

Date of Hearing: January 15, 2020

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 22 (Burke) – As Amended January 6, 2020

SUBJECT: Housing: children and families

SUMMARY: Establishes that it is the policy of the state that every child and family in California has a right to housing. Specifically, **this bill**:

- 1) Makes legislative findings regarding the number of people experiencing homelessness in the state and the impact on children.
- 2) Provides that state policy shall include but not be limited to preventing children and families from entering homelessness by providing assistance and services that include but are not limited to:
 - a) Payment of rent and utility arrearages;
 - b) Legal support of families facing eviction; and,
 - c) Connection to services that would address factors that could lead to homelessness.
- 3) Provides that state policy shall require emergency accommodations for homeless children and families when prevention assistance does not work.
- 4) Requires emergency accommodations for children and families to shall meet all of the following requirements:
 - a) Be close in proximity to the community where children and families reside;
 - b) Place no preconditions for access to accommodations; and,
 - c) Placement into permanent housing in accordance with Housing First components.
- 5) Requires all relevant state agencies and departments, including but not limited to the Department of Housing and Community Development, the Business Consumer Services and Housing Agency, the State Department of Social Services, the State Department of Health Care Services and the Office of Emergency Services and local jurisdictions to do all of the following:
 - a) Consider the state policy establishing children and families have a right to housing when revising, adopting, or establishing policies, regulations and grant criteria when those policies are pertinent in advancing Housing First guidelines;
 - b) When implementing or revising policies, regulations, and grant criteria ensure that children and families are treated with dignity and respect so that trauma is minimized;
 - c) Include metrics of policies, regulations, and grant criteria that include but are not limited to:

- i. The number of children and families who receive support and were prevented from losing their homes;
 - ii. The number of children and families and average length of stay; and,
 - iii. The number of children and families who were transitioned from emergency accommodations to permanent housing.
- 6) Provides that if the Commission on State Mandates determines that this Act contains costs mandated by the state, the state shall be required to reimburse local agency and school districts for those costs.

EXISTING LAW:

- 1) Establishes that it is the policy of the state that every human being has a right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code 106.3)
- 2) Established the Homeless Housing, Assistance, and Prevention program (HHAP) provide \$650 million in one-time funding to continuum of care (CoCs), cities, and counties to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges informed by a best-practices framework focused on moving homeless individuals and families into permanent housing and supporting the efforts of those individuals and families to maintain their permanent housing.
- 3) Established the Homeless Emergency Aid Program (HEAP) to provide \$500 million in one-time flexible block grant funds to CoCs and cities to address their immediate homelessness challenges.

FISCAL EFFECT: Unknown.

COMMENTS:

Purpose of this bill: According to the author, “California’s housing and homelessness crisis continues to worsen year after year. Assembly Bill 22 would establish a right to housing for all children and families in the state. By establishing this right, California would make it a policy of the state that no child go without a home. AB 22 would provide a framework outlining the best practices for combating homelessness, namely: 1) preventing families from losing their homes in the first place; 2) providing emergency accommodations with supportive services should a family lose their home; 3) quickly transitioning the family to permanent housing; and 4) fostering a culture of dignity and respect throughout the process to minimize trauma.

In the fifth largest economy in the world, it is shameful that more than 151,000 Californians are homeless. This is no longer a problem, it is a crisis, and we have not only a moral imperative to address homelessness, but a fiscal one as well.”

Homelessness in California: California has the largest homeless population in the nation with 151,278 people experiencing homelessness on any given night in the state. Many of those people, 108,432, are unsheltered meaning they are living outdoors. In 2019, according to point in time counts, about 6,000 families and 12,000 children were homeless in California. These

numbers are likely an undercount as many homeless children and families do not enter the shelter system but sleep in their cars, are couch surfing, or are temporarily doubled up with family or friends. Historically, the federal government provided the majority of resources for homelessness. This funding has been cut over the years and not replaced. The state has provided over \$2 billion over the past two years in one-time funding to Continuum of Care, cities, and counties to address the unsheltered population of homeless people.

Right to shelter: The City of New York, the City of Portland and Multnomah County, and the state of Massachusetts have adopted a right to shelter. A right to shelter is a legal mandate that requires local governments to provide emergency shelter to anyone experiencing homelessness. This approach to homelessness has had decidedly mixed results. In the City of New York, the unsheltered population is 4,294 out of 91,897 homeless people. Although many people are housed in New York they are still homeless because they are living in temporary shelters or transitional housing. Some people have been living in shelters for years with no solution for permanent housing. This approach is also expensive and requires that resources for affordable housing go toward maintaining emergency shelters and not toward building supportive housing, housing with services for people who are chronically homeless or for affordable housing. New York City spends \$1.7 billion a year to maintain its shelter system which is \$30,000 per individual per year.

This bill would declare a right to housing. Unlike a right to shelter, a right to housing would mean housing is provided across the continuum of need and not exclusively on the shelter system. The state's housing supply is nearly 4 million units short on demand, and more than 80% of units are unaffordable or unavailable to extremely low income families. To be effective, a right to housing would need to provide the funding and resources necessary to increase the supply of affordable units. This bill focuses on homeless prevention and emergency housing once children and families are homeless but does not include policies that would increase the supply of housing for extremely-low income and low-income families. **The committee may wish to consider expanding this bill to include the need for permanent affordable housing that would benefit extremely-low income children and families.**

Summary of the bill: This bill would declare a right to housing for children and families. In implementing this right, the state would be required to provide rental payments, legal services, and connect families and children services to allow them to remain housed. If prevention efforts do not succeed, children and families would be offered emergency accommodations close to where they live, with no precondition for access to stay, and permanent housing subject to Housing First core principles. Housing First places no condition or time limit on a person's stay in housing. Without an enforcement mechanism this bill establishes a policy statement and places no legal obligation on the state or local governments.

This bill focuses on preventing children and families from falling into homelessness and on housing them when they become homeless. Research indicates that the prevention services should be focused on those who have experienced homelessness or at the highest risk of homelessness. This bill should be further tailored to focus the prevention components to the best, evidenced-based practices. **The committee may wish to require that these interventions be "considered" rather than required as part of state's policy so that these interventions can be targeted.**

State agencies and departments that provide housing and services to children and families, Department of Housing and Community Development, the Business, Consumer Services, and Housing Agency, the State Department of Social Services, the State Department of Health Care Services, and the Office of Emergency Services as well as local governments would be responsible for considering this policy when implementing programs, guidelines, and grant criteria. In addition, they would be required to measure the results of this policy for children and families. This bill offers an opportunity to integrate policies that reduce homelessness into programs and services administered across multiple state and local agencies and departments. **The committee may wish to consider adding additional direction including requiring that programs be revised to identify children and families that are experiencing homelessness or housing instability and that information be used to connect children and families with housing. In addition, in implementing a right to housing, local and state agencies and departments should be required to ensure that state-funded institutions do not discharge people without temporary or permanent housing.**

Focus on children and families: This bill focuses exclusively on children and families. The recent homeless point in time count, found that a majority of people experiencing homelessness are single men. In addition, a growing portion of the homeless population are seniors who are experiencing homelessness for the first time at the age of fifty. Approximately, 26 percent of the homeless population are chronically homeless which is defined as a person with a disability who has lived without consistent shelter for a year or has been without shelter multiple times in the last year. The state's response to homelessness should take into consideration the housing needs of all residents.

Committee amendments:

- 1) Update the legislative findings with current statistics.
- 2) Declare a right to “decent, safe and affordable housing.”
- 3) State that a right to housing “shall consider” how to prevent homelessness among families and children and “consider” how to provide emergency accommodations when prevention does not work.
- 4) Require the mentioned agencies and departments and local governments to do all of the following in implementing the right to housing for families and children:
 - a) Commit to preventing homelessness and getting children and families into housing by coordinating resources and practicing evidence-based housing interventions.
 - b) Revise existing programs and services to identify families and children that are experiencing homelessness or housing instability. Utilize this information to connect families and children with housing resources at the state and local level.
 - c) Ensure state-funded institutions do not discharge people without a temporary or permanent housing option and support whatever it takes to make homelessness rare, brief and non-recurring.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Lisa Engel / H. & C.D. / (916) 319-2085