

AMENDED IN ASSEMBLY JUNE 4, 2020

AMENDED IN ASSEMBLY MAY 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2405

Introduced by Assembly Members Burke, Chiu, and Gonzalez

(Principal coauthor: Senator Wiener)

(Coauthors: Assembly Members Aguiar-Curry, Arambula, Carrillo, Flora, Eduardo Garcia, Gipson, Irwin, Jones-Sawyer, Low, McCarty, Quirk-Silva, Luz Rivas, and Santiago)

(Coauthor: Senator Lena Gonzalez)

February 18, 2020

An act to add Section 8258.1 to the Welfare and Institutions Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2405, as amended, Burke. Housing: children and families.

Existing law establishes the Department of Housing and Community Development in the Business, Consumer Services, and Housing Agency, and requires the department to administer various housing programs throughout the state, including programs that address the needs of homeless individuals and families, and to review local ordinances for the design, development, and operation of homeless shelters in cities and counties that have declared a shelter crisis.

Existing law also requires 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 to revise or adopt guidelines and regulations to

incorporate the core components of Housing First, an evidence-based model that uses housing as a tool, rather than a reward, for recovery.

This bill would declare that it is the policy of the state that every child and family has the right to safe, decent, and affordable housing, and would require the policy to consider homelessness prevention, emergency accommodations, and permanent housing, as specified. The bill would, among other things, require all relevant state agencies and departments, including, but not limited to, the Department of Housing and Community Development, the State Department of Social Services, and the Office of Emergency Services, and local jurisdictions to consider that state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to advancing the guidelines listed as core components of Housing First. The bill would make these provisions operative on January 1, ~~2026~~, *2026, and would make implementation of these provisions subject to an appropriation of funds in the annual Budget Act for these purposes.*

By imposing new duties on local governments, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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) According to the 2018 Annual Homeless Assessment Report
- 4 to Congress, California has the highest number of individuals
- 5 experiencing homelessness at 151,278 people, accounting for 24
- 6 percent of homeless individuals nationwide.
- 7 (b) The report also notes that California has the highest rate of
- 8 unsheltered homeless individuals at 108,432 homeless Californians,
- 9 which equates to 71 percent of homeless Californians going without

1 a roof over their heads and accounts for 47 percent of all
2 unsheltered homeless people in the nation.

3 (c) In 2019, according to point-in-time estimates, about 6,000
4 families and 12,000 children were homeless in California.

5 (d) The cost of foster care in the County of Los Angeles is nearly
6 \$90,000 per year per child and the average cost per inmate in
7 California is \$81,000 per year. Additionally, 62 percent of children
8 placed in foster care come from homeless families and 80 percent
9 of prison inmates were once involved in the foster care system.
10 The likelihood of a child entering the foster care system increases
11 from 10 percent to 40 percent if a child is homeless for more than
12 90 days. Addressing child and family homelessness is not only
13 morally imperative, but also fiscally prudent.

14 (e) It is the intent of the Legislature in enacting this act to
15 reaffirm the “Housing First” model as California’s approach to
16 ending homelessness.

17 (f) It is further the intent of the Legislature to minimize trauma
18 and treat children and families experiencing homelessness with
19 dignity during the process of implementing the “Housing First”
20 model for those experiencing homelessness.

21 (g) The prospect, or state, of homelessness is a traumatic
22 experience that can further compound the very factors leading to
23 homelessness. Thus, processes should minimize trauma and
24 facilitate cultures of dignity and respect.

25 SEC. 2. Section 8258.1 is added to the Welfare and Institutions
26 Code, to read:

27 8258.1. (a) It is hereby declared to be an established policy of
28 the state that every child and family in California has the right to
29 safe, decent, and affordable housing.

30 (b) This state policy shall consider all of the following
31 components:

32 (1) Prevention of children and families from entering
33 homelessness by providing assistance and services that include,
34 but are not limited to, all of the following:

35 (A) Payment of rent and utility arrearages.

36 (B) Legal support for families facing eviction.

37 (C) Connection to services that would address factors that could
38 lead to homelessness.

39 (2) If prevention assistance and services do not keep children
40 and families from entering homelessness, emergency

1 accommodation policies shall consider how to provide a clean and
2 safe environment where children and families may reside until
3 they can be placed in permanent housing, in accordance with, but
4 not be limited to, all the following:

5 (A) To the extent feasible, emergency accommodations shall
6 be in close proximity to the community where the children and
7 families reside.

8 (B) Children and families shall be provided with access to
9 supportive services.

10 (C) There shall be no preconditions for access to
11 accommodations.

12 (D) Emergency accommodations shall be in compliance with
13 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
14 Sec. 12101 et seq.).

15 (3) Children and families shall be placed in permanent housing,
16 in accordance with the core components of Housing First, and that
17 is in compliance with the federal Americans with Disabilities Act
18 of 1990 (42 U.S.C. Sec. 12101 et seq.).

19 (c) All relevant state agencies and departments, including, but
20 not limited to, the Department of Housing and Community
21 Development, the Business, Consumer Services, and Housing
22 Agency, the State Department of Social Services, the State
23 Department of Health Care Services, and the Office of Emergency
24 Services, and local jurisdictions shall do all of the following:

25 (1) (A) Consider the state policy established by this section
26 when revising, adopting, or establishing policies, regulations, and
27 grant criteria when those policies, regulations, and criteria are
28 pertinent to advancing the guidelines listed as core components of
29 Housing First.

30 (B) Commit to preventing homelessness and getting children
31 and families into housing by coordinating resources and practicing
32 evidence-based housing interventions.

33 (C) Revise existing programs and services to identify children
34 and families who are experiencing homelessness or housing
35 instability, and utilize this information to connect children and
36 families with housing resources at the state and local level.

37 (D) Ensure state-funded institutions do not discharge people
38 without a temporary or permanent housing option, and support
39 whatever it takes to make homelessness rare, brief, and
40 nonrecurring.

(2) When implementing the policies, regulations, and grant criteria that are revised, adopted, or established in accordance with subparagraph (A) of, and the other requirements specified in, paragraph (1), ensure that children and families be treated with dignity and respect so that trauma is minimized throughout the process for those who are on the verge of experiencing homelessness or are in fact experiencing homelessness, and recognize and address the fear and anxiety that children and families have when facing the prospect, or state, of homelessness.

(3) Include metrics that establish the efficacy of the policies, regulations, and grant criteria that are revised, adopted, or established in accordance with subparagraph (A) of, and the other requirements specified in, paragraph (1) in furthering the state policy and to guide future decisions to improve that efficacy. These metrics shall include, but not be limited to, all of the following:

(A) The number of children and families who received support and were prevented from losing their housing.

(B) The number of children and families who were provided emergency accommodations and the average length of their stay.

(C) The number of children and families who were transitioned from emergency accommodations into permanent housing.

(D) The number of children and families who returned to emergency accommodations after being transitioned into permanent housing because the permanent housing was not actually sustainable.

(d) Implementation of this section shall be subject to an appropriation of funds in the annual Budget Act for purposes of this section.

~~(d)~~

(e) This section shall become operative on January 1, 2026.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.