

AMENDED IN SENATE JUNE 15, 2021

AMENDED IN ASSEMBLY APRIL 19, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 977

**Introduced by Assembly Members Gabriel and Petrie-Norris
(Coauthors: Assembly Members *Bauer-Kahan*, Fong, McCarty,
Nazarian, Quirk-Silva, *Robert Rivas*, Blanca Rubio, and Voepel
Villapudua, Voepel, and Waldron)**

February 18, 2021

An act to amend Sections 8256 and 8257 of the Welfare and Institutions Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

AB 977, as amended, Gabriel. Homelessness prevention programs: *program data reporting*: 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.~~

This bill would require, on or before ~~July 1, 2022~~, *January 1, 2023*, that a grantee or entity operating specified state homelessness programs, including the No Place Like Home Program, as a condition of receiving state funds, to enter the collected data elements on the individuals and families it serves into its local Homeless Management Information System, unless otherwise exempted by state or federal law. The bill would require the Homeless Coordinating and Financing Council to specify the ~~form and substance~~ *format and disclosure frequency* of the required data elements. The bill would apply the data entry requirements to all new state homelessness programs that commence on or after July 1, ~~2022~~. *2021. The bill would require the Homeless Coordinating and Financing Council to provide technical assistance to any grantee or entity that operates a program subject to the bill, if the grantee or entity does not already collect and enter into the local Homeless Management Information System the data elements required. The bill would require the Homeless Coordinating and Financing Council to provide the aggregate data summaries collected under these provisions to specified state agencies or departments within 45 days of receipt, as specified.*

Existing law creates the Homeless Coordinating and Financing Council and requires it, among other things, to create a statewide data system or warehouse that collects local data through Homeless Management Information Systems, with the ultimate goal of matching data on homelessness to programs impacting homeless recipients of state programs.

This bill would specify that the statewide data storage system described above be known as the Homeless Data Integration System and would grant staff of the Homeless Coordinating and Financing Council specified powers in regard to its operation. The bill would require that a continuum of care, as defined in federal law, provide collected data elements, including health information, as specified, to the Homeless Data Integration System, and would except health information and personal identifying information from disclosure to the public.

By imposing new duties on local entities to provide information to the state, this bill would create 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.

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: $\frac{2}{3}$. 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 8256 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 8256. (a) Agencies and departments administering state
- 4 programs created on or after July 1, 2017, shall collaborate with
- 5 the coordinating council to adopt guidelines and regulations to
- 6 incorporate core components of Housing First.
- 7 (b) By July 1, 2019, except as otherwise provided in subdivision
- 8 (c), agencies and departments administering state programs in
- 9 existence prior to July 1, 2017, shall collaborate with the
- 10 coordinating council to revise or adopt guidelines and regulations
- 11 that incorporate the core components of Housing First, if the
- 12 existing guidelines and regulations do not already incorporate the
- 13 core components of Housing First.
- 14 (c) (1) An agency or department that administers programs that
- 15 fund recovery housing shall comply with the requirements of
- 16 subdivision (b) by July 1, 2022.
- 17 (2) Until July 1, 2022, an agency or department that administers
- 18 programs that fund recovery housing shall additionally do all of
- 19 the following:

1 (A) In coordination with the Homeless Coordinating and
2 Financing Council, consult with the Legislature, the Business,
3 Consumer Services, and Housing Agency, the federal Department
4 of Housing and Urban Development, and other stakeholders
5 between July 1, 2020, and January 1, 2022, to identify ways to
6 improve the provision of housing to individuals who receive
7 funding from that agency or department, consistent with the
8 applicable requirements of state law.

9 (B) Comply with the core components of Housing First, other
10 than those components described in paragraphs (5) to (7), inclusive,
11 of subdivision (b) of Section 8255.

12 (C) Ensure that recovery housing programs meet the following
13 requirements:

14 (i) A recovery housing program participant shall sign an
15 agreement upon entry that outlines the roles and responsibilities
16 of both the participant and the program administrator to ensure
17 individuals are aware of actions that could result in removal from
18 the recovery housing program.

19 (ii) If a recovery housing program participant chooses to stop
20 living in a housing setting with an abstinence focus, is discharged
21 from the program, or is evicted from housing, the program
22 administrator shall offer assistance in accessing other housing and
23 services options, including options operated with harm-reduction
24 principles. To the extent practicable, this assistance shall include
25 connecting the individual with alternative housing providers,
26 supportive services, and the local coordinated entry system, if
27 applicable. This clause does not apply to an individual who leaves
28 the program without notifying the program administrator.

29 (iii) The recovery housing program administrator shall track
30 and report annually to the program's state funding source the
31 housing outcome for each program participant who is discharged.

32 (3) For purposes of this subdivision, "recovery housing" means
33 sober living facilities and programs that provide housing in an
34 abstinence-focused and peer-supported community for people
35 recovering from substance use issues. Participation is voluntary,
36 unless that participation is pursuant to a court order or is a condition
37 of release for individuals under the jurisdiction of a county
38 probation department or the Department of Corrections and
39 Rehabilitation.

1 (d) (1) On or before ~~July 1, 2022~~, *January 1, 2023*, a grantee
 2 or entity operating the following state homelessness programs, as
 3 a condition of receiving state funds, shall enter any collected data
 4 elements on the individuals and families it serves into its local
 5 Homeless Management Information System, unless otherwise
 6 exempted by state or federal law:

7 (A) The program referred to as Homekey, as described in
 8 Section 50675.1.1 of the Health and Safety Code.

9 (B) The Housing for a Healthy California Program established
 10 pursuant to Part 14.2 (commencing with Section 53590) of Division
 11 31 of the Health and Safety Code.

12 (C) The No Place Like Home Program established pursuant to
 13 Part 3.9 (commencing with Section 5849.1) of Division 5.

14 (D) The Multifamily Housing Program (Chapter 6.7
 15 (commencing with Section 50675) of Part 2 of Division 31 of the
 16 Health and Safety Code).

17 (E) The Veterans Housing and Homeless Prevention Act of
 18 2014, as established by Article 3.2 (commencing with Section
 19 987.001) of Chapter 6 of Division 4 of the Military and Veterans
 20 Code.

21 (F) The Bringing Families Home Program, as established by
 22 Article 6 (commencing with Section 16523) of Chapter 5 of Part
 23 4 of Division 9.

24 (G) The CalWORKs Housing Support Program, as ~~described~~
 25 ~~in~~ *established by* Article 3.3 (commencing with Section 11330)
 26 of Chapter 2 of Part 3 of Division 9.

27 (H) The Housing and Disability Income Advocacy Program, as
 28 established by Chapter 17 (commencing with Section 18999) of
 29 Part 6 of Division 9.

30 (I) The Community Colleges Homeless and Housing Insecure
 31 Pilot Project, as established by funds appropriated by the Budget
 32 Act of 2019.

33 (J) *The Homeless Housing, Assistance, and Prevention Program*
 34 *established in Chapter 6 (commencing with Section 50216) of Part*
 35 *1 of Division 31 of the Health and Safety Code.*

36 (2) ~~Coordinating Council staff~~ *Council staff*, in consultation
 37 *with respective administering state agencies or departments*, shall
 38 specify the form and substance of the required data elements and
 39 may, as required by operational necessity, amend or modify data
 40 elements, disclosure formats, or disclosure frequency: *entry format*

1 *and disclosure frequency for the programs subject to this*
2 *subdivision to submit the data elements as specified in paragraph*
3 *(1) to inform and meet the council’s statewide objectives and goals*
4 *described in Section 8257.*

5 (3) The requirements of paragraph (1) shall *additionally* apply
6 to all *new* state homelessness programs that commence on or after
7 July 1, ~~2022~~. 2021.

8 (4) For purposes of this subdivision, state homelessness
9 programs are defined as those programs that are funded, in whole
10 or in part, by the state with the express purpose of addressing or
11 preventing homelessness or providing services to people
12 experiencing homelessness. This definition shall be broadly
13 construed for the purpose of carrying out the requirements of this
14 subdivision.

15 (5) *Any grantee or entity operating a program described in*
16 *paragraphs (1) and (3) that does not already collect and enter into*
17 *the local Homeless Management Information System the data*
18 *elements required under this subdivision shall, upon request,*
19 *receive technical assistance from council staff and, as available,*
20 *guidance from federal partners in coordination or partnership*
21 *with the respective administering state agency or department.*

22 (6) *Commencing January 1, 2022, council staff shall provide*
23 *aggregate data summaries collected in full pursuant to this*
24 *subdivision to the respective administering state agencies or*
25 *departments that oversee relevant programs within 45 days of*
26 *receipt. Where feasible, council staff shall notify the respective*
27 *administering state agencies or departments at least seven days*
28 *before sharing, publicly using, or referencing the data,*
29 *including, but not limited to, using the data for*
30 *any substantive analysis, summary statistics, or other findings.*

31 (7) *Administering state agencies or departments shall be granted*
32 *an extension to meet the requirements in this subdivision, provided*
33 *noncompliant programs are making good faith progress towards*
34 *meeting the requirements. An extension granted under this*
35 *paragraph shall not extend beyond July 1, 2023. For purposes of*
36 *this paragraph, “making good faith progress” includes, but is not*
37 *limited to, engaging in technical assistance offered under*
38 *paragraph (5) and establishing a plan to comply with this*
39 *subdivision.*

1 SEC. 2. Section 8257 of the Welfare and Institutions Code is
2 amended to read:

3 8257. (a) The Governor shall create a Homeless Coordinating
4 and Financing Council.

5 (b) The council shall have all of the following goals:

6 (1) To oversee implementation of this chapter.

7 (2) To identify mainstream resources, benefits, and services that
8 can be accessed to prevent and end homelessness in California.

9 (3) To create partnerships among state agencies and departments,
10 local government agencies, participants in the United States
11 Department of Housing and Urban Development’s Continuum of
12 Care Program, federal agencies, the United States Interagency
13 Council on Homelessness, nonprofit entities working to end
14 homelessness, homeless services providers, and the private sector,
15 for the purpose of arriving at specific strategies to end
16 homelessness.

17 (4) To promote systems integration to increase efficiency and
18 effectiveness while focusing on designing systems to address the
19 needs of people experiencing homelessness, including
20 unaccompanied youth under 25 years of age.

21 (5) To coordinate existing funding and applications for
22 competitive funding. Any action taken pursuant to this paragraph
23 shall not restructure or change any existing allocations or allocation
24 formulas.

25 (6) To make policy and procedural recommendations to
26 legislators and other governmental entities.

27 (7) To identify and seek funding opportunities for state entities
28 that have programs to end homelessness, including, but not limited
29 to, federal and philanthropic funding opportunities, and to facilitate
30 and coordinate those state entities’ efforts to obtain that funding.

31 (8) To broker agreements between state agencies and
32 departments and between state agencies and departments and local
33 jurisdictions to align and coordinate resources, reduce
34 administrative burdens of accessing existing resources, and foster
35 common applications for services, operating, and capital funding.

36 (9) To serve as a statewide facilitator, coordinator, and policy
37 development resource on ending homelessness in California.

38 (10) To report to the Governor, federal Cabinet members, and
39 the Legislature on homelessness and work to reduce homelessness.

1 (11) To ensure accountability and results in meeting the
2 strategies and goals of the council.

3 (12) To identify and implement strategies to fight homelessness
4 in small communities and rural areas.

5 (13) To create a statewide data system or warehouse, which
6 shall be known as the Homeless Data Integration System, that
7 collects local data through Homeless Management Information
8 Systems, with the ultimate goal of matching data on homelessness
9 to programs impacting homeless recipients of state programs, such
10 as the Medi-Cal program (Chapter 7 (commencing with Section
11 14000) of Part 3 of Division 9) and CalWORKs (Chapter 2
12 (commencing with Section 11200) of Part 3 of Division 9). Upon
13 creation of the Homeless Data Integration System, all continuums
14 of care, as defined in Section 578.3 of Title 24 of the Code of
15 Federal Regulations, that are operating in California shall provide
16 collected data elements, including, but not limited to, health
17 information, in a manner consistent with federal law, to the
18 Homeless Data Integration System.

19 (A) ~~Coordinating Council~~ *Council* staff shall specify the form
20 and substance of the required data elements.

21 (B) ~~Coordinating Council~~ *Council* staff may, as required by
22 operational necessity, amend or modify data elements, disclosure
23 formats, or disclosure frequency.

24 (C) *To further the efforts to improve the public health, safety,*
25 *and welfare of people experiencing homelessness in the state,*
26 *council staff may collect data from the continuums of care as*
27 *provided in this paragraph.*

28 (C)

29 (D) Any health information or personal identifying information
30 provided to, or maintained within, the Homeless Data Integration
31 System shall not be subject to public inspection or disclosure under
32 the California Public Records Act (Chapter 3.5 (commencing with
33 Section 6250) of Division 7 of Title 1 of the Government Code).

34 (D)

35 (E) For purposes of this paragraph, “health information” includes
36 “protected health information,” as defined in Part 160.103 of Title
37 45 of the Code of Federal Regulations, and “medical information,”
38 as defined in subdivision (j) of Section 56.05 of the Civil Code.

39 (14) Setting goals to prevent and end homelessness among
40 California’s youth.

1 (15) Working to improve the safety, health, and welfare of young
2 people experiencing homelessness in the state.

3 (16) Increasing system integration and coordinating efforts to
4 prevent homelessness among youth who are currently or formerly
5 involved in the child welfare system or the juvenile justice system.

6 (17) Leading efforts to coordinate a spectrum of funding, policy,
7 and practice efforts related to young people experiencing
8 homelessness.

9 (18) Identifying best practices to ensure homeless minors who
10 may have experienced maltreatment, as described in Section 300,
11 are appropriately referred to, or have the ability to self-refer to,
12 the child welfare system.

13 (19) To collect, compile, and make available to the public
14 financial data provided to the council from all state-funded
15 homelessness programs.

16 (c) (1) The Governor shall appoint up to 19 members of the
17 council as follows:

18 (A) The Secretary of Business, Consumer Services, and
19 Housing, or the secretary's designee, who shall serve as chair of
20 the council.

21 (B) A representative from the Department of Transportation.

22 (C) A representative from the Department of Housing and
23 Community Development.

24 (D) A representative of the State Department of Social Services.

25 (E) A representative of the California Housing Finance Agency.

26 (F) A representative of the State Department of Health Care
27 Services.

28 (G) A representative of the Department of Veterans Affairs.

29 (H) A representative of the Department of Corrections and
30 Rehabilitation.

31 (I) A representative from the California Tax Credit Allocation
32 Committee in the Treasurer's office.

33 (J) A representative of the Victim Services Program within the
34 Division of Grants Management within the Office of Emergency
35 Services.

36 (K) A representative from the State Department of Education.

37 (L) A representative of the state public higher education system
38 who shall be from one of the following:

39 (i) The California Community Colleges.

40 (ii) The University of California.

- 1 (iii) The California State University.
2 (M) A formerly homeless person who lives in California.
3 (N) A formerly homeless youth who lives in California.
4 (O) Two representatives of local agencies or organizations that
5 participate in the United States Department of Housing and Urban
6 Development's Continuum of Care Program.
7 (P) State advocates or other members of the public or state
8 agencies, at the Governor's discretion.
9 (2) The Senate Committee on Rules and the Speaker of the
10 Assembly shall each appoint one member to the council from two
11 different stakeholder organizations.
12 (3) The council may, at its discretion, invite stakeholders,
13 individuals who have experienced homelessness, members of
14 philanthropic communities, and experts to participate in meetings
15 or provide information to the council.
16 (d) The council shall hold public meetings at least once every
17 quarter.
18 (e) The members of the council shall serve at the pleasure of
19 the appointing authority.
20 (f) Within existing funding, the council may establish working
21 groups, task forces, or other structures from within its membership
22 or with outside members to assist it in its work. Working groups,
23 task forces, or other structures established by the council shall
24 determine their own meeting schedules.
25 (g) The members of the council shall serve without
26 compensation, except that members of the council who are, or
27 have been, homeless may receive reimbursement for travel, per
28 diem, or other expenses.
29 (h) The Business, Consumer Services, and Housing Agency
30 shall provide staff for the council.
31 (i) The members of the council may enter into memoranda of
32 understanding with other members of the council to achieve the
33 goals set forth in this chapter, as necessary, in order to facilitate
34 communication and cooperation between the entities the members
35 of the council represent.
36 (j) There shall be an executive director of the council under the
37 direction of the Secretary of Business, Consumer Services, and
38 Housing.

1 (k) The council shall be under the direction of the executive
2 director and staffed by employees of the Business, Consumer
3 Services, and Housing Agency.

4 SEC. 3. The Legislature finds and declares that the amendments
5 to the No Place Like Home Program (Part 3.9 (commencing with
6 Section 5849.1) of Division 5 of the Welfare and Institutions Code)
7 made by this act are consistent with and further the intent of
8 Proposition 2, as approved by the voters at the November 6, 2018,
9 statewide general election within the meaning of Section 7 of
10 Proposition 2.

11 SEC. 4. The Legislature finds and declares that Section 2 of
12 this act, which amends Section 8257 of the Welfare and Institutions
13 Code, imposes a limitation on the public’s right of access to the
14 meetings of public bodies or the writings of public officials and
15 agencies within the meaning of Section 3 of Article I of the
16 California Constitution. Pursuant to that constitutional provision,
17 the Legislature makes the following findings to demonstrate the
18 interest protected by this limitation and the need for protecting
19 that interest:

20 This act furthers the purposes of paragraph (7) of subdivision
21 (b) of Section 3 of Article I of the California Constitution by
22 balancing the public right to access public records with this need
23 to protect the confidentiality of personal information of persons
24 receiving public assistance.

25 SEC. 5. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.