

WHAT IS HOUSING CONSERVATORSHIP?

In September 2018, the California Governor approved Senate Bill 1045 (SB 1045), or the Housing Conservatorship Program, creating a pilot program that allows for the conservatorship of adults with serious mental illness and substance use disorder treatment needs who meet strict eligibility requirements. Housing conservatorship is designed to help individuals who cycle in and out of crisis and are incapable of caring for their health and well-being due to co-occurring serious mental illness and substance use disorder. SB 1045 was revised in October 2019 when California Gov. Gavin Newsom signed Senate Bill 40 (SB 40) into law. SB 40 clarified the role of Assisted Outpatient Treatment, includes a Temporary Conservatorship, and reduces the conservatorship time to six months.

The San Francisco Board of Supervisors and Mayor London Breed authorized local implementation of SB 1045 in the City and County of San Francisco in June 2019, and established a Housing Conservatorship Working Group to evaluate the effectiveness of the implementation of SB 1045.

Conservatorship is an important benefit for people who need a high level of care, and an important tool in the spectrum of services and treatment that the City of San Francisco provides.

WHO IS HOUSING CONSERVATORSHIP DESIGNED TO HELP?

Housing conservatorship is designed to help individuals who cycle in and out of crisis and are incapable of caring for their health and well-being due to co-occurring serious mental illness and substance use disorder. Additionally, housing conservatorship is only granted if the individual has repeatedly refused appropriate voluntary treatments and is not eligible for other programs including Assisted Outpatient Treatment (AOT, often called Laura's Law) or existing conservatorship options. If placed on a conservatorship, an individual will be provided with individualized treatment in the least restrictive setting to support their path to recovery and wellness and ultimately transition into permanent supportive housing at the end of the conservatorship process.

The San Francisco Department of Public Health (SFDPH) estimates that 50 to 100 individuals will be eligible to participate annually. Currently, about 600 individuals are receiving care under conservatorship as provided in existing law, the Lanterman-Petris-Short Act (LPS). LPS conservatorship has been in place since 1972 and does not include substance use disorder as part of the criteria for being conserved.

To be eligible for housing conservatorship, which is authorized through court proceedings, an individual must meet all of the following criteria:

- 1) Be at least 18 years of age;
- 2) Be diagnosed with a serious mental illness as defined by law (WIC 5452(e));
- 3) Be diagnosed with a substance use disorder as defined by law (WIC 5452(f));
- 4) As a result of (2) and (3), the individual has functional impairments or a psychiatric history demonstrating that without treatment it is more likely than not that the person will decompensate to functional impairment in the near future;
- 5) Be incapable of caring for their own health and well-being due to a serious mental illness and substance use disorder;
- 6) Have eight or more 5150 detentions in a 12-month period;
- 7) Have been provided with opportunities to engage in voluntary treatment;
- 8) Assisted Outpatient Treatment has been determined to be insufficient or, as a matter of law, the individual does not meet the criteria for Assisted Outpatient Treatment;
- 9) Conservatorship is the least restrictive option for the protection of the individual.

Under the law, a person may be referred for an evaluation to determine eligibility by the Sheriff, Director of Health, Director of the Human Services Agency, or their designees. Directors of agencies that provide comprehensive evaluation or facilities that provide intensive treatment – such as hospitals that perform psychiatric evaluations – may also refer an individual if they meet the eligibility criteria.

HOW ARE PATIENTS' RIGHTS PROTECTED?

Housing conservatorship strictly defines patient eligibility criteria in order to ensure appropriate application of the law and to protect individual rights. Housing conservatorship requires at least three opportunities to engage patients in voluntary treatment before a referral for conservatorship is made. San Francisco is committed to ensuring that a voluntary treatment pathway is offered at every point of contact with the behavioral health system. Additionally, housing conservatorship specifically defines the rights of the individual, including due process protections and the right to be represented by the public defender.

HOW LONG DOES A HOUSING CONSERVATORSHIP LAST?

Housing conservatorships will terminate after six months unless there is a demonstrated, continued need for conservatorship services. This differs from LPS conservatorships, which terminate after one year unless the Office of the Public Conservator seeks a renewal. In all cases, the court and the person's care team must end the conservatorship before the expiration date if the person's condition no longer warrants it.

HOW DO PEOPLE GET INTO HOUSING?

Similar to LPS conservatorship, individuals who are served through the housing conservatorship program will be provided with wraparound care, treatment and housing in a setting that is appropriate to meet their needs. The City is committed to providing care and treatment as well as supportive housing on an ongoing basis, even once the conservatorship has terminated.

WHAT MAKES HOUSING CONSERVATORSHIP DIFFERENT FROM OTHER KINDS OF CONSERVATORSHIP?

An LPS mental health conservatorship is a legal procedure through which the Superior Court appoints a conservator to authorize psychiatric treatment of a person who meets a narrow legal definition of grave disability by reason of a serious mental illness. This procedure is established in the California Welfare and Institutions Code (WIC) as the Lanterman-Petris-Short conservatorship or "LPS," named after the state assemblyman and senators who wrote the legislation, which went into effect in 1972. In San Francisco, the conservatorship process is a close collaboration of several public agencies. The Office of the Public Conservator is located within the Department of Aging and Adult Services, in the Human Services Agency. The program works closely with the Superior Court and the Department of Public Health to authorize, carry out and oversee treatment for individuals under conservatorship. The program supports overall health and well-being through case management and service coordination.

Senate Bill 1045 fills a gap in current law by creating a new type of conservatorship to serve a small group of people who have been offered but are unable to accept voluntary services due to serious mental illness and substance use disorder.

The definition of "grave disability" that governs the existing LPS mental health conservatorship does not account for the effects of psychoactive substances other than alcohol. This is insufficient in today's San Francisco, in which many psychiatric emergency encounters involve methamphetamine use. Patients end up cycling in and out of crisis because once the substance clears from their systems, they are released, often back into a triggering environment where the substance use starts again and leads to behaviors that put them or others in danger. Housing conservatorship seeks to fill this gap by providing an avenue to support these individuals to achieve stability, prevent further deterioration and transition into permanent supportive housing.

HOW WILL HOUSING CONSERVATORSHIP BE EVALUATED?

The Department of Public Health will work with an external evaluator to provide reports to the Housing Conservatorship Working Group and the State of California, in accordance with the Health Code and Welfare and Institutions Code.

For questions or information, please contact housing.conservatorship-workgroup@sfdph.org

