

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

Lawsuit Yields Agreement to Create New Housing and Community Services for Seniors and People with Disabilities

December 1, 2007--Mark Chambers' dream "to be part of the world outside" the nursing home he's lived in for eight years will soon come true. Over the next five years, Chambers and several hundred other residents of the Laguna Honda Hospital in San Francisco will move to independent apartments linked to the supportive services they need, according to the settlement in a class-action lawsuit announced on November 27, 2007.

Update: The settlement was approved by the federal court on September 18, 2008.

The case known as *Chambers v. San Francisco* was resolved by agreement between the city and five advocacy groups representing recipients of California's Medicaid benefits, called Medi-Cal, who live at Laguna Honda, are in San Francisco General Hospital and eligible for discharge to Laguna Honda, are on the waiting list for the nursing home or have been discharged from it within the past two years.

The agreement calls for creation of a new program called "Success at Home," described as a single door to independent living. It will coordinate residents' transition through an individualized plan to match each one to federally subsidized medical services, community supports and subsidized housing, with linkage as needed to attendant and nursing care, vocational rehabilitation, substance abuse treatment, mental health services and assistance with meals.

The lack of housing in San Francisco for people with disabilities has kept people languishing in the 1,000-bed nursing home. Now, for the first time, the city has agreed to lease scattered-site units and provide the services their occupants will need for an independent life in the community.

In a partial settlement in 2004 of a prior class action, *Davis v. CHSA*, the city improved its process of assessing Laguna Honda residents' needs to facilitate better discharge planning for them.

The lawsuit, filed in October 2006, claimed that by continuing to confine the residents who had been found able to live independently with assistance, the city violated the requirement of the Americans with Disabilities Act that people with disabilities be provided services in the "most integrated setting appropriate" to their needs.

While agreeing to subsidize 500 units of accessible housing over the next five years, the city still plans to rebuild the deteriorating Laguna Honda facility with as many as 780 skilled nursing beds. However, rather than providing long-term custodial care to older adults and people with mental or physical disabilities, it is expected to emphasize short-term rehabilitative treatment. This will be possible because of the new availability of housing and services in the community.

The Independent Living Resource Center of San Francisco, as organizational plaintiff, joined the residents represented by Protection & Advocacy, Inc. (PAI) as lead counsel, with co-counsel from Disability Rights Education and Defense Fund (DREDF), AARP Foundation Litigation, the Bazelon Center for Mental Health Law and the law firm of Howrey LLP (pro-bono).

Plaintiffs' counsel will monitor the city's implementation of the settlement over five years.