

2022 ELECTION PLATFORM

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Introduction

About Us

The Law Foundation of Silicon Valley is a nonprofit organization focused on advancing the rights of under-represented individuals and families in our diverse community through legal services, strategic advocacy, and educational outreach.

Our teams aim to create systemic change by working in community to advocate for policies that further racial equity and social justice throughout our client communities – low-income families and individuals, communities of color, and our unhoused neighbors.



Housing

We are focused on creating an impact on our region's housing availability and preventing further displacement of low-income people and communities of color by advocating for the production, preservation, and protection of affordable housing.



Unhoused Community Needs

We are concentrated on ensuring the dignity and protection of civil liberties for our unhoused neighbors so that each person experiencing homelessness can get the support they need and find safe and stable housing without increased barriers.



Health

Our goal is to build an inclusive community where people with health issues and disabilities have access to the services and support systems needed to live independently, without stigma or criminalization.



Children & Youth

Our work is centered on youth voice, ensuring that children and youth have the tools they need to build a strong future for themselves, while also confronting systems that disproportionately impact children and families of color.

Housing Policy Recommendations

AT A GLANCE



Santa Clara County has an average apartment vacancy rate of 4.5%



Less than 10% of tenants are represented, while almost all landlords have legal representation



90% of tenants served by the Law Foundation either remain housed or able to find alternative housing



On average, a family must have an income of at least \$108,000 to rent a two-bedroom apartment



Our housing supply fails to keep pace with demand, placing a disproportionate burden on low-income families of color



Strong cities have diverse affordability levels and housing types throughout the city

1. Preservation

Santa Clara Valley's economic successes should enhance our diverse community, allowing all neighbors to benefit from our region's economic prosperity. However, the rapid and haphazard growth of our cities are displacing residents, disproportionately impacting low-income tenants and people of color. In 2021, nearly 75% of Law Foundation's housing clients were people of color, and more than 60% were women.

A growing movement of engaged low-income residents are developing innovative solutions to preserve our communities' affordable homes, an essential resource for supporting families and our aging population. Our elected officials must work with our neighbors to ensure that new development strengthens existing neighborhoods and prevents displacement.

a. RECOMMENDATION: Create a dedicated annual funding stream for preservation of affordable and subsidized homes.

Santa Clara County is one the most expensive places to live in the United States. On average, a family must have an income of at least \$108,000 to rent a two-bedroom apartment. With a median income of \$140,000, and an average apartment vacancy rate of less than 4.5%, many of our residents are struggling to remain in their homes.

Housing Policy Recommendations

Because housing affordability is critical to preventing displacement and homelessness, our elected officials must prioritize maintaining and increasing our affordable housing stock. Some ways that this can be achieved, is by engaging closely with low-income tenants and community-based organizations, to regularly assess the adequacy of available affordable homes, and funnel preservation funds to critical community resources. Additionally, jurisdictions should explore ways to support a layered fund or community investment guarantee pool to further leverage public preservation dollars.

b. RECOMMENDATION: Support community-led efforts for stabilization funds governed by community such as in the San Jose-Google Community Stabilization Fund, to accompany large developments (e.g. Google).

On May 25, 2021, City Council and Mayor unanimously approved Google's groundbreaking Downtown West proposal, which will bring 4,000 new homes to Diridon Station, 1,000 of them deed-restricted affordable. Additionally, the proposal includes \$154.8 million dollars for a Community Stabilization Fund. The fund will be administered by a community advisory committee appointed by the City Council and will work with a fund manager to draft grants for local organizations. The goal of this grant is to help counter displacement pressures city-wide. This historic public-private partnership should serve as a model for future developments and government officials should continue to support community led-movements and creative outcomes such as the San Jose-Google benefits fund initiative.

c. RECOMMENDATION: Support community-led initiatives to grow a thriving Community Land Trust (CLT) preservation ecosystem.

CLTs are non-profit, community and resident-controlled organizations designed to permanently preserve community stewardship of the land. While CLTs can be used for many types of development including commercial and retail, they are most commonly used to ensure housing affordability. CLTs can potentially provide limited equity for low-income residents that would otherwise have no opportunity for homeownership. Jurisdictions should support this preservation method by ensuring that tenants and community-based organizations have structural and financial support to pursue this opportunity.

Housing Policy Recommendations

d. RECOMMENDATION: Support community-led Tenants Opportunity to Purchase Act (TOPA) and Community Opportunity to Purchase Act (COPA) efforts to help prevent displacement of long-term residents.

Under TOPA, when a landlord places the housing development on the market, tenants are notified and given the first opportunity to purchase the property. Similarly, under COPA, a qualified non-profit has the opportunity to purchase property to ensure its affordability. In our competitive housing market, COPA and TOPA would help prevent displacement and gentrification by helping residents remain in their homes. TOPA and COPA policies can also preserve naturally affordable housing types through restrictions built into the acquisition process.

2. Protection

Elected officials should ensure that low-income tenants and homeowners are protected from displacement.

a. RECOMMENDATION: Enact Strong Tenant Protections to prevent the displacement of low-income families, including rent-control and just cause eviction protections.

Rent control has been shown to help prevent displacement by keeping rents stable, and in turn, keeping families housed. Just cause eviction protections prevent tenants from being displaced unless there is a good reason. In Santa Clara County, only San Jose and Mountain View have rent control and Just Cause. Jurisdictions throughout and including Santa Clara County should enact just cause ordinances to protect tenants from displacement. This should include expanding the Tenant Protection Ordinance to include single-family homes, duplexes, multiplex homes and lower the annual rent increase in the Apartment Rent Ordinance to CPI.

Housing Policy Recommendations

b. RECOMMENDATION: Ensure Strong Ellis Act Protections as a way to preserve the affordable housing stock.

The Ellis Act permits a landlord to take a unit off the market. Strong Ellis Act Ordinances prevent the displacement of tenants by requiring relocation assistance for tenants whose units are subject to the Ellis Act, and by requiring a right to return for tenants who are displaced. Cities should enact strong Ellis Act protections that provide the maximum relocation assistance as allowable by law, require all units in a redeveloped property to be rent-controlled, and require tenants a right to return to any redeveloped property.

c. RECOMMENDATION: Enact right to counsel and fund legal services to prevent eviction.

Tenants facing eviction are more likely to stay housed if they have an attorney representing them. In Santa Clara County, it is estimated that less than 10% of tenants are represented, while almost all landlords have legal representation. Over 90% of tenants served by the Law Foundation either remain housed or able to bridge into alternative housing. Cities should invest in legal services for tenants facing eviction in order to narrow the justice gap and prevent tenants from falling into homelessness.

d. RECOMMENDATION: Robust code enforcement for tenants with strong relocation assistance for tenants facing displacement.

Many low-income tenants live in units where landlords refuse to make repairs. Cities should invest in robust code enforcement, which includes routinely inspecting properties, requiring landlords to immediately repair uninhabitable conditions, requiring landlords to offer moving and relocation assistance to anyone who has to relocate for repairs, and penalties for landlords who refuse to comply. In cases of extreme disrepair or illegal business practices, cities should use their power to nominate a court-appointed receiver to rehabilitate and preserve the property at zero net cost to the city.

Housing Policy Recommendations

3. Production

Silicon Valley is one of the world's most attractive job centers. However, our housing supply fails to keep pace with demand, placing a disproportionate burden on low-income families of color. Our local representatives must support strong measures to ensure that all residents, regardless of income level, can afford a home in a neighborhood with opportunities for successful financial, educational, and health outcomes.

a. RECOMMENDATION: Remove exclusionary zoning and land use barriers that restrict housing types, and promote the development of homes at low-income affordability levels in all parts of the city.

Single-family zoning is a vestige of historically racist and segregative land-use policies. Its impacts are felt today, as many low-income residents are concentrated in multifamily developments with underfunded public services. As reflected in California's Affirmatively Furthering Fair Housing Guidelines, strong cities have diverse affordability levels and housing types throughout the city, to ensure that income levels do not segregate residents into high and low opportunity areas.

b. RECOMMENDATION: Support mandatory inclusionary zoning and provide incentives like density bonuses for all residential projects.

This can create more affordable units and support needed development.

c. RECOMMENDATION: Require commercial developers to finance housing production and/or dedicate land to meaningfully balance the jobs: housing ratio, prioritizing homes for residents most at-risk of displacement.

Unhoused Community Policy Recommendations

AT A GLANCE



According to the 2019 Santa Clara County Point-in-Time Count, 9,706 people in our county experienced homelessness, and 7,922 of these people were unsheltered.



Encampment sweeps target members of our community who have already been systemically disadvantaged and excluded



19% of those in the Point-in-Time count were Black and 8% were American Indian or Alaskan Native, despite only making up 2.8% and 1.2% respectively of the total county population



Citations and fees for so-called “quality of life” code violations are typically unaffordable and further harm people who are unhoused.

1. Stopping Displacement and Preventing Homelessness

The Law Foundation’s overarching goal is to prevent homelessness by ensuring that everyone in our community has housing that meets their needs. For our proposals to stop displacement and create affordable housing (*see Housing platform - pg. 2*). We recognize that building permanent housing takes time. Until homelessness is eradicated, we offer the following policy recommendations to address the needs of our unhoused neighbors.

a. RECOMMENDATION: Stop Encampment Sweeps.

Encampment sweeps violate people’s rights and endanger people’s lives. Sweeps inflict trauma and disrupt people’s ties to their communities. As camps are cleaned, people’s possessions, including survival gear, medical equipment, and important documents are often lost or destroyed. Sweeps destabilize their lives putting them at greater risk of illness and premature death. As the Center for Disease Control advises, “[I]f individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.”¹ Even absent the risks of COVID-19 transmission, sweeps endanger public health.

Unhoused Community Policy Recommendations

We must stop sweeps to promote equity. Sweeps target members of our community who have already been systemically disadvantaged and excluded. Factors such as employment and housing discrimination, over-policing, and lack of culturally sensitive and accessible mental health treatment all contribute to overrepresentations of certain populations among people experiencing homelessness. According to the 2019 Santa Clara County Point-in-Time Count, 9,706 people in our county experienced homelessness, and 7,922 of these people were unsheltered.² Of people experiencing homelessness in 2019, 12% lived in Santa Clara County for five to nine years and 57% had lived here for ten or more years³ demonstrating that most of them have deep ties to our community.

Among those surveyed, Black people and American Indian or Alaskan Natives were dramatically overrepresented; 19% were Black and 8% were American Indian or Alaskan Native, despite only making up 2.8% and 1.2% respectively of the total county population.⁴ Additionally, 19% of people without housing were former foster youth, 13% identified as LGBT, and 45% identified as having at least one disability. Sweeps displace the most vulnerable members of our community in contravention to our values of inclusion.

b. RECOMMENDATION: Use Mental Health Workers Instead of Police to Address Emergencies in Encampments.

When there are emergency calls or complaints related to people living outdoors, mental health workers should respond instead of law enforcement. *(See section 1 in Health platform re: Mobile Crisis - pg. 16)*

On the rare occasion that sweeps are unavoidable, the process must protect the rights of the people being moved and minimize trauma. Unhoused people should be provided ample advance notice of the sweeps. Outreach workers should visit repeatedly before and during the sweep and be able to provide meaningful non-congregate shelter options that are not time limited. Mental health workers with expertise in trauma informed care, substance use counseling, and hoarding therapy should be embedded in outreach teams as well as the teams that help encampment residents move.

Unhoused Community Policy Recommendations

Law enforcement should not participate in encampment sweeps or clean ups. Anyone participating in the sweep or cleanup should participate in mental health and disability sensitivity training and should provide reasonable accommodations, as needed, for people's disabilities.

c. RECOMMENDATION: When performing clean-ups, provide assistance moving belongings; when this is not possible, provide meaningful property storage and retrieval.

Property storage policies for encampment sweeps and clean ups should recognize that one person's trash may be another's treasure. Sometimes what appears to be old and worn is a cherished family keepsake.

People performing clean ups or sweeps should offer assistance packing and moving belongings. When this is not possible, any property that cannot be moved should be properly identified and logged with unique identifiers. When it is unclear whether property is owned or abandoned, err on the side of storing it for 90 days. Owners should be provided identifiable tags to claim their belongings and information about how to retrieve them. The phone number for retrieving belongings should receive live calls at least during business hours. People should be provided a meaningful and streamlined way to retrieve their belongings, including assisting those who lack transportation, cannot lift or carry things on their own, or have other disability-related needs for assistance.

d. RECOMMENDATION: Allow safe alternatives to housing while developing more low-income housing stock.

Until our community creates sufficient low-income housing, we call for an expansion of safe alternatives such as sanctioned encampments and safe parking.⁵ Such alternatives should only be used temporarily while providers actively work to find permanent housing for residents.

Unhoused Community Policy Recommendations

Decisions about sites for any sanctioned encampment or safe parking should be made using input from people experiencing homelessness. These decisions should also consider accessibility for people with disabilities and proximity to public transportation. All sites should be self-governed. In addition to providing active case management to assist with housing searches, sites should be provided onsite medical and mental health services and linkage to other social services.

e. RECOMMENDATION: Provide Wrap-Around Services to all Unsheltered Individuals to Ensure their Well-Being.

We strongly recommend appointing a county-wide executive-level position devoted to understanding and coordinating services for people experiencing homelessness including medical services, mental health services, substance use recovery services, social services, restroom services, sanitation services, and drug testing services. We recommend providing the following services:

aa. Access to Medical Services:

Increase investment in high-quality medical services, including mental health and substance use recovery services across homeless encampments, safe parking, and sanctioned encampment sites, such as the Valley Homeless Healthcare Program. We urge the County to provide regular access to quality health care directly on-site at all encampment, parking, shelter, and transitional housing locations. When specialty care is not possible to provide onsite, service providers should assist unhoused people with appointment scheduling, reminders, and transportation and/or accompaniment to appointments, as needed.

Unhoused Community Policy Recommendations

bb. Increased Access to Social Services and Income Supports:

Many unhoused people have difficulty accessing Social Services and Social Security to apply for benefits or remain in contact with these programs due to lack of transportation, a working phone, or internet connection. We recommend that Social Services Agency staff, or subcontractors provide directed outreach to encampments, safe parking sites, and sanctioned encampments to connect them with benefits that will help them to stabilize their lives and better care for their health.

Additionally, we recommend that our County expand its SSI Advocacy Program (see *section 4a of the Health platform - pg. 22*) and its Guaranteed Basic Income Program (see *section 4b of the Health platform - pg. 23*).

dd. Essential Services:

To ensure that the health and dignity of our unhoused neighbors, all encampments, not only sanctioned sites, should be provided essential services including:

- 1) Regular garbage collection/sanitation services;
- 2) Potable water;
- 3) Handwashing stations;
- 4) Restrooms/Porta-potties; and
- 5) Fentanyl test kits and naloxone as harm reduction measures that save lives.

ee. Meaningful Outreach/Housing Case Management:

Homeless outreach should be coordinated across the County and conducted in a systematic manner. Outreach workers should be trauma-informed and culturally sensitive. Outreach teams should include mental health workers as well as people with lived experience with homelessness.

Unhoused Community Policy Recommendations

h. RECOMMENDATION: Increase staff dedicated to identifying and providing outreach to unhoused youth to better meet their needs.

Too many schools vest their responsibilities to provide McKinney-Vento Act services to children experiencing homelessness in a staff-member who juggles multiple duties. As a result, homeless students fall through the cracks. Cities should collaborate with school districts to leverage funding opportunities to provide more outreach and services to support this population. Specifically, we ask our cities to provide the following:

- 1) Funding to support school districts increasing staff who provide McKinney Vento services;
- 2) Partnerships with school districts to leverage public and private funding to increase mental health services available to youth experiencing homelessness at their school sites.
- 3) Partnerships with school districts to leverage public and private funding to increase mental health services available to youth experiencing homelessness at their school sites.

i. RECOMMENDATION: Approaches to housing placements and provision of services to people experiencing homelessness should factor in scientific findings and demographic data, as well as individualized assessments.

Currently our County relies heavily on use of the Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT) to prioritize providing housing placements for individuals experiencing homelessness. This tool weighs factors like older age, more time living outdoors, and medical conditions toward providing housing. From our observation as service providers working with this community, there are many people who have lived without shelter resourcefully for many years. In contrast, some who are younger and newly unhoused cannot find ways to meet their basic needs and may be at greater risk. Researchers in our community found that, “[u]nhoused people are dying significantly younger than the general population in the county. The average age at death for people who are homeless is 52 years” and many of those deaths are preventable.

Unhoused Community Policy Recommendations

We recommend that any approach to housing placements and provision of services take into consideration each individual's unique circumstances and self-identified survival needs, rather than solely their VI-SPDAT score. We encourage decision-makers to partner with researchers in developing approaches based on findings from studies in our community.

Any data collected on unhoused people should include demographic breakdowns of race, ethnicity, sexual orientation, and gender to help identify disparities. Approaches to homelessness prevention, services, and rehousing should be tailored to overcome inequities using this data.

j. RECOMMENDATION: Shelter options should be non-congregate and no-barrier.

Individuals seeking shelter must be able to come as they are and bring their partners, pets, and possessions with them. They should be provided safe and secure places to store their belongings and for parking including for non-operational vehicles. Programs should not require abstinence from drugs or alcohol to be admitted. Programs should not have curfews. Staff members should have expertise in mental health, trauma-informed care, and social work.

When developing new shelter options, decision-makers should prioritize intended residents' self-identified survival needs. Shelter options should not have time limits and should include active assistance finding permanent housing. Programs should be accessible to people living with disabilities and welcoming to people of all genders and sexual orientations. The unhoused community should be a part of any decision to expand shelter options in the city.

k. RECOMMENDATION: Do not penalize people who are unhoused with unaffordable fines, fees, and vehicle impoundments.

Local officials have an important duty to safeguard the wellbeing of their constituents who are unhoused while permanent housing opportunities are being developed. Citations, fines, and fees for so-called "quality of life" code violations further imperil people who are unhoused, making them unconscionable and counterproductive interventions to address homelessness. The cost of a single citation is unaffordable for most people who are unhoused. Additional fees can pile on when the person cannot pay the initial fine or cannot appear to contest the citation.

Unhoused Community Policy Recommendations

Civil penalties can lead to collateral consequences such as poor credit, arrest warrants for failure to pay or appear, and driver's license suspensions.⁷ Such fines and fees foster increased stigma and discrimination against the status of homelessness.⁸

Towing vehicles and enforcing parking restrictions in ways that lead to impounding vehicles that people rely on for shelter is a particularly harmful approach to the issue of homelessness. The cost of retrieving a vehicle, (which typically includes all unpaid parking fees, towing fees, storage fees, and other administrative fees on top of the difficulty of getting to the tow yard without a car), can total thousands of dollars and is unaffordable for most people who are unhoused.⁹ Tow yards dispose of unclaimed vehicles after a short period. People whose vehicular homes are towed can lose access to critical medications, identifying documents, clothes, and nearly everything they own in addition to their only shelter.

Punitive fines and fees are also fiscally irresponsible choices for local governments, which typically spend more money trying to enforce them than is ever recovered from the penalties themselves.¹⁰ Towing programs drain public funds even faster because the cost of towing and impoundment typically totals thousands of dollars which frequently exceeds the proceeds the towing company gets from a lien sale of the vehicle.¹¹

To prevent creating additional barriers to stable living for people who are unhoused and avoid wasting public funds, local officials should:

- 1) Restrict, by ordinance or binding administrative regulation or guidance, law enforcement's discretion to issue citations for "quality of life" code violations to people who are unhoused or lack the ability to pay the fine.
- 2) Prohibit the towing or impoundment of vehicles being used for shelter.

Unhoused Community Policy Recommendations

3) Support or implement policies to suspend enforcement of parking restrictions, (including but not limited to the restriction on parking in one place longer than 72 hours), against vehicles being used for shelter that are not obstructing traffic.

4) Ensure there is an easily accessible mechanism to contest and clear citations for lack of ability to pay, particularly for people who are unhoused.

I. RECOMMENDATION: Make homelessness a protected status.

California must adopt legislation that protects people from discrimination on the basis of housing status and acknowledges their fundamental human rights. There are many ways the state can do this, but one straightforward way is to add housing status to the protected statuses recognized by California's existing anti-discrimination legislation.

m. RECOMMENDATION: End enforcement of laws that criminalize people for being unhoused and lacking access to services.

California lawmakers should:

1) Repeal penal codes that do nothing but criminalize housing status and enable persecution of unhoused people; and

2) Ensure that funding and grants for housing and services are contingent upon the decriminalization of housing status.

n. RECOMMENDATION: To eliminate homelessness, we must increase affordable housing supply. (See *Housing platform* - pg. 2)

Health Policy Recommendations

AT A GLANCE



The number of people experiencing mental health crises who need trauma-informed de-escalation responses outside of traditional law enforcement remains high



Many mental health conditions are chronic, patients need long-term access to services and care



Investments in correctional mental health services perpetuates false perceptions of substance use and mental health issues as criminal matters.



Increasing public benefits and lowering barriers to enrollment can to enable people with disabilities to live more independent and fulfilling lives.

1. Reimagine Mental Healthcare and Crisis Response to be Low-Barrier and Community-Based.

To create a healthier community, Law Foundation supports low-threshold, non-coercive, patient-centered, peer-driven, community-based mental health care rooted in principles of prevention, harm reduction, trauma-informed care, freedom of choice, and dignity of risk. To promote wellness and safety law enforcement should not have a role in health care.

a. RECOMMENDATION: Increase funding for Mobile Crisis Response Teams (MCRT)/Trusted Response Urgent Support Teams (TRUST) and expand alternatives to police responses.

Santa Clara County has already made important strides toward prioritizing the critical needs of people experiencing mental health crises by implementing mobile crisis response teams. However, the number of people experiencing mental health crises who need trauma-informed de-escalation responses outside of traditional law enforcement remains high, as indicated by the hundreds of calls made to MCRT in 2019-2000.

Health Policy Recommendations

Increased funding for MCRT/TRUST is essential to increase the availability of mobile crisis teams throughout the County, provide data collection and analysis for performance measurements, expand culturally-inclusive community outreach efforts (including multilingual services), provide staff training, and connect community members benefitting from these mental health services with long-term supports.

b. RECOMMENDATION: Remove law enforcement completely from mobile crisis responses.

Currently, in Santa Clara County, mobile crisis teams sometimes work alongside and in cooperation with law enforcement. However, policing is inherently at odds with mobile crisis's goals of de-escalation, service, and nonviolent intervention. Given the brutality with which law enforcement has long terrorized communities of color, mobile crisis teams' cooperation with police may deter people from contacting the program for crisis and care services. To promote trust and community safety, Law Foundation calls for complete divestment from police in mental health crisis responses.

c. RECOMMENDATION: Do Not Build a New County Jail or Locked Psychiatric Facility.

Throughout American history, the criminal legal system has been used to control and confine those excluded by their race, class, gender, and disabilities. Jails and prisons fail to deter crime or rehabilitate people. Instead, incarceration exacerbates racial disparities by causing people to lose their jobs, housing, and connection to families and communities. Incarceration also increases people's experience of trauma and leads to adverse health impacts.

Health Policy Recommendations

Instead of confining people in jails, the County should expand community-based diversion programs where people can receive access to restorative programs and mental health services of their choice. Over a recent, two-year period, the County jail had 9,055 unique patients who were diagnosed with mental health conditions or taking psychotropic medications. During this period, there were roughly 2,000 to 3,000 people in the jails at any point in time.

This data suggests that many of the mental health consumers in the jail cycle in and out relatively quickly on petty charges. If our community reinvested the enormous sums needed to build a new facility into diversion programs in our community, the number of people being arrested, recidivating, and requiring jail beds would decline. Instead of investing in a new jail, that money should be redirected toward investment in proven diversion programs such as supportive housing and community-based mental health and drug treatment services.

Similarly, Santa Clara County should not invest in a new locked psychiatric facility in place of the jail. Investments in correctional mental health services perpetuate false perceptions of substance use and mental health issues as criminal matters. It also can cause fewer funds to be allocated to fund community-based solutions – programs that treat mental illness without denying consumers' civil liberties. Jails are set up to confine, punish, and cage and those purposes run contrary to the goals of mental health and holistic wellness which are to heal, to help, and to treat. These contrary goals can contribute to the adverse health outcomes mental health consumers face in carceral settings.

Health Policy Recommendations

2. Preserve and Protect Mental Health Consumers' Civil Rights.

Competency, guardianship, and civil commitment proceedings strip people with mental health disabilities of their full civil rights. People can be detained and forcibly medicated for symptoms of a mental health disability. Conservatorships and guardianships make people with disabilities more vulnerable to abuse when they are stripped of rights to make decisions about their care and their daily lives. Law Foundation believes that those with mental health disabilities should retain their full autonomy and rights. Forcible treatment can be detrimental to the patients' health.

a. RECOMMENDATION: Eliminate court-mandated medical treatment, including through “alternatives” to incarceration.

These “alternatives” include specialized courts which mandate drug treatment programs and mental health treatment. We also call for the elimination of the Assisted Outpatient Treatment (AOT) program. AOT is a barrier to providing non-coercive, culturally competent mental health care. The experience of being hospitalized and/or treated against one's will can be traumatizing and lead to distrust of mental health professionals. Mandated treatment leads to worse long-term engagement in care and poorer health outcomes.

b. RECOMMENDATION: Invest in voluntary, non-coercive outpatient services and resources.

The Law Foundation supports investment in low-barrier, robust outpatient services such as Assertive Community Treatment instead of the coercive use of a judge's order to force treatment through Assisted Outpatient Treatment (AOT). The court, administrative, and data-keeping costs associated with AOT could be reinvested in additional voluntary treatment slots and/or housing options for hard-to-reach community members.

Health Policy Recommendations

c. RECOMMENDATION: Provide legal representation at all stages of the Assisted Outpatient Treatment (AOT) process.

While the Law Foundation objects to the adoption of AOT, should the County continue its implementation, we hope that people who are referred to AOT are advised of their rights and options by an attorney early in the process, and at every stage thereafter. Providing each patient with legal assistance at every step can help to ensure that patients are advised of their legal rights and treatment options so they can meaningfully advocate for themselves. Many people - especially those who are experiencing acute mental health symptoms, have language barriers, or learning disabilities - do not understand what rights they should have or how to assert them without the assistance of legal counsel. Legal advocates can also spot systemic issues to ensure that patients' rights are not being violated. Particularly when a person is being forced to engage in treatment under the threat of a court-order, extreme precaution should be taken to protect their civil rights.

d. RECOMMENDATION: Eliminate the use of seclusion and restraints.

Under current law there is no time limit on how long a psychiatric facility can place a patient in seclusion and restraints. The experience of being in seclusion and restraints can be painful, humiliating, dehumanizing, unreasonable, and scary. Seclusion and restraints can lead to neglect and abuse of patients. The good news is that mental health treatment for people in crisis can be done effectively and safely without use of such traumatizing measures, as proved by research performed by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.¹² Seclusion and restraints should be abolished to prevent inflicting harm on people experiencing mental health symptoms.

Health Policy Recommendations

3. Increase Access to Quality Mental Healthcare.

Mental healthcare is most effective when provided in a comprehensive and preventative fashion rather than administered as an emergency response to a crisis. Many mental health conditions are chronic. Patients need long-term access to services and care that is flexible, specialized, and ongoing, rather than spending several days in intensive locked care only to be released back into the same situation they faced prior to hospitalization without any long-term supports. Law Foundation promotes investment in free, long-term supportive systems of care to replace forced inpatient hospitalization.

a. RECOMMENDATION: Increase funding for community outreach and neighborhood-based, peer-led trauma-informed mental healthcare.

Individuals who require mental healthcare should have low-barrier access to care in community settings. Removing patients from their networks of support and comfort to provide care in a hospital can be destabilizing. Forced hospitalizations can result in additional problems for people in crisis. Someone who is unable to show up to work or pay their rent due to their forced hospitalization may face unemployment or an eviction upon their release. Care should be provided in a way that allows patients to engage as much as possible with their regular lives and obligations. Such care will not only prevent negative ramifications for patients stemming from hospitalization itself but will also increase the likelihood that patients will voluntarily engage in long-term care, leading to better health outcomes. Adding peers to community-based mental healthcare teams can increase culturally responsive care. People also deserve to access high-quality trauma-informed care regardless of their housing or financial status without concern that they are choosing mental healthcare at the expense of feeding themselves or paying rent.

Health Policy Recommendations

b. RECOMMENDATION: Increase funding for and prioritize training for healthcare providers centered around culturally competent care.

People seeking mental healthcare should be treated with respect and dignity, as should their beliefs and cultural/religious practices. Whenever possible, space should be made to incorporate an individual's cultural practice or treatments into their care plan in accordance with their wishes. Providers should take extra care to consider the power dynamics from which they approach each patient and to respect and honor the frame of reference from which the patient may approach healing. Law Foundation supports increased funding to promote culturally competent training and care including hiring peer mental healthcare workers.

4. Support Disability Liberation Through Increased Funding for Government Benefits and Eliminating Barriers to Access These Programs.

People with disabilities deserve the same access to quality care, comfort, and participation in community as anyone else. However, in a world that is not built for different accessibility needs, it can be more expensive and difficult for people with disabilities to access education, jobs, resources, and services than the general population. Increasing public benefits and lowering barriers to enrollment can enable people with disabilities to live more independent and fulfilling lives.

a. RECOMMENDATION: Invest in "SSI Advocacy" to provide legal support to people applying for disability benefits.

The process of applying for Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), and other disability-linked cash benefits is work-intensive and challenging. Most people are initially denied, despite having meritorious applications. The complexities of these programs are incredibly difficult for many people with disabilities to navigate on their own, particularly those experiencing homelessness.

Health Policy Recommendations

When appealing disability benefits denials, persons who are represented by an attorney are roughly twice as likely to get approved for benefits than those who are not. A pilot project in San Francisco County found that providing representation to help people receiving General Assistance get onto SSI resulted in a \$5 to \$1 return on investment.¹³ Currently, our County provides SSI Advocacy to people on General Assistance during the application and first stage of the appeal process. However, people who are denied must contact private attorneys on their own to seek representation in a hearing. For people experiencing homelessness, non-English speakers, or those with acute mental health symptoms, this may be an insurmountable barrier. We recommend funding free legal services to assist with SSI, SSDI, and Cash Assistance Program for Immigrants (CAPI) applications to increase the number of people accessing these benefits.

b. RECOMMENDATION: Implement and Expand Guaranteed Basic Income Programs.

We support the County's continued investment in providing Guaranteed Basic Income (GBI) to former foster youth and hope that this program is sustained and expanded. This cash benefit provides people additional support to meet their basic needs and costs little to administer. The money enables recipients to spend less time worrying about their most basic needs, so they can better focus on eradicating barriers to economic and housing stability. We encourage the expansion of GBI to address the needs of other historically excluded groups, particularly those who have difficulty accessing the job market, such as people reentering our communities following periods of incarceration and people experiencing homelessness.

5. Prioritize and Center Marginalized Voices in Government Decision-Making.

a. RECOMMENDATION: Prioritize voting accessibility.

The Law Foundation calls on all candidates for office to prioritize voting rights for those who may be unable to vote at a traditional in-person polling place during a short, set period.

Health Policy Recommendations

This includes people living with physical, intellectual, and mental health disabilities. Ways to increase access include day-of voter assistance hotlines, expanded vote by mail/online registration, implementation of accessible voting machines and materials, and providing poll-worker training on accessibility. We applaud our County's efforts to make voting accessible and easy and hope these measures will be expanded to other communities.

b. RECOMMENDATION: Uplift voices of historically excluded communities.

We also call on candidates to speak to the issues that people with disabilities face and to engage directly with these constituents. Too often, people with disabilities are written off as unable to engage in politics and current events when they are among those most affected by the outcomes of policy decisions. Law Foundation implores candidates to visit board and care homes, hospitals, nursing homes, and other care facilities to engage this sector of their constituency and listen to their concerns.

c. RECOMMENDATION: End felony disenfranchisement and restore voting rights for Californians who are currently incarcerated.

At least half of those currently incarcerated in the United States are mental healthcare consumers. While Santa Clara County's jails mostly detains people awaiting trial or sentencing, we know that Latinx residents are overrepresented in the County jail by nearly two-fold and Black residents are overrepresented by nearly four-fold compared to their percentage in the County overall. Due to disparities in enforcement, California's prison population has similar racial disparities. By maintaining any kind of felony disenfranchisement, even while a sentence is served, we disproportionately strip away the voices of people with disabilities, particularly those who are Black, Indigenous, and Latinx. Disenfranchising this population excludes them from having a say in decisions that disproportionately impact their interests, fueling the prison-pipeline rather than investments in community well-being. We must restore voting rights.

Children & Youth Policy Recommendations

AT A GLANCE



Students with disabilities perform three times worse than their non-disabled peers in school, with the achievement gap made worse by COVID



Guaranteed income programs, like that piloted in Santa Clara County, help stabilize vulnerable young adult populations



Black and Latino families continue to be disproportionately represented at all levels of the child welfare system



Additional resources and elimination of barriers are needed to increase access to behavioral health services for children across the County

1. Education

a. RECOMMENDATION: Removal of School Resource Officers from K-12 campuses.

Many school districts across Santa Clara County have formal relationships with local law enforcement jurisdictions to provide school resource officers that are stationed on campus throughout the school day. The stated purpose of these officers is to promote a safe school climate. That argument is not supported by data. In the aftermath of the social justice protest of 2020 resulting from George Floyd's murder, a nationwide effort was started to end these formal relationships between school districts and law enforcement agencies. Several school districts in Santa Clara County took action to end, or significantly modify, their relationships with LEAs. We would like to see action at the city, county, and state level to end any remaining formal relationships and prevent them from recommending.

Children & Youth Policy Recommendations

b. RECOMMENDATION: Improve academic outcomes for students with special needs.

Students with special needs, including those identified as eligible for special education, continue to often experience poor academic outcomes. Studies show that students with disabilities perform three times worse than their non-disabled peers. This achievement gap was exacerbated by COVID, given the difficulties in providing in-person support that is vital to successful implementation of an Individualized Education Plan or similar plan for services. While most of the planning to support special needs students will take place at the school district level, elected officials can support districts and the County Office of Education in their work to close the gap. Concrete steps can include support for specialized resources, such as tutoring, and continuing work to close the technology divide that impacts student performance.

2. Child Welfare

a. RECOMMENDATION: Support improvement in children's access to behavioral health services.

Efforts are underway within the county to improve children's access to mental health services, particularly at school sites. Elected officials must prioritize these efforts, both with appropriate allocation of financial resources and elimination of any procedural barriers that impede implementation. Work should be done to develop private-public partnerships to leverage financial resources to achieve this goal. Continued support and expansion of screening for Adverse Childhood Experiences will also be critical.

Children & Youth Policy Recommendations

3. Children's Behavioral Health

a. RECOMMENDATION: Support improvement in children's access to behavioral health services.

Efforts are underway within the county to improve children's access to mental health services, particularly at school sites. Elected officials must prioritize these efforts, both with appropriate allocation of financial resources and elimination of any procedural barriers that impede implementation. Work should be done to develop private-public partnerships to leverage financial resources to achieve this goal. Continued support and expansion of screening for Adverse Childhood Experiences will also be critical.

4. Youth Financial Support

a. RECOMMENDATION: Support income stabilization efforts for vulnerable young adult populations.

Santa Clara County has recently concluded the first year of a pilot project to support former foster youth with a guaranteed monthly income. Earlier this year, the state budget included funding to support a similar project statewide. Based on data taken from other jurisdictions that have implemented guaranteed income programs, these types of programs appear effective. We would like to see the current county program continue, as well as similar programs studied and implemented on behalf of other vulnerable youth populations, including young adults that experienced homelessness as children.


Endnotes

1. <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html#facility-layout>
2. <https://osh.sccgov.org/sites/g/files/exjcpb671/files/2019%20SCC%20Homeless%20Census%20and%20Survey%20Exec%20Summary.pdf> Although the Point-in-Time count was suspended throughout the COVID-19 pandemic, the number of people experiencing unsheltered homelessness has only grown.
3. <https://osh.sccgov.org/sites/g/files/exjcpb671/files/2019%20SCC%20Homeless%20Census%20and%20Survey%20Exec%20Summary.pdf>
4. <https://www.census.gov/quickfacts/santaclaracountycalifornia>
5. [1] “Safe parking programs provide these households—many times families with children—a safe and secure nightly location to sleep in their vehicles free from harassment, criminalization, and fear of assault.”
(https://www.bcsh.ca.gov/hcfc/documents/2021_heap_case_study1.pdf)
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7. Nat’l Law Ctr. on Homelessness and Poverty, Housing Not Handcuffs 50 (Dec. 2019), <https://www.aclusocal.org/sites/default/files/outsidethelaw-aclufdnsca-report.pdf>.
8. ACLU Found. of Calif., Outside the Law 15–17 (Oct. 2021), <https://www.aclusocal.org/sites/default/files/outsidethelaw-aclufdnsca-report.pdf>.
9. W. Ctr. on Law and Poverty, Towed Into Debt 7–8 (Mar. 2019), <https://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf>.
10. Nat’l Law Ctr. on Homelessness and Poverty, Tent City, USA 33 (2017), https://homelesslaw.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.
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12. Charles G. Curie, “Special Section on Seclusion and Restraint: Commentary: SAMHSA’s Commitment to Eliminating the Use of Seclusion and Restraint,” Published Online: Sept. 2005 <https://doi.org/10.1176/appi.ps.56.9.1139>.
13. Maria Martinez, Lucia Garcia “Return on Investment: How SSI Advocacy Became a Standard of Practice in San Francisco” (May 1, 2008). <https://www.sfdph.org/dph/files/SSIdocs/ROI-SSIAdvocacySFrev05022008.pdf>.



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