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November 5, 2013

Community Advisory Commission  
City of Milpitas  
455 Calaveras Boulevard  
Milpitas, CA 95035



**SALA**  
*Senior Adults Legal Assistance*

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160 EAST VIRGINIA ST.  
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SAN JOSE, CA 95112  
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HNP DIVISION

**RE: Comments for Two Year (2014-2016) CDBG Funding Priority Hearing**

Dear Councilmember Gomez and Commission Members,

We thank you for the invitation to submit these comments for the above referenced funding priorities hearing before the Commission. In past years Senior Services have been ranked as the #1 priority under the Public Service priority for the Milpitas CDBG program. We understand that the CDBG staff is recommending no changes to the current policy, and in particular to the ranking of **Senior Services**. We hope that the Commission will confirm the staff's recommendation. In the past the CDBG staff and the Commission have also recognized Legal Assistance as a priority need for Milpitas seniors, in particular for Milpitas seniors that are low income and at-risk, and the City has provided CDBG funding to meet this need through Senior Adults Legal Assistance (SALA).

Because Legal Assistance provides support to seniors across numerous fields of human service, the need for this service tends to be under-reported and under-ranked when funders conduct set priorities. For that reason, the rest of our comments are limited to the need for Legal Assistance by elders. This limited focus should not be construed as our position regarding the relative merits of any other public service or housing needs in Milpitas, nor should this be construed as an indication that we believe that they are not important needs or priorities as well.

**Documentation of Need from Local Needs Assessments**

Needs reports prepared by Council on Aging (COA) and the County of Santa Clara provide documentation about the critical need for accessible/affordable legal services for elders, particularly those elders in SALA's target population, to keep them independent and to prevent their abuse, isolation, conservatorship, or institutionalization. COA's Area Plan on Aging 2009-2012 notes legal assistance is a priority need "to help older persons to obtain services and benefits including protective services for financial abuse, competence and conservatorship". COA's Area Plan on Aging 2012-16 affirms legal services are a priority service for Santa Clara County and notes such services "are crucial in helping keep seniors in their homes" and "are absolutely vital to those in need of them"

A Community for a Lifetime, the ten year strategic plan on aging completed by Santa Clara County in 2005, identified the availability of legal assistance at senior centers as a "key service need". This report states that when asked which programs they would like senior centers to offer, legal services was one of the three services identified by more than half of the seniors participating in the telephone survey conducted for this report.

Most recently the Santa Clara County Senior Agenda: A Quality of Life Assessment, prepared for the Board of Supervisors in 2012, identified legal assistance and elder abuse prevention as "key service needs", noting that SALA "is the only non-profit elder law office in the county focused on the legal needs of seniors" and that SALA's target population (low income or at risk elders) includes "seniors who are most likely at risk for abuse, exploitation, and institutionalization". The report notes funding will be necessary to maintain these legal services for seniors in the future. It also notes that the result of longer waiting lists for legal services due to funding cuts can be dire -- "seniors in need of a restraining order or other legal protection are vulnerable while they wait."

The need for legal services, as well as other supportive services for seniors, will continue to grow along with the older population's growth. United Way's *Community Impact Report* notes that the older population is expected

increase from 11% to nearly 27% of the County's population by 2040. It also states "*the growing number of older adults will undoubtedly require an increase in human services delivered to this population.*" The Senior Agenda report affirms this finding, noting that the coming "age wave" will "*increase the demand for these [legal] services.*"

Based upon the sources cited above, we believe there is sufficient documentation that Legal Assistance continues to be a need that is critical to the lives and well being of elders in Milpitas, particularly those that are at-risk and/or low-income. We also believe this documentation supports the conclusion that Legal Assistance is a key access service for this population and their families or caregivers. The above-referenced needs reports could also support the interpretation that Legal Assistance is the most critical of access services for older adults because, as the provider of "last resort," Legal Assistance is necessary to enforce elders' rights to services and public benefit entitlements after preliminary access has been denied. These needs reports also identify the critical linkage between Legal Assistance and Protective Services (including prevention of elder abuse and conservatorship), yet another factor that should support the ranking of Legal Assistance as a critical service need of Milpitas elders.

#### **Documentation of Need from SALA**

SALA is the only agency in Santa Clara County designated by Council on Aging to provide free legal services exclusively to elders under the Older Americans Act. SALA is also the only provider of free legal services with a physical presence in Milpitas, making our services accessible locally to Milpitas seniors. Specifically, SALA currently provides services twice monthly in Milpitas at the Barbara Lee Senior Center.

Statistics for clients served by SALA in Milpitas provide further support for the assessment that Legal Assistance is critical to the lives and well being of the most vulnerable and at-risk elders in Milpitas. Consistent with the mandate of the Older Americans Act, SALA targets our legal services to elders who have low incomes, are frail, and/or are at-risk of institutionalization. For 2012-13, most of the clients we served in Milpitas had characteristics that put them in great economic need or at some level of risk. For example, 80% of the clients that disclosed their income to SALA were very low income (at or below 50% of the county median); 56% were over age 75 or older; and 24% were disabled (demographic indicators placing them at highest risk of isolation or institutionalization under Older Americans Act criteria). In addition, 72% female and 66% identified themselves as minority elders.

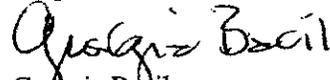
The critical role that SALA plays in the lives of local elders is also illustrated by the types of cases we open (our most comprehensive service). These cases involve legal problems with the public benefits (e.g. Social Security, SSI, Medicare) elders depend upon for their necessities, prevention of elder abuse or domestic violence (primarily through restraining orders), housing matters (e.g., landlord tenant or senior housing), nursing home problems (including discharges/evictions), and Advance Health Care Directives and planning for incapacity or end of life.

The increasing need for Legal Assistance services for elders over the past decade has also created a demand that far exceeds the existing service levels of SALA, the sole provider of such services locally. Waiting times for an appointment with SALA at many of our 20+ senior center appointment locations countywide now average one to two months. The waiting times for an appointment with SALA in Milpitas have been consistent with this average.

We believe we have demonstrated Legal Assistance continues as a need that is critical to the lives and well being of Milpitas seniors, particularly low income or at risk seniors. The importance of Legal Assistance in Protective Services [Incapacity Planning/Elder Abuse prevention] is also documented, as is the role of Legal Assistance as a key access service to ensure elders' adequate income, health care, basic necessities, safety, and independence.

We thank you again for the opportunity to submit these comments.

Respectfully submitted,



Georgia Bacil  
Directing Attorney

Housing and Neighborhood Preservation Division  
455 E. Calaveras Blvd.  
Milpitas, CA 95035

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HNP DIVISION

Dear CAC,

Unfortunately I am unable to attend the public hearing on Wednesday, 11/6/13 to discuss the CDBG funding priorities. I am sending this letter to bring to your attention our concern for the residents in long term care facilities, both skilled nursing and assisted living facilities in hopes they will continue to be included in the City of Milpitas list of priorities.

The mission of the Long Term Care (LTC) Ombudsman Program is to seek resolution of problems and advocate for the rights of residents in long term care facilities with the goal of enhancing the quality of life for residents in these facilities. The LTC Ombudsman Program promotes the interest, well being and rights of long term care facility residents. LTC Ombudsmen protect and help improve the quality of care and life for the frailest of our senior and disabled population and to help them maintain their homes in these facilities.

Thank you for your consideration,

Wanda Hale  
Program Manager  
Long Term Care Ombudsman Program  
Catholic Charities of Santa Clara County

## Felix Reliford

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**From:** Ann Marquart <amarquart@housing.org>  
**Sent:** Monday, November 25, 2013 9:45 PM  
**To:** Jose Esteves  
**Cc:** Felix Reliford; Tom Williams  
**Subject:** Appeal for funding - Milpitas Housing Authority

Jose Esteves  
Mayor of Milpitas  
City Hall  
455 East Calaveras Boulevard  
Milpitas, California 95035

Dear Mayor Esteves:

I am writing on behalf of Project Sentinel, a non-profit agency, which has for many years provided services that help Milpitas residents resolve housing problems. The services of fair housing and tenant/landlord counseling dispute resolution were funded annually at \$25,000 from a combination of Redevelopment Agency funds and Community Development funds. In mid-year 2011-2012, the Redevelopment Agency was eliminated and Project Sentinel lost \$15,000 in funding from the City of Milpitas. We have struggled since then to meet the same level of community need with 60% less funding.

With the economic downturn starting in 2000, many households in Milpitas have faced job loss, leading to mortgage and rental delinquencies. Economic recovery has started for some, but not for all. In addition, the economic upturn has itself created housing issues: rents have gone up dramatically, often displacing low income tenants. It is important for community balance that in hard economic times, households have an agency to turn to that can help mitigate their loss and regain their stability.

The City of Milpitas as a whole benefits from fair housing, mortgage counseling and housing dispute resolution services. Individuals seeking help in resolving housing problems (renters and homeowners) are served by experienced counselors who provide information on rights, responsibilities, options for problem solving, and referrals when needed. A review of case files will show that the majority of housing problems can be resolved through education, mediation, and conciliation. For communities to survive and thrive, they need assurance that all portions of the population have access to reasonable housing practices. Both home seekers and housing providers benefit by having resources which provide educational and dispute resolution services in a fair and unbiased manner.

We thank the City of Milpitas for recognizing the good work of Project Sentinel and the benefit its services provide to the low income, minority households of Milpitas. In the two years since the City reduced our funding, we have relied heavily on ADR funds provided by Santa Clara County's Superior Court as a temporary means of supporting the services we have continued to provide the citizens of Milpitas. We cannot continue to rely so heavily on that funding source to serve Milpitas. The previous funding of \$25,000 a year was one of the lowest rate of compensation for Project Sentinel's services in Santa Clara County. The current rate of \$10,000 will not sustain the current level of ongoing services. We ask that you consider restoring the balance of funding so desperately needed to continue our services.

Thank you.

Sincerely yours,

Ann Marquart  
Executive Director, Project Sentinel