



## COMMISSION ON AGING

### **HHS Committee Meeting November 18, 2020**

#### **Priorities for FY22 Budget**

The Commission on Aging thanks the County Council, and this Committee, for the strong support you have provided to older adults over the years. We support your commitment to advancing racial equity and social justice throughout our community. We also recognize that the current public health emergency is placing unprecedented financial and emotional pressures on the County. Our two highest priorities for FY22 are: (1) to ensure that the County has sufficient staff to investigate and address issues of abuse, neglect and exploitation of vulnerable adults, and to protect and assist those who lack the capacity to care for themselves; and (2) to protect renters at risk of eviction, including older adults, with the legal assistance they need to avoid losing their homes.

#### **HHS needs two additional Social Worker positions in HHS, one in Adult Protective Services (APS) and one in the Public Guardianship Program.**

We ask the Council to fund these two very much needed positions. APS investigates allegations of abuse, neglect, self-neglect, and/or exploitation of vulnerable adults who lack the physical or mental capacity to provide for their daily needs. APS investigations increased 53% from FY15 to FY19. The number of cases dropped slightly in FY20 due to a reduction in reporting due to COVID-19 social restrictions, but by September 2020 investigations were back to pre-COVID-19 levels. APS served more than 970 at-risk residents in FY20. Financial exploitation cases continue to rise, and in FY20 made up 36% of APS cases. Investigations can be complex, and they require trained and licensed staff.

Public Guardianship provides substitute decision-making for adults whom the court has determined lack the capacity to make their own decisions about housing, safety, or medical care, and who have no appropriate family member or loved one to serve in this role. Cases are ongoing and time-consuming. After increasing for years, Public Guardianship caseloads dropped in FY20 due to the COVID-19 related deaths of 15 clients. However, numbers are trending upwards. In addition, financial exploitation cases requiring the appointment of a guardian of the property increased by 8% in FY20. Public Guardianship also provides services to continuing APS clients who are not under guardianship, conducts guardianship assessments after receiving referrals from hospitals, and provides services to clients of the Social Services to Adults program.

In these trying times, vulnerable older adults may be more isolated and targets for abuse, neglect, and exploitation. As state mandated services, neither APS nor Public Guardianship can be curtailed due to funding shortages.

#### **Older renters need legal assistance to avoid eviction from their homes.**

The CoA has for several years advocated to increase affordable housing options for older renters, including through the Housing Initiative Fund. We appreciate the County's efforts to preserve affordable housing and to provide rental assistance, financial help for housing providers, a resource website, and a short-term contract for in-court representation. We note that in October 2020, at the recommendation of the COVID-19 Access to Justice Task Force, the State designated \$11.7 million for grants to non-profit organizations for eviction and other housing-related legal assistance. It is as yet unclear when, how, and to whom funds will be distributed.

Eviction destabilizes families, impacts health, and increases homelessness. Low-income, immigrant, and Black and Latinx households are more likely to be rent-burdened and at this difficult time, working members of these households are more likely to fall ill and/or lose their jobs, increasing the risk of eviction. At-risk households are also likely to include older adults: 13.3% of Black, 17.3% of Asian, and 20.4% of Latinx older adults in the County live in multigenerational households. (2018 Study on the Housing Needs of Older Adults.)

Many older adults in the County are rent-burdened: 61% of renters age 65 and older pay more than 30% of their income for rent. Many also face job losses that can lead to eviction. To date, 9% of households approved for COVID Rent Relief, which requires loss of income, had a head of household aged 60 or older. Older adults also face other precipitating events. A person on a fixed income may need to buy medicine rather than pay rent. Someone with declining cognitive skills may forget to pay rent or fail to pay on time. When a frail elder requires personal or housekeeping assistance, a housing provider may seek to evict her. For an older person, lack of legal representation in these instances can be disastrous. They may move out, or fail to appear in court, or agree to a judgment for possession. They may not know that they have legal rights such as the right to request accommodations under the Fair Housing Act or other laws. Evictions can result in homelessness. Of 369 people in shelters or on the street in the County, 32% are age 55 or older; 13.3% are 62 or older. While less frequent, evictions of older adults may also result in avoidable nursing home placement.

Current State and Federal moratoria are only postponing what could be a tidal wave of evictions. Moreover, not all households are protected by the moratoria, and the moratoria do not prevent property owners from threatening eviction, or from filing eviction actions in court. Once in court, the vast majority of landlords, but very few tenants, have a lawyer. Tenants with lawyers have a better chance of reaching agreements with landlords so they can remain in their homes. We ask the Council to continue to fund existing initiatives, and in FY22, to create a stable program to provide legal assistance to renters in eviction proceedings. We ask also that any eviction legal assistance program consider the needs of older adults. The pandemic has exacerbated this very serious problem, but it is not new. It must be addressed for the long term.

### **Closing**

The CoA appreciates the Council's commitment to serving our older residents. We have identified other items for which we will advocate during the budget cycle. They include addressing food insecurity by expanding senior nutrition programs; raising awareness of older adult services; maintaining the Housing Initiative Fund; and maintaining and expanding senior adult programs.