

Date of Hearing: June 20, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES
Corey A. Jackson, Chair
SB 246 (Ochoa Bogh) – As Introduced January 26, 2023

SENATE VOTE: 40-0

SUBJECT: California Interagency Council on Homelessness

SUMMARY: Adds a representative from the State Council on Developmental Disabilities (SCDD) to the California Interagency Council on Homelessness (Cal ICH).

EXISTING LAW:

- 1) Establishes the “United States Interagency Council on Homelessness” 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 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 Code of Federal Regulations [CFR] 91.5)
- 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 CFR 578.3)
- 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 Section [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. Without the assistance contemplated in existing law, it is not financially feasible for private enterprise and private investors to provide decent, safe, and sanitary emergency housing for persons who are homeless. (Health and Safety Code Section 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 all of the following goals for Cal ICH:
 - a) To oversee implementation;
 - b) To identify mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California;
 - c) 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;
 - d) 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;
 - e) To coordinate existing funding and applications for competitive funding;
 - f) To make policy and procedural recommendations to legislators and other governmental entities;
 - g) 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;
 - h) 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;

- i) To serve as a statewide facilitator, coordinator, and policy development resource on ending homelessness in California;
 - j) To report to the Governor, federal Cabinet members, and the Legislature on homelessness and work to reduce homelessness;
 - k) To ensure accountability and results in meeting the strategies and goals of the council;
 - l) To identify and implement strategies to fight homelessness in small communities and rural areas;
 - m) To create a statewide data system or warehouse, which shall be known as the Homeless Data Integration System, that collects local data through Homeless Management Information Systems (HMIS), with the ultimate goal of matching data on homelessness to programs impacting homeless recipients of state programs, such as the Medi-Cal program and CalWORKs. Requires, upon creation of the Homeless Data Integration System, all continuums of care 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.
 - n) To set goals to prevent and end homelessness among California's youth;
 - o) To improve the safety, health, and welfare of young people experiencing homelessness in the state;
 - p) 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;
 - q) To lead efforts to coordinate a spectrum of funding, policy, and practice efforts related to young people experiencing homelessness;
 - r) To identify best practices to ensure homeless minors who may have experienced maltreatment, as described in Welfare and Institutions Code Section 300, are appropriately referred to, or have the ability to self-refer to, the child welfare system; and,
 - s) 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 analysis on January 26, 2023, Cal ICH anticipates potential ongoing costs, in the hundreds of thousands (General Fund), for additional staff resources.

COMMENTS:

Background: *Homelessness in California.* Over 173,000 individuals in California experience homelessness on any given night, based on the most recent annual point in time (PIT) count conducted in January 2022. This is largely considered an undercount of the actual number of people experiencing homelessness because it does not consider those that are couch-surfing or temporarily housed in non-traditional shelters. Of those individuals, over 115,000 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.

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. Based on the 2022 PIT count, 60,905 people in the state are chronically homeless and of those 45,132 are unsheltered. 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. One in three households in the state does not earn enough money to meet their basic needs. From October 1, 2020, to September 20, 2021, the average Fair Market Rent (FMR) for a two-bedroom apartment in the state was \$2,030. To afford rent and utilities without being rent-burdened (paying more than 30% of income toward rent), a household must earn \$6,766 per month or \$81,191 per year. This translates into an hourly wage of \$39.03 for a full-time worker. The top five most common occupations in California – home health care workers, fast food workers, cashiers, laborers, and retail salespersons – pay less than the wage needed to afford a home. Over 89% of extremely low-income renter households in California are rent-burdened and over 64% of lower-income households are rent-burdened currently.

According to the Statewide Housing Plan, 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.

Despite recent investments over the last few years, state and local governments have not significantly invested in affordable housing production in decades, leading to a lack of supply. In addition, local governments have failed to adequately zone or plan for affordable housing for decades. In the last seven years, the state has taken major steps to increase the supply of housing by requiring local governments to plan and zone for 2.5 million new housing units, holding local governments accountable for approving housing, and streamlining both affordable housing and mixed-income housing.

Cal ICH, 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, the Council was housed within the California Department of Housing and Community Development (HCD), which was also responsible for providing staff for the Council.

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

AB 1220 (Luz Rivas), Chapter 398, Statutes of 2021, changed the name of the Council from the Homelessness Coordinating and Financing Council to the California Interagency Council on Homelessness and reconstituted its membership. AB 1220 also added 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 HUD's 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; a current or formerly homeless person who lives in California; and a current or formerly homeless youth who lives in California. One advisory committee member will be chosen to participate in the quarterly council meetings 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 are required to collaborate with the Council to revise or adopt guidelines and regulations that incorporate core components of Housing First. To that end, Cal ICH had 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 Housing First statute.

Cal ICH is required to hold public meetings at least once every quarter. The current makeup of Cal ICH is as follows:

- The Secretary of 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 the California Department of Housing and Community Development.
- 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 Rehabilitation.
- 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 the State Council on Developmental Disabilities to the membership of Cal ICH.

Cal ICH Programs. The Homelessness Housing, Assistance and Prevention Program (HHAP) provides funding to CoCs, counties, and cities over 300,000 in population to fund evidence-based approaches to end and prevent homelessness. HHAP can be used for various purposes, including rental assistance and rapid rehousing, operating subsidies for affordable housing, shelters, supportive housing, incentives for landlords, and supports to improve the local homelessness services and housing delivery system.

As authorized by AB 101, (Committee on Budget), Chapter 159, Statutes of 2019, HHAP Round 1 is a \$650 million, five-year block grant program designed to provide jurisdictions with one-time grant funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges. In total, \$618 million was allocated to 102 grantees comprised of all 58 counties, 44 CoCs, and the state's 13 largest cities. Counties received 27% of the funding, CoCs received 30%, and cities received 43%. The goal of these changes is to build coordination within the local response system that extends beyond HHAP funding.

HHAP Round 4 Funding allocated \$1 billion in the 2022-23 fiscal year and requires funding allocated of the program to be spent in the following manner:

- Prohibits a program recipient from using funding from the program to supplant existing local funds for homelessness services under penalty of disallowance or reduction, or both, of future program funds, as determined by the council.
- Provides that no more than 5% or \$50 million of the funds shall be used to cover the council's costs of administration and permits Cal ICH to expend administrative funds until December 31, 2027, to complete grant close-out activities.
- Provides that a program recipient use at least 10% of the funds allocated for homeless youth populations.
- Requires all funds to be expended on evidence-based interventions and in compliance with Housing First.
- Requires a recipient to contractually obligate not less than 75% and expend not less than 50% of the initial Round 4 program allocations no later than May 31, 2025. If the jurisdiction has met this requirement, and can demonstrate that they are on track to meet their outcome goals, Cal ICH shall distribute the balance of the jurisdiction's allocated funding.
- Provides that the council shall determine whether a recipient has met its outcome goals through July 1, 2025, and shall award bonus funding as soon as data becomes available, but no later than November 1, 2025.
- Requires that all Round 4 program funds, including bonus funds, shall be expended by June 30, 2027.

Encampment Resolution Program. This program provided grants to counties, CoCs, and cities to transition individuals living in encampments into stable housing. It also included a set-aside for encampments on the state's right-of-ways.

Family Reunification Program. This program provided grants and technical assistance to counties, CoCs, and cities to promote rapid innovation, accelerate nascent programs, and expand promising practices to create scalable solutions that can be shared across the state to address and ultimately end family homelessness. This program provided one-time funds that were awarded in June 2022.

The State Council on Developmental Disabilities (SCDD) was established by the federal “Developmental Disabilities and Bill of Rights Act” as well as the state 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 which promote increased independence, productivity, inclusion and self-determination. SCDD engages in advocacy, capacity building, and systemic change activities that are consistent with the policy contained in federal law to contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system that includes the provision of needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families.

The Council comprises 31 members appointed by the Governor, including individuals with disabilities, their families, federally funded partners and state agencies and has 12 regional offices.

SCDD identifies methods to improve and increase services for individuals and their families and to submit these to the federal government in the form of a State Plan. According to the Department of Finance in May of 2017, 39,810,000 Californians report having a developmental disability.

Author’s Statement: According to the Author, “The U.S. Department of Housing and Urban Development’s report to Congress asserts that almost 30 percent (161,548 people) of all individuals experiencing homelessness across the nation are in California. According to *Psychology Today*, 30 to 40 percent of this population have a cognitive impairment, including traumatic brain injury, learning difficulties, intellectual disabilities, autism spectrum disorder, and/or attention deficit hyperactivity disorder.

“In order to effectively address the many challenges associated with assisting the unhoused population, a wide variety of perspectives must be sought, including the perspective of those with knowledge about the intricacies of struggling with a developmental disability. [This bill] adds a representative of State Council on Developmental Disabilities (SCDD) to the Interagency Council on Homelessness, ensuring those with developmental disabilities have an advocate on the Council.”

Need for this bill: The provisions of this bill seek to expand the perspective of Cal ICH by including a representative of SCDD on Cal ICH in an effort to ensure that the experiences of people with developmental disabilities are included in the effort to end homelessness.

Equity Implications: There are already vast disproportionalities within the homeless population. According to the 2020 U.S. Department of Housing and Urban Development’s report to Congress, California accounted for 28% of the country's homeless population, despite our state making up less than 12% of the nation’s total population. In addition, California is home to 50% of the country's unsheltered people. Significant racial disproportionality exists among those experiencing homelessness. People who identify as Black are overrepresented in California's population of people experiencing homelessness. According to the 2022 PIT count, 30% of the homeless population are Black, while only comprising 6% of the state’s overall population. In addition to the racial and geographic disproportionality that exists within the homeless population, there is data supporting that a significant percentage of the homeless population have

a cognitive impairment, including traumatic brain injury, learning difficulties, intellectual disabilities, autism spectrum disorder, and/or attention deficit hyperactivity disorder.

The Legislature has stated intent, consistent with its authority and responsibilities under federal law, that SCDD remain accessible and responsive to the diverse geographic, racial, ethnic, and language needs of individuals with developmental disabilities and their families throughout California.

RELATED AND PRIOR LEGISLATION:

SB 842 (Jones) of 2023, makes changes to the membership of Cal ICH by adding the director of the state Department of Developmental Services (DDS) to the Council. SB 842 includes an urgency clause for the provisions to go into immediate effect if passed. *SB 824 is set to be heard by the Assembly Human Services Committee for June 20, 2023.*

SB 1421 (Jones), Chapter 671, Statutes of 2022, added a current or formerly homeless individual with a developmental disability to the Cal ICH advisory committee.

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, changed the name of the Homelessness Coordinating and Financing Council (HCFC) to Cal ICH and reconstituted its membership.

SB 333 (Wilk) of 2019, would have assigned additional duties to HCFC (now Cal ICH). *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 (now Cal ICH).

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 (now Cal ICH) 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, provided for over \$600 million in funding to various projects aimed at reducing homelessness and moved the Council from HCD to the Business, Consumer Services, and Housing Agency. SB 850 also authorized the creation of an Executive Director to oversee the Council and provided for the allocation of several staff members.

SB 1380 (Mitchell), Chapter 847, Statutes of 2016, established the Council to oversee implementation of the Housing First regulations and, among other things, identify resources, benefits, and services that can be accessed to prevent and end homelessness in California. SB 1380 also required state agencies or departments that fund, implement, or administer state housing or housing-related services programs to adopt guidelines and regulations to include Housing First policies.

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
California State Council on Developmental Disabilities (SCDD)
Child Support Directors Association of California
Disability Rights California
East Bay Developmental Disabilities Legislative Coalition
East Bay Legislative Coalition
SCDD

Opposition

None on file

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