

AMENDED IN ASSEMBLY AUGUST 18, 2016

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 Alejo, Burke, Campos, Chiu, Lopez, Mullin, and Thurmond)

February 19, 2016

An act to add Chapter ~~7~~ 6.5 (commencing with Section ~~8260~~ 8255) 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

1 chronic homelessness. The federal government recognizes that
2 Housing First yields high-housing retention rates, low returns to
3 homelessness, and significant reductions in crisis or institutional
4 care. The federal government also recognizes the value of
5 time-limited housing to address the needs of unaccompanied
6 homeless youth and persons fleeing domestic violence.

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

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

20 SEC. 2. Chapter ~~7~~ 6.5 (commencing with Section ~~8260~~) 8255)
21 is added to Division 8 of the Welfare and Institutions Code, to
22 read:

23
24 CHAPTER ~~7~~ 6.5. HOUSING FIRST AND COORDINATING COUNCIL

25
26 ~~8260~~:

27 8255. For purposes of this chapter:

28 (a) "Coordinating council" means the Homeless Coordinating
29 and Financing Council established pursuant to Section ~~8262~~: 8257.

30 (b) "Core components of Housing First" means all of the
31 following:

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

35 (2) Applicants are not rejected on the basis of poor credit or
36 financial history, poor or lack of rental history, criminal convictions
37 unrelated to tenancy, or behaviors that indicate a lack of "housing
38 readiness."

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

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

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

9 (6) Tenants have a lease and all the rights and responsibilities
10 of tenancy, as outlined in California's Civil, Health and Safety,
11 and Government codes.

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

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

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

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

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

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

38 (d) (1) "Housing First" means the evidence-based model that
39 uses housing as a tool, rather than a reward, for recovery and that
40 centers on providing or connecting homeless people to permanent

1 housing as quickly as possible. Housing First providers offer
2 services as needed and requested on a voluntary basis and that do
3 not make housing contingent on participation in services.

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

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

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

26 ~~8261.~~

27 8256. (a) Agencies and departments administering state
28 programs created on or after July 1, 2017, shall collaborate with
29 the coordinating council to adopt guidelines and regulations to
30 incorporate core components of Housing First.

31 (b) By July 1, 2019, agencies and departments administering
32 state programs in existence prior to July 1, 2017, shall collaborate
33 with the coordinating council to revise or adopt guidelines and
34 regulations that incorporate the core components of Housing First,
35 if the existing guidelines and regulations do not already incorporate
36 the core components of Housing First.

37 ~~8262.~~

38 8257. (a) Within 180 days of the effective date of the measure
39 adding this chapter, the Governor shall create a Homeless
40 Coordinating and Financing Council.

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

2 (1) To oversee implementation of this chapter.

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

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

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

17 (5) To coordinate existing funding and applications for
18 competitive funding. Any action taken pursuant to this paragraph
19 shall not restructure or change any existing allocations or allocation
20 formulas.

21 (6) To make policy and procedural recommendations to
22 legislators and other governmental entities.

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

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

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

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

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

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

(13) To create a statewide data system or warehouse that collects local data through Homeless Management Information Systems, with the ultimate goal of matching data on homelessness to programs impacting homeless recipients of state programs, such as Medi-Cal (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code) and CalWORKS (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code).

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

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

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

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

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

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

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

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

(H) *A representative of the Victim Services Program within the Division of Grants Management within the Office of Emergency Services.*

~~(H)~~

(I) A formerly homeless person who lives in California.

~~(I)~~

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

~~(J)~~

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

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

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

- 1 (d) The council shall hold public meetings at least once every
2 quarter.
- 3 (e) The members of the council shall serve at the pleasure of
4 the Governor.
- 5 (f) Within existing funding, the council may establish working
6 groups, task forces, or other structures from within its membership
7 or with outside members to assist it in its work. Working groups,
8 task forces, or other structures established by the council shall
9 determine their own meeting schedules.
- 10 (g) The members of the council shall serve without
11 compensation, except that members of the council who are, or
12 have been, homeless may receive reimbursement for travel, per
13 diem, or other expenses.
- 14 (h) The Department of Housing and Community Development
15 shall provide staff for the council.
- 16 (i) The members of the council may enter into memoranda of
17 understanding with other members of the council to achieve the
18 goals set forth in this chapter, as necessary, in order to facilitate
19 communication and cooperation between the entities the members
20 of the council represent.