



JIM DESMOND
SUPERVISOR, FIFTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: September 24, 2024

11

TO: Board of Supervisors

**SUBJECT: REQUESTING RESOURCES NEEDED TO IMPLEMENT SENATE BILL 43
(DISTRICTS: ALL)**

OVERVIEW

We have seen a sharp increase in homelessness in the State of California over the past 7 years. There is a clear need for additional resources for those who need it most.

Recently, the County of San Diego received a letter from Governor Newsom admonishing the delayed implementation of State Senate Bill 43 (SB 43), which expands the criteria for conservatorship to include those who are gravely disabled due to Substance Use Disorder. Governor Newsom signed this Bill into law in October of 2023, and the Board voted to implement SB 43 on January 1st, 2025. The expanded criteria offer a promising avenue for getting more people into treatment and off the streets.

However, this expansion requires additional resources. It is not enough to simply have more people placed into a conservatorship if we don't have the treatment, programs, and facilities needed.

Governor Newsom issued an Executive Order on July 25th, 2024, urging local jurisdictions to clear homeless encampments. After decades of ineffective state policies—many of which, including the continuation of the failed Housing First policy, increased housing regulations, and the transfer of prison populations to local jails, occurred under his own leadership—the State is now placing the burden of these failures on local governments.

Nonetheless, we share a common goal: getting people off the streets and into the help they need. Achieving this requires more than just policy changes; we need additional resources. With the collaboration of the County of San Diego's department of Behavioral Health Services, today's action directs the Chief Administrative Officer to send a letter to Governor Newsom requesting the funding necessary to implement SB 43. SB 43 implementation is only a part of the solution

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for clearing homeless encampments, as not all individuals living in encampments will qualify for conservatorship. However, we must use every tool at our disposal to address this challenge.

The funding for resources needed includes:

- The region-wide implementation of SD-Relay, a 24/7 behavioral health peer support program for those in emergency rooms who are placed in an involuntary hold or who have suffered a non-fatal overdose. This program alleviates the overcrowding of emergency rooms.
- Funding for secure Behavioral Health residential facilities.
- Funding for withdrawal management beds.
- Funding for involuntary Substance Use Disorder treatment in hospitals.

**RECOMMENDATION(S)
SUPERVISOR JIM DESMOND**

1. Direct the Chief Administrative Officer to send a letter to the Governor of California, in response to his letter dated July 28, 2024, requesting:
 - a. \$10 million, ongoing annually, for the regionwide implementation of SD-Relay.
 - b. \$12 million, ongoing annually, for secure Behavioral Health residential facilities.
 - c. \$26 million, ongoing annually, for Medically Managed Substance Use Disorder Residential treatment beds.
 - d. \$3 million, ongoing annually, for Chemical Dependency and Recovery Hospital services.

EQUITY IMPACT STATEMENT

The implementation of Senate Bill 43 and the effort to address homelessness in San Diego County will disproportionately impact vulnerable populations, particularly those suffering from substance use disorders and mental illness. Expanding conservatorship criteria provides an opportunity to help individuals who are otherwise unable to access necessary treatment and support. However, without adequate resources such as treatment programs and housing facilities, marginalized groups may continue to be underserved. It is essential to ensure that equitable access to these resources is prioritized, with special attention to communities disproportionately affected by homelessness and poverty. This action aims to create a more inclusive and supportive system but must be backed by comprehensive services to achieve meaningful outcomes. Equity will be measured by how well services are distributed and accessed across all affected groups.

SUSTAINABILITY IMPACT STATEMENT

The proposed initiative aligns with the County's sustainability goals by addressing homelessness through a holistic approach that improves environmental, social, health, and economic outcomes. By expanding conservatorship under SB 43 and implementing programs like SD-Relay, the County will reduce the strain on emergency services and provide equitable care for vulnerable

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populations. These measures will not only enhance public health and wellbeing but also create a more sustainable and resilient community in the long term.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendation. We anticipate there will be extensive one-time and ongoing costs for the implementation of SB 43, including costs for services and potential facility improvements. Full potential for billing capacity to offset these costs is unknown at this time. There is currently \$15 million in one-time bridge funding available to support implementation through existing General Purpose Revenue under the Maximize ARPA Revenue Strategy. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

We have seen a sharp increase in homelessness in the State of California over the past seven years. There is a clear need for additional resources for those who need it most.

Recently, the County of San Diego received a letter from Governor Newsom admonishing the delayed implementation of Senate Bill 43.

SB 43 makes changes to the Lanterman-Petris-Short (LPS) Act – a California law governing involuntary detention, treatment, and conservatorship of people with behavioral health conditions. This new statute significantly updates California's civil detention and conservatorship laws by establishing new diagnostic criteria and by broadening the definition of "grave disability". The criteria by which people may be civilly detained under the LPS Act includes:

- Danger to self,
- Danger to others, or
- Grave disability.

Prior to SB 43, the LPS Act defined "gravely disabled" as either a condition in which a person, as a result of a mental health disorder, is unable to provide for their basic personal needs for food, clothing, or shelter.

SB 43 expands the definition "gravely disabled" to include:

- People with a mental health disorder, a severe substance use disorder, or a co-occurring mental health disorder and a severe substance use disorder,
- And, who are unable to provide for their basic needs for food OR clothing OR shelter OR access to necessary medical care OR personal safety.

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This process usually begins with the initiation of a “5150 hold” of an individual by a peace officer, or other designated personnel like a mobile crisis response team member, where they will be transported to an LPS-designated facility. County LPS Designated facilities are mental health treatment facilities that are designated by the county for evaluation and treatment, approved by the State Department of Health Care Services, and licensed as a health facility.

Governor Newsom signed this Bill into law in October of 2023, and the Board voted to implement SB 43 on January 1st, 2025. The expanded criteria offer a promising avenue for getting more people into treatment and off the streets.

However, this expansion requires additional resources. It is not enough to simply have more people placed into a conservatorship if we don’t have the treatment, programs, and facilities needed. It would have been irresponsible to implement these new criteria merely 3 months later.

Governor Newsom issued an Executive Order on July 25th, 2024, urging local jurisdictions to clear homeless encampments. After decades of ineffective state policies—many of which, including the continuation of the failed Housing First policy, increased housing regulations, and the transfer of prison populations to local jails, occurred under his own leadership—the State is now placing the burden of these failures on local governments.

Nonetheless, we share a common goal: getting people off the streets and into the help they need. Achieving this requires more than just policy changes; we need additional resources. With the collaboration of the County of San Diego’s department of Behavioral Health Services, today’s action directs the Chief Administrative Officer to send a letter to Governor Newsom requesting the funding necessary to implement SB 43. SB 43 implementation is only a part of the solution for clearing homeless encampments, as not all individuals living in encampments will qualify for conservatorship. However, we must use every tool at our disposal to address this challenge.

Today’s action directs the Chief Administrative Officer to send a letter to Governor Newsom requesting funding for:

- The region-wide implementation of SD-Relay, a 24/7 behavioral health peer support program for those in emergency rooms who are placed in an involuntary hold or who have suffered a non-fatal overdose. This program alleviates the overcrowding of emergency rooms.
- Funding for secure Behavioral Health residential facilities. A residential facility provides a supportive environment for individuals with Substance Use Disorder, fostering recovery, accountability, and community. If an individual is conserved, they will be in a secure residential facility.
- Funding for withdrawal management beds. A withdrawal management or detox bed is a specialized clinical facility providing supervised care for individuals undergoing

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withdrawal from substance abuse, aiming to ensure safety and comfort during the withdrawal process.

- Funding for involuntary Substance Use Disorder treatment in hospitals.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Safety, Restorative, and Quality of Life Initiatives of the County of San Diego's 2024-2029 Strategic Plan by enhancing public safety and offering alternatives to incarceration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jim Desmond', with a stylized, cursive script.

JIM DESMOND
Supervisor, Fifth District

ATTACHMENTS

A- LETTER FROM GOVERNOR NEWSOM