

AMENDED IN ASSEMBLY JUNE 16, 2016

AMENDED IN SENATE MARCH 14, 2016

SENATE BILL

No. 866

Introduced by Senator Roth

January 11, 2016

An act to amend Section 987.005 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 866, as amended, Roth. Veterans housing.

Existing law, the Veterans Housing and Homeless Prevention Bond Act of 2014, authorizes the issuance of bonds in the amount of \$600,000,000 for expenditure by the California Housing Finance Agency, the Department of Housing and Community Development, and the Department of Veterans Affairs (the departments) to provide multifamily housing and services to veterans pursuant to the Veterans Housing and Homeless Prevention Act of 2014. Existing law requires the departments to establish and implement programs pursuant to those purposes.

This bill would authorize a housing developer or service provider that ~~receives bond moneys~~ *provides housing or services* pursuant to those provisions to provide housing or services to veterans and their children in women-only facilities in limited instances, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 “Veterans Housing and Homeless Prevention Act of 2016:
3 Proposition 41 Expenditures: Military Sexual Trauma.”

4 SEC. 2. Section 987.005 of the Military and Veterans Code is
5 amended to read:

6 987.005. (a) The departments shall establish and implement
7 programs pursuant to the purposes of this article that focus on
8 veterans at risk for homelessness or experiencing temporary or
9 chronic homelessness. To the extent feasible, the departments shall
10 establish and implement programs that, among other things, do
11 the following:

12 (1) Leverage public (federal, state, and local), private, and
13 nonprofit program and fiscal resources.

14 (2) Prioritize projects that combine housing and supportive
15 services, including, but not limited to, job training, mental health
16 and drug treatment, case management, care coordination, or
17 physical rehabilitation.

18 (3) Promote public and private partnerships.

19 (4) Foster innovative financing opportunities.

20 (5) Ensure program guidelines and terms provide threshold
21 requirements or scoring criteria, or both, to advance applicants
22 with experience in combining permanent or transitional housing,
23 or both, with supportive services for veterans, or for partnering
24 with housing developers or service providers with experience
25 offering housing or services to veterans.

26 (b) The departments shall ensure at least 50 percent of funds
27 awarded for capital development under this article provide housing
28 to veteran households with extremely low incomes, as defined in
29 Section 50106 of the Health and Safety Code.

30 (1) In determining whether a potential tenant is eligible for
31 supportive, affordable, or transitional housing targeted to extremely
32 low income households under this provision, eligibility shall take
33 into consideration all of a household’s income sources upon initial
34 tenancy.

35 (2) At least 60 percent of units funded targeting extremely low
36 income households shall be supportive housing.

37 (3) This section shall not deter the departments from funding
38 projects serving mixed-income populations.

1 (c) The departments may review, adopt, amend, and repeal
2 guidelines or terms, or both, to implement this article. Any
3 guidelines or terms adopted to implement this article shall not be
4 subject to Chapter 3.5 (commencing with Section 11340) of Part
5 1 of Division 3 of Title 2 of the Government Code.

6 (d) Nothing in this article permits the departments or the board
7 to purchase, operate, or manage properties except in the event of
8 a foreclosure on a borrower or grantee.

9 (e) (1) Notwithstanding any other law, a housing developer or
10 service provider that ~~receives bond moneys~~ *provides housing or*
11 *services* pursuant to this article may provide housing or services
12 to female veterans and their children in women-only facilities in
13 limited instances in which a female veteran (A) has suffered any
14 form of sexual abuse, trauma, or intimidation or harassment while
15 serving in the military and is seeking treatment for that sexual
16 abuse, trauma, or intimidation or harassment, or (B) is seeking the
17 housing or services as a result of being a victim of sexual abuse
18 or domestic violence.

19 (2) A housing developer or service provider that provides
20 housing or services to female veterans in women-only facilities
21 pursuant to paragraph (1) shall ensure that the housing or services
22 shall provide supportive housing or services with a focus on, among
23 others, treating the effects of military sexual abuse, trauma, or
24 intimidation in a gender-specific manner.

25 (3) For purposes of this subdivision, “women-only facilities”
26 means the facilities may house and provide services to female
27 veterans only and their children, and shall not house or provide
28 services to any adult who is not a dependent of a female veteran.

29 SEC. 3. (a) The Legislature finds and declares that the changes
30 made by this act to Section 987.005 of the Military and Veterans
31 Code are necessary in order to provide a safe environment to female
32 veterans who have been subject to, among others, sexual abuse,
33 harassment, or domestic violence. Providing a gender-specific
34 treatment and housing community to address the needs of at-risk
35 veterans who have been sexually abused or physically while in
36 service or thereafter is necessary for purposes of treatment and
37 recovery. It is, therefore, necessary that these facilities be focused
38 on “women-only” treatment and services with a focus on treatment
39 related to sexual abuse, harassment, or domestic violence, which
40 may be distinct from other treatment or services that other veterans

1 may be seeking under similar provisions, such as for nonmilitary
2 sexual trauma related post-traumatic stress disorder (PTSD) or job
3 placement.

4 (b) In that respect, the Legislature finds and declares that
5 providing gender-specific treatment and housing pursuant to this
6 act serves a compelling state interest, which interest is providing
7 the best possible treatment to female veterans who have served
8 our country and who now face additional hurdles that
9 disproportionately affect female veterans over male veterans. The
10 Legislature finds and declares that providing separate facilities
11 distinct from the norm of multifamily housing is substantially
12 related to the achievement of those objectives.

13 (c) The Legislature further finds and declares all of the
14 following:

15 (1) There are over 200,000 active duty women in the United
16 States Armed Forces making up approximately 15 percent of active
17 duty personnel. With most military occupations now open to
18 women, it is expected their ranks will continue to grow.

19 (2) With approximately two million female veterans nationwide,
20 women veterans make up only about 10 percent of the over 21
21 million veterans nationwide.

22 (3) California has the second highest female veteran population
23 in the country, with over 164,000 female veterans calling California
24 home.

25 (4) The United States Department of Veterans' Affairs (VA)
26 national screening program has reported that about one in four
27 women respond they have experienced Military Sexual Trauma
28 (MST) when screened by their VA provider, and the National
29 Center on Family Homelessness has found that female veterans
30 experience sexual assault after their military service at 12 times
31 the rate of the general civilian female population.

32 (5) Women who are assaulted, raped, or sexually harassed during
33 their military service suffer mental effects of their MST for years
34 after leaving the military, are at a higher risk of developing PTSD
35 than those who are not assaulted, and are disproportionately at risk
36 of becoming homeless after separating from military service.

37 (6) Ensuring that there is adequate housing for MST victims
38 should be a primary goal of the Department of Veterans Affairs,
39 the Department of Housing and Community Development, and
40 the California Housing Finance Agency as they administer the

1 Veterans Housing and Homelessness Prevention Program enacted
2 by Proposition 41. Effectively housing and treating this population
3 will require acknowledging that victims of MST have unique needs
4 that cannot be adequately treated through the traditionally
5 male-centric housing and services that are available.

6 (7) Female veterans with PTSD have reported that
7 women-centered treatment is the most important factor contributing
8 to their comfort with VA services. Due to the great majority of
9 veterans being male, most veteran-only housing is occupied by
10 male veterans and most services are utilized by male veterans.
11 This situation deters many MST victims from seeking veteran-only
12 housing because the male dominated living environment triggers
13 the experience of being in the male dominated military where the
14 rape, assault, or harassment occurred. As such, female veterans
15 who are victims of MST do not, as a practical matter, have equal
16 access to veteran-only housing and services that treat MST.

17 (8) PTSD is a serious condition and classified as a disability
18 under the federal Americans with Disabilities Act (ADA).
19 According to the United States Department of Justice Civil Rights
20 Division, PTSD can also be recognized as a disability under the
21 federal Fair Housing Act. As California's Fair Employment and
22 Housing Act is intended to conform to federal law, victims of
23 MST-related PTSD have a disability and should be afforded a
24 reasonable accommodation that allows them to enjoy veteran-only
25 housing under this act. Access to women's only housing and
26 supportive services for victims of MST shall be considered a
27 reasonable accommodation under this act and is critical in this
28 narrow circumstance to address the needs of this small and
29 vulnerable population.

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