

AMENDED IN SENATE MARCH 17, 2016

SENATE BILL

No. 1013

Introduced by Senator Beall

February 11, 2016

~~An act relating to parolees. An act to amend Sections 2985, 2985.1, 2985.2, 2985.3, 2985.4, and 2985.5 of the Penal Code, relating to parolees.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1013, as amended, Beall. ~~Parolees: mental illness.~~ *Mentally ill parolees: housing.*

(1) Existing law authorizes the Department of Corrections and Rehabilitation to obtain day treatment, and to contract for crisis care services, for parolees with mental health problems, and requires the department to provide a supportive housing program that provides wraparound services to mentally ill parolees at risk of homelessness using funding appropriated for that purpose. Existing law provides that an inmate or parolee is eligible for participation if he or she has a serious mental disorder, as defined, has been assigned a release date from state prison, and is likely to become homeless upon release or is currently a homeless parolee. Existing law requires providers to offer various services, including housing location services and rental subsidies. Existing law requires a service provider to comply with specified requirements, including, among others, that the service provider has prior experience working with county or regional mental health programs.

This bill would require a service provider to also demonstrate an existing relationship with a supportive housing provider. The bill would specify that a program participant is not required to receive other

services for mentally ill parolees as a condition of eligibility to receive rental assistance through the program. The bill would require a service provider to offer rental subsidies that are equal to or greater than fair market rent, as defined. The bill would also prohibit the department or a service provider from limiting the duration that a program participant may receive rental assistance through the program, except by the length of the person's parole.

(2) Existing law requires a service provider to identify and locate supportive housing opportunities prior to a program participant's release from state prison or as quickly upon release from state prison as possible, or as quickly as possible when a program participant is identified during parole. Existing law requires a service provider to report specified information to the department, including the number of program participants served and the outcomes for program participants, including the number of participants who returned to state prison.

This bill would require a service provider to identify and locate supportive housing opportunities no later than 9 months after the program participant has agreed to participate in the program. The bill would require that the housing located provide the program participant with a lease where he or she has all of the rights and responsibilities of tenancy. The bill would require a service provider to use a portion of the program payments received to provide interim housing, as defined. The bill would also require a service provider to report to the department the percentage of program participants currently living in permanent housing and the number who are arrested and residing in county jail. The bill would also make technical, nonsubstantive, and clarifying changes.

~~Existing law requires the Secretary of the Department of Corrections and Rehabilitation to establish the Case Management Reentry Pilot Program for specified offenders, primarily eligible parolees, who are likely to benefit from a case management reentry strategy that is designed to address, among other things, homelessness and mental disorders.~~

~~This bill would state the intent of the Legislature to enact legislation that would expand mentally ill parolees' access to supportive housing.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) The Legislature passed, and the Governor signed, Senate*
4 *Bill 1021 in 2012, which included direction to the Department of*
5 *Corrections and Rehabilitation to create the Supportive Housing*
6 *Program for Mentally Ill Parolees, pursuant to Section 3073 of*
7 *the Penal Code. The program was intended to use funds budgeted*
8 *for the Integrated Services for Mentally-Ill Parolees (ISMIP)*
9 *program to serve the purposes outlined in Senate Bill 1021.*

10 *(b) Since 2012, the budget has not referred to the program by*
11 *name and funds have not been used for their legislatively intended*
12 *purposes.*

13 *(c) It is the intent of the Legislature to strengthen the ISMIP*
14 *program to ensure that the department promotes the*
15 *evidence-based wrap-around services, including rental subsidies*
16 *in an amount adequate to allow mentally ill parolees experiencing*
17 *homelessness or at risk of experiencing homelessness upon release*
18 *from prison to obtain and maintain housing stability during and*
19 *after the term of parole, thereby reducing recidivism among*
20 *parolees with a history of homelessness.*

21 *(d) It is the intent of the Legislature that contracts the*
22 *department enters into under the ISMIP program require*
23 *contractors to target resources to parolees experiencing*
24 *homelessness or offenders a risk of homelessness upon release.*
25 *The contracts shall emphasize housing permanency and stability*
26 *over food, clothing, and drop-in or day center services and shall*
27 *require contractors to use a substantial portion of the contracted*
28 *payment to provide rental assistance to obtain housing that is*
29 *independent and integrated into the community.*

30 *(e) It is the intent of the Legislature that the Department of*
31 *Corrections and Rehabilitation include the changes made in this*
32 *act into contracts renewed or entered into for the ISMIP program*
33 *on and after January 1, 2017.*

34 *SEC. 2. Section 2985 of the Penal Code is amended to read:*

35 2985. It is the intent of the Legislature in enacting this article
36 to provide evidence-based, comprehensive mental health and
37 supportive services, including housing subsidies, to parolees who
38 suffer from mental illness and are *either homeless or* at risk of

1 homelessness, in order to successfully reintegrate the parolees into
2 the community, increase public safety, and reduce state costs of
3 recidivism. It is further the intent of the Legislature to supplement
4 existing parole outpatient clinic services by providing services to
5 individuals who suffer from a severe mental illness, as defined in
6 Section 5600.3 of the Welfare and Institutions Code, and who
7 require services that cannot be provided by parole outpatient
8 clinics, including services provided pursuant to Section 5806 of
9 the Welfare and Institutions Code.

10 SEC. 3. Section 2985.1 of the Penal Code is amended to read:

11 2985.1. For purposes of this article, the following definitions
12 shall apply:

13 (a) *“Bridge rental assistance” means rental assistance paid to*
14 *participating landlords while the service provider and program*
15 *participant seek permanent rental assistance that allows the*
16 *program participant to remain in the same housing or, when*
17 *feasible, allows the program participant to incur the full*
18 *responsibility of paying rent through employment or benefits*
19 *entitlement once parole ends.*

20 (a)

21 (b) *“Department” means the Department of Corrections and*
22 *Rehabilitation.*

23 (c) *“Fair market rent” means the rent, including the cost of*
24 *utilities other than telephone, as established by the federal*
25 *Department of Housing and Urban Development, for units of*
26 *varying sizes, as determined by the number of bedrooms, that must*
27 *be paid in the market area to rent privately owned, existing, decent,*
28 *safe, and sanitary rental housing of a modest nature with suitable*
29 *amenities.*

30 (d) *“Homelessness” has the same meaning as in Part 91 of Title*
31 *24 of the Code of Federal Regulations.*

32 (e) *“Integrated Services for Mentally Ill Parolees program” or*
33 *“ISMIP program” means the program of supportive services and*
34 *housing support provided by this article.*

35 (f) *“Interim housing” means a temporary residence in which a*
36 *program participant resides, for a period not to exceed nine*
37 *months, while waiting to move into permanent housing. “Interim*
38 *housing” may include housing that is paid for using motel vouchers*
39 *or housing in which a program participant resides for the purpose*
40 *of receiving recuperative care.*

1 (g) “*Likely to become homeless upon release*” or “*at risk of*
2 *homelessness*” means the individual has a history of homelessness
3 and he or she satisfies both of the following criteria:

4 (1) The individual has not identified a fixed, regular, and
5 adequate nighttime residence for release.

6 (2) The individual’s only identified nighttime residence for
7 release includes a supervised, publicly or privately operated shelter
8 designed to provide temporary living accommodations, or a public
9 or private place not designed for, or not ordinarily used as, regular
10 sleeping accommodations for human beings.

11 (b)
12 (h) “Supportive housing” has the same meaning set forth in
13 subdivision (b) of Section 50675.14 of the Health and Safety Code,
14 and that, in addition, is decent, safe, and affordable.

15 ~~(e) “Transitional housing” has the same meaning set forth in~~
16 ~~subdivision (h) of Section 50675.2 of the Health and Safety Code,~~
17 ~~and that, in addition, is decent, safe, and affordable.~~

18 SEC. 4. Section 2985.2 of the Penal Code is amended to read:

19 2985.2. (a) Pursuant to Section 3073, the ~~Department of~~
20 ~~Corrections and Rehabilitation~~ department shall provide a
21 supportive housing program that provides wraparound services to
22 mentally ill parolees who are *either homeless or* at risk of
23 homelessness using funding appropriated by the Legislature for
24 ~~that purpose: the ISMIP program.~~

25 (b) ~~Providers~~ A service provider participating in this program
26 shall comply with all of the following:

27 (1) Provide services and treatment based on best practices.

28 (2) Demonstrate that the program reduces recidivism and
29 homelessness among program participants.

30 (3) Have prior experience working with county or regional
31 mental health programs.

32 (4) Demonstrate existing relationships with a supportive housing
33 provider.

34 (c) (1) An inmate or parolee is eligible ~~for participation to~~
35 *participate* in this program if all of the following ~~are applicable:~~
36 *apply*:

37 (A) He or she has a serious mental disorder as defined in Section
38 5600.3 of the Welfare and Institutions Code and as identified by
39 the department, and he or she has a history of mental health

1 treatment in the prison's mental health services delivery system
2 or in a parole outpatient clinic.

3 (B) The inmate or parolee voluntarily chooses to participate.

4 (C) Either of the following applies:

5 (i) He or she has been assigned a date of release within 60 to
6 180 days and is likely to become homeless upon release.

7 (ii) He or she is currently a homeless parolee.

8 (2) First priority for the program shall be given to the lowest
9 functioning offenders in prison, as identified by the department,
10 who are likely to become homeless upon release.

11 ~~(3) For purposes of this subdivision, a person is "likely to~~
12 ~~become homeless upon release" if he or she has a history of~~
13 ~~"homelessness" as that term is used in Section 11302(a) of Title~~
14 ~~42 of the United States Code and if he or she satisfies both of the~~
15 ~~following criteria:~~

16 ~~(A) He or she has not identified a fixed, regular, and adequate~~
17 ~~nighttime residence for release.~~

18 ~~(B) His or her only identified nighttime residence for release~~
19 ~~includes a supervised publicly or privately operated shelter~~
20 ~~designed to provide temporary living accommodations, or a public~~
21 ~~or private place not designed for, or is not ordinarily used as, a~~
22 ~~regular sleeping accommodation for human beings.~~

23 ~~(d) A parolee is not required to receive other ISMIP services~~
24 ~~as a condition of eligibility to receive rental assistance pursuant~~
25 ~~to this article.~~

26 *SEC. 5. Section 2985.3 of the Penal Code is amended to read:*

27 2985.3. (a) ~~Each~~ *A service provider shall offer services, in*
28 *accordance with Section 5806 of the Welfare and Institutions Code,*
29 *to obtain and maintain health and housing stability while*
30 ~~participants are the program participant is on parole, to enable the~~
31 ~~parolee program participant to comply with the terms of parole,~~
32 ~~and to augment mental health treatment services provided to other~~
33 ~~parolees: the program participant.~~ *The services shall be offered*
34 *to participants in their a program participant in his or her home,*
35 *or shall be made as easily accessible to participants the program*
36 *participant as possible and shall include, but are not limited to, all*
37 *of the following:*

38 (1) Case management services.

39 (2) Parole discharge planning.

1 (3) Housing location services, and, if needed, move-in cost
2 assistance.

3 (4) Rental ~~subsidies~~ *subsidies that are equal to or greater than*
4 *fair market rent*.

5 (5) Linkage to other services, such as vocational, educational,
6 and employment services, as needed.

7 (6) Benefit entitlement application and appeal assistance.

8 (7) Transportation assistance to obtain services and health care
9 needed.

10 (8) Assistance obtaining appropriate identification.

11 (b) For ~~participants~~ *a program participant* identified prior to
12 release from state prison, upon the *service* provider's receipt of
13 referral ~~and~~, and in collaboration with the parole agent and, if
14 appropriate, staff, the intake coordinator or case manager of the
15 *service* provider shall, when possible:

16 (1) Receive all prerelease assessments and discharge plans.

17 (2) Draft a plan for the *program* participant's transition into
18 housing that serves the *program* participant's needs and ~~is~~
19 ~~affordable, such as permanent supportive housing, or a transitional~~
20 ~~housing program that includes support services and demonstrates~~
21 ~~a clear transition pathway to permanent housing.~~ *that demonstrates*
22 *a clear transition pathway to permanent, independent, and*
23 *affordable housing. Housing options shall include permanent*
24 *supportive housing and interim housing, as necessary, while the*
25 *program participant awaits placement into supportive housing.*

26 (3) Engage the *program* participant to actively participate in
27 services upon release.

28 (4) Assist in obtaining identification for the *program* participant,
29 if necessary.

30 (5) Assist in applying for any benefits for which the *program*
31 participant is eligible.

32 (c) (1) To facilitate the transition of ~~participants~~ *a program*
33 *participant* identified prior to release into the community and
34 ~~participants~~ *a program participant* identified during parole into
35 supportive housing, ~~each~~ *a service* provider shall, on an ongoing
36 basis, *but* not less than quarterly, assess each *program* participant's
37 needs and include in each *program* participant's assessment a plan
38 to foster independence and ~~a continued~~ *a continued* residence in *the same*
39 permanent housing ~~once when his or her~~ *once when his or her* parole is complete.

(2) Upon referral to the *service* provider, the *service* provider shall work to transition ~~participants~~ *a program participant* from the department's rental assistance to other mainstream rental assistance benefits if those benefits are necessary to enable the *program* participant to remain in stable housing, and shall prioritize transitioning ~~participants~~ *the program participant* to these benefits in a manner that allows ~~participants~~ *the program participant* to remain housed, when possible, without moving. Mainstream rental assistance benefits may include, but are not limited to, federal Housing Choice Voucher assistance, Department of Housing and Urban Development-Veterans Affairs Supportive Housing vouchers, or other rental assistance programs.

(3) The *program* participant's parole discharge plan and the assessments shall consider the need ~~for~~ *for*, and prioritize linkage ~~to~~ *to*, county mental health services and housing opportunities that are supported by the Mental Health Services Act, the Mental Health Services Act Housing Program, or other funding sources that finance permanent supportive housing for persons with mental illness, so that the *program* participant may continue to achieve all recovery goals of the program and remain permanently housed ~~once the term of parole ends~~ *when his or her parole is complete*.

(4) *The department and service providers shall not limit the bridge rental assistance made available to the program participant, except to the term of the program participant's parole. The program participant shall be allowed to remain in the same housing after the bridge rental assistance ends, so long as he or she complies with the terms of the lease.*

SEC. 6. Section 2985.4 of the Penal Code is amended to read:

2985.4. (a) ~~Providers~~ *A service provider* shall identify and locate supportive housing ~~and transitional housing~~ opportunities ~~for participants~~ *a program participant* prior to *his or her* release from state prison or as quickly upon *his or her* release from state prison as possible, or as quickly as possible ~~when participants are~~ *after the program participant is identified during parole*; *parole*, but in no case later than nine months after the program participant agrees to participate in the ISMIP program.

(b) Housing identified pursuant to subdivision (a) shall satisfy ~~both~~ *all* of the following:

(1) The housing is located in an apartment building, single-room occupancy buildings, townhouses, or single-family homes,

1 including rent-subsidized apartments leased in the open market or
2 set aside within privately owned buildings.

3 (2) The housing is not subject to community care licensing
4 requirements or is exempt from licensing under Section 1504.5 of
5 the Health and Safety Code.

6 (3) *A program participant living in supportive housing shall*
7 *have a lease and be subject to the rights and responsibilities of*
8 *tenancy.*

9 (c) *A service provider shall use a portion of the ISMIP payments*
10 *received from the department to identify and offer the program*
11 *participant interim housing while the program participant is*
12 *waiting to obtain appropriate permanent rental housing and to*
13 *complete documentation and paperwork needed to move the*
14 *program participant into the rental housing.*

15 (d) *If a service provider operates in a county that utilizes*
16 *homeless coordinated assessment and entry systems, the service*
17 *provider shall offer ISMIP program payments and housing*
18 *assistance to parolees who qualify for the ISMIP program through*
19 *those systems.*

20 (e) *A service provider may use ISMIP program payments to*
21 *support a housing specialist position to work with lessors,*
22 *affordable and for-profit housing developers, public housing*
23 *authorities, and other housing providers to identify and secure*
24 *affordable rental housing for program participants.*

25 SEC. 7. Section 2985.5 of the Penal Code is amended to read:
26 2985.5. (a) ~~Each~~—A service provider shall report to the
27 department regarding the intended outcomes of the program,
28 including all of the following:

29 (1) The number of *program* participants served.

30 (2) The types of services that were provided to program
31 participants.

32 (3) The outcomes for *program* participants, including the
33 number who ~~graduated to independent living~~, *are living*
34 *independently*, the number who remain in or moved to permanent
35 housing, the number who ceased to participate in the program, ~~and~~
36 the number who returned to state ~~prison~~, *prison*, *and the number*
37 *who were arrested and are residing in county jail.*

38 (4) The number of *program* participants who successfully
39 completed parole and transitioned to county mental health
40 programs.

1 (5) *The percentage of program participants currently living in*
2 *permanent housing.*

3 (b) The department shall prepare an analysis of the costs of the
4 supportive housing program in comparison to the cost savings to
5 the state as a result of reduced recidivism rates by *program*
6 participants using the information provided pursuant to subdivision

7 (a). This analysis shall exclude from consideration any federal
8 funds provided for services while the *program* participant is on
9 parole in order to ensure that the analysis accurately reflects only
10 the costs to the state for the services provided to *program*
11 participants.

12 (c) The department shall annually submit, on or before February
13 1, the information collected pursuant to subdivision (a) and the
14 analysis prepared pursuant to subdivision (b) to the chairs of the
15 Joint Legislative Budget Committee, the Senate Committee on
16 Budget and Fiscal Review, the Assembly Committee on Budget,
17 the Senate and Assembly Committees on Public Safety, the Senate
18 Committee on Transportation and Housing, and the Assembly
19 Committee on Housing and Community Development.

20 ~~SECTION 1. It is the intent of the Legislature to enact~~
21 ~~legislation that would expand mentally ill parolees' access to~~
22 ~~supportive housing.~~