

Date of Hearing: June 25, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

SB 1443 (Jones) – As Introduced February 16, 2024

SENATE VOTE: 37-0

SUBJECT: California Interagency Council on Homelessness

SUMMARY: Expands the membership of the California Interagency on Homelessness (Cal ICH) by adding a representative from the State Council on Developmental Disabilities (SCDD).

EXISTING LAW:

Federal law:

- 1) Establishes the United States Interagency Council on Homelessness as authorized under the McKinney-Vento Homeless Assistance Act, to coordinate a federal response to homelessness and create a national partnership at every level of government and with the private sector to end homelessness. (42 United States Code [U.S.C.] §§ 11301-11311)
- 2) Defines, in federal statute, the word “homeless” for the purpose of housing assistance, to mean an individual or family who lacks a fixed, regular, and adequate nighttime residence, such as:
 - a) A primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - b) A supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or,
 - c) Exiting an institution where an individual resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. (42 U.S.C. § 11302)
- 3) Defines continuums of care (CoCs) to mean the group organized to carry out the responsibilities required under the federal McKinney-Vento Homeless Assistance Act, and that includes representatives of organizations, including nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons to the extent these groups are represented within the geographic area and are available to participate. (24 Code of Federal Regulations § 578.3)

State law:

- 4) Defines “Housing First” to mean the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and do not make housing contingent on participation in services. It includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient in accessing permanent housing and in securing longer-term rental assistance, income assistance, or employment. (Welfare and Institutions Code [WIC] § 8255(d))
- 5) States Legislative findings and declarations about homelessness, the housing shortfall and other related issues including: the Legislature finds and declares that there exists within the urban and rural areas of the state a significant number of persons without decent, safe, and sanitary housing. This shortage is inimical to the health, safety, and welfare of the residents of this state and the sound growth of its communities. (Health and Safety Code § 50003.3)
- 6) Establishes Cal ICH to oversee and coordinate the implementation of the Housing First guidelines and regulations in California, and to identify resources and services that can be accessed to prevent and end homelessness in California. (WIC § 8255 *et. seq*)
- 7) Establishes the following goals for Cal ICH:
 - a) To create partnerships among state agencies and departments, local government agencies, participants in the United States Department of Housing and Urban Development’s Continuum of Care Program, federal agencies, the United States Interagency Council on Homelessness, nonprofit entities working to end homelessness, homeless services providers, and the private sector, for the purpose of arriving at specific strategies to end homelessness;
 - b) To promote systems integration to increase efficiency and effectiveness while focusing on designing systems to address the needs of people experiencing homelessness, including unaccompanied youth under 25 years of age;
 - c) To coordinate existing funding and applications for competitive funding;
 - d) To make policy and procedural recommendations to legislators and other governmental entities;
 - e) To identify and seek funding opportunities for state entities that have programs to end homelessness, including, but not limited to, federal and philanthropic funding opportunities, and to facilitate and coordinate those state entities’ efforts to obtain that funding;
 - f) To broker agreements between state agencies and departments and between state agencies and departments and local jurisdictions to align and coordinate resources, reduce administrative burdens of accessing existing resources, and foster common applications for services, operating, and capital funding;

- g) To serve as a statewide facilitator, coordinator, and policy development resource on ending homelessness in California;
 - h) To report to the Governor, federal Cabinet members, and the Legislature on homelessness and work to reduce homelessness;
 - i) To ensure accountability and results in meeting the strategies and goals of the council;
 - j) To identify and implement strategies to fight homelessness in small communities and rural areas;
 - k) To create a statewide data system or warehouse, which shall be known as the Homeless Data Integration System, which 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 the Medi-Cal program and the California Work Opportunity and Responsibility to Kids program. Requires, upon creation of the Homeless Data Integration System, all CoCs that are operating in California to provide collected data elements, including, but not limited to, health information, in a manner consistent with federal law, to the Homeless Data Integration System.
 - l) To set goals to prevent and end homelessness among California's youth;
 - m) To improve the safety, health, and welfare of young people experiencing homelessness in the state;
 - n) To increase system integration and coordinating efforts to prevent homelessness among youth who are currently or formerly involved in the child welfare system or the juvenile justice system;
 - o) To lead efforts to coordinate a spectrum of funding, policy, and practice efforts related to young people experiencing homelessness;
 - p) To identify best practices to ensure homeless minors who may have experienced maltreatment, regarding neglect and abuse as described in existing law, are appropriately referred to, or have the ability to self-refer to, the child welfare system; and,
 - q) To collect, compile, and make available to the public financial data provided to the council from all state-funded homelessness programs. (WIC § 8257(b))
- 8) Establishes the SCDD with authority independent of any single state service agency. (WIC § 4520(a).

FISCAL EFFECT: According to the Senate Appropriations Committee on April 26, 2024:

- The Cal ICH estimates General Fund costs of \$167,000 in the first year and \$159,000 annually thereafter for staffing resources to provide ongoing support to council members, departments, and agencies.
- The SCDD indicates costs are minor and absorbable.

COMMENTS:

Background: *Homelessness in California.* Over 181,000 individuals in California experience homelessness on any given night, based on the most recent annual point-in-time (PIT) count conducted in January 2023. This is largely considered an undercount of the actual number of people experiencing homelessness because it does not consider those who are couch-surfing or temporarily housed in non-traditional shelters. Of those 181,000 individuals, over 123,000 are unsheltered, meaning they live on the streets, sleep in cars, camp in parks, or are otherwise staying in places not meant for human habitation. Based on the 2023 PIT count, 71,150 people in the state are chronically homeless, and of those, 54,629 are unsheltered. Each of these numbers represents an increase from the 2022 PIT count.

The causes and duration of homelessness are varied. Some individuals experiencing homelessness are chronically homeless, meaning they have experienced homelessness for at least a year, or repeatedly, while struggling with a disabling condition such as a serious mental illness, substance use disorder, or physical disability. An individual is considered chronically homeless if they have a disability as defined under federal law; are living in a place not meant for human habitation, safe haven, or an emergency shelter; and have been homeless for at least 12 months or on at least four separate occasions in the last three years. In addition, an individual who has been residing in an institutional care facility, including jail, substance use disorder or mental health treatment facility, hospital, or another similar facility, for fewer than 90 days and met all of the criteria previously stated is also considered chronically homeless.

Although some individuals struggle with substance use disorders or mental illness, a growing group of people fall into homelessness due to a mismatch between wages and housing costs. According to findings by United Ways of California, one in three households in the state does not earn enough money to meet their basic needs.

According to the 2022 Statewide Housing Plan, published by the California Department of Housing and Community Development (HCD), to meet California's unmet housing needs, the state needs an additional 2.5 million housing units, including 1.2 million for lower-income households. Decades of underbuilding have led to a lack of housing overall, particularly housing that is affordable to lower-income households. The state needs an additional 180,000 new units of housing a year to keep up with demand – including about 80,000 units of housing affordable to lower-income households. By contrast, production in the past decade has been under 100,000 units per year – including less than 20,000 units of affordable housing.

Homelessness among Individuals with Developmental Disabilities. According to a January 2024 report released by the California Policy Center for Intellectual and Developmental Disabilities, the affordable housing crisis disproportionately impacts people with disabilities because the majority live on fixed incomes that place them at or near poverty levels. The report took a look at adults served by the Department of Developmental Services (DDS) and the regional center system in California to identify the scope and severity of this issue. According to the 2021-22 data, there are 144,446 individuals 22 years of age and over who reside in the family home (93,906), community care facilities (22,795), or independent living services/supported living services (27,745). According to the report, “Another factor to consider in estimating housing need for individuals served by the regional center system is how many are living with aging caregivers. Living with an aging caregiver is not determinative of an imminent or immediate housing need, however it does increase the risk of housing instability as their caregivers continue

to age and perhaps struggle with their own health conditions or pass away. While some families are able to put their home in a trust, or establish a legacy home, many families simply do not have the resources or ability to provide or maintain housing for their loved one for the duration of their loved one's life.”

California Interagency Council on Homelessness, formerly known as the Homeless Coordinating and Financing Council (HCFC), was established through the enactment of SB 1380 (Mitchell), Chapter 847, Statutes of 2016, in an effort to coordinate the state's response to homelessness. As created by SB 1380, HCFC was housed within HCD, which was also responsible for providing staff for HCFC.

SB 850 (Committee on Budget and Fiscal Review), Chapter 48, Statutes of 2018, moved HCFC from HCD to the California Business, Consumer Services and Housing Agency. SB 850 also authorized the creation of an executive director to oversee HCFC, as well as the allocation of several staff members.

AB 1220 (Luz Rivas), Chapter 398, Statutes of 2021, changed the name of HCFS to Cal ICH and reconstituted its membership. AB 1220 also established an advisory committee within Cal ICH that meets twice a year, and is composed of the following members: a survivor of gender-based violence who formerly experienced homelessness; a person with a disability who formerly experienced homelessness; representatives of local agencies or organizations that participate in the federal Housing and Urban Development's (HUD) Continuum of Care Program; stakeholders with expertise in solutions to homelessness and best practices from other states; representatives of committees on African Americans, youth, and survivors of gender-based violence; and a current or formerly homeless person and youth who lives in California. AB 1220 authorized one advisory committee member to be chosen to participate in the quarterly council meetings and to report their committee's activities to Cal ICH.

Additionally, SB 1421 (Jones), Chapter 671, Statutes of 2022, required Cal ICH to appoint an individual with a developmental disability who is currently or has formerly experienced homelessness, to the Council's advisory committee.

Cal ICH was created in part to oversee the state's implementation of Housing First. By July 1, 2019, agencies and departments administering state programs relating to homelessness were required to collaborate with Cal ICH to revise or adopt guidelines and regulations that incorporate core components of Housing First. To that end, Cal ICH has adopted a Housing First Checklist to be used by state agencies to assess their homelessness-related programs and make recommendations on any changes required to bring their programs into alignment with the Housing First statute.

In March of 2021, Cal ICH adopted an Action Plan for Preventing and Ending Homelessness (Action Plan), which was then updated in September of 2023. The expectation is for the plan to be updated every year to reflect current priorities. According to Cal ICH, “Driving progress on preventing and ending homelessness requires multi-pronged, multi-year strategies across sectors and systems, supported by data analyses, performance measures, and metrics to assess, refine, and revise those strategies. It also requires a focus on racial equity and an incorporation of people with lived expertise in order to address the disparities that currently exist in our systems.”

As part of the Action Plan, five action areas were developed to prevent and end homelessness and the action areas identify the activities, lead and collaborating department, timeframe, and performance measurements needed to achieve the objectives.

Some of the directives specific to individuals with disabilities in the action areas include:

- Educate CoC organizations across California to connect individuals with disabilities to Department of Rehabilitation (DOR) employment services that can be provided to people with disabilities who are being served within the homelessness response systems' housing and services programs;
- Implement the Community Care Expansion program to expand and preserve residential care settings for seniors and adults with disabilities including permanent supportive housing and licensed adult and senior care beds;
- Implement transition and diversion funds, including rental assistance resources, for people with disabilities who are discharged from an institutional setting and at-risk of homelessness and for individuals who are homeless and at-risk of institutionalization;
- Implement HUD Section 811 Project Rental Assistance Program to expand the supply of supportive housing that promotes community integration for low-income people with disabilities; assess pilot efforts to address the housing and employment services needs of people with disabilities within state prison facilities;
- Through the Community Living Fund, support people with disabilities to successfully transition from nursing homes and other institutional settings to community living opportunities and prevent people from going into institutional settings and losing stable housing;
- Pilot efforts to improve continuum of services for youth with disabilities; and,
- Identify and implement strategies to serve older adults and people with disabilities at risk of experiencing homelessness, including meeting the need for in-home supports and access to licensed adult and senior care facilities.

The California State Auditor released a report on April 9, 2024, entitled, "*Homelessness in California. The State Must Do More to Assess the Cost-Effectiveness of Its Homelessness Programs,*" which included recommendations to Cal ICH to ensure that its 2024 update to its action plans aligns with the statutory goals that the Legislature has established. The recommendation was for Cal ICH to clearly identify in that update the statutory goal or goals that each of the action plan's objectives addresses.

Cal ICH is required to hold public meetings at least once every quarter. The current makeup of Cal ICH includes 20 members: four Cabinet Secretaries, 14 state department heads, and two community leaders appointed by the Legislature, as follows:

- The Secretary of the California Business, Consumer Services, and Housing and the Secretary of California Health and Human Services Agency, who both serve as co-chairs.

- The Director of the California Department of Transportation.
- The Director of HCD.
- The Director of the California Department of Social Services.
- The Director of the California Housing Finance Agency.
- The Director or the State Medicaid Director of Health Care Services.
- The Secretary of Veterans Affairs.
- The Secretary of the Department of Corrections and Rehabilitation.
- The Executive Director of the California Tax Credit Allocation Committee in the Treasurer's office.
- The State Public Health Officer.
- The Director of the California Department of Aging.
- The Director of DOR.
- The Director of State Hospitals.
- The executive director of the California Workforce Development Board.
- The Director of the Office of Emergency Services.
- A representative from the State Department of Education, as appointed by the Superintendent of Public Instruction.
- A representative of the state public higher education system from one of the following:
 - The California Community Colleges.
 - The University of California.
 - The California State University.

In addition, the Senate Committee on Rules and the Speaker of the Assembly each appoint one member to Cal ICH from two different stakeholder organizations. Cal ICH is authorized, at its discretion, to invite stakeholders, individuals who have experienced homelessness, members of philanthropic communities, and experts to participate in meetings or provide information to the council.

This bill would add a representative from SCDD to the membership of Cal ICH.

State Council on Developmental Disabilities. SCDD's mission is to advocate, promote and implement policies and practices that achieve self-determination, independence, productivity and

inclusion in all aspects of community life for Californians with developmental disabilities and their families.

SCDD was established under the federal Developmental Disabilities and Bill of Rights Act and the state Lanterman Developmental Disabilities Services Act (Lanterman Act) to ensure that individuals with developmental disabilities and their families participate in the planning, design, and receipt of the services and supports they need to promote independence, productivity, inclusion, and self-determination. The Lanterman Act is a set of laws that guarantees services and supports to individuals with disabilities and their families so that the individual can live in the community in the same way as individuals who do not have disabilities.

SCDD identifies methods to improve and increase services for individuals and their families, which then is submitted as a State Plan to the federal government. SCDD has 31 members who are all Governor's appointees and includes individuals with disabilities, their families, federally funded partners, and state agencies. SCDD has 12 regional offices that provide advocacy assistance, training, monitoring, and public information to individuals with developmental disabilities and their families.

Author's Statement: According to the Author, "California has almost 30% (181,399 people) of all individuals experiencing homelessness across the nation. Californians are becoming increasingly concerned with the state's growing homeless population. In fact, in a 2023 survey, Californians named homelessness as the second most important problem facing California. In order to effectively address the many challenges associated with assisting persons experiencing homelessness, a wide variety of perspectives must be sought, including a representative from the State Council on Developmental Disabilities. Currently, the California Interagency Council on Homelessness (Cal ICH) is not required to include a representative from the State Council on Developmental Disabilities. [This bill] adds a representative from the State Council on Developmental Disabilities to the Cal ICH in order to provide Cal ICH with readily available access to this much-needed perspective."

Equity Implications: The provisions of this bill seek to expand the perspectives of Cal ICH by including a representative from SCDD, who can provide the experiences of the developmentally disabled and their intersection with homelessness.

According to Cal ICH's Action Plan, "Among California's homeless population, approximately 67% are unsheltered and 33% are sheltered. People experiencing chronic homelessness experience a higher rate of unsheltered homelessness at 76%, and are people with disabilities, one of the fastest growing populations experiencing homelessness."

Cal ICH was formed to address the challenges faced by one of California's most vulnerable populations—the homeless community. Given the diverse causes and issues surrounding homelessness, it is essential for Cal ICH to have a comprehensive range of perspectives at its disposal as they continue to address this issue. Adding to the perspectives of Cal ICH can enhance the understanding of the unique challenges encountered by individuals with intellectual or developmental disabilities.

People with developmental disabilities often encounter obstacles that increase their susceptibility to homelessness or put them at risk of becoming homeless. For instance, individuals with disabilities may face homelessness later in life due to the loss of a primary caregiver. By

including a representative of SCDD, Cal ICH's awareness of these specific issues would be heightened, enabling them to provide more effective support to this vulnerable community. This representative could help foster a deeper comprehension of the services required by individuals with developmental disabilities and facilitate their connection to such services.

People with disabilities are the most likely population to experience homelessness, be rent-burdened or unable to afford housing, and face the highest rates of housing discrimination. This is due to most of these individuals living on fixed incomes that are at or near poverty-level thresholds and the increased need for ADA-compliant homes.

Although generally accepted as an undercount due to challenges with identifying developmental disabilities among the homeless population, over 1,200 individuals with developmental disabilities have been identified as experiencing homelessness, and another 24,000 regional center consumers who are likely to experience being rent-burdened or seriously rent-burdened (California Policy Center for Intellectual and Developmental Disabilities, 2024).

Double referral: This bill was previously heard in the Assembly Committee on Housing and Community Development on June 11, 2024, and was approved on a 9-0 vote.

RELATED AND PRIOR LEGISLATION:

AB 799 (Luz Rivas) of the current legislative session, requires Cal ICH, through specified working groups, to establish and regularly update a financing plan to solve homelessness by 2035, including funding necessary to create enough housing to meet the unmet housing needs of people experiencing homelessness. Requires Cal ICH, no later than January 1, 2025, in collaboration with CoCs, counties, big cities, and other stakeholders, to establish and update statewide performance metrics to reduce racial and ethnic disparities in homelessness and to increase successful exits from homelessness to permanent housing by updating the Action Plan. *AB 799 is pending on the Senate Floor.*

AB 2207 (Reyes) of the current legislative session, expands the membership of various advisory groups and bodies, including Cal ICH, to include the Executive Director of the California Commission on Aging. *AB 2207 is pending before the Senate Health Committee and is set for a hearing on June 3, 2024.*

AB 2903 (Hoover) of the current legislative session, requires, beginning June 1, 2025, a state agency or department that administers one or more state homelessness programs to annually report cost and outcome data to Cal ICH for each state-funded homelessness program the agency or department administers. *AB 2903 is pending before the Senate Human Services Committee.*

AB 129 (Committee on Budget), Chapter 40, Statutes of 2023, allowed Cal ICH staff to share information from the Homeless Data Integration System with a state agency or department that is a member of the council. Allowed all members of the advisory committee to participate remotely in advisory committee meetings, including meetings held with the council, and clarified no members are required to be present at the designated primary physical location. Provided that members of the council, advisory committee, or working groups who are or have been homeless may receive per diem and reimbursement for travel or other expenses, as specified.

SB 246 (Ochoa Bogh) of 2023, was identical to this bill. *SB 246 was held on the Assembly Appropriations Committee suspense file.*

AB 820 (Reyes) of 2023, would have added representatives from organizations that serve or advocate on behalf of older adults to specified state boards, committees and councils, including Cal ICH. *AB 820 was held on the Senate Appropriations Committee suspense file.*

SB 842 (Jones) of 2023, made changes to the membership of Cal ICH by adding the director of the DDS to the Council. SB 842 included an urgency clause for the provisions to go into immediate effect if passed. *SB 824 was substantially amended on September 8, 2023, and no longer fell under the jurisdiction of this committee.*

AB 1592 (Dixon) of 2023, would have required Cal ICH to report annually to the Governor, federal Cabinet members, and the Legislature, commencing June 30, 2026, on homelessness and work to reduce homelessness, and would have required the report to include the cost per person and distribution of funding within HUD's CoC program by city and census-designated area. *AB 1592 died in the Assembly Housing and Community Development Committee without being set for a hearing.*

SB 1421 (Jones), Chapter 671, Statutes of 2022, see comments above.

SB 1134 (Melendez) of 2022, would have made changes to the membership Cal ICH by adding the Director of DDS to the Council. *SB 1134 was substantially amended on May 24, 2022, and no longer fell under the jurisdiction of this committee.*

AB 1220 (Luz Rivas), Chapter 398, Statutes of 2021, see comments above.

SB 333 (Wilk) of 2019, would have assigned additional duties to HCFC. *SB 333 was held on the Assembly Appropriations Committee suspense file.*

SB 687 (Rubio), Chapter 345, Statutes of 2019, required the Governor to appoint one representative from either the California Community Colleges, University of California, or California State University to HCFC.

SB 918 (Wiener), Chapter 841, Statutes of 2018, established the "Homeless Youth Act of 2018" to better serve the state's homeless youth population and required HCFC to take on additional related responsibilities that are focused on addressing the needs of youth experiencing homelessness.

SB 792 (Wilk) of 2018, would have required the Council to develop and implement a statewide strategic plan for addressing homelessness in California and to better implement recommended activities and meet HUD requirements by July 1, 2020. *SB 792 was held on the Assembly Appropriations Committee suspense file.*

SB 850 (Committee on Budget and Fiscal Review), Chapter 48, Statutes of 2018, see comments above.

SB 1380 (Mitchell), Chapter 847, Statutes of 2016, see comments above.

AB 1618 (Committee on Budget), Chapter 43, Statutes of 2016, established the "No Place Like Home Program" to further the development of permanent supportive housing for persons who

are in need of mental health services and are homeless, chronically homeless, or at risk of homelessness.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of Regional Center Agencies
Aveanna Healthcare
California Community Living Network
California Disability Services Association
California State Council on Developmental Disabilities
SCDD

Opposition

None on file.

Analysis Prepared by: Jessica Langtry / HUM. S. / (916) 319-2089