

AMENDED IN ASSEMBLY JUNE 30, 2016

AMENDED IN ASSEMBLY JUNE 20, 2016

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

(Principal coauthor: Assembly Member Santiago)

(Coauthors: Senators Allen, Hertzberg, Liu, and Wieckowski)

(Coauthors: Assembly Members ~~Campos~~, *Alejo, Burke, Campos, Chiu, Lopez, Mullin, 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. California also
9 has 10,416 homeless youth, which is 28 percent of the nation’s
10 total.

11 (b) Homelessness is expensive to the state and local
12 governments. A homeless person receiving general assistance in
13 Los Angeles County, for example, incurs \$2,897 per month in
14 crisis response services.

15 (c) A chronically homeless Californian moving into “supportive
16 housing” is able to reduce costs he or she incurs by almost 80
17 percent. Moving an individual or family experiencing chronic
18 homelessness to housing stability costs less than the resulting
19 savings in public expenditures.

20 (d) Following the example of other states, as well as jurisdictions
21 within California, it is the intent of the Legislature to adopt a
22 “Housing First” model for all state programs funding housing for
23 people experiencing homelessness or at risk of homelessness.
24 These housing models should address the distinct needs of
25 homeless populations, including unaccompanied youth under 25
26 years of age.

27 (e) Housing First is an evidence-based model of ending all types
28 of homelessness and is the most effective approach to ending
29 chronic homelessness. The federal government recognizes that
30 Housing First yields high-housing retention rates, low returns to
31 homelessness, and significant reductions in crisis or institutional

1 care. The federal government also recognizes the value of
2 time-limited housing to address the needs of unaccompanied
3 homeless youth and persons fleeing domestic violence.

4 (f) Homelessness affects multiple systems in California. Though
5 almost every state with significant homeless populations has
6 established a council to coordinate a Housing First-oriented
7 response to homelessness, California does not have any entity to
8 manage the state’s response to homelessness.

9 (g) California participated in a federally funded ~~Policy Academy~~
10 *policy academy* to reduce chronic homelessness. That ~~Policy~~
11 ~~Academy~~ *policy academy* succeeded in revising programs
12 ~~California’s~~ that the Department of Housing and Community
13 Development (HCD) administers, and in attracting federal funding
14 opportunities requiring collaboration between the HCD and the
15 State Department of Health Care Services. To implement additional
16 successes, it is essential that California have a coordinating council
17 on homelessness.

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

20

21 CHAPTER 7. HOUSING FIRST AND COORDINATING COUNCIL

22

23 8260. For purposes of this chapter:

24 (a) “~~Coordinating Council~~” *council*” means the Homeless
25 Coordinating and Financing Council established pursuant to
26 Section 8262.

27 (b) “Core components of Housing First” means all of the
28 following:

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

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

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

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

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

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

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

11 (8) In communities with coordinated assessment and entry
12 systems, incentives for funding promote tenant selection plans for
13 supportive housing that prioritize eligible tenants based on criteria
14 other than “first-come-first-serve,” including, but not limited to,
15 the duration or chronicity of homelessness, vulnerability to early
16 mortality, or high utilization of crisis services. Prioritization may
17 include triage tools, developed through local data, to identify
18 high-cost, high-need homeless residents.

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

23 (10) Services are informed by a harm-reduction philosophy that
24 recognizes drug and alcohol use and addiction as a part of tenants’
25 lives, where tenants are engaged in nonjudgmental communication
26 regarding drug and alcohol use, and where tenants are offered
27 education regarding how to avoid risky behaviors and engage in
28 safer practices, as well as connected to evidence-based treatment
29 if the tenant so chooses.

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

33 (c) “Homeless” has the same definition as that term is defined
34 in Section 91.5 of Title 24 of the Code of Federal Regulations.

35 (d) (1) “Housing First” means the evidence-based model that
36 uses housing as a tool, rather than a reward, for recovery and that
37 centers on providing or connecting homeless people to permanent
38 housing as quickly as possible. Housing First providers offer
39 services as needed and requested on a voluntary basis and that do
40 not make housing contingent on participation in services.

1 (2) (A) “Housing First” includes time-limited rental or services
2 assistance, so long as the housing and service provider assists the
3 recipient in accessing permanent housing and in securing
4 longer-term rental assistance, income assistance, or employment.

5 (B) For time-limited, supportive services programs serving
6 homeless youth, programs should use a positive youth development
7 model and be culturally competent to serve unaccompanied youth
8 under age 25. Providers should work with the youth to engage in
9 family reunification efforts, where appropriate and when in the
10 best interest of the youth. In the event of an eviction, programs
11 shall make every effort, which shall be documented, to link tenants
12 to other stable, safe, decent housing options. Exit to homelessness
13 should be extremely rare, and only after a tenant refuses assistance
14 with housing search, location, and move-in assistance.

15 (e) “State programs” means any programs a California state
16 agency or department funds, implements, or administers for the
17 purpose of providing housing or housing-based services to people
18 experiencing homelessness or at risk of homelessness, with the
19 exception of federally funded programs with requirements
20 inconsistent with this chapter or programs that fund emergency
21 shelters.

22 8261. (a) Agencies and departments administering state
23 programs created on or after July 1, 2017, shall collaborate with
24 the ~~Coordinating Council~~ *coordinating council* to adopt guidelines
25 and regulations to incorporate core components of Housing First.

26 (b) By July 1, 2019, agencies and departments administering
27 state programs in existence prior to July 1, 2017, shall collaborate
28 with the ~~Coordinating Council~~ *coordinating council* to revise or
29 adopt guidelines and regulations that incorporate the core
30 components of Housing First, if the existing guidelines and
31 regulations do not already incorporate the core components of
32 Housing First.

33 8262. (a) Within 180 days of the effective date of the measure
34 adding this chapter, the Governor shall create a Homeless
35 Coordinating and Financing Council.

36 (b) The council shall have the following goals:

37 (1) To oversee implementation of this chapter.

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

1 (3) To create partnerships among state agencies and departments,
 2 local government agencies, participants in the United States
 3 Department of Housing and Urban Development’s Continuum of
 4 Care Program, federal agencies, the United States Interagency
 5 Council on Homelessness, nonprofit entities working to end
 6 homelessness, homeless services providers, and the private sector,
 7 for the purpose of arriving at specific strategies to end
 8 homelessness.

9 (4) To promote systems integration to increase efficiency and
 10 effectiveness while focusing on designing systems to address the
 11 needs of people experiencing homelessness, including
 12 unaccompanied youth under 25 years of age.

13 (5) To coordinate existing funding and applications for
 14 competitive funding. Any action taken pursuant to this paragraph
 15 shall not restructure or change any existing allocations or allocation
 16 formulas.

17 (6) To make policy and procedural recommendations to
 18 legislators and other ~~government~~ *governmental* entities.

19 (7) To identify and seek funding opportunities for state entities
 20 that have programs to end homelessness, including, but not limited
 21 to, federal and philanthropic funding opportunities, and to facilitate
 22 and coordinate those state entities’ efforts to obtain that funding.

23 (8) To broker agreements between state agencies and
 24 departments and between state agencies and departments and local
 25 jurisdictions to align and coordinate resources, reduce
 26 administrative burdens of accessing existing resources, and foster
 27 common applications for services, operating, and capital funding.

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

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

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

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

36 (13) *To create a statewide data system or warehouse that*
 37 *collects local data through Homeless Management Information*
 38 *Systems, with the ultimate goal of matching data on homelessness*
 39 *to programs impacting homeless recipients of state programs, such*
 40 *as Medi-Cal (Chapter 7 (commencing with Section 14000) of Part*

1 3 of Division 9 of the Welfare and Institutions Code) and
2 CalWORKS (Chapter 2 (commencing with Section 11200) of Part
3 3 of Division 9 of the Welfare and Institutions Code).

4 (c) (1) The Governor shall appoint up to 15 members of the
5 council as follows:

6 (A) A representative from the Department of Housing and
7 Community Development.

8 (B) A representative of the State Department of Social Services.

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

10 (D) A representative of the State Department of Health Care
11 Services.

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

13 (F) A representative of the Department of Corrections and
14 Rehabilitation.

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

17 (H) A formerly homeless person who lives in California. ~~To the
18 extent funding is available, their travel costs shall be paid for.~~

19 (I) Two representatives of local agencies or organizations that
20 participate in the United States Department of Housing and Urban
21 Development's Continuum of Care Program.

22 (J) State advocates or other members of the public or state
23 agencies, according to the Governor's discretion.

24 (2) The Senate Committee on Rules and the Speaker of the
25 Assembly shall each appoint one representative of the council from
26 two different stakeholder organizations.

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

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

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

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

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

5 (h) The Department of Housing and Community Development
6 shall provide staff for the council.

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

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