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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). At the time of this preliminary report's submission, the Housing Conservatorship pilot has yet to serve any individuals. Therefore, findings are not included for the core evaluation requirements

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 November 2020, San Francisco's Office of the Public Conservator currently oversees the care of 627 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 voluntary treatment, and the Office of the Public Conservator must determine through their initial investigation and prior to submitting a petition to the court,

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.

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 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. Access to less restrictive treatment and housing options is of particular importance to the Working Group and will continue to be monitored closely.

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.

The Working Group is comprised of 12 members, appointed as follows:

- Kelly Dearman, 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
- Dedria Black, Seat 11, an employee of the Department of Homelessness and Supportive Housing, appointed by the Director of the Department of Homelessness and Supportive Housing
- Sgt. Kelly Kruger, 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 will track 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 surveys.** Surveys will be administered on a regular basis to 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 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, the Housing Conservatorship pilot has yet to serve any individuals. In an effort to ensure full transparency at a statewide level, we will be addressing all requirements in this report.

- 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.
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**
- 5555(a)(2): The service planning and delivery process for persons conserved pursuant to Chapter 5 (commencing with Section 5450).
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**
- 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.
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**
- 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.
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**

- 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.
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**
- 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).
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**
- 5555(a)(7): The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) who successfully complete substance use disorder treatment programs.
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**
- 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.
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**
- 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 disability, physical disability, medical condition, marital status, and sexual orientation.
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**
- 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.
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**
- 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.
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**

- 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.
 - **Findings: No individuals have been conserved under Chapter 5 (commencing with Section 5450) to date**

- 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.
 - **Findings: Not applicable**

Looking Ahead

In light of the fact that no individuals were conserved in Fiscal Year 2019-20, it is difficult to draw meaningful conclusions about the effectiveness of the Housing Conservatorship pilot. While implementation of the pilot is moving forward and petitions are 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 2020-21 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 launches, data monitoring and tracking are prioritized as key elements of the process. The Working Group has expressed particular interest in better understanding the ways in which voluntary services are offered to individuals before they are conserved and how this workflow is integrated with the Coordinated Entry process for accessing housing. 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 also been complicated further due to the impact of COVID-19. Despite this, the Department of Public Health has identified individuals who may be appropriate candidates for Housing Conservatorship and has begun providing appropriate due process notifications.⁴ 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 Further information on due process notifications to date can be found in the 2021 local evaluation report, when submitted:
<https://www.sfdph.org/dph/comupg/knowlcol/housingconserv/default.asp>

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