

AMENDED IN SENATE APRIL 26, 2016

AMENDED IN SENATE APRIL 7, 2016

AMENDED IN SENATE MARCH 17, 2016

SENATE BILL

No. 1013

Introduced by Senator Beall

February 11, 2016

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. 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 exercise due diligence in providing any mental health or other contracted services and to notify the department of a participant's participation in those services.* 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.

Vote: majority. Appropriation: no. Fiscal committee: 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

1 Corrections and Rehabilitation to create the Supportive Housing
2 Program for Mentally Ill Parolees, pursuant to Section 3073 of the
3 Penal Code. The program was intended to use funds budgeted for
4 the Integrated Services for Mentally Ill Parolees (ISMIP) program
5 to serve the purposes outlined in Senate Bill 1021.

6 (b) Since 2012, the budget has not referred to the program by
7 name and funds have not been used for their legislatively intended
8 purposes.

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

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

26 (e) It is the intent of the Legislature that the Department of
27 Corrections and Rehabilitation include the changes made in this
28 act into contracts renewed or entered into for the ISMIP program
29 on and after January 1, 2017.

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

31 2985. It is the intent of the Legislature in enacting this article
32 to provide evidence-based, comprehensive mental health and
33 supportive services, including housing subsidies, to parolees who
34 suffer from mental illness and are either homeless or at risk of
35 homelessness, in order to successfully reintegrate the parolees into
36 the community, increase public safety, and reduce state costs of
37 recidivism. It is further the intent of the Legislature to supplement
38 existing parole outpatient clinic services by providing services to
39 individuals who suffer from a severe mental illness, as defined in
40 Section 5600.3 of the Welfare and Institutions Code, and who

1 require services that cannot be provided by parole outpatient
2 clinics, including services provided pursuant to Section 5806 of
3 the Welfare and Institutions Code.

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

5 2985.1. For purposes of this article, the following definitions
6 shall apply:

7 (a) “Bridge rental assistance” means rental assistance paid to
8 participating landlords while the service provider and program
9 participant seek permanent rental assistance that allows the program
10 participant to remain in the same housing or, when feasible, allows
11 the program participant to incur the full responsibility of paying
12 rent through employment or benefits entitlement once parole ends.

13 (b) “Department” means the Department of Corrections and
14 Rehabilitation.

15 (c) “Fair market rent” means the rent, including the cost of
16 utilities other than telephone, as established by the United States
17 Department of Housing and Urban Development, for units of
18 varying sizes, as determined by the number of bedrooms, that must
19 be paid in the market area to rent privately owned, existing, decent,
20 safe, and sanitary rental housing of a modest nature with suitable
21 amenities.

22 (d) “Homelessness” has the same meaning as in Part 91 of Title
23 24 of the Code of Federal Regulations.

24 (e) “Integrated Services for Mentally Ill Parolees program” or
25 “ISMIP program” means the program of supportive services and
26 housing support provided by this article.

27 (f) “Interim housing” means a temporary residence in which a
28 program participant resides, for a period not to exceed nine months,
29 while waiting to move into permanent housing. “Interim housing”
30 may include housing that is paid for using motel vouchers or
31 housing in which a program participant resides for the purpose of
32 receiving recuperative care.

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

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

38 (2) The individual’s only identified nighttime residence for
39 release includes a supervised, publicly or privately operated shelter
40 designed to provide temporary living accommodations, or a public

1 or private place not designed for, or not ordinarily used as, regular
2 sleeping accommodations for human beings.

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

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

7 2985.2. (a) Pursuant to Section 3073, the department shall
8 provide a supportive housing program that provides wraparound
9 services to mentally ill parolees who are either homeless or at risk
10 of homelessness using funding appropriated by the Legislature for
11 the ISMIP program.

12 (b) A service provider participating in this program shall comply
13 with all of the following:

14 (1) Provide services and treatment based on evidence-based
15 practices.

16 (2) Demonstrate that the program reduces recidivism and
17 homelessness among program participants.

18 (3) Have prior experience working with county or regional
19 mental health programs.

20 (4) Demonstrate existing relationships with a supportive housing
21 provider.

22 (c) (1) An inmate or parolee is eligible to participate in this
23 program if all of the following apply:

24 (A) He or she has a serious mental disorder as defined in Section
25 5600.3 of the Welfare and Institutions Code and as identified by
26 the department, and he or she has a history of mental health
27 treatment in the prison’s mental health services delivery system
28 or in a parole outpatient clinic.

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

30 (C) Either of the following applies:

31 (i) He or she has been assigned a date of release within 60 to
32 180 days and is likely to become homeless upon release.

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

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

37 (d) *A service provider shall exercise due diligence in providing*
38 *any mental health or other contracted services pursuant to Section*
39 *2985.3 and shall notify the department of an individual’s*
40 *participation in such services.* A parolee is not required to receive

1 other ISMIP services as a condition of eligibility to receive rental
2 assistance pursuant to this article.

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

4 2985.3. (a) A service provider shall offer services, in
5 accordance with Section 5806 of the Welfare and Institutions Code,
6 to obtain and maintain health and housing stability while the
7 program participant is on parole, to enable the program participant
8 to comply with the terms of parole, and to augment mental health
9 services provided to the program participant. The services shall
10 be offered to a program participant in his or her home, or shall be
11 made as easily accessible to the program participant as possible
12 and shall include, but are not limited to, all of the following:

13 (1) Case management services.

14 (2) Parole discharge planning.

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

17 (4) Rental subsidies that are equal to or greater than fair market
18 rent.

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

21 (6) Benefit entitlement application and appeal assistance.

22 (7) Transportation assistance to obtain services and health care
23 needed.

24 (8) Assistance obtaining appropriate identification.

25 (b) For a program participant identified prior to release from
26 state prison, upon the service provider's receipt of referral and in
27 collaboration with the parole agent and, if appropriate, staff, the
28 intake coordinator or case manager of the service provider shall,
29 when possible:

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

31 (2) Draft a plan for the program participant's transition into
32 housing that serves the program participant's needs and that
33 demonstrates a clear transition pathway to permanent, independent,
34 and affordable housing. Housing options shall include permanent
35 supportive housing and interim housing, as necessary, while the
36 program participant awaits placement into supportive housing.

37 (3) Engage the program participant to actively participate in
38 services upon release.

39 (4) Assist in obtaining identification for the program participant,
40 if necessary.

1 (5) Assist in applying for any benefits for which the program
2 participant is eligible.

3 (c) (1) To facilitate the transition of a program participant
4 identified prior to release into the community and a program
5 participant identified during parole into supportive housing, a
6 service provider shall, on an ongoing basis, but not less than
7 quarterly, assess each program participant's needs and include in
8 each program participant's assessment a plan to foster
9 independence and continued residence in the same permanent
10 housing when his or her parole is complete.

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

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

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

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

38 2985.4. (a) A service provider shall identify and locate
39 supportive housing opportunities for a program participant prior
40 to his or her release from state prison or as quickly upon his or her

1 release from state prison as possible, or as quickly as possible after
2 the program participant is identified during parole, but in no case
3 later than nine months after the program participant agrees to
4 participate in the ISMIP program.

5 (b) Housing identified pursuant to subdivision (a) shall satisfy
6 all of the following:

7 (1) The housing is located in an apartment building, single-room
8 occupancy buildings, townhouses, or single-family homes,
9 including rent-subsidized apartments leased in the open market or
10 set aside within privately owned buildings.

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

14 (3) A program participant living in supportive housing shall
15 have a lease and be subject to the rights and responsibilities of
16 tenancy.

17 (c) A service provider shall use a portion of the ISMIP payments
18 received from the department to identify and offer the program
19 participant interim housing while the program participant is waiting
20 to obtain appropriate permanent rental housing and to complete
21 documentation and paperwork needed to move the program
22 participant into the rental housing.

23 (d) If a service provider operates in a county that utilizes
24 homeless coordinated assessment and entry systems, the service
25 provider shall offer ISMIP program payments and housing
26 assistance to parolees who qualify for the ISMIP program through
27 those systems.

28 (e) A service provider may use ISMIP program payments to
29 support a housing specialist position to work with lessors,
30 affordable and for-profit housing developers, public housing
31 authorities, and other housing providers to identify and secure
32 affordable rental housing for program participants.

33 SEC. 7. Section 2985.5 of the Penal Code is amended to read:

34 2985.5. (a) A service provider shall report to the department
35 regarding the intended outcomes of the program, including all of
36 the following:

37 (1) The number of program participants served.

38 (2) The types of services that were provided to program
39 participants.

1 (3) The outcomes for program participants, including the number
2 who are living independently, the number who remain in or moved
3 to permanent housing, the number who ceased to participate in the
4 program, the number who returned to state prison, and the number
5 who were arrested and are residing in county jail.

6 (4) The number of program participants who successfully
7 completed parole and transitioned to county mental health
8 programs.

9 (5) The percentage of program participants currently living in
10 permanent housing.

11 (b) The department shall prepare an analysis of the costs of the
12 supportive housing program in comparison to the cost savings to
13 the state as a result of reduced recidivism rates by program
14 participants using the information provided pursuant to subdivision
15 (a). This analysis shall exclude from consideration any federal
16 funds provided for services while the program participant is on
17 parole in order to ensure that the analysis accurately reflects only
18 the costs to the state for the services provided to program
19 participants.

20 (c) The department shall annually submit, on or before February
21 1, the information collected pursuant to subdivision (a) and the
22 analysis prepared pursuant to subdivision (b) to the chairs of the
23 Joint Legislative Budget Committee, the Senate Committee on
24 Budget and Fiscal Review, the Assembly Committee on Budget,
25 the Senate and Assembly Committees on Public Safety, the Senate
26 Committee on Transportation and Housing, and the Assembly
27 Committee on Housing and Community Development.