

Date of Hearing: July 3, 2019

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

SB 282 (Beall) – As Amended May 17, 2019

SENATE VOTE: 38-0

SUBJECT: Supportive housing for parolees

SUMMARY: Eliminates the Integrated Services for Mentally Ill Parolees (ISMIP) and replaces it with the Supportive Housing Program for Persons on Parole to be administered by the Department of Housing and Community Development (HCD). Specifically, **this bill:**

- 1) Instructs the California Department of Corrections and Rehabilitation (CDCR) to transfer all funds appropriated from the General Fund to the ISMIP program to HCD on an annual basis, and requires CDCR to work with HCD to establish a process to refer eligible participants into the program, including participants from the ISMIP program upon the repeal of the ISMIP program.
- 2) States that HCD shall create a program to provide grants to counties to fund permanent supportive housing and wraparound services to people on parole experiencing mental illness and homelessness or risk of homelessness upon release from prison, using funding currently used for the ISMIP program.
- 3) Requires HCD to issue guidelines establishing the grant program and a notice of funding availability or request for proposals for five-year renewable grants to counties. Requires applicants for the grants to demonstrate viable plans to provide permanent supportive housing, mental health treatment, and services to participants.
- 4) Requires HCD to establish criteria to score counties applying for grant funds.
- 5) Makes a person on parole eligible for the program if all of the following are applicable: (1) the person has a serious mental disorder, as defined; (2) the individual voluntarily chooses to participate; (3) either of the following applies: (i) the individual has been assigned a date of release within 60 to 180 days and is likely to become homeless upon release, or (ii) the person is currently experiencing homelessness as a person on parole.
- 6) States that a participant shall continue to receive housing and services funded under the program after discharge from parole, so long as the participant needs this assistance.
- 7) States that applicants shall use program funds for rental assistance, subsidies for new and existing affordable housing, housing navigation services, and incentives to landlords such as security deposits. Other funded activities include coordinating with state prisons to obtain information about, and prepare to provide housing to persons who will be released.
- 8) States that providers shall identify and locate supportive housing opportunities for participants prior to release from state prison or as quickly as possible upon release from

state prison or as quickly as possible when participants are identified during parole.

- 9) Requires HCD execute contracts with awarded entities for a term of five years, subject to renewal. After a contract has expired pursuant to this subdivision, any funds not expended for eligible activities shall revert to the HCD for use for the program.
- 10) Requires a recipient of the program an annual report to HCD on a form issued by the department, pertaining to the recipient's program or project selection process, contract expenditures, and progress toward meeting state and local goals, as demonstrated by the performance measures set forth in the application.
- 11) States that this chapter shall become operative upon a determination by the Department of Finance, in consultation with the Legislative Analyst's Office, that sufficient funding has been appropriated by the Legislature to the HCD for the purposes of the new program. Upon making a determination that sufficient funding has been appropriated, the Department of Finance shall notify the Joint Legislative Budget Committee.
- 12) Defines "housing navigation" to mean "services provided prior to release or in the community that assist program participants with all of the following: (1) Locating permanent housing with private market landlords or property managers who are willing to accept rental assistance or operating subsidies for the program participants; (2) Assisting participants in obtaining local, state, or federal rental assistance or subsidies; (3) Completing housing applications for permanent housing and, when applicable, rental assistance or subsidies; (4) Move-in assistance; (5) Obtaining documentation needed to access permanent housing and rental assistance or subsidies."
- 13) Defines "permanent housing" to mean "a structure or set of structures with subsidized or unsubsidized rental housing units subject to applicable landlord-tenant law, without a limit on the length of stay and without a requirement to participate in supportive services as a condition of access to or continued occupancy of the housing."
- 14) Defines "permanent supportive housing" to mean "permanent housing without a limit on the length of stay that is linked to onsite or offsite services that assist the supportive housing residents in retaining the housing, improving the participant's health status, and maximizing the participant's ability to live and, when possible, work in the community."

EXISTING STATE LAW:

- 1) Authorizes CDCR to obtain day treatment, and to contract for crisis care services, for parolees with mental health problems. States that day treatment and crisis care services should be designed to reduce parolee recidivism. Requires CDCR to work with counties to obtain day treatment and crisis care services for parolees with the goal of extending the services upon completion of the offender's period of parole, if needed. (Pen. Code, § 3073.)
- 2) Defines "serious mental disorder" as "a mental disorder that is severe in degree and persistent in duration, which may cause behavioral functioning which interferes substantially with the primary activities of daily living, and which may result in an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period of time. Serious mental disorders include, but are not limited to,

schizophrenia, bipolar disorder, post-traumatic stress disorder, as well as major affective disorders or other severely disabling mental disorders.” (Welf. & Inst. Code, § 5600.3, subd. (b)(1).)

Declares that it is the intent of the Legislature to provide evidence-based, comprehensive mental health and supportive services, including housing subsidies, to parolees who suffer from mental illness and are at risk of homelessness, in order to successfully reintegrate the parolees into the community, increase public safety, and reduce state costs of recidivism. Establishes the supportive housing program for mentally ill parolees who are at risk of homelessness. (Pen. Code, § 2985 et seq.)

FISCAL EFFECT: Unknown.

COMMENTS:

Purpose of this bill: According to the author, “There is a strong link between incarceration and homelessness. People on parole who are homeless are seven times more likely to reoffend than those housed. This leads to a cycle of incarceration and homelessness. Stable housing reduces recidivism, strengthens our communities, and promotes equity. Formerly incarcerated individuals are almost 10 times more likely to experience homelessness. An Ohio program demonstrates formerly homeless parolees living in supportive housing have a 60% lower recidivism rate than those who are homeless. New York supportive housing programs show lower recidivism rates, lower Medicaid costs, and lower arrest rates among supportive housing tenants than those still homeless. Lastly, California data indicates supportive housing tenants are able to decrease their days incarcerated by over 60%.

“The Legislature established the Integrated Services for Mentally Ill Parolees (ISMIP) program in California’s 2007-08 budget to address this pressing crisis. However, the current program is not in line with the Legislature’s intent. A 2017 UCLA study found ISMIP fails to significantly reduce recidivism. CDCR uses ISMIP funds to pay one-hundred percent of the cost of mental health treatment to a small number of parolees, instead of enrolling them into Medi-Cal where they can draw down a federal match of 50-90%.

“SB 282 seeks to reduce recidivism rates by addressing the pressing need of supportive housing and wrap-around services for individuals on parole with mental health needs. The bill redirects ISMIP funding toward the Supportive Housing Program for Persons on Parole Program, and requires the Department of Housing and Community Development (HCD) to administer grants to counties working to break the cycle of incarceration and homelessness using evidence-based, culturally competent models, and ensuring participants access mental health and substance use disorder treatment through Medi-Cal.”

Eliminating and Replacing the ISMIP: ISMIP was established in 2007 with AB 900 (Solorio) which authorized CDCR to obtain day treatment and to contract for crisis care services for parolees with mental health problems in order to reduce recidivism. In 2012, SB 1021 (Com. on Budget) expanded the ISMIP program. An analysis of SB 1021 described the program as “a supportive housing program that provides wraparound services to mentally ill parolees who are at risk of homelessness” and summarized the provisions of SB 1021 pertaining to the program as “improv[ing] the program by strengthening the housing component and prioritizing contracts with providers that can help provide a continuum of care after the offender is off of parole.” (Sen. Rules Com., Off. of Sen. Floor Analyses, Unfinished Business Analysis of Sen. Bill 1021 (2011-2012 Reg. Sess.), as

amended Jun. 25, 2012, p. 4.)

The proponents of this bill argue the ISMIP funds have not been used as the Legislature intended, citing to a 2017 UCLA study. Specifically, they assert that ISMIP funds have been used to serve a small number of parolees, and that the program is not focused on parolees who are homeless or at risk of homelessness.

This bill would eliminate ISMIP, and redirect its funds to the Supportive Housing Program for Persons on Parole to be administered by HDC. CDCR would refer eligible parolees to the program, and the program's funds would be administered by HCD as grants to the counties. This bill would establish the duties of HCD in creating and operationalizing the program, delineates eligibility criteria for participation in the program, specifies appropriate uses of program funds, and enumerates services that must be provided to program participants. This bill would also include various reporting requirements, evaluations, and monitoring of grant recipients for compliance with program requirements.

Funding: This bill is not operable until the Department of Finance (DOF), in consultation with the Legislative Analysis Office, determines that there is sufficient funding appropriated by the Legislature to HCD. In this year's budget, the Legislature allocated \$16,475,000—the cost for implementing the program established by this bill—to the Board of State and Community Corrections, a sub-entity of CDCR. The budget item states that the money is intended for rental assistance, with a directive that priority shall be given to individuals released to state parole. If SB 282 were signed into law there would not be funding available for the program. The author plans to address this issue in subsequent amendments in the Appropriations Committee.

Prior Legislation:

SB 1021 (Comm. on Budget) 2012, Chapter 41, Statutes of 2012, established the ISMIP program, a supportive housing program for people on parole experiencing mental illness and homelessness.

SB 1013 (Beall), of the 2015-2016 Legislative Session, would have required service providers in the ISMIP program to provide parolee participants with adequate housing and related assistance, including a path to permanent housing and independent living, as part of the Supportive Housing Program for Mentally Ill Prisoners. SB 1013 was held in the Senate Appropriations Committee Suspense file.

SB 1010 (Beall, 2018), of the 2017-2018 Legislative Session, would have established a supportive housing pilot program for mentally ill parolees who are homeless or at risk of homelessness, using existing funding. SB 1010 was held in the Assembly Appropriations Committee.

Double referred: This bill is double referred. It was heard in the Assembly Committee on Public Safety on June 26, 2019 and it passed on a vote of 7-0.

REGISTERED SUPPORT / OPPOSITION:

Support

Corporation for Supportive Housing (Co-Sponsor)

Housing California (Co-Sponsor)
PolicyLink (Co-Sponsor)
Alliance for Boys and Men of Color
American Civil Liberties Union of California
Ant-Recidivism Coalition
California Council of Community Behavioral Health Agencies
California Housing Partnership Corporation
California Public Defenders Association
California YIMBY
City of Santa Monica
County Behavioral Health Directors Association
County of Los Angeles Board of Supervisors
County of Santa Clara
Disability Rights California
East Bay Community Law Center
Ella Baker Center for Human Right
Episcopal Community Services of San Francisco
Initiate Justice
Kings/Tulare Homeless Alliance
Legal Services for Prisoners with Children
Los Angeles Black Worker Center
Los Angeles County Board of Supervisors
Los Angeles Homeless Services Authority
National Association of Social Workers, California Chapter
National Housing Law Project
Non-Profit Housing Association of Northern California
PATH
Root & Rebound
Sacramento County Board of Supervisors
Safe Return Project
Santa Cruz Barrios Unidos
Steinberg Institute
Time for Change Foundation
Western Center on Law and Poverty

Opposition

None on file.

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