

ADULT AND AGING COMMISSION

Wednesday, August 24, 2022

2:00 – 4:00 PM

Video Conference Meeting

<https://csus.zoom.us/j/88550521679>

Or phone (669) 900 6833

Meeting ID: 885 5052 1679

AGENDA

Item	Lead Person	Action
Welcome & Introductions	Chair	Discussion
Roll Call	Secretary	None
Approval of May 25, 2022 and July 27, 2022 Minutes and August 24 Agenda	Chair	Discussion and vote
Public Comment	Open Forum	None
Presentation: Martha Haas and Deanna Quintanilla, Sac. Co. Senior Volunteer Services	Open Forum	None
Presentation: Bethney Bonilla, UC Davis Transportation and Dialysis Study	Open Forum	None
AAC Business & Initiatives		
Commissioner recruitment and orientation materials	Chair	Discussion
Age-Friendly Initiative Commission Liaison	Chair	Discussion
2023 Priorities & Action Plan: Room & Board Issue	Chair	Discussion
New Business	Open Forum	Discussion
Reports		
Liaison Reports	Open Forum	Discussion
Area 4 Agency on Aging	AAA4 Rep	Discussion
Aging Resources Exchange	ARE Co-Chairs	Discussion
Sacramento County Age-Friendly Initiative	P. Wait	Discussion
Commission Membership Changes	Chair	None
Announcements	Open Forum	Discussion
Future Meetings		
Suggestions for future agenda items	Open Forum	Discussion

Want to help make our community a great place to live? Join the Sacramento County Adult & Aging Commission!

The Sacramento County Adult & Aging Commission is comprised of volunteers who:

- Track aging and disability trends
- Learn and raise awareness about issues and existing programs
- Work to improve and expand services and resources for older persons and adults living with disabilities as well as their families and support networks.



Commission Roles

- Stay up-to-date on county trends, needs, and services
- Educate the community
- Advise the Board of Supervisors, county staff, and local partners
- Support programs and initiatives
- Conduct research
- Advocate for improved and expanded services and resources

Current and Recent Activities and Accomplishments

- Work with the county to develop and implement an Age-Friendly Action Plan
- Raise awareness of local programs and services through monthly Aging Resources Exchange meetings and an online resources directory <https://www.sacagingresources.org/>
- Honor exceptional community members through our Older Americans Celebration event

Eligibility

You are eligible if you:

- Are at least 18
- Live in Sacramento County
- Have no conflict of interest (a conflict of interest may arise if you or an immediate family member work for the county or hold a position that might conflict with your duties as a commissioner).

What Commissioners Do

At a minimum, commissioners are required to regularly attend monthly commission meetings on the fourth Wednesday of each month from 2-4pm. Commissioners may also be asked to represent the commission on other community boards or councils, serve on committees or working groups, and/or attend events. These additional activities will depend on each commissioner's availability, expertise, and interests.

As a local government body, the Commission must comply with open meeting laws and ethics rules. Commissioners must periodically complete ethics trainings and file statements of economic interest (Form 700).

What We Don't Do

The Commission does not engage in political lobbying, provide direct services, receive or spend money, or promote businesses. Individual commissioners are not authorized to represent or speak on behalf of the commission or the county.

How To Join the Commission

We encourage potential commissioners to first attend a commission meeting. When you are ready to apply, download an application at <https://sccob.saccounty.gov/Pages/BoardsandCommissions.aspx> or request an application from the Clerk of the Board by calling (916) 874-5451 or in person at 700 H Street, Suite 2450, Sacramento.

After you submit your application, you will be invited to meet with members of the Board of Supervisors' staff. Your nomination will then be considered by the Board of Supervisors. This process may take a few months, but you are welcome to attend Commission meetings while your application is pending.

Disclosures

Once you are appointed to the Commission, you will need to file a statement of economic interest (Form 700) prior to taking action as a commissioner. Form 700 is designed to make potential financial conflicts of interest by public officials transparent. Depending on your local financial interests, you may or may not be required to disclose any financial information. For example, you do not need to disclose the location or value of your primary residence, but you may be required to disclose interest you have in other real property in or near Sacramento County.

Your personal contact information can be kept confidential. For more information about Form 700, you can email form700@saccounty.net, contact the Fair Political Practices Commission at 866-ASK-FPPC, or visit <https://www.fppc.ca.gov/>.

What To Learn More?

To learn more about the Commission, you can:

- Attend a commission meeting – Our meetings are open to the public. Go to <https://dcfas.saccounty.net/SAS/Pages/Adult-and-Aging-Commission.aspx> to view minutes, agendas, and other meeting information.
- Visit with a commissioner – We would be happy to schedule a time to visit with you by email, phone, or in person. Email sacagingresources@gmail.com or call (916) 874-5411 to get connected with a member of the Adult & Aging Commission.

**Preliminary Research, Findings and Recommendations For
Sacramento County Unlicensed Room and Board Housing**

Submitted January 25, 2016, to Supervisor Don Nottoli:
Sacramento County Adult & Aging Commission (AAC)

Room and Board Ad-Hoc Committee Members:
Dev Berger, Evelyn Mendez-Choi, Silvia Molina, and Brian Wilhite

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BACKGROUND ON AAC ROOM AND BOARD EFFORTS

June 18, 2010 Room and Board Report

On June 18, 2010, the Sacramento County Adult and Aging Commission (AAC) issued a report requested by Supervisor Don Nottoli, concerning an AAC-proposed County ordinance to regulate room and board (R&B) arrangements. That ordinance stemmed from a 1997 recommendation from the AAC *Unlicensed Facility* report.

The 2010 report included the following:

- Data on R&B living arrangements in Sacramento County gleaned from a self-help housing website that was searched on October 8, 2008;
- Suggested list of standards based on the California Association of Addiction Recovery Resources (CAARR) for clean and sober housing facilities;
- Proposed elements for the Sacramento County Rooming House Ordinance (e.g – rooming house definition; multi-office oversight process; reasons for the R&B ordinance; discussion of actions and concerns);
- Draft of the proposed ordinance to control R&B housing arrangements;
- Excerpts from AAC’s Oversight Committee addressing potential costs and enforcement related to the proposed ordinance.

Appendix 2 contains the above information.

Major sections of the proposed R&B ordinance

The proposed Sacramento County R&B ordinance comprised four sections. Quoted below is summary information:

1. Section 1: (Definition) “Any residence in which the proprietor offers rooms for rent, hire or lease for two or more persons, with food is a room and board housing arrangement.”
2. Section 2 (Licensure/fee information) “No person or entity may operate a room and board housing arrangement for seniors 60 years of age or older or dependent adults (Section 15610.23 of the W&I Code) without a valid business license issued by the County of Sacramento.”
3. Section 3: (Context of R&B) “No such license shall be granted to any room and board housing arrangement that purports to offer, or offers, personal assistance ‘essential for sustaining the activities of daily living’ to its occupants.”
4. Section 4: (Review for license denials or revocations) “Any room and board housing arrangement denied a license or that has a license revoked or forfeited pursuant to Section 3, above, may petition the Sacramento Department (*here insert the name of the appropriate County Agency*) for a review of such denial or revocation.”

The AAC proposed ordinance did not advance and it is the Ad Hoc Committee’s understanding that opposition was based on two reasons: 1) the ordinance would increase the size of government; and, 2) it would increase governmental costs.

AAC Ad Hoc Committee on Room and Board

In 2015, four AAC members created the Ad Hoc Committee on Room and Board to refocus attention on Sacramento County R&B issues. Meanwhile, the Sacramento County Board of

Supervisors (BOS) was in the process of creating a Development Code Package, which included updating the County's Zoning Code. The Ad Hoc Committee met with Supervisor Nottoli, as the County was conducting a hearing concerning Zoning Codes.

Globally speaking, zoning codes allow government to keep residential areas as residential and business areas as business. Examples of categories that zoning codes address are: advertising signage; parking and vehicle traffic; the percentage of your home devoted to business; the number of people you employ, and the jobs you employ them to perform; the use of hazardous materials and chemicals; noise, smoke and odor. Zoning codes, naturally, have an impact on R&B.

The result of the meeting with Supervisor Nottoli was that the Ad Hoc Committee would investigate R&B issues and provide Supervisor Nottoli with a preliminary R&B report.

SCOPE OF RESEARCH

Based on interviews with Sacramento County, local nonprofits and California State government contacts, the Ad Hoc Committee's preliminary report addresses the following: identification of common R&B problems; issues facing County's Code Enforcement on R&B; identification of system problems; and recommendations to improve R&B.

- **PART 1:** People interviewed for the report
- **PART 2:** Summary of background information and common room and board problems;
- **PART 3:** Summary Sacramento County Code Enforcement involvement with R&B;
- **PART 4:** System Problems;
- **PART 5:** Recommendations.

PART 1: INTERVIEWS

The Ad Hoc Committee interviewed the following people for this preliminary report:

COUNTY STAFF	NONPROFITS	CALIFORNIA STATE AGENCY
<p>Barry Chamberlain, Code Enforcement Program Manager, Sacramento County Code Enforcement</p>	<p>Tara Givens, Team Leader, Turning Point ISA (<i>Turning Point is a community program that provides psychiatric services, support and advocacy for people working to overcome the effects of mental illness.</i>)</p>	<p>Kerry Hiratsuka, Licensing Program Analyst, California Department of Social Services, Community Care Licensing Division</p>
	<p>Ameshia Arthur, Program Director, Sierra Elder Wellness Program (<i>Sierra Elder Wellness Program provides outpatient mental health services for the growing older adult population, ages 55 years and older. Services include outreach, mental health rehabilitation and therapy, co-occurring disorders services, psychiatric medication and follow up services, housing support, case management and other support as identified.</i>)</p>	<p>Evelyn Schaeffer, Assistant Program Administrator, California Department of Social Services, Community Care Licensing Division</p>
	<p>Kezzia Bullen, Clinical Director, TeleCare (<i>TeleCare provides mental health wrap-around services via contracts with Sacramento County, and one of the services provided is helping clients with R&B. Fifteen to 20 percent of TeleCare’s clientele are seniors.</i>)</p>	

Barry Chamberlain provided information on Sacramento County regarding code enforcement. Tara Givens, Ameshia Arthur, and Kezzia Bullen provided information that added to background information on R&B, issues and problems, and suggestions to improve R&B. Givens, Arthur and Bullen work with nonprofits, that have contracts with Sacramento County, and services provided include finding and placing an adult or senior in an R&B.

Kerry Hiratsuka and Evelyn Schaeffer confirmed that data is not collected on R&B across California, and that the lack of data naturally prevents oversight, planning, and other actions. Ms. Schaeffer is currently responding to a Public Records Act request from the Ad Hoc Committee

regarding complaint information, to see if they shed any light on R&B issues. The Ad Hoc Committee has not received information from Ms. Schaeffer at this time, but once it does, it will update the report on this.

The information provided from those interviewed is reflected throughout this report, and was especially helpful in identifying common issues plaguing the R&B industry, which is addressed in the next part of this report.

PART 2: WHAT R&B DOES AND COMMON PROBLEMS

R&B Overview

R&B comprises an unregulated industry and while there are thoughtful, upstanding R&B operators in Sacramento County, the lack of regulations enables numerous R&B operators to take advantage of residents, and to provide inadequate and unsafe living accommodations. Unlike board and care homes, which provide a higher level of care and staffing, and are licensed and regulated by the California Department of Social Services, Community Care Licensing Division, no California State agency provides mandated oversight for R&B.

R&B serves residents who may have minor mental or physical infirmities. Operators of R&B homes cannot hold nor administer medication to their residents. While some R&B operators provide limited transportation, this is not the norm.

Problems

Numerous R& B problems exist according to those interviewed for this report. A summary of those problems follows:

Tenant rights

Sacramento Code Enforcement does look into complaints by room and board residents. However, what remains a concern is how many room and board residents know their rights. Since this is an unregulated industry, access to information about rights is neither assured nor addressed in a uniform fashion

Costs

According to those interviewed, R&B operators charge a residents a monthly amount ranging from \$625 to \$750 a month. Average costs, according to those interviewed, appear to be \$700 or \$750, either for a room or a shared room. Many residents receive Medi-Cal and Social Security Insurance (SSI. The monthly R&B cost a resident must pay absorbs most of the resident's SSI check, leaving the resident with barely any discretionary funds. In return for their monthly payment, residents expect to receive three, regular meals and safe lodging. Unfortunately, there are no guarantees for either of these.

Meals and nutrition

The provision of meals that are nutritious is a major issue. Some residents have access to fresh ingredients for their meals and therefore can prepare some meals. Most simply receive plates of food, and not all R&B operators feed their residents in a timely fashion. Foods commonly served are hotdogs and Top Ramen. Without nutritional standards, too many vulnerable adult and senior R&B residents may not be receiving healthy meals.

Public health concerns

Other inconsistencies in this unregulated industry involve cleanliness. Currently, a huge, bedbug-infestation problem exists within many Sacramento County R&B. While some R&B operators may have a policy to address and prevent a bedbug problem, such as demanding that new residents place clothing in a dryer for 45 minutes to kill bedbugs, and/or to mandate that new residents store their possessions in an isolated area for 24-hours, this is hardly the norm. As for toiletries, not all R&B operators provide them free-of-charge, which further strains the limited funds of vulnerable, low-income residents.

Physical structure

While some R&B residences are structurally sound, others are in a deplorable state. Structural problems include boarded windows, bad flooring, damaged roofs, broken plumbing, and other code violations. Without regulation and accountability, an R&B can operate indiscriminately. The Ad Hoc Committee was told that R&B operators of structurally deficient homes, simply shut down their operations and disappear, upon learning that inspectors and enforcement officers are planning a visit.

PART 3: SACRAMENTO COUNTY CODE ENFORCEMENT

The Sacramento County Code Enforcement website states: "Code Enforcement investigates violations of housing, zoning and vehicle abatement laws in the unincorporated Sacramento County. We work to achieve voluntary compliance through notification and education. When necessary, we use legal procedures including boarding structures, removing junk and rubbish and junk vehicles, civil citations, criminal citations and demolition of dangerous buildings. Our goal is to maintain and improve property values and the quality of life for residents, visitors and business owners."

The following codes are also listed on the website:

- **California Health and Safety Code 17920.3**
State regulations used to determine substandard conditions in inhabited dwellings. They are primarily used in Housing and Rental Housing Enforcement.
- **Sacramento County Code**
A set of laws that consists of all of the regulatory and penal ordinances and certain of the administrative ordinances codified pursuant to Sections 25126 to 25130, inclusive, of the Government Code of the state.
- **Vehicle Code - Section 22650-22711**
Covers parking for more than 72 hours, lapsed vehicle registration, abandoned and dismantled vehicles.
- **Zoning Code**
A set of laws that regulate a variety of issues in the unincorporated area including the use of buildings, structures and land, signs and billboards, size and use of lots, intensity of land use, off-street parking, setback lines and open space.

There is no comprehensive listing of R&B in Sacramento County, however, the Ad Hoc Committee learned from Code Enforcement, that it created its own list of R&Bs, that it is aware exist at this time. Code Enforcement accomplished this by examining its files for complaints against an R&B in Sacramento County. Essentially the data is complaint driven and as such, it does not provide a complete picture of problems.

No mechanism exists to collect R&B data in Sacramento County, so government entities such as Code Enforcement and others are essentially working in the dark concerning R&B. As for self-reporting by R&B operators, according to Code Enforcement, many owners/operators are either naive about any processes related to operating an R&B (such as Code Enforcement) - or simply do not wish to report their activities. Code Enforcement is aware that too many R&B owners know how to circumvent the system to skirt codes. As a result, Code Enforcement developed its own checklist of questions to help identify an R&B and to identify issues. This checklist is in **Appendix 1**.

PART 4: SYSTEM PROBLEMS

R&B serves a critical housing need for low-income Sacramento County adults and seniors. Unfortunately, a number of systemic problems exist concerning R&Bs. At this time, the Ad Hoc Committee identified the following system problems for R&Bs in Sacramento County:

Lack of accountability

Accountability on all levels is lacking. This includes:

- a) *Tenant rights*: In an unregulated industry, R&B residents for the most part, may not be informed that they have tenant rights. Lack of knowledge means they are not aware that they can file complaints and seek resolution to serious problems;
- b) *Structural integrity*: Problems such as boarded windows, no or bad flooring, and other dangerous structural defects exist. The current unregulated R&B environment in Sacramento County makes it difficult to enforce building codes;
- c) *Cleanliness*: Currently an epidemic of bedbugs exists in Sacramento County. This is a public health menace. Without protocols, standards and policies or other mechanisms to trigger immediate involvement of public health officials regarding an R&B, problems such as bedbug infestations or lice remain unaddressed;
- d) *Food/Nutrition*: There is a widespread absence of good nutrition and no assurances that residents will receive three meals a day, nor receive them in a timely manner.

Lack of data

There are no mandated data collection mechanisms by Sacramento County agencies regarding R&B. The same holds true for the State of California. Without data, the County and the State of California face a frustrating and difficult path related to a number of issues: These issues include:

- a) *Resident profile*: The County lacks demographic and other data such as costs and resident income to compile a profile, that would assist with planning, policies and programs;
- b) *Number of R&Bs and residents*: It remains unknown how many R&Bs and how many R&B residents there are in Sacramento County. Nor do we know how many rooms and shared rooms there are in an R&B. This is critical information for planning, enforcement, and safety reasons;

- c) *Transportation*: It is unknown which R&Bs provide transportation. It is unknown how many R&Bs are near bus stops or light rail. Addressing transportation needs for the R&B population cannot be determined nor planned without this data;
- d) *Code Enforcement*: Without data, Sacramento County's Code Enforcement cannot develop codes nor easily perform enforcement measures concerning R&Bs.

Lack of coordination

A lack of coordination exists among governmental agencies, service providers, nonprofits, and others when it comes to R&B. Issues where coordination is important include:

- a) *Public health*: The current bedbug (and lice infestations) demand involvement of public health. The question remains as to what it will take to trigger involvement of County public health efforts. Without coordination among appropriate local government entities, nonprofits, and others, solving a variety of problems such as public health remain unaddressed;
- b) *Development of uniform regulations, data collection and guidelines*: The County not only suffers from these problems, so does the State of California.

Liability concerns

Sacramento County currently contracts with nonprofits, as evidenced by those interviewed for this report, that provide services include locating and placing eligible clients in an R&B. What is not clear to the Ad Hoc Committee is what liability issues these contracts create for Sacramento County, regarding vulnerable, low-income adults and seniors placed in an R&B. The Ad Hoc Committee believes this liability issue deserves attention.

PART 5: RECOMMENDED ACTIONS

There are reliable and reputable R&B operators in Sacramento County, who provide safe, clean, and caring environments to their residents. Unfortunately, there are too many R&Bs that provide far from adequate services, but instead subject residents to a variety of abuses.

The enclosed recommendations are meant as guides to promote discussion, planning and actions concerning R&Bs. The Ad Hoc Committee asks that Supervisor Nottoli circulate this preliminary report among the other County Supervisors, their staff and appropriate County agencies and their staff, as well as any other appropriate entities.

The AAC Ad Hoc Committee is deeply concerned with the safety of adults and seniors residing in Sacramento County R&Bs, who experience less than optimal conditions regarding their safety, health, food, and rights. What follows are recommendations that the Ad Hoc Committee has compiled and believes could improve R&Bs in Sacramento County.

Recommendation 1: Licensure

In a 2010 report, AAC proposed that Sacramento County create an ordinance for R&B licensure. Concerns over increased costs and government expansion were cited as why the proposed ordinance was rejected. Whether this was an arbitrary decision based on budget concerns at the time, or if an actual study was behind this rejection, remains unclear to the Ad Hoc Committee, although the absence of a study makes the latter doubtful.

The Ad Hoc Committee recommends that Sacramento County revisit the proposed ordinance provided by AAC in 2010, which calls for R& B licensure.

- BOS could conduct R&B hearings using this ordinance as a framework to explore the viability of licensure. Without an appropriate study, the pros and cons of licensure remain unknown. Any hearings should include R&B operators who operate good establishments in Sacramento County, as well as residents, public health, code enforcement, transportation, and community residents at the very least;
- Appropriate Sacramento County staff could conduct a cost-benefit analysis regarding the pros and cons of R&B licensure;
- BOS could approach appropriate standing committees in the California Legislature, such as the Senate Transportation and Housing Committee and the Assembly Housing and Community Development Committee, to conduct informational hearings that focus on possible solutions addressing R&B problems in Sacramento and other counties. This includes the issue of licensure. This option to involve the California Legislature might generate more information compared with a county effort, and Sacramento County could use this report to assist the State with the development of an R&B hearing.

Recommendation 2: Classify R&B as rental housing

Place R&B under the umbrella of rental housing.

- Conduct an analysis to determine whether R&B should fall under the umbrella of rental housing. Such an effort could bring R&B under the Health and Safety Codes, which could allow improved code enforcement;
- Identify methods for educating R&B residents about their rights;
- Update the handbook on tenant rights to specify that R&B residents have tenant rights.

Recommendation 3: Uniform standards and policies

Uniform standards and policies to address monthly costs charged a resident, enforcement codes, food/nutrition, pets, toiletries, and public health issues, should be developed.

- Consider creating a multi-office county, community, and nonprofit approach to develop R&B standards and policies. This effort must include R&B operators who are running reputable establishments within the County. It is critical that the County examine the current monthly costs charged an R&B resident, because they appear to be extremely high for a room or a shared room;
- Determine what liabilities, if any, exist because of Sacramento County contracts with nonprofits currently providing services that include finding and placing clients in an R&B;
- Collaborate with Sacramento County public health officials on protocols, methods and other actions, which trigger their involvement concerning health issues within an R&B.

Recommendation 4: Collect data

The absence of uniform, annual data on R&B prevents monitoring and accountability. Lack of data hinders policymakers from developing tools that make for good programs, planning and policies related to R&B. Steps that the County could consider in the development of data include:

- Create a multi-disciplinarian task force that includes Sacramento County, nonprofits, R&B operators, and the California Department of Social Services, Community Licensing

Division, to develop recommendations for uniform data and data collection on room and board;

- Work with appropriate nonprofits, reputable R&Bs, and Sacramento County officials to create an R&B resident profile.

CONCLUSION

Taking no actions to address the numerous problems affecting R&Bs in Sacramento County cannot be viewed as good public policy. The status quo keeps the door open to the proliferation of shady R&B operations, as well as abuses of residents, and casts a wide shadow on reputable R&B operators.

R&B is an important housing option for low-income adults and senior, especially in light of the paucity of affordable housing in the County and across California. Operators of reputable R&Bs deserve praise and should be involved in County actions to improve their industry.

The Ad Hoc Committee sees this report as a critical step to involve appropriate County agencies and staff, R&B operators, nonprofits, California State agencies, and the California Legislature, in a deeper examination of R&B problems and enacting solutions. The protection of vulnerable adults and seniors residing in an R&B must be addressed, and this report provides numerous recommendations to assist with this. This report is a voice for the many adults and seniors living with abuses and unsafe conditions in Sacramento County R&Bs.

APPENDIX 1 - RESIDENTIAL CHECK LIST (PROVIDED BY COUNTY CODE ENFORCEMENT)

- How many people reside on the property?
- How many rooms?
- How is rent paid? Is it by head or flat rate shared? How much?
- Of these, how many are caregivers or their family (if any)?
- Are there Staff members on site?
- Do they live there as part of the “family?”
- What services do they provide?
- Do the Staff members provide transportation for the residents?
 - What is the transportation for? (Doctors appointments? To and from work?…)
- Does the caregiver (if any) reside on the property?
- Do residents have kitchen privileges?
- Are meals provided? Who prepares the meals?
- Do residents need assistance eating?
- Do any of the residents need help with personal hygiene?
- Are money management services provided?
- Are residents required (or compelled) to solicit donations?
- Do residents need assistance taking medications?/or Medical assistance? (1 or more State regulates)
- Are any Community Resources coming to the residence to provide services? (i.e. NA/AA meetings, etc.)
- How do residents get to and from appointments?
 - If transportation is provided, what is the nature of the appointments? (i.e. mental health, medical, health and human services) (State will regulate)
- Are there any counseling services provided? If so, what type and are they provided on site or off site?
- Is the facility residential in nature (a house) or is it something other (duplex, single rooms with no common Access?)
- Is there more than one residential building on the property?
- Are there religious services being held at the residence?
 - If so, to what extent, in what frequency and duration?
 - How many people attend?
 - How long has the residence been used for such services?
 - Is the residence identified as the worship place for a “congregation”?

DRAFT

ADULT AND AGING COMMISSION

Appointed by the Sacramento County
Board of Supervisors

June 18, 2010

Following is a report requested by **Supervisor Don Nottoli** relevant to the Commission's proposed ordinance to help regulate room and board living arrangements that impact adversely the health and well being of seniors and dependent adults.

The ordinance stems from a recommendation made in the 1997 Unlicensed Facilities report by the Adult and Aging Commission (AAC). However concerted effort began in more earnest after several news stories reported unqualified people caring for dependent adults, and after anecdotal reports of fliers and homemade brochures being left at homes, advertising that individuals who had experience caring for their own parents would be willing to offer a room and care for elderly people. The discussion that preceded the ordinance idea also included older adults who might begin such an arrangement in a healthy state but whose health might decline while living there and who might then become dependent on ill-trained informal care givers.

Attached please find the following:

- Draft #9, January, 12, 2009
- Working White Paper
- R&B proposed standards
- R&B locations summary
- Latest ordinance information from Oversight Committee meetings during 2008

cc: Supervisors Dickinson, Yee, Peters, and MacGlashan
Steven Szalay, County Executive Officer
Bruce Wagstaff, Interim Director Countywide Services.
Members, AAC Oversight Committee

**Room and Board Living Arrangements in Sacramento County
Per Self-Help Housing website searched 10-8-08**

Of 149 results for Room and Board, 143 are in Sacramento County

Of the 143, there are 18 entities that run 62 locations. ISVC Properties is the largest with 19, 5 locations clearly identify with clean and sober or recovery

1 identifies with "special people", 1 with veterans, and 1 with disabled

1 listing is vague and 3 indicate they are placement services

9 use the word "care" or words "board and care"

1 uses "shared rent" and 1 uses "room for rent" without indication of Board but are listed in the R&B section

16 indicate they are for female occupancy; 1 female and couples; 1 female and children

21 indicate they are for male occupancy

100 indicate they are coed including those who report they are placement agencies.

A few don't indicate any of the above.

One listing is for CHIAMA – it did not Google

Leigh Davis has 5 sites but 4 of the 5 indicate "not renting"

Most of the listings are for areas of Sacramento including the city, Arden, East Sacramento, Downtown, Midtown, North Sacramento, Pocket, and South Sacramento.

Other areas listed are Carmichael, Citrus Heights, Elk Grove, Fair Oaks, Folsom, Natomas, North Highlands, Rancho Cordova, and Rio Linda.



List of standards suggested for R&B living arrangements

(Taken from California Association of Addiction Recovery Resources (CAARR) list of standards for registration of clean and sober housing facilities)

Physical Environment

- Repair, maintenance, and cleanliness
- Space should be adequate to accommodate each individual comfortably and with dignity and respect.
- Each home shall have a dining area suitably furnished for group or individual meal service.
- Bathrooms shall be conveniently located and sufficient to provide adequate facilities for health, hygiene and privacy for each resident.
- Kitchen facilities shall provide cooking and storage space to meet the needs of the home and its residents.
- Minimum fire prevention requirements:
 - No smoking in bedrooms
 - Smoking materials disposed of safely
 - No accumulation of clothing, newspapers, or cartons in the living/sleeping areas.
 - Stoves and cooking areas shall be kept clean of grease accumulation.
 - Smoke detectors and fire extinguisher shall be installed
 - Exit doors shall be clearly marked and readily available
 - Fire drills from sleeping areas should be encouraged.
- Minimum health maintenance measures:
 - Adequate space for food storage
 - All food stored in covered containers or properly wrapped
 - Perishable items to be refrigerated
 - Adequate refrigeration in good repair
 - All dishes and cooking implements shall be washed upon use
 - Adequate hot water for dishwashing
 - Bathrooms shall be kept clean on a daily basis
 - Bathrooms shall provide personal privacy

Management responsibilities

- Person managing the residence should be clearly identified
- Responsible for maintenance and safety of the building
- Payment records must be up-to-date for each boarder



RE: PROPOSED ROOMING HOUSE ORDINANCE
SACRAMENTO COUNTY

Rooming House Definition: Any facility in which the proprietor offers two or more rooms for rent, hire or lease, with or without food is a rooming house.

The inventory of rooming houses, room and boards and shared rentals in Sacramento County is unknown. Self-Help Housing <http://www.sacselfhelp.org> which maintains an online database of these facilities as a public service has records of 165 Room and Boards, 61 Rooming Houses, and 62 Shared Rentals.

Regulation would be a multi-office process;

- Dept of Finance collects the license information (and fee)
- Regulatory agency = (DHHS/SAS) responsible for inspections, compliance, education and enforcement
- County Counsel

Adopting the Room and Board ordinance in Sacramento County would:

- Help to protect vulnerable elders and dependent adults from abuse and exploitation and increase their quality of life
- Provide funding for inspections, enforcement and education

Discussion:

- Annual costs of staffing for administration and compliance monitoring, education and enforcement can be determined using similar Department of Finance and Environmental Management programs as models
- The license fee must support the cost of administration of the ordinance (Dept of Finance, County Counsel, DHHS), as well as providing cost-recovery to other involved departments for compliance activities. Fees would be established for cost recovery for the licensing process, annual license review, surveys, enforcement and compliance education process, including associated support costs such as (?)
- Determine the average amount paid by residents of room and boards and estimated average income from rooming operations; is there currently a limit to the number of people who can live in a room and board?
- Will the rooming operators pass on the cost of the licensing fee to their low-income residents? What impact would this have on the ability of extremely low-income persons to remain domiciled?

- Meet with industry representatives (room and board owners), affected County departments, Self-Help Housing and other interested parties – (partial list of suggested agencies below)

Infoline Sacramento - 498-1000	www.communitycouncil.org
Department of Human Assistance (CalWorks)	http://dhaweb.saccounty.net
Loaves & Fishes	http://www.sacramentoloavesandfishes.org
Francis House	http://www.franchishouse.info
Legal Services of Northern California	www.LSNC.net
Sacramento Food Bank Services	www.sfbs.org
SHRA -Sacramento Housing &Redevelopment Agency (Section 8)	www.shra.org
VOA - Volunteers of America	www.voa-sac.org

Discuss concerns regarding the ordinance, fee amount, the penalties for license violations, how long existing rooming houses would have to get licensed before inspections and enforcement commences.

- Establish penalties for license violations: Example: The tobacco ordinance requires escalating penalties, from suspension for increasing periods to revocation, for cumulative license violations within a five-year period.

DRAFT 9: 1-12-09

An act to control room and board housing arrangements

Whereas some operators of room and board housing arrangements victimize seniors 60 years of age and older and dependent adults, and

Whereas, for the good of the public well-being such practices must be curtailed,

Now, therefore, the Board of Supervisors of the County of Sacramento do ordain as follows:

Section 1: Any residence in which the proprietor offers rooms for rent, hire or lease for two or more persons, with food is a room and board housing arrangement.

- A. This section does not apply to skilled nursing facilities, adult residential facilities and RCFEs licensed by the Community Care Licensing Division of the California Department of Social Security, or residential hotels.
- B. This section does not apply to a residence in which all offered rooms are occupied by relatives of the proprietor.
- C. This section does not apply to a residence in which the operator is the legal guardian or legal conservator of the occupant or occupants.

Section 2: No person or entity may operate a room and board housing arrangement for seniors 60 years of age or older or dependent adults (Section 15610.23 of the W&I Code) without a valid business license issued by the County of Sacramento.

- A. The fee for such license is \$XXX. ~~Depends on who will register because county and cities cannot afford to do it. Seeking a non-profit that may want to take it on.~~
- B. Such business license must be renewed annually.
- C. The license must be prominently displayed in a highly visible location at or near the entrance to the residence.
- D. The licensed premises must be available for inspection by State and County authorities.
- E. The food offered must be meals ~~fully prepared by the staff of the licensed premises -- regularly provided.~~ All complaints will be first investigated by the Department of Adult Protective Services; and if that Department finds the complaint substantiated, it will be turned over to the California Department of Social Services, Community Care Licensing Division. Can this be started in light of current budget cuts?

Section 3: No such license shall be granted to any room and board housing arrangement that purports to offer, or offers, personal assistance "essential for sustaining the activities of daily living" to its occupants.

- A. Any room and board housing arrangement that does purport to offer assistance "essential for sustaining the activities of daily living" must be regulated and licensed by the appropriate agency.
- B. For the purpose of this section, the activities included in the term "essential for sustaining the activities of daily living" are: bathing, oral hygiene, eating,

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dressing, ambulation, routine egress and ingress to bed, toilet use, respiration, and central storage and administration of medications.

- C. The application for the license shall contain a paragraph, highlighted, and placed just above the signature of the applicant. This paragraph shall enumerate the assistances indicated in Sections 3A and 3B, above, and provide that the applicant is fully informed and aware of the fact that the offering or providing of these services, or violation of Section 2D or Section 2E, above for the first time, will cause a suspension of the license and a fine of \$500.00. The room and board housing establishment may continue operation under suspension to correct the infraction within 30 days. If not corrected within that time, the license will be forfeited and the business name will be removed from all legitimate listings. Any subsequent infractions will cause immediate forfeiture of the license.

- D. The application must be executed under penalty of perjury.

Section 4: Any room and board housing arrangement denied a license or that has a license revoked or forfeited pursuant to Section 3, above, may petition the Sacramento Department (*here insert the name of the appropriate County Agency*) for a review of such denial or revocation.

Section 5: Violation of these Sections shall be an infraction. The license will be forfeited. The business will be removed from the lists of all legitimate referral agencies.

The following excerpts from minutes of the Oversight Committee during 2008 discuss potential costs and enforcement information related to the proposed ordinance to monitor room and board living arrangements.

6-18-10

Oversight meeting April 14, 2008 - Estimating costs of licensing and enforcement – Joan Klint of SAS provided estimated figures for staff requirements for the ordinance as currently constructed. There needs to be more thought put into the model so that the personnel required to implement and enforce can be more clearly described. Figures presented were estimated using the model of Child Protective Services (CPS) for children’s day care licensing.

Oversight meeting May 12, 2008 - Joan Klint presented a formula she acquired from Gary Palmer of Community Care Licensing (CCL). Using that formula the ordinance would be even more expensive than originally projected.

Oversight meeting July 14, 2008 interviews with Chris Hicks of Community Care Licensing and John Foley of Self-Help Housing. Following is their conclusion about the need for the ordinance: In conclusion, Ms. Hicks sees the need for the license because it takes care of a group in a gap. Mr. Foley though concerned, also sees the need for the Ordinance to help professionalize this area of the housing business.

Oversight meeting August 11, 2008 - Mr. Levenson-Palmer from the California Department of Social Services, Community Care Licensing Division, began the discussion of the draft ordinance and cost of ordinance.... Mr. Palmer also provided some information about the license fees charged by the Community Care Licensing Division to childcare facilities and residential facilities. The state currently charges \$350 annually for licenses for care facilities. At one point, the state contracted with CSUS for a time study of its licensing workers in order to develop a budgetary standard for this industry that accounted for the number of cases/worker and each task a worker would be expected to perform, including application review, annual reviews, and responding to complaints. Based on this study, workers are expected to handle 100 cases at a time. After the time study, the state settled on a \$350 fee because it would cover some operation costs for the Division and is a reasonable amount for the providers to pay annually. Mr. Levenson-Palmer suggested that the committee use the same criteria to set the fee amount in the ordinance; in other words, the fee should cover the cost of the program and be a reasonable amount to charge providers annually. He estimated that, depending on the number of units to be licensed in the county, an annual fee amount of \$100 to \$200 would cover the cost of the program and be a fair fee amount. If the fee is too high, providers may discontinue their service or go “underground.”

Ms. Esposito questioned who would have the responsibility to investigate any complaints or findings of noncompliance against a room and board housing arrangement. Mr. Levenson-Palmer stated that if a room and board housing arrangement is licensed by the state, then the state investigates. Additionally, if a room and board is offering personal assistance essential for sustaining the activities of daily living, then any complaints should be referred to the state. He recommended that the County consider “registering” the room and boards instead of requiring a license. This would indicate that no personal assistance is offered by the facility, define the lines of authority, and clearly delineate for referring agencies what services their clients would obtain at a room and board.

A strong selling point to the Board of Supervisors would be the clarity the license provides discharge planners around the issue of placement for patients.

The following excerpts from minutes of the Oversight Committee during 2008 discuss potential costs and enforcement information related to the proposed ordinance to monitor room and board living arrangements.

6-18-10

Members agreed that a representative from APS and Bert Bettis should be invited to the next meeting to discuss the ordinance. Members further discussed the fee and felt the Board would not be in favor of a fee as high as \$350. A fee that high, however, may not be needed if the state can be relied upon to perform investigations. Mr. Montoya stated that the committee should consider a higher fee; room and boards typically get all of a client's SSI and social security money, so they may be able to afford a larger fee. A higher fee would also ensure adequate funding for licensing and any monitoring activities that would need to be performed. Members agreed to discuss the fee further with Ms. Bettis and APS next month.

Oversight meeting September 8, 2008 - Bert Bettis and Elizabeth Foster-Ward were there to help clarify some issues with the ordinance which had been brought up by Gary Levenson-Palmer (California Department of Social Services, Community Care Licensing Division [CCL]).

- Who should be the initial investigative body? Because of the population being covered by the ordinance, APS is the most appropriate agency to initiate an investigation. As per current protocol, APS would pass its findings on to CCL, and they would complete the investigation as that is their jurisdiction.
- It was suggested that it might be more effective to have the ordinance create a registration procedure rather than a business license.
- By using APS as the initiating investigative body and CCL as the follow through investigative body, costs should be curtailed since these duties are in their work purview. In that case, perhaps the fee will be more reasonable than what has been discussed at prior meetings.
- The question was asked about fining those who refuse to comply. CCL does fine \$200 for those who do not get their license after a specific number of warnings. If CCL cannot collect it, then the state steps in.

Oversight meeting November 10, 2008 - Joan Klint reviewed work she had done regarding formulating a fee for the ordinance. Cutting in every way possible and taking into consideration a request for federal matching funds, the budget required to have personnel in place, even part-time, to administer the ordinance would require a prohibitive fee.

January 2009 the Adult and Aging Commission ratified its Program of Work for 2009 with the following pertaining to the R"&B ordinance:

Proposed ordinance related to licensing of Room and Board Housing Agreements that house frail senior and dependent adults forwarded to Board of Supervisors recommending approval.	Collaborations as necessary with county agencies	April 2009	TABLED DURING FISCAL CRISIS; UNABLE TO IMPLEMENT AND EXECUTE*
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MENTAL HEALTH ADVOCACY PROJECT

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Law Foundation of Silicon Valley

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RESIDENTS' RIGHTS IN UNLICENSED ROOM & BOARD HOMES **("Independent Living")**

As a resident of an unlicensed room & board or "independent living" home, you have all of the same rights given to all tenants in California. This information sheet provides you with information about some of the important rights that you have as a tenant in an unlicensed room & board home.

Your Rental Contract

It is important to carefully review the rental contract that you have entered into with the operator of your home. The rental contract might be called a "lease agreement," a "rental agreement," or an "admission agreement." The rental contract should tell you some of the following important things:

- Whether the agreement is a lease for a fixed time, or a month-to-month contract;
- Whether the operator is agreeing to provide you with any meals, and if so, how many per day;
- Whether your room will be furnished;
- Whether your room will be private or shared; and
- How much rent you will pay each month for the room & board you receive.

The operator of the home can change the terms of the rental contract with 30 days' notice to you if you have a month-to-month agreement. If you have a fixed-term lease, the operator cannot change the terms of the contract during the lease period unless the contract allows him to do so.

Habitability

The operator of the home must make sure that it is habitable for the residents. Under California law, this means that the operator must provide the following things:

- Plumbing facilities in good working order, including hot & cold running water;
- Heat, electrical and lighting systems in good working order (no exposed wires);
- Clean and sanitary buildings and grounds, free of rodents, vermin and exposed trash;
- Adequate trash receptacles;
- Floors, stairways and railings in good repair;
- A working toilet, sink and a bathtub or shower;
- Working smoke detectors; and
- Waterproofing and weather protection of the roof, including unbroken windows & doors.

If you are having problems with any of these issues and cannot get the landlord to agree to fix the problems, you can call San Jose Code Enforcement at (408) 535-7770 to make a complaint.¹ It is illegal for the operator to retaliate against you for making a complaint to Code Enforcement.

Rent Increases

If your rental contract is a lease for a fixed time, the operator cannot raise your rent during the lease period, unless the contract allows it. If your rental contract is a month-to-month agreement, the operator can raise the rent up to 10% with 30 days' notice, or more than 10% with 60 days' notice.

¹ For other cities, you can do an internet search for the Code Enforcement phone number, or contact MHAP for it.

Privacy

If you have a private room, you have the right to privacy in your own room. Other residents and the operator cannot enter your room, unless you invite them. If you have a private or shared room, the operator may only enter the room for the following reasons, with reasonable notice:

- In case of emergency;
- To make necessary repairs; or
- To show the room to prospective residents

Medical Services

Because operators of unlicensed room & board homes are not licensed by the State of California to provide any type of medical services, operators cannot provide them. This means that the operator of your home cannot store or administer medications to the residents. If the operator is controlling the storage of medications, or providing other medical services, you can make a complaint to Community Care Licensing at (408) 324-2112.

EVICCTIONS

Has the operator of your room & board home told you that you have to move out?

- You are legally entitled to an eviction notice before the operator can force you to move out.
- The operator cannot just tell you that you have to immediately leave the home!
- Depending on the type of rental contract that you have, the amount of written notice that the operator must give you ranges from 3 – 60 days.
- ***right away*** so that we can consult with you about your case and see if we can help.

Even after the notice expires, the operator cannot just lock you out!

- If you have not moved out by the date that the notice expires, the operator must file an eviction lawsuit against you in court.
- You have the right to defend yourself in an eviction case and MHAP may be able to help.
- If you get served with court papers, called a “Summons and Complaint,” contact MHAP immediately!
- You cannot be forced to move out until the judge at the court orders that you have to move out and the sheriff then locks you out.

Room & Board operators are not allowed to tell residents that they cannot return after being in the hospital for psychiatric treatment!

- If the operator wants you to move out because of something that you allegedly did, or because she thinks that you can’t meet your needs, she still must give you the right amount of notice and file a lawsuit against you in court to have you removed.
- Contact MHAP if your Room & Board operator is telling you or your doctor that you cannot return after being discharged from the hospital and we may be able to help.

This information sheet is intended to provide accurate, general information regarding legal rights. It does not constitute legal advice. Because laws and legal procedures are subject to frequent change and differing interpretations, Mental Health Advocacy Project cannot ensure the information in this information sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.