-offenders that return to incarceration. This bill would help to break the recidivism cycle.

***What is the current status of the measure?***

SB 1651 was passed by the Senate Committee on Public Safety on April 3 and re-referred to the Senate Appropriations Committee.

## SB 1738 (Steinberg) - Medi-Cal Frequent Users Pilot Program

### *What's the issue the bill is trying to resolve?*

As introduced, SB 1738 requires the Department of Health Care Services (DHCS) to complete a Medicaid State Plan Amendment to draw down federal funds toward Medi-Cal reimbursement for case management, medication and money management, transportation, peer support, and other services Medi-Cal does not now cover for frequent users of health services.

The legislation defines "frequent users" as people who visit the emergency department at least five times in one year or eight times in two years and who have at least two of these multiple psychosocial barriers to care: homelessness, a serious physical condition, a mental disorder, a substance or alcohol addiction disorder, or consistent non-compliance with a treatment plan leading to a significant worsening of a medical condition.

The bill creates a pilot program, with reimbursement provided to a limited number of frequent user programs in the first few years, and allows DHCS to expand reimbursement to all frequent users if the Department documents cost neutrality or cost savings.

### *How would the passage of this bill affect San José?*

Supportive services are imperative to achieving the goals of the City of San Jose's Blue Ribbon Commission on Ending Homelessness and Solving the Affordable Housing Crisis. Supportive services are the missing link between homeless individuals and self-sufficiency. Many supportive housing developments have been able to partner with frequent user programs in hospitals as a way of providing reimbursable services for their tenants. This bill could assist developers in locating resources for services within developments that are often difficult to come by.

The legislation modeled the frequent user program pilot program after the "Frequent Users of Health Services Initiative," which is funded through the California Endowment and the California Health Care Foundation. The initiative operated six projects that targeted people who frequently visited the emergency room, had medical and psychosocial conditions, and experienced barriers to care. The projects were intended to decrease the use of acute care through more responsive approaches. Within the first year of receiving multidisciplinary services, participants experienced a 35% decrease in emergency room visits, a 30% decrease in inpatient admissions, and a 23% decrease in days spent in the hospital.

### *What is staff's Proposed Position?*

Staff recommends support for SB 1738. SB 1738 builds on the successes of current programs and brings much-needed funding for services, stimulating the development of supportive housing and aiding communities in achieving plans to end homelessness. The bill would allow the State, without having to complete a waiver, to receive federal matching funds to provide frequent users with multidisciplinary, coordinated care across a continuum of services.

*Who are the bill's supporters and opponents?*

SB 1738 is sponsored by the Corporation for Supportive Housing. As of April 9, 2008 staff has not identified any opponents of SB 1738.

*What is the current status of the measure?*

On April 9, 2008, SB 1738 was amended and re-referred to the Senate Appropriations Committee.

## AB 2929 (Hancock) – Department of Corrections and Rehabilitation Reentry Programs

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### *What's the issue the bill is trying to resolve?*

According to the National Alliance to End Homelessness, each year, nearly 650,000 individuals are released from U.S. prisons, and over seven million are released from local jails. People exiting prisons or jails are at an increased risk of homelessness. More than 10 percent of those in prison or jail are homeless in the months leading to their incarceration. Shelter use, both before incarceration and after release, is associated with an increased risk of recidivism. Discharge planning from correctional facilities has been shown to prevent homelessness among former prisoners.

AB 2929 requires the Department of Corrections and Rehabilitation to develop a comprehensive reentry program for parolees to assist them in successfully reintegrating back into the community. The Department will provide a copy of any parole plan to the sheriff of the county into which an inmate is released. In order to monitor the effectiveness of the program, AB 2929 requires the Department to prepare a report evaluating the usefulness of providing local law enforcement agencies with the parole plans.

### *How would the passage of this bill affect San José?*

Both Santa Clara County and the City of San Jose recognize the importance of discharge planning as an essential element of ending homelessness. Discharge planning was one of the priorities of the Blue Ribbon Commission (BRC) on Ending Homelessness. The institutional outreach and discharge planning strategy developed by the BRC incorporated the following components: secure existing programs; increase intensive case management capacity; and develop a program for the homeless connected to corrections/jails (pre-booking and at discharge). AB 2929 provides support of the strategy outlined by the BRC and will help tackle the difficulties many prisoners face when reentering their communities after spending time in prison.

### *What is staff's Proposed Position?*

Staff recommends support for AB 2929.

### *Who are the bill's supporters and opponents?*

As of April 9, 2008, Staff has not identified any supporters or opponents of AB 2929.

### *What is the current status of the measure?*

AB 2929 was introduced on February 22, 2008, and was passed on April 9, 2008 by the Assembly Committee on Public Safety. AB 2929 was re-referred to the Assembly Appropriations Committee.