



BOARD OF SUPERVISORS

222 EAST WEBER AVENUE, ROOM 701
STOCKTON, CALIFORNIA 95202
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Clerk of the Board

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Fourth District

September 8, 2004

Filed NOV 04 2004
ROSA JUNQUEIRO, CLERK
By TRISAL MARTINEZ
DEPUTY

Honorable Robert McNatt
Presiding Judge of the Superior Court
222 E. Weber Avenue
Stockton, California 95202

Dear Judge McNatt:

Response to Grand Jury Final Report Case No. 0503 Public Housing

Pursuant to Section 933.05 of the California Penal Code, attached is the County's response to Grand Jury Final Report, Case No. 0503, Mental Health Services, Public Housing.

Very truly yours,

Leroy Ornellas, Chairman
Board of Supervisors

LO:KC:BH/alf
(1:BOS/04GJR0503-L)

Attachment

Before the Board of Supervisors
County of San Joaquin, State of California

B- 04-968

MOTION: **Sieglock/Marenco**

Response to Grand Jury Report – Case #0503
Public Housing

IT IS HEREBY ORDERED that the Board of Supervisors Accept the Mental Health Services Response to the fiscal year 2003-04 Grand Jury Report Case #0503 regarding Public Housing; and

IT IS FUTHER ORDERED that the Chairman transmit the response to the Presiding Judge of the Superior Court.

I HEREBY CERTIFY that the above order was passed and adopted on 9/21/04 by the following vote of the Board of Supervisors, to wit:

AYES: **Sieglock, Gutierrez, Marenco, Ornellas**

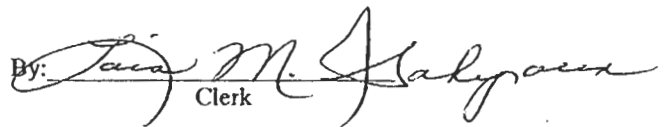
NOES: **None**

ABSENT: **Mow**

ABSTAIN: **None**

Clerk of the Board of Supervisors
County of San Joaquin
State of California



By: 
Clerk

SAN JOAQUIN COUNTY MENTAL HEALTH SERVICES

1212 NORTH CALIFORNIA STREET
STOCKTON, CA 95202
209-468-8700

SEP 21 2004



DEPARTMENT OF
HEALTH CARE SERVICES

September 9, 2004

Board of Supervisors
Courthouse
Stockton, CA

Dear Board Members:

Response to Grand Jury Report - Case #0503
Public Housing

Recommendation

It is recommended that the Board of Supervisors:

1. Accept the Human Services Agency response and the Mental Health Services response to the fiscal year 2003-04 Grand Jury Report Case #0503 regarding Public Housing; and
2. Authorize and direct the Chairman to transmit the response to the Presiding Judge of the Superior Court.

Reason for Recommendation

The 2003-04 San Joaquin County Civil Grand Jury issued a final report regarding Case #0503—Public Housing. The Grand Jury opened an investigation after receiving allegations that San Joaquin County was remiss in not properly inspecting buildings and/or rental units prior to placement of the poor, disabled or mentally ill. The complaint further alleged that the County of San Joaquin entered into leases with landlords who provided substandard housing in high crime areas and failed to do criminal background checks of potential tenants before giving County monies for rent subsidies.

The attached reports include the responses to the specific findings and recommendations in the Grand Jury Report that pertain to the Human Services Agency and to Mental Health Services. The findings and recommendations that pertain solely to the City of Stockton or other entities are not addressed.

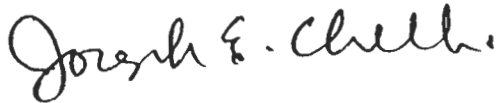
Fiscal Impact

There is no fiscal impact associated with this response to the Grand Jury Report.

Action To Be Taken Following Approval

After acceptance of the Human Services Agency response and the Mental Health Services response to the Fiscal Year 2003-04 Grand Jury Report Case #0503-Public Housing, the Chairman will be authorized and directed to transmit the response to the Presiding Judge of the Superior Court.

Sincerely,



Joseph E. Chelli, Director
Human Services Agency



Kenneth B. Cohen, Interim Director
Health Care Services

Attachments

c: Auditor-Controller
Mental Health Services
Human Services Agency
Clerk of the Board

Human Services Agency
Response to Grand Jury Report—Case # 0503
Public Housing

The following are the responses to the specific recommendations in the Grand Jury Report that pertain to the Human Services Agency. The findings and recommendations that pertain solely to the City of Stockton or other entities are not addressed.

RECOMMENDATION #3

“The Grand Jury recommends San Joaquin County inspect all rental housing prior to placing General Relief or mentally ill tenants in a unit.”

RESPONSE

Human Services Agency (HSA) is responsible for the administration of the General Relief Program in San Joaquin County. The administration of this program includes the eligibility determination and issuance of program benefits.

The General Relief Program DOES NOT locate or place program recipients in housing.

General Relief recipients locate and secure their own housing. The recipient is the tenant of the property. If a lease or contract is required to rent the property it is executed between the tenant and the landlord. HSA DOES NOT enter into a lease or contract with the landlord. HSA pays rent on the tenant's behalf only for the period of time in which the tenant meets the General Relief Program requirements and resides at the property.

The General Relief Program conducts inspections of commercial properties and halfway houses prior to establishing the property owner/proprietor as a rent vendor to receive payment from the County. The purpose of these inspections is to assure that the property owner/proprietor has a valid business license and permit from the city where the property is located to conduct housing business.

- If the owner/proprietor does not have the required licenses and permits, the owner/proprietor will not be authorized as a vendor for General Relief and rent payments will not be made on the property.
- If the property owner/proprietor has the proper licenses and permits but staff inspecting the property have a concern about the habitability of the property, staff contact the Code Enforcement Officers or Department for the city in which the property is located.

Follow-up inspections are completed intermittently (every 12-18 months) to assure that the proper licenses and permits are maintained to continue as a GR vendor. Whenever the Agency is informed by code enforcement officials that a vendor property has been posted for code violations County staff works with code enforcement to assure that the property owner correct the violations. If not corrected within the timeframes given by code enforcement, HSA informs the property owner that the County will suspend or stop vendor status until violations are corrected. GR tenants are also informed that the property is out of compliance with city codes and rent payments on the property will be stopped.

The Human Services Agency is not responsible for conducting code enforcement inspections. Staff do not have the authority or knowledge to do so.

The GR Program does not provide health care services. It DOES NOT identify mental or physical illness of applicants or recipients. Individuals stating or appearing to have mental or physical illness are referred to San Joaquin General Hospital or Mental Health for appropriate services. Individuals with medically verified long-term mental or physical illness are scheduled an appointment with a Social Worker in the General Relief Division who assists the individual in applying for SSI/SSP and/or Social Security Disability benefits through the Social Security Administration.

RECOMMENDATION #6

“The Grand Jury recommends the County maintain a list of addresses where Mental Health and General Relief clients are placed and where the county subsidizes rent. This list should be made available in an effort to avoid saturation to a given neighborhood.”

RESPONSE

The HSA has monthly reports that provide information on rent payments made to vendors. These reports include the names and case numbers of the individuals for whom rent payments have been made.

Applicants and recipients of Social Services Programs are guaranteed confidentiality by law. The HSA cannot share its reports/lists with other County agencies or departments or with other public or private entities.

Mental Health Services
Response to Grand Jury Report—Case #0503
Public Housing

The following are the responses to the specific findings and recommendations in the Grand Jury Report that pertain to Mental Health Services. The findings and recommendations that pertain solely to the City of Stockton or other entities are not addressed.

FINDINGS:

9. Rental Inspections are not being conducted on board and care homes, halfway houses or treatment houses with less than six units.

RESPONSE: Disagree. Each licensed board and care home utilized by Mental Health Services has an annual on-site licensing review by Community Care Licensing, and has a quarterly on-site review by the Mental Health Services case manager that is assigned to monitor that facility. Furthermore, clients are accompanied by case managers on pre-placement visits to board and care homes before making a decision regarding admission. Mental Health Services does not utilize unlicensed treatment facilities.

10. The Grand Jury found the Gipson Center at Holt House is doing a commendable job with their programs. The center is a day program that is designed to socialize clients back into society.

RESPONSE: Agree.

RECOMMENDATIONS:

2. Limitations should be placed on the number of facilities allowed within a certain radius to avoid neighborhood saturation. It is further recommended these facilities notify the City and have appropriate permits or licenses prior to opening.

RESPONSE: Disagree. The Grand Jury recommendation calls for facilities for disabled persons to be treated differently than persons without disabilities. Any recommendation that would result in treatment of tenants with psychiatric disabilities or the units they occupy differently than other tenants or properties would violate state and federal laws prohibiting discrimination on the basis of disability in housing and state and local government programs.

State law requires localities to treat facilities for six or fewer individuals with disabilities as residential uses under local zoning laws. Any attempt to regulate the location of homes of six or fewer individuals in areas zoned for residential uses would violate state law, Welfare and Institutions Code section 5116.

3. The Grand Jury recommends San Joaquin County inspect all rental housing prior to placing General Relief or mentally ill tenants in a unit.

RESPONSE: Partially agree, partially disagree.

To the extent that this recommendation addresses the habitability of a proposed living unit for a person with serious mental illness, it is appropriate for the Mental Health Services case manager in their advocacy role to inspect a rental unit, advise his/her client accordingly and advocate for the client's expressed interests.

However, this recommendation along with Recommendation 5 appears to require some kind of screening of units based on the disability or other characteristics of the proposed occupants. To the extent that the Grand Jury wishes that landlords and San Joaquin County develop screening criteria for occupancy of any rental units by anyone with a disability, when no such criteria would be applied to other Stockton renters at other locations, both the City of Stockton, the landlords, and San Joaquin County would be in violation of the law if such screening were to take place.

4. The Grand Jury recommends County Mental Health case managers adopt a proactive approach to case management by making field visits to their clients to ensure their safety and well being. It is further recommended that an enforcement officer be available through County Mental Health to assist with inspections and make referrals to law enforcement agencies as needed.

RESPONSE: Partially agree, partially disagree. Mental Health Services strongly believes in a proactive case management approach in which field visits are a core component in the provision of services.

The second recommendation that an enforcement officer assist with inspections and make referrals to law enforcement would treat housing for individuals with disabilities differently than other properties, which would be a violation of state and federal law.

5. The Grand Jury strongly recommends the City of Stockton expand the CHAT Assigned Downtown Hotel/Motel Apartment list to include buildings with less than six units.

RESPONSE: Disagree. This recommendation, along with Recommendation 3, appears to impose different requirements on landlords regarding property maintenance than are imposed upon other landlords, when property is occupied by individuals with disabilities, which would violate state and federal law.

However, Mental Health Services is an active participant in the CHAT process. The Mental Health Homeless Outreach Worker is assigned to the CHAT team. Whenever CHAT discovers that a housing unit with code violations houses a

person with disabilities, the Homeless Outreach Worker intervenes and advocates for the person and seeks to ensure that suitable housing is attained.

6. The Grand Jury recommends the County maintain a list of addresses where Mental Health and General Relief clients are placed and where the county subsidizes rent. This list should be made available in an effort to avoid saturation to a given neighborhood.

RESPONSE: Disagree. This would violate state and federal laws prohibiting discrimination in housing for persons with disabilities as discussed in the response to Recommendation 2. It would also violate Health Insurance Portability and Accountability Act (HIPAA) and state laws protecting the confidentiality and privacy of persons receiving treatment for psychiatric disabilities. It would expose the County to liability under state and federal discrimination laws and privacy laws.

8. The Grand Jury recommends placing satellite mental health clinics in neighborhoods that have a high concentration of mental health clients. On site case managers could be placed in large apartment complexes that house mental health clients.

RESPONSE: Partially agree, partially disagree. Mental Health Services is committed to improving access to services throughout the County. For example, a mental health clinic for adults was recently opened in Tracy in order to improve access for the residents of Tracy. Although recent budget reductions preclude the development of more satellite clinics in the near future, it remains a goal to bring services closer to the residents of San Joaquin County.

In the three larger apartment complexes in which Mental Health Services has programs, there is an ongoing effort to strengthen the management of the programs. It is important to have good communication and liaison between the housing program and mental health case managers.

Before the Board of Supervisors
County of San Joaquin, State of California

B- _____

MOTION:

Response to Grand Jury Report – Case #0503
Public Housing

IT IS HEREBY ORDERED that the Board of Supervisors Accept the Mental Health Services Response to the fiscal year 2003-04 Grand Jury Report Case #0503 regarding Public Housing; and

IT IS FUTHER ORDERED that the Chairman transmit the response to the Presiding Judge of the Superior Court.

I HEREBY CERTIFY that the above order was passed and adopted on _____ by the following vote of the Board of Supervisors, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Clerk of the Board of Supervisors
County of San Joaquin
State of California

By: _____
Clerk