

## **Homeless Emergency Aid Program Proposed Trailer Bill Language**

Section 8257 of Chapter 6.5 of Division 8 of the Welfare and Institutions Code is amended to read:

### *8257.*

(a) Within 180 days of the effective date of the measure adding this chapter, the Governor shall create a Homeless Coordinating and Financing Council.

(b) The council shall have the following goals:

(1) To oversee implementation of this chapter.

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

(3) 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.

(4) 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.

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

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

(7) 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.

(8) 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.

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

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

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

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

(13) 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, such as Medi-Cal (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code) and CalWORKS (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code).

(c) (1) The Governor shall appoint ~~up to~~ 15 members of the council as follows:

(A) The Secretary of the Business, Consumer Services and Housing Agency, who shall serve as Chair of the council.

(B) A representative from the Department of Transportation.

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

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

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

~~(D)~~ (F) A representative of the State Department of Health Care Services.

~~(E)~~ (G) A representative of the Department of Veterans Affairs.

~~(F)~~ (H) A representative of the Department of Corrections and Rehabilitation.

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

~~(H)~~ (J) A representative of the Victim Services Program within the Division of Grants Management within the Office of Emergency Services.

~~(I)~~ (K) A formerly homeless person who lives in California.

~~(J)~~ (L) Two representatives of local agencies or organizations that participate in the United States Department of Housing and Urban Development's Continuum of Care Program.

~~(K)~~ (M) ~~Two State~~ state advocates or other members of the public or state agencies, according to the Governor's discretion.

(2) The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one representative of the council from two different stakeholder organizations.

(3) The council may, at its discretion, invite stakeholders, individuals who have experienced homelessness, members of philanthropic communities, and experts to participate in meetings or provide information to the council.

(d) The council shall hold public meetings at least once every quarter.

(e) The members of the council shall serve at the pleasure of the ~~Governor~~ appointing authority.

(f) Within existing funding, the council may establish working groups, task forces, or other structures from within its membership or with outside members to assist it in its work. Working groups, task forces, or other structures established by the council shall determine their own meeting schedules.

(g) The members of the council shall serve without compensation, except that members of the council who are, or have been, homeless may receive reimbursement for travel, per diem, or other expenses.

(h) The ~~Department of Housing and Community Development~~ Business, Consumer Services and Housing Agency shall provide staff for the council.

(i) The members of the council may enter into memoranda of understanding with other members of the council to achieve the goals set forth in this chapter, as necessary, in order to facilitate communication and cooperation between the entities the members of the council represent.

(j) There shall be an Executive Director of the Council under the direction of the Secretary of the Business, Consumer Services, and Housing Agency.

(k) The Council shall be led by the Executive Director and staffed by employees of the Agency in support of the Council.

Section 1. Chapter X (commencing with Section XXXXX) is added to Part X of Division XX of the Health and Safety Code, to read:

#### CHAPTER X. Homeless Emergency Aid Program

**XXXXX.** Definitions. For purposes of this chapter:

(a) "Administrative Entity" means a unit of general purpose local government, a nonprofit organization that has previously administered Department of Housing and Urban Development Continuum of Care funds as the collaborative applicant pursuant to Section 578.3 of Title 24 of the Code of Federal Regulations that has been designated by the Continuum of Care to administer program funds.

(b) "Agency" means the Business, Consumer Services, and Housing Agency.

(c) "County" includes, but is not limited to, a city and county.

(d) "Council" means the Homeless Coordinating and Financing Council pursuant to Section 8257 of the Welfare and Institutions Code.

(e) "Homeless" has the same meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations, as that section read on May 1, 2018.

(f) “Homeless point-in-time count” means the 2017 homeless point-in-time counts pursuant to Section 578.3 of Title 24 of the Code of Federal Regulations.

(g) “Program” means the Homeless Emergency Aid program established pursuant to this chapter.

**XXXXX.1 Program framework.**

(a) The Homeless Emergency Aid program is hereby established for the purpose of providing localities with flexible block grant funds to address their immediate homelessness challenges.

(b) The Agency, in consultation with the Council, shall administer the program, which shall be provided as block grant funds.

(c) The Agency’s decision to approve or deny an application and the determination of the amount of funding to be provided shall be final.

(d) The Agency shall maintain records of the following:

(1) The number of applications for program funding received by the Agency.

(2) The number of applications for program funding denied by the Agency.

(3) The name of each recipient of program funds.

(e) In implementing this chapter, the Agency shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

**XXXXX.2 Threshold requirements.** (a) In order to be eligible for program funds, an Administrative Entity must demonstrate the following:

(1) The jurisdictions that the Administrative Entity represents for which funding is requested has, at the time of award, declared an emergency shelter crisis pursuant to Section 8698 of the Government Code.

(2) The Administrative Entity has collaborated in its application, and has committed to future collaboration, with other city, county, or nonprofit partners.

(b) Notwithstanding subdivision (a), Administrative Entities representing cities and counties included in the three groupings with the lowest three homeless point-in-time thresholds pursuant to Section XXXXX.3 may submit a waiver to the requirement for a declaration of an emergency shelter crisis in paragraph (1) of subdivision (a). Upon approval by the Agency during a given round of awards, these cities and counties will be eligible to receive program funds through the Administrative Entity.

**XXXXX.3 Allocation methodology.**

(a) For the purpose of administering this chapter, the Agency shall allocate the following amounts to Administrative Entities according to the following groupings based on homeless population:

(1) Forty million dollars (\$40,000,000) to the Administrative Entities with a homeless point-in-time count of over 20,000 persons.

(2) Sixty million dollars (\$60,000,000) to Administrative Entities with a homeless point-in-time count between 4,000 and 19,999 persons.

(3) Thirty million dollars (\$30,000,000) to Administrative Entities with a homeless point-in-time count of between 2,500 and 3,999 persons.

(4) Forty-eight million dollars (\$48,000,000) to Administrative Entities with a homeless point-in-time count of between 1,800 and 2,499 persons.

(5) Eighteen million dollars (\$18,000,000) to Administrative entities with a homeless point-in-time count of between 1,500 and 1,799 persons.

(6) Thirty-two million dollars (\$32,000,000) to Administrative entities with a homeless point-in-time count of between 1,000 and 1,499 persons.

(7) Twelve million dollars (\$12,000,000) to Administrative entities with a homeless point-in-time count of between 750 and 999 persons.

(8) Seven million dollars (\$7,000,000) to Administrative entities with a homeless point-in-time count of between 250 and 749 persons.

(9) Two million dollars (\$2,000,000) to Administrative entities with a homeless point-in-time count of less than 250 persons.

(b) The Agency shall set aside funds for each Administrative Entity, with the funds available for each grouping to be divided equally across Administrative Entities in that grouping.

(c) Applications for the first round of awards shall be due to the Agency on or before December 31, 2018. The Agency shall verify whether funding requests meet the minimum criteria established by this chapter and make awards on a continuous basis but no later than January 31, 2018.

(d) If, after the first round of awards, not all funds have been claimed by all Administrative Entities within a grouping, the Agency shall set aside any remaining funds equally across Administrative Entities in that grouping for a second round of awards.

(e) Applications for the second round of awards shall be due to the Agency on or before April 30, 2019. The Agency shall verify whether funding requests meet the minimum criteria established by this chapter and make awards on a continuous basis but no later than May 31, 2019.

(f) If, after the second round of awards, not all funds have been claimed by all Administrative Entities within a grouping, the Agency shall work with the Department of Finance to identify an appropriate allocation methodology for a third round of awards or determine if any unallocated funds shall revert to the General Fund. The allocation methodology shall be approved by the Department of Finance with notification to the Joint Legislative Budget Committee.

#### **XXXXX.4** Eligible uses.

(a) Program funds shall be expended on uses that address homelessness, including, but not limited to, prevention and emergency aid.

(b) No more than five percent (5%) of program funds may be used for administrative costs related to the execution of eligible activities. This does not include staff costs directly related to carrying out eligible activities in paragraph (a). No program funds shall be used for overhead or planning activities.

#### **XXXXX.6** Grantee requirements.

(a) Each recipient of program funds shall submit to the Agency no later than January 1, 2020, a report on a form issued by the Agency pertaining to contract expenditures, the number of homeless individuals served by program funds, and progress toward state and local goals.

(b) The Agency may request additional information as needed to meet other applicable reporting or audit requirements.

(c) Fifty percent (50%) of program funds shall be expended by January 1, 2020.

(d) One hundred percent (100%) of program funds shall be expended by June 30, 2021. Any funds unspent shall be returned to the Agency and revert to the General Fund.

(e) The Agency may monitor the expenditures and activities of the Administrative Entity, as it deems necessary to ensure compliance with the program requirements.

(f) The Agency may, as it deems appropriate or necessary, request the repayment of funds from an Administrative Entity or pursue any remedies available to it under law for failure to abide by program requirements.