

AMENDED IN SENATE APRIL 21, 2016
AMENDED IN SENATE APRIL 14, 2016
AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1380

Introduced by Senator Mitchell
(Coauthors: Senators Allen, Hertzberg, Liu, and Wieckowski)
(Coauthors: Assembly Members Campos and Thurmond)

February 19, 2016

An act to add Chapter 7 (commencing with Section 8260) to Division 8 of the Welfare and Institutions Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Mitchell. Homeless Coordinating and Financing Council.

Existing law establishes various programs, including, among others, the Emergency Housing and Assistance Program, to provide assistance to homeless persons.

This bill would require a state agency or department that funds, implements, or administers a state program that provides housing or housing-related services to people experiencing homelessness or at risk of homelessness, except as specified, to revise or adopt guidelines and regulations to include enumerated Housing First policies. The bill would also establish the Homeless Coordinating and Financing Council to oversee the implementation of the Housing First guidelines and regulations and, among other things, to identify resources, benefits, and services that can be accessed to prevent and end homelessness in California.

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. The Legislature finds and declares all of the
2 following:
- 3 (a) California leads the nation in the number of homeless
4 residents with 115,738 people experiencing homelessness at some
5 point, which is 21 percent of the nation's total. California also
6 leads the nation in the number and ratio of chronically homeless
7 residents with 29,178 chronically homeless residents at any point
8 in time, which is 31 percent of the nation's total.
- 9 (b) Homelessness is expensive to the state and local
10 governments. A homeless person receiving general assistance in
11 Los Angeles County, for example, incurs \$2,897 per month in
12 crisis response services.
- 13 (c) A chronically homeless Californian moving into "supportive
14 housing" is able to reduce costs he or she incurs by almost 80
15 percent. Moving an individual or family experiencing chronic
16 homelessness to housing stability costs less than the resulting
17 savings in public expenditures.
- 18 (d) Following the example of other states, as well as jurisdictions
19 within California, it is the intent of the Legislature to adopt a
20 "Housing First" model for all state programs funding housing for
21 people experiencing homelessness or at risk of homelessness.
- 22 (e) Housing First is an evidence-based model of ending all types
23 of homelessness and is the most effective approach to ending
24 chronic homelessness. The federal government recognizes that
25 Housing First yields high-housing retention rates, low returns to
26 homelessness, and significant reductions in crisis or institutional
27 care.
- 28 (f) Homelessness affects multiple systems in California. Though
29 almost every state with significant homeless populations has
30 established a council to coordinate a Housing First-oriented
31 response to homelessness, California does not have any entity to
32 manage the state's response to homelessness.
- 33 (g) California participated in a federally funded Policy Academy
34 to reduce chronic homelessness. That Policy Academy succeeded
35 in revising programs California's Department of Housing and

1 Community Development (HCD) administers, and in attracting
2 federal funding opportunities requiring collaboration between the
3 HCD and the State Department of Health Care Services. To
4 implement additional successes, it is essential that California have
5 a coordinating council on homelessness.

6 SEC. 2. Chapter 7 (commencing with Section 8260) is added
7 to Division 8 of the Welfare and Institutions Code, to read:

8
9 CHAPTER 7. HOUSING FIRST AND COORDINATING COUNCIL

10
11 8260. For purposes of this chapter:

12 (a) “Coordinating Council” means the Homeless Coordinating
13 and Financing Council established pursuant to Section 8262.

14 (b) “Core components of Housing First” means all of the
15 following:

16 (1) Tenant screening and selection practices that promote
17 accepting applicants regardless of their sobriety or use of
18 substances, completion of treatment, or participation in services.

19 (2) Applicants are not rejected on the basis of poor credit or
20 financial history, poor or lack of rental history, criminal convictions
21 unrelated to tenancy, or behaviors that indicate a lack of “housing
22 readiness.”

23 (3) Acceptance of referrals directly from shelters, street outreach,
24 drop-in centers, and other parts of crisis response systems
25 frequented by vulnerable people experiencing homelessness.

26 (4) Supportive services that emphasize engagement and problem
27 solving over therapeutic goals and service plans that are highly
28 tenant-driven without predetermined goals.

29 (5) Participation in services or program compliance is not a
30 condition of permanent housing tenancy.

31 (6) Tenants have a lease and all the rights and responsibilities
32 of tenancy, as outlined in California’s Civil, Health and Safety,
33 and Government codes.

34 (7) The use of alcohol or drugs in and of itself, without other
35 lease violations, is not a reason for eviction.

36 (8) In communities with coordinated assessment and entry
37 systems, incentives for funding promote tenant selection plans for
38 supportive housing that prioritize eligible tenants based on criteria
39 other than “first-come-first-serve,” including, but not limited to,
40 the duration or chronicity of homelessness, vulnerability to early

1 mortality, or high utilization of crisis services. Prioritization may
2 include triage tools, developed through local data, to identify
3 high-cost, high-need homeless residents.

4 (9) Case managers and service coordinators who are trained in
5 and actively employ evidence-based practices for client
6 engagement, including, but not limited to, motivational
7 interviewing and client-centered counseling.

8 (10) Services are informed by a harm-reduction philosophy that
9 recognizes drug and alcohol use and addiction as a part of tenants'
10 lives, where tenants are engaged in nonjudgmental communication
11 regarding drug and alcohol use, and where tenants are offered
12 education regarding how to avoid risky behaviors and engage in
13 safer practices, as well as connected to evidence-based treatment
14 if the tenant so chooses.

15 (11) The project and specific apartment may include special
16 physical features that accommodate disabilities, reduce harm, and
17 promote health and community and independence among tenants.

18 (c) "Homeless" has the same definition as that term is defined
19 in Section 91.5 of Title 24 of the Code of Federal Regulations.

20 (d) (1) "Housing First" means the evidence-based model that
21 uses housing as a tool, rather than a reward, for recovery and that
22 centers on providing or connecting homeless people to permanent
23 housing as quickly as possible. Housing First providers offer
24 services as needed and requested on a voluntary basis and that
25 does not make housing contingent on participation in services.

26 (2) "Housing First" includes time-limited rental or services
27 assistance, so long as the housing and service provider assists the
28 recipient in accessing permanent housing and in securing
29 longer-term rental assistance, income assistance, or employment.

30 (e) "State programs" means any programs a California state
31 agency or department funds, implements, or administers for the
32 purpose of providing housing or housing-based services to people
33 experiencing homelessness or at risk of homelessness, with the
34 exception of federally funded programs with requirements
35 inconsistent with this chapter or programs that fund emergency
36 shelters.

37 8261. (a) Agencies and departments administering state
38 programs created on or after July 1, 2017, shall collaborate with
39 the Coordinating Council to adopt guidelines and regulations to
40 incorporate core components of Housing First.

1 (b) By July 1, 2019, agencies and departments administering
2 state programs in existence prior to July 1, 2017, shall collaborate
3 with the Coordinating Council to revise or adopt guidelines and
4 regulations that incorporate the core components of Housing First,
5 if the existing guidelines and regulations do not already incorporate
6 the core components of Housing First.

7 8262. (a) Within 180 days of the effective date of the measure
8 adding this chapter, the Governor shall create a Homeless
9 Coordinating and Financing Council.

10 (b) The Coordinating Council shall have the following goals:

11 (1) To oversee implementation of this chapter.

12 (2) To identify mainstream resources, benefits, and services that
13 can be accessed to prevent and end homelessness in California.

14 (3) To create partnerships among state agencies and departments,
15 local government agencies, participants in the United States
16 Department of Housing and Urban Development's Continuum of
17 Care Program, federal agencies, the United States Interagency
18 Council on Homelessness, nonprofit entities working to end
19 homelessness, and the private sector, for the purpose of arriving
20 at specific strategies to end homelessness.

21 (4) To promote systems integration to increase efficiency and
22 effectiveness.

23 (5) To coordinate existing funding and applications for
24 competitive funding. Any action taken pursuant to this paragraph
25 shall not restructure or change any existing allocations or allocation
26 formulas.

27 (6) To make policy and procedural recommendations to
28 legislators and other government entities.

29 (7) To identify and seek funding opportunities for state entities
30 that have programs to end homelessness, including, but not limited
31 to, federal and philanthropic funding opportunities, and to facilitate
32 and coordinate those state entities' efforts to obtain that funding.

33 (8) To broker agreements between state agencies and
34 departments and between state agencies and departments and local
35 jurisdictions to align and coordinate resources, reduce
36 administrative burdens of accessing existing resources, and foster
37 common applications for services, operating, and capital funding.

38 (9) To serve as a statewide facilitator, coordinator, and policy
39 development resource on ending homelessness in California.

1 (10) To report to the Governor, federal Cabinet members, and
2 the Legislature on homelessness and work to reduce homelessness.

3 (11) To ensure accountability and results in meeting the
4 strategies and goals of the council.

5 (12) To identify and implement strategies to fight homelessness
6 in small communities and rural areas.

7 (c) (1) The Governor shall appoint up to 15 members of the
8 Coordinating Council as follows:

9 ~~(A) A representative of the Governor's office.~~ *from the*
10 *Department of Housing and Community Development.*

11 (B) A representative of the Department of Social Services.

12 (C) A representative of the California Housing Finance Agency.

13 (D) A representative of the Department of Health Care Services.

14 (E) A representative of the Department of Veterans Affairs.

15 (F) A representative of the Department of Corrections and
16 Rehabilitation.

17 (G) A representative from the California Tax Credit Allocation
18 Committee in the Treasurer's Office.

19 ~~(H) People who are, or have been,~~ *A homeless person who lives*
20 ~~in California, to California. To the extent funding is available to~~
21 ~~pay for available, their travel costs and stipends. shall be paid for.~~

22 ~~(I) Representatives~~ *Two representatives* of local agencies or
23 organizations that participate in the United States Department of
24 Housing and Urban Development's Continuum of Care Program.

25 ~~(J) A state advocate~~ *State advocates* or other ~~member~~ *members*
26 of the public or state agencies, according to the Governor's
27 discretion.

28 (2) The council may, at its discretion, invite stakeholders,
29 individuals who have experienced homelessness, members of
30 philanthropic communities, and experts to participate in meetings
31 or provide information to the council.

32 (d) The council shall hold public meetings at least once every
33 quarter.

34 (e) The members of the council shall serve at the pleasure of
35 the Governor.

36 (f) Within existing funding, the council may establish working
37 groups, task forces, or other structures from within its membership
38 or with outside members to assist it in its work. Working groups,
39 task forces, or other structures established by the council shall
40 determine their own meeting schedules.

1 (g) The members shall serve without compensation, except that
2 members who are, or have been, homeless may receive
3 reimbursement for travel, per diem, or other expenses.

4 (h) ~~The Assistant Director for Homeless and Housing Policy~~
5 ~~within the~~ Department of Housing and Community Development
6 shall provide staff for the council.

7 (i) The council members may enter into memoranda of
8 understanding with other council members to achieve the goals
9 set forth in this chapter, as necessary, in order to facilitate
10 communication and cooperation between the entities the council
11 members represent.

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