

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

---

DATE: April 9, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso *SM* Council File No.: 18-0002-S28  
Chief Legislative Analyst Assignment No.: 18-03-0222

SUBJECT: Resolution (Ryu – Harris-Dawson) to SUPPORT Senate Bill 1045 (Wiener and Stern).

CLA RECOMMENDATION: Adopt Resolution (Ryu – Harris-Dawson) to include in the City's 2017-18 State Legislative Program SUPPORT for SB 1045 which would expand conservatorships to better meet the needs of the most vulnerable individuals who suffer from chronic homelessness accompanied by severe mental illness, drug addiction, repeated commitments, or exceptionally frequent use of emergency medical services.

## SUMMARY

The Resolution (Ryu – Harris-Dawson), introduced March 9, 2018, states that according to the Los Angeles Homeless Count, approximately one third of the homeless population suffers from some form of mental illness and requires mental health treatment. It also states that California's conservatorship system is an important safeguard protecting individuals incapable of managing their own affairs.

Senate Bill 1045 would expand conservatorships to better meet the needs of the most vulnerable individuals who suffer from chronic homelessness accompanied by severe mental illness, drug addiction, repeated commitments, or exceptionally frequent use of emergency medical services; and would maintain the many checks and balances necessary to protect individuals with mental illness from being incorrectly or unnecessarily placed on conservatorship, while facilitating their path to permanent housing and necessary supportive services.

Senators Scott Wiener and Henry Stern introduced Senate Bill 1045 to establish a procedure 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 disorder

The Resolution recommends that the City support SB 1045.

## BACKGROUND

Currently, there is a procedure for the appointment of a conservator for a gravely disabled person that provides individualized treatment, supervision, and placement in a medical, psychiatric, nursing, or other state-licensed facility. Existing law allows a professional providing comprehensive evaluation for a gravely disabled person to recommend a conservatorship for that person. The law requires an officer to conduct a conservatorship investigation and write a report to the court and requires the officer to petition the superior court in the individual's county of residence for a conservatorship.

This bill expands the state's laws about conservatorship. It establishes the procedure for the appointment of a conservator for individuals who are chronically homeless and incapable of caring for their health

and well-being due to acute and severe mental illness or a severe substance abuse disorder as evidenced by high-frequency emergency department use, high-frequency jail detention, or frequent placement under a 72-hour involuntary hold, for the purpose of providing placement in supportive housing that has wraparound services. The bill authorizes 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 also grants 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.

This bill would automatically terminate the conservatorship one year after the appointment of the conservator, unless re-authorization is needed.

This bill requires each county 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 mental illness or substance abuse 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.

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.

Support of SB 1045 is consistent with City's efforts to improve the process whereby individuals who suffer from chronic homelessness and severe mental illness could be placed into supportive housing that provides wraparound services.

#### DEPARTMENTS NOTIFIED

Housing and Community Investment Department

#### BILL STATUS

02/08/18	Introduced. Read first time. To Com. on RLS. for assignment. To print.
02/09/18	From printer. May be acted upon on or after March 11.
02/22/18	Referred to Com. on RLS.
03/13/18	From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
03/21/18	Re-referred to Coms. on JUD. and PUB. S.

  
Pranita Amatya  
Analyst

Attachment: 1. Resolution

**RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS**

**RESOLUTION**

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence or the Mayor; and

WHEREAS, according to the Los Angeles Homeless Count, approximately one third of the homeless population suffers from some form of mental illness and requires mental health treatment; and

WHEREAS, the California conservatorship system is one of the most important safeguards for protecting individuals incapable of managing their own affairs; and

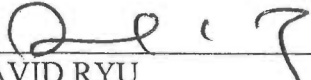
WHEREAS, currently two kinds of conservatorship are authorized in California: conservatorships designated for individuals who are "gravely disabled" and thus unable to care for themselves, and probate conservatorships designed for individuals unable to care for themselves due to physical health issues, cognitive impairment, or elder abuse; and

WHEREAS, currently pending before the Senate is a bill, SB 1045 (Wiener and Stern), which seeks to expand conservatorships to more effectively meet the needs of the most vulnerable individuals who suffer from chronic homelessness accompanied by severe mental illness, drug addiction, repeated commitments, or exceptionally frequent use of emergency medical services; and

WHEREAS, SB 1045 would further maintain the many checks and balances necessary to protect individuals with mental illness from being incorrectly or unnecessarily placed in conservatorship, while facilitating their path to permanent housing and necessary supportive services; and

WHEREAS, because the legislation would better assist individuals who suffer from chronic homelessness and severe mental illness, it is in the best interest of the City to support the expansion of conservatorships;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-18 State Legislative Program SUPPORT of SB 1045 (Wiener and Stern), an act relating to conservatorship which would expand conservatorships to better meet the needs of the most vulnerable individuals who suffer from chronic homelessness accompanied by severe mental illness, drug addiction, repeated commitments, or exceptionally frequent use of emergency medical services; and would maintain the many checks and balances necessary to protect individuals with mental illness from being incorrectly or unnecessarily placed on conservatorship, while facilitating their path to permanent housing and necessary supportive services.

Presented By:   
DAVID RYU  
Councilmember, 4<sup>th</sup> District

Seconded By: 

MAR 09 2018