

Section 1. Chapter 6 (commencing with Section 50216) is added to Part 1 of Division 31 of the Health and Safety Code, to read:

CHAPTER 6. Homeless Aid for Planning and Shelter Program [50216 – 50220]

50216. For purposes of this chapter, the following definitions shall apply:

(a) “Agency” means the Business, Consumer Services, and Housing Agency.

(b) “Applicant” means a Continuum of Care, city, or county.

(c) “City” means a city or city and county, that is legally incorporated to provide local government services to its population. A city can be organized either under the general laws of California or under a charter adopted by the local voters.

(d) “Continuum of Care” means the group organized to provide coordinated services to homeless individuals pursuant to Section 578.3 of Title 24 of the Code of Federal Regulations, as that section read on January 10, 2019. This group is comprised of representatives of organizations such as nonprofit homeless services providers, faith-based organizations, businesses, governments, public housing agencies, victim service providers, medical providers, advocates, law enforcement, social service providers, school districts, universities, mental health services providers, affordable housing developers, and organizations that serve homeless and formerly homeless veterans, homeless and formerly homeless youth, and homeless and formerly homeless persons, to the extent they reside within the geographic area and are available to participate.

(e) “Coordinated Entry System” means a centralized or coordinated process developed pursuant to Section 578.7 of Title 24 of the Code of Federal Regulations, as that section read on January 10, 2019, designed to coordinate homelessness program participant intake, assessment, and provision of referrals. A centralized

or coordinated assessment system covers the geographic area is easily accessed by individuals and families seeking housing or services, is well advertised and includes a comprehensive and standardized assessment tool.

(f) “Council” means the Homeless Coordinating and Financing Council created pursuant to Section 8257 of the Welfare and Institutions Code.

(g) “County” means a county, county that is also a city, or charter county, that is legally incorporated to provide local government services to its population.

(h) “Emergency shelter” has the same meaning as defined in subdivision (e) of section 50801 of the Health and Safety Code.

(i) “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 January 10, 2019.

(j) “Homeless Emergency Aid Program” means the grant program administered pursuant to Chapter 5 of Part 1 of Division 31 of the Health and Safety Code.

(k) “Homeless Management Information System” means the information system designated by a Continuum of Care to comply with federal reporting requirements as defined in Section 578.3 of Title 24 of the Code of Federal Regulations. The term “Homeless Management Information System” also includes the use of a comparable database by a victim services provider or legal services provider that is permitted by the federal government under Part 576 of Title 24 of the Code of Federal Regulations.

(l) “Homeless point-in-time count” means the 2019 homeless point-in-time count pursuant to Section 578.3 of Title 24 of the Code of Federal Regulations.

(m) “Homeless youth” means an unaccompanied youth between 12 and 24 years of age, inclusive, who is experiencing homelessness, as defined in subsection (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434 (a)(2)). “Homeless youth” includes unaccompanied youth who are pregnant or parenting.

(n) “Housing First” has the same meaning as in Section 8255 of the Welfare and Institutions Code, including all of the core components listed therein.

(o) “Joint regional plan” means a plan developed by the applicant in collaboration with city, county, and/or nonprofit partners to address homelessness.

(p) “Jurisdiction” means a city, city that is also a county, county, or Continuum of Care, as defined in this section.

(q) “Navigation center” means a Housing First, low-barrier, service-enriched shelter that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

(r) “Program” means the Homeless Aid for Planning and Shelter program established pursuant to this chapter.

(s) “Program allocation” means the portion of program funds available to develop joint regional plans and expand or develop local capacity to address immediate homelessness challenges, in the amount of six hundred and fifty million dollars (\$650,000,000).

50217.

(a) The Homeless Aid for Planning and Shelter program is hereby established for the purpose of providing jurisdictions with one-time grant funds to support regional planning and expand or develop local capacity to address their immediate homelessness challenges.

(b) Upon appropriation by the Legislature, six hundred and fifty million dollars (\$650,000,000) shall be distributed in accordance with this chapter.

(c) The agency shall administer the program, which shall provide grant funds to cities, counties, and Continuums of Care.

(1) No more than five percent of the funds available pursuant to this chapter shall be expended on state operations.

(2) If there are funds set aside for state operations that are not anticipated to be expended within the proposed encumbrance period, the agency shall work with the Department of Finance to identify an appropriate allocation methodology for these funds for local jurisdictions or determine if any unallocated funds should revert to the General Fund. The allocation methodology or reversion to the General Fund shall be approved by the Department of Finance with notification provided to the Joint Legislative Budget Committee.

(d) The agency's decision to approve or deny an application and the determination of the amount of funding to be provided shall be final.

(e) 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.

(4) Each applicant receiving funds pursuant to this chapter shall provide a list of all awards to subrecipients.

(f) In administering this chapter, the agency shall not be subject to the rulemaking provisions 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).

50218.

(a) Upon appropriation by the Legislature, six hundred and fifty million dollars (\$650,000,000) of the funds administered pursuant to this chapter shall be available for implementing the program.

(1) One hundred million dollars (\$100,000,000) of the funding available pursuant to this section shall be available for Continuums of Care. Allocations shall be calculated based on each Continuum of Care's proportionate share of the total homeless population, based on the 2019 homeless point-in-time count. Allocations shall be capped at forty percent (40%) of the program allocation per Continuum of Care, and there shall be a minimum allocation of five hundred thousand (\$500,000) for Continuums of Care with less than one half of one percent (0.5%) of the total homeless population, based on the 2019 homeless point-in-time count.

(2) Two hundred and seventy five million dollars (\$275,000,000) of the funding available pursuant to this section shall be available to each city, or city that is also a county, that has a population as of January 1, 2019 of 300,000 or more, according to data published on the Department of Finance's Internet Web site. These allocations shall be calculated based on the proportionate share of the total homeless population of the Continuum of Care within which the city is located, based on the 2019 homeless point-in-time count.

(3) Two hundred and seventy five million dollars (\$275,000,000) of the funding available pursuant to this section shall be available to each county, or county that is also a city, based on the proportionate share of

the total homeless population of the Continuum of Care within which the county is located, based on the 2019 homeless point-in-time count. Allocations shall be capped at forty percent (40%) of the program allocation per county, or county that is also a city.

(4) Once the 2019 point-in-time count numbers have been finalized and posted by the US Department of Housing and Urban Development, the agency shall calculate each jurisdiction's final program allocation award amount and the council shall post this information to its internet website.

50219.

(a) In order to be apply for a program allocation, an applicant shall do the following:

(1) Identify the intended uses of the funds, the populations to be served, and measurable goals, in a format provided by the agency.

(2) Submit a joint regional plan pursuant to subdivision (b) or subdivision (d) of this section.

(b) An applicant shall submit a joint regional plan that shall include, at a minimum, the following information:

(1) Identify all funds currently being used to provide housing and homeless services for the homeless populations in the jurisdiction. These funds include but are not limited to federal funds, Homeless Emergency Aid Program funds, California Emergency Solutions and Housing funds pursuant to Chapter 2.8 of Part 2 of Division 31 of the Health and Safety Code, Mental Health Services Act funds pursuant to Section 5890 of the Welfare and Institutions Code, realignment funds pursuant to Section 30025 of the Government Code and Section 17606.10 of the Welfare and Institutions Code, and dedicated city and county funds.

(2) Provide data on the demographics and characteristics of the homeless populations in the jurisdiction and on current programs providing housing and homeless services in the jurisdiction, as reported to the federal government through Homeless Management Information Systems and point-in-time counts.

(3) Assess existing efforts to address homelessness and identify gaps in housing and homeless services for the homeless populations in the jurisdiction.

(4) Describe strategies for access and engagement, systems design to end homelessness, strategies for coordinated assessment, case management and housing navigation, and placement/retention, and goals for placements in permanent housing and individuals served.

(c) The joint regional plan must be a plan adopted by the city council, county board of supervisors, or board of directors of a Continuum of Care, as appropriate, and is currently in place.

(d) In lieu of submitting a joint regional plan pursuant to subdivision (b), a joint regional plan may include:

(1) A prior city, county or Continuum of Care planning process that included participation of local and regional partners on the planning board or committee and resulted in a plan adopted by the city council, county board of supervisors, or board of directors of a Continuum of Care, as appropriate, and is currently in place;

(2) A plan adopted by an existing Joint Powers Authority whose board of directors includes appointees from the city, county and Continuums of Care, as appropriate, and that administers federal, state or local homelessness resources and distributes funding in a multi-jurisdictional way; or

(3) A plan that reflects an existing Memorandum of Understanding or agreement between a city, a county, and/or a Continuum of Care, as appropriate, establishing funding commitments and approaches to the implementation of homelessness strategies and the provision of services.

(e) Pursuant to the joint regional plan requirements of subdivision (d), the agency reserves the right to request additional documentation and information from the applicant consistent with the requirements of subdivision (b).

(f) Once an applicant's program allocation has been awarded, the council shall post to its internet website each applicant's final joint regional plan.

(g) Program allocations shall be expended on one-time uses that address homelessness, including, but not limited to, emergency shelters, navigation centers, rapid rehousing, prevention, permanent supportive housing, innovative job programs, and innovative housing projects such as hotel/motel conversions.

(1) No more than five percent of a program allocation may be used by the applicant for administrative costs incurred by the city, county, or Continuum of Care to administer its program allocation. For purposes of this subdivision, "administrative costs" does not include staff or other administrative costs directly related to implementing programs or providing services funded by the program allocation.

(2) Up to five percent of an applicant's program allocation may be expended to reimburse eligible costs incurred no sooner than July 1, 2019 for the development of an applicant's joint regional plan prior to receipt of the program allocation. These costs may include costs related to infrastructure development to support coordinated entry systems and Homeless Management Information Systems in alignment with the priorities and goals identified in the jurisdiction's joint regional plan.

50220.

(a) (1) No later than March 31, 2020, each applicant shall submit to the agency its program allocation application and, at a minimum, the information described in subdivision (b) or subdivision (d) of Section 50219.

(2) The agency shall review each joint regional plan for consistency with this chapter. By May 31, 2020, the agency shall make award determinations for the program allocations, based on the 2019 point-in-time count numbers finalized and posted by the US Department of Housing and Urban Development. If the 2019 point-in-time count numbers have not been finalized and posted by May 31, 2020, the agency shall determine an alternative allocation methodology.

(3) Not less than 50 percent of program allocations must be contractually obligated by May 31, 2022. If less than 50 percent is obligated by May 31, 2022, any remaining amounts not obligated by this deadline shall be returned to the agency and be reallocated pursuant to subdivision (a) of Section 50218. Program allocations may be used to reimburse eligible costs incurred no sooner than July 1, 2019 but prior to receipt of the program allocation.

(4) No later than September 30, 2021, 2022 and 2023, each applicant that receives a program allocation shall submit to the agency an annual progress report in a format provided by the agency.

(5) One hundred percent of program allocation funds must be expended by June 30, 2023. Any funds not expended by that date shall be returned to the agency and revert to the General Fund.

(6) No later than September 30, 2023, each applicant that receives a program allocation shall submit to the agency a final report in a format provided by the agency, as well as detailed uses of all program funds.

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

(c) The agency may monitor expenditures and activities of an applicant, as the agency deems necessary, to ensure compliance with program requirements.

(d) The agency may, as it deems appropriate or necessary, request the repayment of funds from an applicant, or pursue any other remedies available to it by law for failure to comply with program requirements.