

Date of Hearing: April 9, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 728 (Santiago) – As Amended March 21, 2019

**SUBJECT:** Homeless multidisciplinary personnel teams

**SUMMARY:** Expands the scope of a homeless adult and family multidisciplinary personnel team (MDT) to include individuals who are at risk of homelessness, and includes case managers and case coordinators among the entities who may be included on a MDT. Specifically, **this bill:**

- 1) Defines “at risk of homelessness” as any recorded instance of an adult or family self-identifying as being at risk of homelessness, or an individual who is indigent or receiving, or is eligible to receive, public benefits in the form of cash aid, and who meets either of the following conditions:
  - a) The individual is exiting, or exited within the most recent 12 months, a publicly funded detention or treatment setting, or is aging out, or aged out within the most recent 12 months, of the child welfare system or the juvenile justice system; or,
  - b) The individual presents with, or received services within the most recent 12 months for, significant health, mental health, or substance use issues.
- 2) Expands the scope of a homeless adult and family MDT to include individuals at risk of homelessness, as specified.
- 3) Includes the goal of facilitating the expedited prevention of homelessness for individuals at risk of homelessness among the existing purposes of a homeless adult and family MDT, and, further, expands the scope of an MDT to allow team members to access information for purposes of identifying individuals at risk of homelessness.
- 4) Includes the prevention of homelessness among the goals listed in the definitions of “homeless adult and family multidisciplinary team” and “homeless services provider agency.”
- 5) Includes case managers or case coordinators responsible for referral linkage, or coordination of care and services provided to adults or families among the individuals who may be included on a homeless adult and family MDT.
- 6) Makes clarifying, technical, and conforming changes.

**EXISTING LAW:**

- 1) Allows a county to establish a homeless adult and family MDT in order to facilitate the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within that county and to allow provider agencies to share confidential information for the purpose of coordinating housing and supportive services to ensure continuity of care. (Welfare and Institutions Code [WIC] Section 18999.8 (a))

- 2) Defines “homeless” as any recorded instance of an adult or family self-identifying as homeless within the most recent 12 months, or any element contained in service utilization records indicating that an adult or family experienced homelessness within the most recent 12 months. (WIC 18999.8 (b)(1))
- 3) Defines “homeless adult and family MDT” as any team of two or more persons who are trained in the identification and treatment of homeless adults and families, and who are qualified to provide a broad range of services related to homelessness. Further specifies that the MDT shall include, but not be limited to, mental health and substance abuse services personnel, law enforcement entities, legal counsel, and medical personnel, among other entities. (WIC 18999.8 (b)(2))
- 4) Defines “homeless service provider agency” as any governmental or other agency that has as one of its purposes the identification, assessment, and linkage of housing or supportive services to homeless adults or families, and further allows a homeless provider agency to share information with certain entities, including social services, health services, probation, and law enforcement, among others. (WIC 18999.8 (b)(3))
- 5) Allows members of a homeless adult and family MDT engaged in the identification, assessment, and linkage of housing and supportive services to homeless adults or families to disclose to, and exchange with, one another information and writings that relate to any information that may be confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the identification, reduction, or elimination of homelessness or the provision of services. (WIC 18999.8 (c))
- 6) Allows, notwithstanding any provision of law governing the disclosure of information and records, any person trained and qualified to serve on an MDT be deemed a part of the team as necessary, for the purposes of a particular case, provided the reasons for deeming the person a member of the team are specified in writing. (WIC 18964)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Homelessness in California:*** On a single night in January 2018, 129,972 people experienced homelessness in California, according the annual Point-in-Time (PIT) count conducted by the U.S. Department of Housing and Urban Development (HUD). Twenty-four percent of the nation’s homeless population and nearly half of the unsheltered people in the country reside in California. While the number of people experiencing homelessness decreased slightly since 2017, the overall number of people experiencing homelessness has risen over 5% since 2010. The PIT count also found that nearly 10,836 veterans, 32,668 individuals experiencing chronic homelessness, 36,361 unaccompanied youth, and 20,964 families with children reside in California. Homelessness can take many forms; federal law speaks to individuals who lack a fixed, regular, and adequate nighttime residence, which can include shared housing with others due to the loss of housing or an economic hardship, living in emergency or transitional shelter, or having a nighttime residence that is not designed as a regular sleeping accommodation for human beings, such as cars.

A June 2018 report by CalMatters states that, in 2017, Los Angeles County had the highest population of homeless individuals at 55,000, and was second only to New York for holding the

largest populations of individuals experiencing homelessness in the nation. The report also found that only 25% of those individuals in Los Angeles County were sheltered. To combat the high rates of homelessness, Los Angeles County voters passed Measure H in March 2017. The measure authorized the County to impose a one-quarter percent (0.25%) special transaction tax on the gross receipts of any retailer from the sale of all personal property. The revenue generated from the tax was specifically set aside to fund mental health, addiction treatment, health care, job training, affordable housing, and other programs and services for the homeless. The measure was estimated to raise approximately \$355 million annually and \$1.2 billion over 10 years.

***Multidisciplinary teams (MDTs):*** AB 1049 (Bader), Chapter 353, Statutes of 1987, permitted the use of MDTs to allow for a coordinated interagency response to elder and child abuse cases. Prior to that, MDTs were a relatively new concept and had primarily existed as pilot projects administered at the county level. Specifically, child abuse MDTs were formed and operated at the county level and were enabled to share certain confidential information among team members in order to prevent, identify, and treat child abuse. MDTs also serve to facilitate coordination among the different participating agencies and entities to ensure decisions are made through a team decision-making process.

AB 210 (Santiago), Chapter 544, Statutes of 2017, introduced approximately two months before Los Angeles voters approved Measure H and signed into law subsequent to the measure's adoption, allowed counties to develop a homeless adult and family MDT in order to identify and assess individuals experiencing homelessness, and link them to housing and supportive services. The bill also allowed certain entities, including mental health service providers, law enforcement, schools, and social services representatives, to participate in homeless adult and family MDTs. The provisions of this bill would expand the scope of AB 210 by including individuals at risk of homelessness within the scope and purview of homeless adult and family MDTs, and defines "at risk of homelessness" as "any recorded instance of an adult or family self-identifying as being at risk of homelessness, or an individual who is indigent or receiving, or is eligible to receive, public health benefits in the form of cash aid and who meets certain conditions." In early 2018, Los Angeles County established protocols and procedures governing the sharing of information among homeless adult and family MDTs, and training for MDT members began in September 2018; to date, 551 individuals have completed the MDT training, according to Los Angeles County.

***Need for this bill:*** According to the author, "The number of Californians experiencing homelessness continues to increase. On three given nights in January 2018, there were approximately 52,765 people experiencing homelessness in Los Angeles County. Many of these individuals suffer from chronic health, mental health, and substance use disorders, oftentimes co-occurring, and have criminal justice system involvement. Unaddressed, these factors contribute to these individual's path to homelessness. If stabilized through coordinated holistic supportive services, individuals can avoid becoming homeless. However, confidentiality laws restrict the ability of care, treatment, and service providers to share information necessary to effectively coordinate services for an individual that can help mitigate their risk of becoming homeless. In 2017, my AB 210 allowed county homeless multi-disciplinary teams to share information to better serve individuals experiencing homelessness. This bill goes one step further and focuses on the need to prevent individuals from falling into homelessness through early intervention."

***Staff comments:*** The provisions of this bill seek to further the ongoing efforts to address California's homelessness crisis. Specifically, the bill expands the scope of existing MDTs to

include individuals at risk of homelessness, which would allow MDT members to share information and link to individuals deemed to be at risk of homelessness to supports and services. This bill expands upon the efforts of AB 210, which allowed certain entities to share information about individuals who are experiencing homelessness. This committee's analysis of AB 210 raised issues related to the sharing of private and confidential information and what impact, if any, legislation allowing information sharing would have on an individual's rights. Neither current law nor the provisions of this bill allow for an individual to consent to having their information shared and discussed. The bill also does not allow for an individual to opt out of having their private information shared. While it is important that individuals experiencing homelessness, or at risk of doing so, receive any and all necessary supports and services, an individual's right to privacy and ability to make informed decisions for themselves is also important. *Should this bill move forward, the author may wish to consider the balance between maintaining the confidentiality of information and protecting the privacy rights of individuals experiencing or at risk of experiencing homelessness, and providing services and supports to those individuals.*

**Double referral:** This bill will be referred to the Assembly Privacy and Consumer Protection Committee should it pass out of this committee.

#### **PRIOR LEGISLATION:**

**AB 210 (Santiago), Chapter 544, Statutes of 2017**, allowed counties to develop homeless adult and family MDTs in order to facilitate identification and assessment of homeless individuals, and link homeless individuals to housing and supportive services, and to allow service providers to share confidential information to ensure continuity of care.

**AB 2229 (Brownley) Chapter 464, Statutes of 2010**, established time-limited authority for counties to create two-person MDTs engaged in the investigation of suspected child abuse or neglect.

**AB 2322 (Feuer & Bass), Chapter 551, Statutes of 2010**, broadened the scope of information that may be included in a county MDT computerized database to include information regarding nonrelatives living in the home of a child.

**AB 1518 (Soto), Chapter 919, Statutes of 1999**, established a three-year, three county pilot in Alameda, San Bernardino, and Ventura counties to create an integrated coordinated case management system using MDTs for CalWORKs families with multiple barriers to employment.

**AB 1049 (Bader), Chapter 353, Statutes of 1987**, authorized the use of MDTs for both child and elder abuse.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

County of Los Angeles (Sponsor)  
Association of Community Human Service Agencies  
California Apartment Association  
California Association of Public Administrators, Public Guardians and Public Conservators  
California Hospital Association/California Association of Hospitals and Health Systems

California State Association of Counties  
County of Santa Clara  
Rural County Representatives of California

**Opposition**

None on file

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