

ASSEMBLY BILL

No. 977

**Introduced by Assembly Members Gabriel and Petrie-Norris
(Coauthors: Assembly Members Fong, McCarty, Nazarian,
Quirk-Silva, Blanca Rubio, and Voepel)**

February 18, 2021

An act to add Section 50675.1.3 to the Health and Safety Code, to add Section 987.011 to the Military and Veterans Code, to add Section 18897.5 to the Revenue and Taxation Code, and to add Sections 5849.16, 11450.04, and 15772 to the Welfare and Institutions Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

AB 977, as introduced, Gabriel. Homelessness prevention programs: Homeless Management Information System.

(1) Existing law establishes the Multifamily Housing Program administered by the Department of Housing and Community Development. Existing law requires assistance for projects under the program to be provided in the form of deferred payment loans to pay for eligible costs of the development, as provided. Existing law also requires that funds appropriated in the 2020 Budget Act or an act related to the 2020 Budget Act, including moneys received from the Coronavirus Relief Fund established by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, to provide housing for individuals and families who are experiencing homelessness or who are at risk of homelessness and who are impacted by the COVID-19 pandemic, be disbursed in accordance with the Multifamily Housing Program for specified uses, and provides that the above-described

deferred payment loan requirement under the program does not apply to assistance provided pursuant to these provisions, as specified.

Existing law, the Veterans Housing and Homeless Prevention Act of 2014, requires the California Housing Finance Agency, the Department of Housing and Community Development, and the Department of Veterans Affairs to establish and implement programs that focus on veterans at risk for homelessness or experiencing temporary or chronic homelessness, as specified. In this regard, existing law requires those departments to establish and implement programs that, among other things, prioritize projects that combine housing and supportive services.

Existing law authorizes an individual to contribute amounts in excess of their personal income tax liability for the support of specified funds, including the School Supplies for Homeless Children Fund. Existing law requires the moneys deposited in the School Supplies for Homeless Children Fund, upon appropriation by the Legislature, to be allocated to the State Department of Social Services for distribution to a designated nonprofit organization for the sole purpose of assisting pupils in California by providing school supplies and health-related products to partnering local education agencies for distribution to homeless children, as specified.

Existing law, the No Place Like Home Program, as ratified and amended by Proposition 2, which was approved by the voters at the November 6, 2018, statewide general election, provides funding to provide permanent supportive housing for the target population, which is defined to include individuals who have a serious mental disorder and who are homeless, chronically homeless, or at risk of chronic homelessness. Existing law authorizes the Legislature to amend Proposition 2 by a $\frac{2}{3}$ vote, so long as the amendment is consistent with and furthers the intent of that measure.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing state law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides homeless assistance benefits to homeless families seeking shelter. Under existing law, a family is considered homeless for the purpose of establishing eligibility for homeless assistance benefits if, among other things, the family has received a notice to pay rent or quit.

Existing law establishes the Home Safe Program, which requires the State Department of Social Services to award grants to counties, tribes, or groups of counties or tribes that provide services to elder and dependent adults who experience abuse, neglect, and exploitation and otherwise meet the eligibility criteria for adult protective services, for the purpose of providing prescribed housing-related supports to eligible individuals.

This bill would require each recipient of funds under the programs described above to provide data elements, including, but not limited to, health information, in a manner consistent with federal law, to the statewide Homeless Management Information System. The bill would require the Homeless Coordinating and Financing Council to specify the form and substance of the required data elements. By imposing new requirements on the local agencies that receive funding under the programs described above, the bill would impose a state-mandated local program.

(2) Existing law authorizes the Legislature to amend Proposition 2 by a $\frac{2}{3}$ vote, so long as the amendment is consistent with and furthers the intent of that measure.

The bill would state the findings of the Legislature that these provisions are consistent with, and further the intent of, the No Place Like Home Act.

(3) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(4) 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 no reimbursement is required by this act for a specified reason.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 50675.1.3 is added to the Health and
- 2 Safety Code, to read:

1 50675.1.3. (a) Notwithstanding any law, a recipient of funds
2 pursuant to Section 50675.1.1 shall provide data elements,
3 including, but not limited to, health information, in a manner
4 consistent with federal law, to the statewide Homeless Management
5 Information System.

6 (b) (1) The Homeless Coordinating and Financing Council shall
7 specify the form and substance of the data elements required
8 pursuant to subdivision (a).

9 (2) The Homeless Coordinating and Financing Council may,
10 as required by operational necessity, amend or modify data
11 elements, disclosure formats, or disclosure frequency.

12 (c) Any health information provided to, or maintained within,
13 the statewide Homeless Management Information System shall
14 not be subject to public inspection or disclosure under the
15 California Public Records Act (Chapter 3.5 (commencing with
16 Section 6250) of Division 7 of Title 1 of the Government Code).

17 (d) For purposes of this section, “health information” means
18 “protected health information,” as defined in Section 160.103 of
19 Title 45 of the Code of Federal Regulations, and “medical
20 information,” as defined in subdivision (j) of Section 56.05 of the
21 Civil Code.

22 SEC. 2. Section 987.011 is added to the Military and Veterans
23 Code, to read:

24 987.011. (a) Notwithstanding any law, a recipient of funds
25 pursuant to this article shall provide data elements, including, but
26 not limited to, health information, in a manner consistent with
27 federal law, to the statewide Homeless Management Information
28 System.

29 (b) (1) The Homeless Coordinating and Financing Council shall
30 specify the form and substance of the data elements required
31 pursuant to subdivision (a).

32 (2) The Homeless Coordinating and Financing Council may,
33 as required by operational necessity, amend or modify data
34 elements, disclosure formats, or disclosure frequency.

35 (c) Any health information provided to, or maintained within,
36 the statewide Homeless Management Information System shall
37 not be subject to public inspection or disclosure under the
38 California Public Records Act (Chapter 3.5 (commencing with
39 Section 6250) of Division 7 of Title 1 of the Government Code).

1 (d) For purposes of this section, “health information” means
2 “protected health information,” as defined in Section 160.103 of
3 Title 45 of the Code of Federal Regulations, and “medical
4 information,” as defined in subdivision (j) of Section 56.05 of the
5 Civil Code.

6 SEC. 3. Section 18897.5 is added to the Revenue and Taxation
7 Code, to read:

8 18897.5. (a) Notwithstanding any law, a nonprofit organization
9 that receives funds pursuant to Section 18897 shall provide data
10 elements, including, but not limited to, health information, in a
11 manner consistent with federal law, to the statewide Homeless
12 Management Information System.

13 (b) (1) The Homeless Coordinating and Financing Council shall
14 specify the form and substance of the data elements required
15 pursuant to subdivision (a).

16 (2) The Homeless Coordinating and Financing Council may,
17 as required by operational necessity, amend or modify data
18 elements, disclosure formats, or disclosure frequency.

19 (c) Any health information provided to, or maintained within,
20 the statewide Homeless Management Information System shall
21 not be subject to public inspection or disclosure under the
22 California Public Records Act (Chapter 3.5 (commencing with
23 Section 6250) of Division 7 of Title 1 of the Government Code).

24 (d) For purposes of this section, “health information” means
25 “protected health information,” as defined in Section 160.103 of
26 Title 45 of the Code of Federal Regulations, and “medical
27 information,” as defined in subdivision (j) of Section 56.05 of the
28 Civil Code.

29 SEC. 4. Section 5849.16 is added to the Welfare and
30 Institutions Code, immediately following Section 5849.15, to read:

31 5849.16. (a) Notwithstanding any law, a recipient of funds
32 pursuant to this part shall provide data elements, including, but
33 not limited to, health information, in a manner consistent with
34 federal law, to the statewide Homeless Management Information
35 System.

36 (b) (1) The Homeless Coordinating and Financing Council shall
37 specify the form and substance of the data elements required
38 pursuant to subdivision (a).

1 (2) The Homeless Coordinating and Financing Council may,
2 as required by operational necessity, amend or modify data
3 elements, disclosure formats, or disclosure frequency.

4 (c) Any health information provided to, or maintained within,
5 the statewide Homeless Management Information System shall
6 not be subject to public inspection or disclosure under the
7 California Public Records Act (Chapter 3.5 (commencing with
8 Section 6250) of Division 7 of Title 1 of the Government Code).

9 (d) For purposes of this section, “health information” means
10 “protected health information,” as defined in Section 160.103 of
11 Title 45 of the Code of Federal Regulations, and “medical
12 information,” as defined in subdivision (j) of Section 56.05 of the
13 Civil Code.

14 SEC. 5. Section 11450.04 is added to the Welfare and
15 Institutions Code, to read:

16 11450.04. (a) Notwithstanding any law, a recipient of homeless
17 assistance benefits shall provide data elements, including, but not
18 limited to, health information, in a manner consistent with federal
19 law, to the statewide Homeless Management Information System.

20 (b) (1) The Homeless Coordinating and Financing Council shall
21 specify the form and substance of the data elements required
22 pursuant to subdivision (a).

23 (2) The Homeless Coordinating and Financing Council may,
24 as required by operational necessity, amend or modify data
25 elements, disclosure formats, or disclosure frequency.

26 (c) Any health information provided to, or maintained within,
27 the statewide Homeless Management Information System shall
28 not be subject to public inspection or disclosure under the
29 California Public Records Act (Chapter 3.5 (commencing with
30 Section 6250) of Division 7 of Title 1 of the Government Code)

31 (d) For purposes of this section:

32 (1) “Health information” means “protected health information,”
33 as defined in Section 160.103 of Title 45 of the Code of Federal
34 Regulations, and “medical information,” as defined in subdivision
35 (j) of Section 56.05 of the Civil Code.

36 (2) “Homeless assistance benefits” means benefits paid pursuant
37 to paragraph (2) of subdivision (f) of Section 11450 and Section
38 11450.4.

39 SEC. 6. Section 15772 is added to the Welfare and Institutions
40 Code, immediately following Section 15771, to read:

1 15772. (a) Notwithstanding any law, a recipient of funds
2 pursuant to this chapter shall provide data elements, including, but
3 not limited to, health information, in a manner consistent with
4 federal law, to the statewide Homeless Management Information
5 System.

6 (b) (1) The Homeless Coordinating and Financing Council
7 shall specify the form and substance of the data elements required
8 pursuant to subdivision (a).

9 (2) The Homeless Coordinating and Financing Council may,
10 as required by operational necessity, amend or modify data
11 elements, disclosure formats, or disclosure frequency.

12 (c) Any health information provided to, or maintained within,
13 the statewide Homeless Management Information System shall
14 not be subject to public inspection or disclosure under the
15 California Public Records Act (Chapter 3.5 (commencing with
16 Section 6250) of Division 7 of Title 1 of the Government Code).

17 (d) For purposes of this section, “health information” means
18 “protected health information,” as defined in Section 160.103 of
19 Title 45 of the Code of Federal Regulations, and “medical
20 information,” as defined in subdivision (j) of Section 56.05 of the
21 Civil Code.

22 SEC. 7. The Legislature finds and declares that the amendments
23 to the No Place Like Home Program (Part 3.9 (commencing with
24 Section 5849.1) of Division 5 of the Welfare and Institutions Code)
25 made by this act are consistent with and further the intent of
26 Proposition 2, as approved by the voters at the November 6, 2018,
27 statewide general election within the meaning of Section 7 of
28 Proposition 2.

29 SEC. 8. The Legislature finds and declares that Section 1 of
30 this act, which adds Section 50675.1.3 to the Health and Safety
31 Code, Section 2 of this act, which adds Section 987.011 to the
32 Military and Veterans Code, Section 3 of this act, which adds
33 Section 18897.5 to the Revenue and Taxation Code, and Sections
34 4, 5, and 6 of this act, which add Sections 5849.16, 11450.04, and
35 15772 to the Welfare and Institutions Code, all impose a limitation
36 on the public’s right of access to the meetings of public bodies or
37 the writings of public officials and agencies within the meaning
38 of Section 3 of Article I of the California Constitution. Pursuant
39 to that constitutional provision, the Legislature makes the following

1 findings to demonstrate the interest protected by this limitation
2 and the need for protecting that interest:

3 This act furthers the purposes of paragraph (7) of subdivision
4 (b) of Section 3 of Article I of the California Constitution by
5 balancing the public right to access public records with this need
6 to protect the confidentiality of personal information of persons
7 receiving public assistance with respect to funds provided under
8 the programs subject to the provisions of the bill.

9 SEC. 9. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 a local agency or school district has the authority to levy service
12 charges, fees, or assessments sufficient to pay for the program or
13 level of service mandated by this act, within the meaning of Section
14 17556 of the Government Code.