

Senate Bill No. 866

CHAPTER 535

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

[Approved by Governor September 23, 2016. Filed with
Secretary of State September 23, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 866, 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 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.

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

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

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

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

- (1) Leverage public (federal, state, and local), private, and nonprofit program and fiscal resources.
- (2) Prioritize projects that combine housing and supportive services, including, but not limited to, job training, mental health and drug treatment, case management, care coordination, or physical rehabilitation.
- (3) Promote public and private partnerships.
- (4) Foster innovative financing opportunities.

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

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

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

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

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

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

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

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

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

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

SEC. 3. (a) The Legislature finds and declares that the changes made by this act to Section 987.005 of the Military and Veterans Code are necessary in order to provide a safe environment to female veterans who have been subject to, among others, sexual abuse, harassment, or domestic violence. Providing a gender-specific treatment and housing community to

address the needs of at-risk veterans who have been sexually abused or physically while in service or thereafter is necessary for purposes of treatment and recovery. It is, therefore, necessary that these facilities be focused on “women-only” treatment and services with a focus on treatment related to sexual abuse, harassment, or domestic violence, which may be distinct from other treatment or services that other veterans may be seeking under similar provisions, such as for nonmilitary sexual trauma related post-traumatic stress disorder (PTSD) or job placement.

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

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

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

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

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

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

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

(6) Ensuring that there is adequate housing for MST victims should be a primary goal of the Department of Veterans Affairs, the Department of Housing and Community Development, and the California Housing Finance Agency as they administer the Veterans Housing and Homelessness Prevention Program enacted by Proposition 41. Effectively housing and treating this population will require acknowledging that victims of MST have unique needs that cannot be adequately treated through the traditionally male-centric housing and services that are available.

(7) Female veterans with PTSD have reported that women-centered treatment is the most important factor contributing to their comfort with

VA services. Due to the great majority of veterans being male, most veteran-only housing is occupied by male veterans and most services are utilized by male veterans. This situation deters many MST victims from seeking veteran-only housing because the male dominated living environment triggers the experience of being in the male dominated military where the rape, assault, or harassment occurred. As such, female veterans who are victims of MST do not, as a practical matter, have equal access to veteran-only housing and services that treat MST.

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