



January 2022

San Francisco Housing Conservatorship



Preliminary Evaluation Report

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Introduction

In September 2018, California Governor Jerry Brown signed Senate Bill 1045 (SB 1045), the Housing Conservatorship Program, into law. SB 1045 created a five-year mental health conservatorship pilot program for adults with serious mental illness and substance use disorder treatment needs who meet strict eligibility requirements, with a focus on providing housing and wraparound services.

SB 1045 was revised in October 2019 when Governor Newsom signed Senate Bill 40 (SB 40) into law. SB 40 made technical amendments to SB 1045, including adding a Temporary Conservatorship requirement, clarifying the role of Assisted Outpatient Treatment (AOT), including additional due process protections, and reducing the length of the conservatorship to six months. San Francisco Mayor London Breed and the Board of Supervisors 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 pilot program.

This report provides an overview of San Francisco's Housing Conservatorship pilot and a preliminary evaluation update based on the requirements outlined in SB 40 (Sec. 8) for Fiscal Year 20/21. At the time of this report's submission, two people were on a conservatorship under the Housing Conservatorship pilot, with both individuals still under a conservatorship. Therefore, findings for the core evaluation requirements are limited to a preliminary evaluation based on the two individuals conserved.

The San Francisco Housing Conservatorship Program

The intent of Housing Conservatorship is to help people who are deemed unable to care for their health and well-being due to co-occurring serious mental illness and substance use disorder, and to treat individuals with the least restrictive and most clinically appropriate intervention needed for the protection of the person.

As of October 2021, San Francisco's Office of the Public Conservator currently oversees the care of 652 individuals under existing law, the Lanterman-Petris-Short Act (LPS). The LPS Act went into full effect in 1972 and provides counties with the ability to seek conservatorship of individuals who are considered gravely disabled due to serious mental illness or chronic alcoholism. Conservatorship under LPS does not provide for mental health conservatorship due to the impacts of substance use disorder, outside of alcohol. Housing Conservatorship creates a new type of mental health conservatorship for these individuals who are not currently covered under existing law.

Eligibility

In order to qualify for conservatorship, which is authorized through court proceedings, an individual must be dual-diagnosed with a serious mental illness and with a substance use disorder as defined by the law, and have been evaluated for a psychiatric emergency eight or more times in a 12-month period under an involuntary hold under California Welfare and Institutions Code (WIC) §5150.¹ In addition, the individual must have been provided with opportunities to engage in

¹ A WIC §5150 hold is issued to individuals who present an imminent danger to themselves or others, or are gravely disabled due to a mental disorder.

voluntary treatment, and the Office of the Public Conservator must determine through their initial investigation and prior to submitting a petition to the court, that a Housing Conservatorship is the least restrictive intervention for the protection of the individual. At the time that the Housing Conservatorship pilot was authorized for implementation in San Francisco, the Department of Public Health estimated approximately 50-100 individuals eligible under the criteria above.

Referral and Engagement

A person may be referred for an evaluation to determine eligibility for Housing Conservatorship 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 the individual meets the eligibility criteria.

Housing Conservatorship in San Francisco is designed to maximize engagement in voluntary treatment and other appropriate housing options before the Office of the Public Conservator submits a petition for conservatorship. This commitment has allowed for the diversion of multiple individuals away from conservatorship by linking individuals to housing, intensive case management and outpatient behavioral health care, and residential treatment. This element of the Conservatorship exceeds current laws and practices under LPS conservatorships. Housing Conservatorship includes due process protections and the right to be represented by the Public Defender. Housing Conservatorships will terminate after six months unless there is a demonstrated, continued need for conservatorship services. The Office of the Public Conservator is required to submit a report to the court every 60 days to demonstrate the continued need for conservatorship. Furthermore, the Office of the Public Conservator must request termination of the conservatorship before the expiration date if the person's condition no longer warrants it. Similar to LPS conservatorship, persons will be provided with an individualized treatment plan, including wrap-around services, trauma-informed and gender responsive treatment, and placement in a setting that is appropriate to meet their service needs. After exiting Housing Conservatorship, the Department of Homelessness and Supportive Housing will provide permanent supportive housing to individuals who are able to live in an independent level of care. It should be noted that these cases are particularly complex, with a high rate of conserved individuals experiencing homelessness and a relative shortage of housing available to those generally in need in San Francisco.

Housing Conservatorship Partners

San Francisco's Housing Conservatorship pilot is designed to be a collaborative and responsive program with regard to both implementation and oversight. Key partners include:

Public Conservator

The Office of the Public Conservator is responsible for investigating all referrals for the Housing Conservatorship program and determining that individuals who are referred meet the strict program requirements. The City Attorney will represent the Public Conservator in court for the Housing Conservatorship program. The Public Conservator has established a specialized unit within the program's team of clinicians that will have responsibility for closely overseeing all individuals who are served by the Housing Conservatorship program.

Care Team

Implementation of the Housing Conservatorship pilot leverages existing Care Team staff from the City's Assisted Outpatient Treatment (AOT) program, including a program manager (psychologist), three clinicians, and two team members to provide peer and family support.

Working Group

In compliance with the requirements outlined in SB 40, the City and County of San Francisco has created a Housing Conservatorship Working Group to evaluate the effectiveness of pilot implementation. This group is tasked with submitting annual reports to the State Legislature. Facilitation and administration of the Working Group is managed by the Department of Public Health.

As of the end of Fiscal Year 20/21, the Working Group is comprised of 12 members, appointed as follows:

- *Vacant*, Seat 1, representative of disability rights advocacy groups, appointed by the Mayor
- Jessica Lehman, Seat 2, representative of disability rights advocacy groups, appointed by the Board of Supervisors
- Simon Pang, Seat 3, representative of labor unions, appointed by the Mayor
- Jennifer Esteen, Seat 4, representative of labor unions, appointed by the Board of Supervisors
- Rachel Rodriguez, Seat 5, representative of organizations providing direct services to homeless individuals or families, appointed by the Mayor
- Sara Shortt, Seat 6, representative of organizations providing direct services to homeless individuals or families, appointed by the Board of Supervisors
- Dr. Mark Leary, Seat 7, an employee of a hospital located in San Francisco with experience in mental health and substance use disorders, appointed by the Director of Health
- Marlo Simmons, Seat 8, an employee of the Behavioral Health Services program of the Department of Public Health, appointed by the Director of Health
- Jose Orbeta, Seat 9, an employee of the Department of Public Health, appointed by the Director of Health
- Jill Nielsen, Seat 10, an employee of the Human Services Agency, appointed by the Director of the Human Services Agency
- Megan Owens, Seat 11, an employee of the Department of Homelessness and Supportive Housing, appointed by the Director of the Department of Homelessness and Supportive Housing
- *Vacant*, Seat 12, an employee of the San Francisco Police Department, appointed by the Chief of Police

Other Partners

San Francisco’s Housing Conservatorship pilot leverages key partners from across the local system of care, and individuals will have access to a wide range of services that are responsive to their treatment needs. Key partners include the courts, the Public Defender’s Office, the City Attorney’s office, the Department of Disability and Aging Services, Zuckerberg San Francisco General Hospital, and the Department of Public Health’s Whole Person Care program.

Housing Conservatorship Evaluation

Central to the launch of San Francisco’s Housing Conservatorship pilot is ongoing and evaluation, designed to gauge the success of the program as it develops and highlight opportunities for enhancement. The following sections of this report summarize the pilot’s evaluation requirements, as well as corresponding methods.

Evaluation Requirements

SB 40 (Sec. 8) has charged the Housing Conservatorship Working Group with managing an evaluation of the pilot’s overall effectiveness. According to the legislation, preliminary and annual evaluation reports to the State Legislature are to include findings on 12 core indicators related to the impact of Housing Conservatorship on conserved individuals. Local ordinance in San Francisco also calls for the Working Group to report annually on five individual and population-level indicators impacted by the Housing Conservatorship pilot.²

To promote the efforts of the Working Group and ensure a high-quality, objective evaluation, the Department of Public Health and Department of Disability and Aging Services have contracted with Harder+Company Community Research to lead the evaluation as an external partner. Harder+Company has worked closely with the Working Group to review the requirements of this evaluation, discuss appropriate evaluation methods, and develop protocols to gather necessary data from partners.

Evaluation Methods

Methods for this evaluation were designed in collaboration between Harder+Company Community Research, the Department of Public Health, and the Department of Disability and Aging Services, with input from the Housing Conservatorship Working Group. These evaluation methods were selected to address the evaluation requirements set out in SB 40 (Sec. 8), as well as in local San Francisco ordinance:

- **Analysis of client-level data.** Evaluation of the Housing Conservatorship pilot’s effectiveness at the individual level will be largely determined using client-level data gathered from multiple local agencies. Using descriptive and inferential statistical analysis, these data will be used to examine changes in client outcomes and the overall demographic landscape of those conserved.
- **Analysis of population-level data.** One of the potential indicators of the Housing Conservatorship pilot’s impact is the presence of any change in the total number of WIC §5150 evaluations and detentions across San Francisco. The pilot’s evaluation tracks annual population-level counts of 5150s over time, beginning with Fiscal Year 2018-19.³

² Local evaluation requirements are outlined in Sec. 5.37-1 – 5.37-5 of San Francisco’s Administrative Code: <https://sfbos.org/sites/default/files/o0108-19.pdf>

³ Results from this analysis of population-level data can be found in the Housing Conservatorship’s annual local evaluation report: <https://www.sfdph.org/dph/comupg/knowlcol/housingconserv/default.asp>

- **Individual client feedback.** Surveys and/or interviews will be conducted with individuals conserved under the San Francisco Housing Conservatorship, to gauge overall experience and attitude toward the pilot program.
- **Family and stakeholder feedback.** Given the nature of this pilot program, it is especially important to gather input from family members (as identified by individuals served) and stakeholders whenever possible. The evaluation will gather feedback, when feasible, from family members, service partners, and other stakeholders to gauge impressions of the pilot and suggestions for improvement. Feedback may be gathered through surveys, focus groups, interviews, or any combination of these data collection methods.

Evaluation Findings

This section includes responses to the preliminary evaluation findings required by SB 40 (Sec. 8). At the time of this report’s submission, two individuals are on a conservatorship under the Housing Conservatorship pilot, with both individuals still under a conservatorship. To ensure full transparency at a statewide level, we will be addressing all requirements in this report.

Evaluation Requirement

5555(a)(1): An assessment of the number and status of persons who have been conserved under Chapter 5 (commencing with Section 5450), the effectiveness of these conservatorships in addressing the short- and long-term needs of those persons, and the impact of conservatorships established pursuant to that chapter on existing conservatorships established pursuant to Division 4 (commencing with Section 1400) of the Probate Code or Chapter 3 (commencing with Section 5350) and on mental health programs provided by the county or the city and county.

5555(a)(2): The service planning and delivery process for persons conserved pursuant to Chapter 5 (commencing with Section 5450).

Findings

3 petitions for housing conservatorship were filed during the Fiscal Year 2020-21. Of those, 2 people are currently conserved under Chapter 5 (commencing with Section 5450) at the end of the fiscal year (1 permanent and 1 temporary conservatorship). Both individuals are still under conservatorship and therefore the long-term effectiveness of these conservatorships in addressing their needs has not yet been determined.

While short term effectiveness continues to be evaluated, some notable improvements including housing being maintained, significant reduction in crisis contacts and self harm behaviors, and ability to place in multiple community placements to support stabilization.

The Department of Public Health and Department of Disability and Aging Services takes a client centered and recovery oriented approach to supporting individuals. Service planning is individualized and, whenever possible, includes the conservatee. Planning includes partnering with existing providers, the hospital, and Placement Team to determine the needs and appropriate resources to stabilize persons conserved pursuant to Chapter 5 (commencing with Section 5450) and how best to support them. This is reviewed regularly (at least every 60 days as required) to ensure that an individual’s needs are being met and they are placed at the least restrictive setting. Conservatees have access to the complete range of services offered by the Department of Public Health.

Specific services for the two individuals currently under conservatorship includes: Intensive Case Management

Evaluation Requirement	Findings
	(including therapy and psychiatry), In Home Support Services, Home Health Services, and community based placements (acute diversion unit, residential treatment, psychiatric respite).
<p>5555(a)(3): The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) who are placed in locked, acute psychiatric, hospital, rehabilitation, transitional, board and care, or any other facilities or housing types, and the duration of the confinement or placement in each of the facilities or housing types, including descriptions and analyses of the various types of confinement or placements and the types of onsite wraparound or other services, such as physical and behavioral health services.</p>	<p>Services provided to current persons conserved pursuant to Chapter 5 (commencing with Section 5450) include psychiatric respite, intensive case management, psychiatry and medication management, peer support, and remaining in housing with intensive wrap around services.</p> <p>One person has remained in their permanent housing with intensive wrap around services while awaiting placement in permanent supportive housing. One person has been supported in the community, including placement at psychiatric respite, acute diversion unit, and dual disorder residential treatment. Intensive case management services, medication management, peer support, and acute services have been part of the robust wrap around care provided to conservatees.</p>
<p>5555(a)(4): The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) placed in another county and the types of facilities and the duration of the placements, including the types of onsite wraparound or other services, such as physical and behavioral health services.</p>	<p>There are zero persons conserved pursuant to Chapter 5 (commencing with Section 5450) placed in another county to date.</p>
<p>5555(a)(5): The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) by the conserving county who receive permanent supportive housing in any county during their conservatorship, whether permanent supportive housing was provided during the conservatorship, and the wraparound services or other services, such as physical and behavioral health services, provided.</p>	<p>Clinically-appropriate supportive housing is being evaluated for both persons conserved pursuant to Chapter 5 (commencing with Section 5450), but since the conservatees are still involved in the program with a focus on stabilization, they have not been placed yet in permanent supportive housing.</p>
<p>5555(a)(6): The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) who are able to maintain housing and the number who maintain contact with the treatment system after the termination of the conservatorship, including the type and level of support they were receiving at the time they were conserved pursuant to Chapter 5 (commencing with Section 5450).</p>	<p>Ability to maintain housing and contact with the treatment system is not applicable at this time, since the persons conserved pursuant to Chapter 5 (commencing with Section 5450) are still involved in the program.</p>
<p>5555(a)(7): The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) who successfully complete substance use disorder treatment programs.</p>	<p>No individuals conserved pursuant Chapter 5 (commencing with Section 5450) have successfully completed substance use disorder treatment programs to date.</p>
<p>5555(a)(8): The incidence and rate of persons conserved pursuant to Chapter 5 (commencing with Section 5450) who have been detained pursuant to Section 5150 subsequent to termination of the conservatorship at 6, 12, and 24 months following conservatorship.</p>	<p>Detention pursuant to Section 5150 subsequent to termination of the conservatorship is not applicable at this time, since the persons conserved pursuant to Chapter 5 (commencing with Section 5450) are still involved in the program.</p>
<p>5555(a)(9): An analysis of demographic data of persons conserved pursuant to Chapter 5 (commencing with Section 5450), including gender, race, color, religion, ancestry, national origin, ethnic group identification, age, mental</p>	<p>This information is currently redacted due to privacy concerns.</p>

Evaluation Requirement	Findings
disability, physical disability, medical condition, marital status, and sexual orientation.	
5555(a)(10): A survey of the individuals conserved pursuant to Chapter 5 (commencing with Section 5450) and an analysis of the effectiveness of the placements and services they were provided while conserved.	Analysis of the effectiveness of the placements and services provided is not applicable at this time.
5555(a)(11): The substance use relapse rate of persons conserved pursuant to Chapter 5 (commencing with Section 5450) at 6, 12, and 24 months following conservatorship, to the extent this information can be obtained.	Substance use relapse rate of persons conserved pursuant to Chapter 5 (commencing with Section 5450) is not applicable at this time.
5555(a)(12): The number of deaths of persons conserved pursuant to Chapter 5 (commencing with Section 5450) within 6, 12, and 24 months following conservatorship, and the causes of death, to the extent this information can be obtained.	Number of deaths of persons conserved pursuant to Chapter 5 (commencing with Section 5450) is not applicable at this time.
5555(a)(13): A detailed explanation for the absence of any information required in paragraph (11) or paragraph (12) that was omitted from the evaluation.	Not applicable.

Looking Ahead

With only two individuals conserved at the end of Fiscal Year 2020-21, it is difficult to draw meaningful conclusions about the effectiveness of the Housing Conservatorship pilot. The low number of conservatorships is partly attributable to San Francisco's commitment to providing a range of voluntary treatment and services, as well as appropriate housing options, before a petition for conservatorship is submitted. While implementation of the pilot is moving forward and additional petitions and conservatorships likely in the upcoming year, the current scope of the evaluation is limited. As such, this report section includes key considerations for the Fiscal Year 2021-22 evaluation and updates on the implementation process.

Evaluation Next Steps

Moving forward, the ability to gauge overall effectiveness of the pilot for those conserved will rely on quality data at the individual level. The evaluation team will continue to work closely with the Housing Conservatorship Care Team and Working Group to ensure that, as implementation continues, data monitoring and tracking are prioritized as key elements of the process. The Working Group has expressed particular interest in better understanding specific considerations for the San Francisco Housing Conservatorship pilot program, which will be included in more detail in the local evaluation report.⁴ Whenever possible, the evaluation team will also work to include direct input from individuals conserved, in order to better understand their experience of the process and any recommendations they might have.

Implementation Updates

The City and County of San Francisco is committed to fully piloting the Housing Conservatorship program. The Superior Court of California approved the necessary forms for submission in June 2020, paving the way for a petition to be filed. Given the need to serve individuals that are on the pathway towards Housing Conservatorship, specifically at each WIC §5150 after the 5th in a 12-month period, the ability to move forward with cases was significantly delayed by court forms not being available prior to that date. Implementation has continued to be impacted by COVID-19. Despite this, the Department of Public Health has continued to identify individuals who may be appropriate candidates for Housing Conservatorship and continue the implementation of the Housing Conservatorship program. In addition, team members have worked with individuals to identify less restrictive treatment options, like AOT, and have used conversation around Housing Conservatorship as a tool to support individuals in accepting voluntary services.

⁴ Additional detail on the San Francisco Housing Conservatorship pilot program can be found in the annual local evaluation report:
<https://www.sfdph.org/dph/comupg/knowlcol/housingconserv/default.asp>

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