

March 24, 2006

Santa Monica, CA

INFORMATION ITEM

TO: Mayor and City Council

FROM: Kathryn Vernez, City Manager's Office  
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SUBJECT: Information on Regional Homeless Legislation Introduced by California State Senator Gil Cedillo

This report provides information on recently introduced legislation by Senator Gil Cedillo to address regional homelessness issues. The package of bills grew out of the recent California delegation trip to New York and incorporates strategies found effective there.

1. Support SB1318: Sentence Enhancements Controlled Substance Sales near Drug Treatment Center or Homeless Shelter.
2. Support SB1319: "Dumping"/Criminal Procedure: release from custody in jail
3. Neutral - SB1320: Downtown Narcotics Recovery Zone /Probation: Los Angeles County restrictions.
4. Support - SB1321: Criminal Procedure: release from custody in jail (Community Reunification Act)
5. Support with amendment- SB1322: Fair Share Zoning/Housing: use by right; amend to credit existing services /housing
6. Support SB1323: Prototype Mental Health Court/Treatment Program
7. Support SB 1288: Youth Substance Abuse Treatment/Medi-Cal
8. Support SB 1289: Foster Care Extension Up to Age 21
9. Support SB 1469: Youth Discharge Planning Connection with Medi-Cal

EXECUTIVE SUMMARY

California State Senator Gil Cedillo (D-22) has introduced nine bills for consideration. The bills employ a variety of strategies to address problems on Skid Row Los Angeles as well as in Santa Monica. As a package, the legislation would increase the prison terms of persons convicted of selling narcotics within 1,000 feet of a drug treatment center, detox facility or homeless shelter; prohibit “homeless dumping” by public agencies; impose geographic parole conditions for persons serving probation for selling narcotics; require the Los Angeles County Sheriff’s Department to identify homeless inmates and refer for discharge-planning services, as well as transport discharged inmates without access to transportation back to the sheriff substation closest to the point of arrest or the person’s residence; create zoning use-by-right provisions for emergency shelter and residential service providers; appropriate funds for a mental health treatment pilot program for non-violent felony offenders; and provide youth discharge planning and Medi-Cal benefits to which they are entitled.

## BACKGROUND

State Senator Gil Cedillo (D-22) represents part of the City of Los Angeles, Alhambra, Maywood, San Marino, South Pasadena, and Vernon. His district includes the portion of downtown Los Angeles commonly referred to as “Skid Row”, the approximately 50 square blocks bordered by 3<sup>rd</sup> Street, Alameda Street, 7<sup>th</sup> Street and Main Street. In January 2006 Sen. Cedillo led a delegation of thirty representatives of local governments, law enforcement agencies, social service providers and business coalition on a trip to New York City to learn about New York’s homeless programs.

Representatives from the City of Santa Monica participated in this trip and reported that one of the keys to the success of New York’s efforts to address homelessness in the

Times Square area was a combination of targeted sensitive law enforcement, discharge planning and expanded services and housing. On February 17, 2006 Sen. Cedillo announced the introduction of a package of bills designed to “serve as an initial step toward addressing the drug dealing, drug use, mental illness and other issues afflicting the homeless that live on skid row.” Los Angeles City officials and downtown business advocacy groups support the bills. A coalition of downtown homeless advocates and service providers has publicly criticized some of the legislative package. They contend these bills criminalize homelessness, lack the necessary funding for successful implementation, and do not provide sufficient resources for the necessary expansion of services and housing.

City of Santa Monica staff largely agree that increased funding for services, especially for court-linked mental health and substance abuse services, and housing are key components for the success of regional efforts to address homelessness. Staff does recommend support of most of the legislation introduced by Senator Cedillo, with one request for amendment to SB 1322 to refine its concepts based on the Santa Monica experience, and one request to remain neutral on SB 1320.

## ANALYSIS

### **1. SB1318: Controlled Substances: Sales Near Drug Treatment Center or Homeless Shelter**

SB1318 adds two years to state prison term for someone convicted of trafficking or conspiracy to traffic in controlled substances (heroin, cocaine, cocaine base, methamphetamine or PCP) upon the grounds of or within 1,000 feet of a drug treatment center, detox facility or homeless shelter.

SB1318 as written would lend support to efforts to keep areas around treatment centers, detox facilities or homeless shelters, including those in Santa Monica, free from drug traffickers. Opponents of the bill claim that the mandatory sentences take discretion away from judges to order alternative sentences, such as treatment, and will exacerbate overcrowding in correctional facilities.

Support SB1318: Controlled Substances: Sales Near Drug Treatment Center or Homeless Shelter.

### **2. SB1319: Criminal Procedure: release from custody in jail (homeless dumping)**

SB1319 prohibits public agencies (law enforcement agencies, public hospitals or any person employed by the agency) from releasing a person from their custody into a location for the purpose of removing the person from a specific neighborhood, city, county or jurisdiction. The bill authorizes a civil action against the agency for preventative relief and a civil fine against the agency in the amount of \$10,000 per violation and attorney's fees to be awarded to the prevailing plaintiff.

The intent of SB1319 is to prohibit public agencies from “dumping” people into other jurisdictions. The bill allows for the identification of agencies or person engaged in a pattern or practice of “dumping” and imposes a penalty for violation of the law. The bill describes dumping as the act of transporting homeless persons in need to the streets where service providers are present without confirming the availability of services.

Support SB1319: Criminal Procedure: release from custody in jail (homeless dumping)

### **3. SB1320 Probation: Los Angeles County restrictions**

SB1320 requires that a condition of probation for persons convicted of selling narcotics be that the person not be physically present in Skid Row, as defined in the legislation, unless ordered by the court to enroll in mental health or drug rehabilitation services, or is currently enrolled in those services.

Skid Row is currently the location of a significant share of the region’s affordable housing, mental health and drug rehabilitation services. Although there is an exception in the legislation for those enrolled in services in the Skid Row area, there is no exception for those housed in the area. This may result in an increased demand for services and housing in other regions of the County, including Santa Monica. Without increased funding for the development of additional services and housing in those areas outside of Skid Row, the effectiveness of this bill may be diluted. Also, there may be an issue as to the constitutionality of mandated “stay-away” orders. And Judges now have power to impose such conditions as part of a probation order.

Neutral SB1320: Probation: Los Angeles County restrictions.

**4. SB1321: Criminal Procedure: release from custody in jail (Community Reunification Act)**

SB1321 would require the Los Angeles County Sheriff's Department identify individuals who are repeatedly admitted to jail and who are housed in homeless shelters. The Sheriff's Department, with the consent of the inmate, would be required to provide information about such inmates who will serve 10 days or more to a county stabilization center or social service organization for the purpose of discharge planning. Inmates identified as homeless or at-risk of homeless would be released to a county stabilization center or social service organization. Inmates who cannot demonstrate access to transportation after discharge would be transported by the Sheriff's Department to the sheriff's substation or detention facility that is closest to the point of arrest or closest to the person's residence.

Support SB1321: Criminal Procedure: release from custody in jail (Community Reunification Act)

**5. SB1322 Fair Share Zoning/ Housing: use by right; amend for credit to localities with existing services/housing**

SB 1322 requires that a city or county identify sites in the housing element of their general plan where emergency homeless shelters and residential service providers are allowed to locate without the ability of the local governing body to change the plan once it is adopted. The sites shall be available for emergency shelters and residential service providers within the planning period and of sufficient size to shelter the families and persons in need of such service in the community.

Fair share laws attempt to provide fair distribution of the burdens and benefits when siting facilities or services that serve a regional need or alleviate a regional problem. Land use

patterns and zoning policies typically are the purview only of local government and a hallmark of local control. Most criticism of fair share policies center on the lack of “teeth” or enforcement of these laws; that siting is a political matter not easily addressable by State imposed rules and procedures. However, we believe that equitable distribution of the care and housing for homeless people is a worthy goal to pursue and necessary so that all communities in a region participate in the solution to end homelessness. These laws need to be followed by coordination of State and county agencies so that there is not excessive concentration of facilities and services in some areas or jurisdictions. Towards that end the legislation should be amended to provide credit to localities that are already providing existing services and facilities. To ensure equitable distribution of housing and services across jurisdictions, fair share allocations could be based on a jurisdiction’s residential population relative to the total population of the state, county, or region. Cities like Santa Monica which already have or provide a high level of service should receive a credit or exemption from the fair share allocation to reflect the existing housing and services. Further, best practices such as early community notification and engagement are essential components and should be incorporated into implementation.

Support SB1322: Fair Share Zoning/ Housing: use by right; amend for credit localities with existing services/housing.

## **6. SB1323 Mental Health Treatment Pilot Program**

SB1323 is the only component of the legislative package that provides any funding for expanded treatment. The bill would appropriate \$2,500,000 from the General Fund to the State Department of Mental Health for the purpose of creating five positions within the Los

Angeles County Department of Mental Health to work with the Los Angeles County Superior Court on a five-year Co-existing Mental Disorders Treatment Pilot Program for non-violent felony offenders in the state who have been identified as having both serious mental health and substance abuse problems. While the scope of the proposed program appears modest, and the details of the program's location and design are not delineated in the bill, it does appear consistent with court-linked programs that have been so successful elsewhere in the county, including in New York City.

Support SB1323: Mental Health Treatment Pilot Program

### **7. SB 1288 - Youth Substance Abuse Treatment**

The bill would increase the scope of benefits contained in Medi-Cal for youth substance abuse treatment. Youths would have access to a continuum of care in treating their substance abuse disorder.

Support SB1288: Youth Substance Abuse Treatment

### **8. SB 1289 - Foster Care**

This bill would extend foster care, on a voluntary basis, for youth up until the age of 21. In order to remain in care, a youth must give his or her consent as well as attend some sort of continuing education or maintain employment. This bill also calls for a mandatory one-on-one case management session for each youth in foster care, on an ongoing basis, by the Independent Living Program.

Support SB1289: Foster Care

**9. SB 1469 – Youth Discharge Planning for Medi-Cal**

This bill would ensure that all Medi-Cal eligible youth, in both county and state incarceration facilities would be enrolled in Medi-Cal at the moment of their release from custody. All youth in custody would be screened for eligibility up to 90 days prior to release and all eligible youth would submit Medi-Cal applications under the direction of either the locals in the county facilities or the Division of Juvenile Justice in the state facilities.

Support SB1469: Youth Discharge Planning for Medi-Cal

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