

Judge David L.

# BAZELON CENTER

for Mental Health Law

## NEWS

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### **Groundbreaking Settlement Agreement with San Francisco: New Housing and Community Services Created for Seniors and Adults with Disabilities**

San Francisco, September 18, 2008 — Today in federal district court, Judge William H. Alsup granted final approval of the settlement agreement in the civil rights class action filed to prevent unnecessary institutionalization of people with disabilities at Laguna Honda Hospital, *Chambers et al. v. City and County of San Francisco*. The settlement will greatly increase community-based housing and service options in San Francisco as well as improve coordination of care.

Mark Chambers, lead plaintiff in the lawsuit and someone who has lived in Laguna Honda Hospital since 1999, was at the fairness hearing today. He told Judge Alsup that he was proud to represent San Franciscans with disabilities in the case, and that he looked forward to moving out on his own, with services and supports. He hopes to be first in line to qualify for one of the accessible housing units that San Francisco will secure under the Agreement. Up to 500 city funded subsidies will make such units affordable for class members.

The lawsuit was brought in the Northern District of California by six individual plaintiffs who are or were residents of Laguna Honda, as well as the Independent Living Resource Center of San Francisco (ILRCSF) as organizational plaintiff. Co-counsel on the case are Protection & Advocacy, Inc. (soon to be Disability Rights California), AARP Foundation Litigation, the Bazelon Center for Mental Health Law, Disability Rights Education and Defense Fund (DREDF), and the law firm of Howrey LLP, pro bono.

Herb Levine, Executive Director of ILRCSF, echoed Mr. Chambers' enthusiasm, saying that "the inclusion of housing subsidies in the agreement is a landmark event in *Olmstead* litigation, and we hope it can provide a framework for future efforts to promote integration." *Olmstead* refers to a 1999 Supreme Court decision, *Olmstead v. L.C.*, requiring states to support community-based options for people with disabilities in order to prevent unnecessary institutionalization.

In granting final approval, Judge Alsup congratulated the parties and said that this settlement is one of the better ones he has seen in terms of outcomes. Elissa Gershon, lead attorney from the Oakland office of Protection & Advocacy, Inc., said that, "This is an exciting day for Mark and for other Laguna Honda residents. We look forward to collaborating with San Francisco in implementing this groundbreaking agreement, which will improve the lives of hundreds of San Franciscans with disabilities and provide a model for community integration in other cities and states.

"This settlement will not only bring about changed circumstances for class members, but a changed mindset about disability and independence, dignity and community integration," states DREDF's Directing Attorney Arlene Mayerson. "It is a step forward in recognizing that individuals with disabilities are not just "patients," but full members of our communities."

Henry Su, a Howrey LLP partner on the plaintiffs' legal team, observed that "the settlement agreement exemplifies what the parties can accomplish in a collaborative environment; the parties have developed practical and workable solutions to make *Olmstead* real. Congratulations to Mark and the other plaintiffs."

Jennifer Mathis, of the Bazelon Center noted, "We are very encouraged that San Francisco is making real integration possible. Laguna Honda residents deserve a chance to live normal lives and participate as members of their communities."

### **Settlement Summary**

Among its many provisions, the agreement creates an innovative program to coordinate services across city departments, enabling San Franciscans with disabilities who live at, or are referred to, Laguna Honda, to instead receive community-based housing and services. Eligible individuals will be assessed for, referred to, and provided with subsidized housing, attendant and nursing care, case management, substance abuse treatment, mental health services, and assistance with meals.

In addition, several hundred Medi-Cal Home and Community-Based waiver slots, which allow people to receive long-term health care in their homes instead of in institutions, will be made available to those who qualify. These waivers should bring millions of dollars in federal and state Medicaid funding to San Francisco.

### **Innovative Housing Program**

Another exciting and innovative aspect of the agreement is the development of a rental subsidy program, through which San Francisco will, over the next five years, secure and subsidize scattered-site, accessible, independent housing for approximately 500 people with disabilities and seniors who are eligible for community-based services.