

Date of Hearing: April 9, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 1235 (Chu) – As Amended March 13, 2019

SUBJECT: Homeless youth prevention centers

SUMMARY: Changes the name of a community care facility licensing category from “runaway and homeless youth shelter” to “homeless youth prevention center,” authorizes youth at risk of homelessness and youth exhibiting status offender behavior to receive shelter and services from such centers, and extends the maximum allowable stay at these centers from 21 to 90 consecutive days. Specifically, **this bill:**

- 1) Revises the community care facility category of “runaway and homeless youth shelter” by:
 - a) Renaming this category the “homeless youth prevention center”;
 - b) Expanding eligibility to receive shelter and services at these facilities to include youth who are at risk of homelessness and youth who are exhibiting status offender behavior; and,
 - c) Extending from 21 to 90 consecutive days the maximum length of time such a facility can offer 24-hour nonmedical care and supervision and personal services to youth who voluntarily enter the facility, as specified.
- 2) Defines “youth at risk of homelessness” to mean a youth between the ages of 12 and 17 – or 18, if the youth is completing high school or its equivalent – to whom one or more of the following circumstances apply, as specified:
 - a) Identification as lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ);
 - b) Financial stress;
 - c) Housing affordability stress and housing crises;
 - d) Inadequate or inappropriate dwelling conditions;
 - e) Loss of previous housing accommodation;
 - f) Relationship or family breakdown;
 - g) Child abuse or neglect, or living in an environment where children are at risk of child abuse or neglect;
 - h) Sexual abuse;
 - i) Domestic or family violence;
 - j) Nonfamily violence;

- k) Mental health issues or other health problems;
 - l) Problematic alcohol, drug, or substance use;
 - m) Employment difficulties and unemployment;
 - n) Problematic gambling;
 - o) Transitions from custodial and care arrangements;
 - p) Discrimination, including, but not limited to, racial discrimination;
 - q) Disengagement with school or other education and training;
 - r) Involvement in, or exposure to, criminal activities;
 - s) Antisocial behavior;
 - t) Lack of family or community support; or,
 - u) Staying in a boarding house for 12 weeks or more without security of tenure.
- 3) Defines “youth exhibiting status offender behavior” to mean a youth between the ages of 12 and 17 – or 18, if the youth is completing high school or its equivalent – who either:
- a) Persistently or habitually refuses to obey the reasonable and proper orders or directions of their parents, guardian, or custodian;
 - b) Is beyond the control of their parents, guardian, or custodian; or,
 - c) Violates an ordinance of a city or county establishing a curfew based solely on age.
- 4) Makes technical and conforming changes.

EXISTING LAW:

- 1) Establishes the “California Community Care Facilities Act” to provide for the licensure and regulation of community care facilities. (Health and Safety Code [HSC] Section 1500 *et seq.*)
- 2) Defines “community care facility” to mean any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, individuals with physical disabilities or mental impairments and abused or neglected children. Includes within this definition, among a number of other facilities: adult day programs, foster family homes, small family homes, full-service adoption agencies, and short-term residential therapeutic programs. (HSC 1502 (a))
- 3) Requires community care facilities operating in California, as specified, to have a valid license. (HSC 1503.5)

- 4) Defines “homeless youth” to mean a youth between the ages of 12 and 17, or 18 if the youth is completing high school or its equivalent, who is in need of services and without a place of shelter. (HSC 1502.35 (a)(2)(A))
- 5) Defines “runaway youth” to mean a youth between the ages of 12 and 17, or 18 if the youth is completing high school or its equivalent, who absents themselves from home or place of legal residence without the permission of their family, legal guardian, or foster parent. (HSC 1502.35 (a)(2)(B))
- 6) Establishes “runaway and homeless youth shelter” as a type of community care facility, and defines it to mean a group home licensed by the California Department of Social Services (CDSS) to operate a program, as specified, to provide voluntary, short-term shelter and personal services to youth who have run away or are experiencing homelessness, as defined in current law. (HSC 1502 (a)(14))
- 7) Requires CDSS to license a runaway and homeless youth shelter as a group home pursuant to the California Community Care Facilities Act, and requires such a shelter to do all of the following:
 - a) Offer short-term, 24-hour nonmedical care and supervision and personal services to youth who voluntarily enter the shelter and, further, defines “short-term” to mean no more than 21 consecutive days from the date of admission;
 - b) Serve youth who have run away or are experiencing homelessness, as defined;
 - c) Have a maximum capacity of 25 youths;
 - d) Have a ratio of one staff person to every eight youths, as specified;
 - e) Not permit bunk beds with more than two tiers; and,
 - f) Be owned and operated on a nonprofit basis by a private nonprofit corporation, a nonprofit organization, or a public agency. (HSC 1502.35 (a))
- 8) Requires shelter staff to, prior to admission into the shelter, determine if a youth poses a threat to themselves or others in the shelter and, further, prohibits admission of the youth into the shelter if it is determined that the youth poses such a threat. (HSC 1502.35 (b))
- 9) Prohibits an assessment from being a condition for admission, but requires shelter staff to assess youth served by the shelter within 72 hours of admission. (HSC 1502.35 (c))
- 10) Requires shelter staff to assist youth served in obtaining emergency health-related services. (HSC 1502.35 (d))
- 11) Requires shelter staff to establish procedures to assist youth in securing long-term stability that includes: reconnecting the youth with their family, legal guardian, or nonrelative extended family members when possible; and, coordinating with appropriate individuals, local government agencies, or organizations to help foster youth secure a suitable foster care placement. (HSC 1502.35 (e))

- 12) Requires the shelter to ensure that all homeless and runaway youth have fair and equal access to services, care, and treatment provided by the shelter, and are not subjected to discrimination or harassment on a number of bases, as specified. (HSC 1502.35 (f))
- 13) Requires certain individuals subject to criminal record clearances and exemptions for purposes of community care licensing to, prior to employment or interaction with youth at a runaway and homeless youth shelter, complete a criminal record review and a Child Abuse Central Index check, as specified. (HSC 1502.35 (g))
- 14) Requires a runaway and homeless youth shelter to collect and maintain certain information in a monthly report to be made available to CDSS upon request, as specified. (HSC 1502.35(h))
- 15) States that a runaway and homeless shelter is not an eligible placement for certain dependents and wards of the court, as specified. (HSC 1502.35 (k))
- 16) Exempts runaway and homeless youth shelters from certain provisions of law pertaining to administration of and reporting on psychotropic medications, the reasonable and prudent parent standard, county licenses to operate temporary shelter care facilities, age requirements for group home staff, and placement options for youth involved with the child welfare services system or juvenile justice system. (HSC 1507.6, 1538.8, 1538.9, 1522.44, 1530.8, 1562, and Welfare and Institutions Code Sections 319, 361.2, 450, 727)
- 17) Includes runaway and homeless youth shelters in provisions of law pertaining to lists of information that CDSS must make available regarding licensed community care facilities, requirements for reporting incidents, and licensing violations and civil penalties. (HSC 1536, 1538.7, 1548)

FISCAL EFFECT: Unknown

COMMENTS:

Youth homelessness in California: Homeless children and youth are defined by the federal McKinney-Vento Homeless Assistance Act of 2001 as individuals who “lack a fixed, regular, and adequate nighttime residence”; this definition includes children and youth who: have to share housing with others due to loss of housing or economic hardship; are living in motels, hotels, trailer parks, or camp grounds because they lack other accommodations; are living in emergency or transitional shelters; are awaiting foster placement; or have a primary nighttime residence that is not designed as a regular sleeping accommodation for human beings.

In its Annual Homeless Assessment Report (AHAR), the US Department of Housing and Urban Development (HUD) reported that, on a single night in 2018, almost 553,000 people experienced homelessness in the United States. Approximately 36,000 of these individuals were unaccompanied youth – i.e., people under the age of 25 experiencing homelessness on their own – and a full half (51%) of those youth were unsheltered. (This rate is significantly higher than that of all individuals experiencing homeless who were unsheltered, which was 35%.) The AHAR report also found that California reported the largest number of unaccompanied youth experiencing homelessness – 12,396 youth – which represents one-third of all unaccompanied youth experiencing homelessness in the county. While HUD’s point-in-time homelessness counts are useful measures for comparison across populations, states, and years, they are not

without their limitations, as they provide data for a single night, which are neither exhaustive of the number of Californians experiencing homelessness on a daily basis nor the number of Californians who experience homelessness each year.

Community care licensing: The Community Care Licensing Division (CCLD) within CDSS is charged with licensing and regulating a variety of community care facilities, defined in the California Health and Safety Code as “any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children” (HSC 1502). Community care facilities include an array of programs and settings, such as foster family agencies, foster family homes, adult day programs, social rehabilitation facilities, transitional shelters, group homes, runaway and homeless youth shelters, and others, including crisis nurseries, described below. CCLD also licenses and regulates facilities such as child care centers and residential care facilities for the elderly. There were approximately 72,000 CCLD-licensed facilities with the total capacity to serve almost 1.4 million Californians as of June 29, 2018.

Runaway and homeless youth shelters: AB 346 (Stone), Chapter 485, Statutes of 2013, established “runaway and homeless youth shelters” as a new subcategory of group home under the Community Care Facilities Act, requiring licensure by CDSS. At the time of the passage of AB 346, it was estimated there were approximately 40 emergency youth shelters operating in California; however, it was not apparent whether or not these facilities were subject to state licensure under the law. A number of shelters operated under group home licenses and received exemptions for specific components, but the fit between the requirements for non-voluntary, longer-term group home placements, and the voluntary, temporary care provided by emergency youth shelters created barriers and complications for providers.

Some of these shelters received federal funding through the Runaway and Homeless Youth Act (RHYA), most recently reauthorized by the Reconnecting Homeless Youth Act of 2008 (Public Law 110-378). The final rule reflecting the statutory requirements of the RHYA and changes adopted with the Reconnecting Homeless Youth Act of 2008 required, among other things, that grantees ensure that all shelters that they operate are licensed when located in states or localities with licensure requirements. Interpreting this requirement absent state licensing standards specific to emergency/homeless youth shelters in California was confusing, leading to concerns that, at the least, inconsistency across shelters may result and, at the more dire end of the spectrum, receipt of federal RHYA dollars could be jeopardized.

The author of AB 346, Assemblymember Mark Stone, stated that the bill was “...intended to resolve the numerous conflicts and ambiguities that exist in current law due to the absence of a specific licensing requirement for emergency youth shelters, including the lack of clarity with respect to whether a homeless youth shelter should be considered a group home or a homeless shelter. It will also help address federal guidance that RHYA grant recipients comply with local and state licensing and criminal background check requirements. AB 346 builds upon the existing group home licensing category through the establishment of a sub-category dedicated to the unique and critical services [runaway and homeless youth shelters] provide. This will enable [runaway and homeless youth shelters] to be treated uniquely and distinctly under the law to help to ensure that the state can continue to provide and support these critical and important services for our unique and vulnerable population of runaway, homeless and at-risk youth.”

As of April 2nd, there are 11 licensed runaway and homeless youth shelters in California, with a total capacity of 120. CDSS also reports that there are currently ten existing group homes that serve youth who have run away and/or are experiencing homelessness that have not converted to the facility category of runaway and homeless youth shelter; these group homes are located across the state and have the capacity to serve between six and 20 youth each. Additionally, other facility and provider types may be providing similar services using RHYA and other funds, but not be currently licensed specifically as runaway and homeless youth shelters.

Need for this bill: This bill reflects the increased attention given not just to ending homelessness and ameliorating its near- and long-term impacts, but also to preventing homelessness to begin with. For youth in particular, even temporary experiences of homelessness can have a number of detrimental impacts that follow a youth as they transition to adulthood. By opening the doors of centers for youth experiencing homelessness to youth at risk of such experiences, this bill may provide one important tool for the prevention of youth homelessness. This bill also seeks to extend the maximum permissible stay in centers serving youth experiencing, or at risk of experiencing, homelessness from 21 to 90 days.

According to the author, “[This bill] further enables organizations that serve the needs of youth who are homeless or at risk of homelessness. Homeless Youth Prevention Centers are a vital safety net for those who are without shelter. These youth are our responsibility, and the Centers provide many invaluable services in addition to finding them a safe and stable home.”

Recommended amendments: In order to employ people-first language in the re-naming of runaway and homeless youth shelters, and in order to make technical changes to clarify that an individual youth has to meet only one of the criteria to meet the definition of “youth at risk of homelessness,” *committee staff recommends the following amendments:*

Change all references to “homeless youth prevention center” in this bill to “youth homelessness prevention center.”

Make the following changes beginning on line 17 of page 8 of this bill:

- 17 (iii) Housing affordability stress ~~and or~~ housing ~~erises~~ crisis, including,
- 18 but not limited to, pending evictions or foreclosures of the current
- 19 home, or rental or mortgage arrears.
- 20 ~~(iii)~~
- 21 (iv) Inadequate or inappropriate dwelling conditions, including,
- 22 but not limited to, accommodations that are unsafe, unsuitable, or
- 23 overcrowded.
- 24 ~~(iv)~~
- 25 (v) Loss of previous housing accommodation.
- 26 ~~(v)~~
- 27 (vi) Relationship or family breakdown.
- 28 ~~(vi)~~
- 29 (vii) Child abuse, neglect, or living in an environment where
- 30 children are at risk of child abuse or neglect.
- 31 ~~(vii)~~
- 32 (viii) Sexual abuse.
- 33 ~~(viii)~~

- 34 (ix) Domestic or family violence.
 35 ~~(ix)~~
 36 (x) Nonfamily violence.
 37 ~~(x)~~
 38 (xi) Mental health issues **and or** other health problems.
 39 ~~(xi)~~
 40 (xii) Problematic alcohol, drug, or substance use.
 P9—1 ~~(xii)~~
 2 (xiii) Employment difficulties **and or** unemployment.

PRIOR LEGISLATION:

AB 346 (Stone), Chapter 485, Statutes of 2013, established “runaway and homeless youth shelters” as a new subcategory of group home under the Community Care Facilities Act, requiring licensure by CDSS.

SB 119 (Lowenthal) of 2012 would have created a licensing category for emergency youth shelter facilities and would have directed CDSS to adopt regulations for them by January 1, 2013. SB 119 was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Bill Wilson Center (Sponsor)
 John Burton Advocates for Youth (Sponsor)
 California Alliance of Child and Family Services
 California Catholic Conference
 California Coalition for Youth
 Center for Human Services
 Channel Islands YMCA
 Community Action Board of Santa Cruz County/Alcance Homeless Emergency Action Response Team
 County of Santa Clara
 Encompass Community Services Youth Advisory Board
 Family Assistance Program
 Larkin Street Youth Services
 Redwood Community Action Agency
 Saint Andrews Residential Program
 San Diego Youth Services
 Uplift Family Services
 Youth Emerging Stronger
 Youth for Change, Inc.

Opposition

None on file

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