

AMENDED IN SENATE JULY 2, 2020
AMENDED IN ASSEMBLY JUNE 4, 2020
AMENDED IN ASSEMBLY MAY 22, 2020
AMENDED IN ASSEMBLY MAY 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 3269

**Introduced by Assembly Members ~~Chiu and Santiago~~ Chiu,
Santiago, Bloom, Bonta, and Quirk-Silva
(Coauthor: Assembly Member Wicks)**

February 21, 2020

An act to amend ~~Sections~~ *Section* 11552 ~~and 12804~~ of the Government Code, and to add Sections 8257.1 and 8257.2 to, and to add Chapter 6.6 (commencing with Section 8258) to Division 8 of, the Welfare and Institutions Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

AB 3269, as amended, Chiu. State and local agencies: homelessness plan.

Existing law establishes in state government the Business, Consumer Services, and Housing Agency, comprised of the Department of Consumer Affairs, the Department of Housing and Community Development, the Department of Fair Employment and Housing, the Department of Business Oversight, the Department of Alcoholic Beverage Control, the Alcoholic Beverage Control Appeals Board, the California Horse Racing Board, and the Alfred E. Alquist Seismic Safety Commission.

Existing law requires the Governor to create the Homeless Coordinating and Financing Council (referred to as “the coordinating council”) and to appoint up to 19 members of that council, as provided. Existing law specifies the duties of the coordinating council, including creating partnerships among state agencies and departments, local government agencies, and specified federal agencies and private entities, for the purpose of arriving at specific strategies to end homelessness.

This bill, upon appropriation by the Legislature or upon receiving technical assistance offered by the federal Department of Housing and Urban Development, *Development (HUD)*, if available, would require the coordinating council to conduct, or contract with an entity to conduct, a statewide needs and gaps analysis to, among other things, identify state programs that provide housing or services to persons experiencing homelessness and create a financial model that will assess certain investment needs for the purpose of moving persons experiencing homelessness into permanent housing. *The bill would provide that the council’s obligation to conduct the statewide needs and gaps analysis is fulfilled if a technical assistance provider from HUD conducts the analysis on behalf of the council. The bill would require the council to work with the technical assistance provider to complete the analysis.* The bill would authorize local governments to collaborate with the coordinating council or other entity conducting the analysis upon an appropriation by the Legislature to cover costs of the collaboration or upon provision of technical assistance by ~~the federal Department of Housing and Urban Development.~~ *HUD.* The bill would also require the coordinating council or any other entity conducting the analysis to seek input from the coordinating council’s members on the direction of, design of data collection for, and items to be included in the statewide needs and gaps analysis. The bill would require the council to report on the analysis to specified committees in the Legislature by July 31, 2021. The bill would require the coordinating council or other entity conducting the analysis to evaluate all available data, including, among other things, data from other state departments and agencies. The bill would require a state department or agency with a member on the coordinating council to assist in data collection for the analysis by responding to data requests within 180 days, as specified.

~~This bill would require each county to submit, no later than December 31, 2021, to the Department of Housing and Community Development a county-level plan for meeting specific annual benchmarks with city and homeless continuum of care participation, as specified. The bill~~

would require the plan to include a gaps analysis pertaining to homelessness, as provided. ~~The~~ *This* bill would require the Department of Housing and Community Development (*department*) to set a benchmark goal in reducing homelessness by January 1, 2028, for each state and local agency subject to these provisions, based upon the gaps analysis provided by each county, and annual homelessness reduction benchmarks that progress toward the benchmark goal. ~~the state pursuant to the statewide needs and gaps analysis. The bill would require the department to approve or work with local agencies, as defined, to identify, as provided, appropriate benchmark goals to reduce homelessness for each local agency and cities within each local agency. The bill would also require the department to set annual benchmarks to meet these benchmark goals.~~ The bill, on or before January 1, 2022, would require each state and local agency, as defined, ~~agency to develop an actionable plan to achieve the benchmark goal set by the department. submit to the department an actionable county-level plan for meeting specific annual benchmarks, with the goal of achieving the state-identified benchmark goal. The bill would require each city in the local agency's jurisdiction to participate in the plan, and each local agency would be required to request and actively seek the participation of all homeless continuums of care that serve the local agency's jurisdiction.~~ The bill would require the plan to ~~include~~ *include*, among other things, a description and the amount of all funding sources the state or local agency, and any incorporated jurisdiction and continuum of care, has earmarked or committed to addressing homelessness, mental illness, and substance abuse within its jurisdiction, ~~the amount of additional funding needed, and specific actions that will be taken to reduce the number of individuals experiencing homelessness and meet the benchmark goal set by the department.~~ *jurisdiction*. The bill would require each ~~the~~ state and ~~each~~ local agency to submit an annual progress report to the department that details the progress and implementation of the adopted plan and any amendments proposed to the plan.

This bill would require the department to review submitted plans and provide feedback and recommended revisions. The bill would require a *the* state or a local agency to either adopt those recommended revisions, or adopt findings as to why the recommended revisions are not needed. The bill would require the department to monitor the implementation and progress of state and local agency plans. The bill would require the department to notify the state or *the* local agency and the inspector general if the agency fails, within a reasonable time, to

make progress in accordance with their plan. *The bill would provide that an innovative project to test new programs, as described, shall be deemed approved by the department if the department approves a plan or plan amendment with the innovative project and the local agency or city establishes and documents outcomes upon implementation of the project.*

~~This bill would establish the Office of the an independent state officer, named the Housing and Homelessness Inspector General as an independent office within the Business, Consumer Services, and Housing Agency, under the supervision of the Housing and Homelessness Inspector General. General, within the department.~~ The bill would require the Governor to appoint the Housing and Homelessness Inspector General, subject to confirmation by the Senate. The bill would, on and after January 1, 2022, authorize the inspector general to bring an action against ~~a state or local agency~~ *the state, a local agency, or a city* that fails to adopt a plan or fails, within a reasonable time, to make progress in accordance with their adopted plan. The bill, if the court finds that the *state or applicable state or local agency or city* has not substantially complied, would authorize the Housing and Homelessness Inspector General to request the court to issue an order or judgment directing the ~~state or local agency~~ *state, local agency, or city* to substantially comply, as provided.

The bill would authorize the inspector general to impose a civil penalty on ~~a state or local agency~~ *the state, a local agency, or a city* that is found to have deliberately and intentionally transported a homeless individual to a different jurisdiction in order to reduce the number of homeless individuals within their jurisdiction, as specified.

By requiring local agencies to submit a county-level plan for meeting specific annual benchmarks relating to homelessness and to develop and implement a homelessness plan to achieve the benchmark goal developed by the ~~Department of Housing and Community Development,~~ *department*, this bill would impose a state-mandated local program.

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: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) As of January 2019, California has had an estimated 151,278
4 people experiencing homelessness on any given day, as reported
5 by Continuum of Care to the United States Department of Housing
6 and Urban Development. This is the highest number since 2007,
7 and represents a 17-percent increase since 2018.

8 *(b) African Americans are disproportionately represented among*
9 *California's homeless population. While 6.5 percent of*
10 *Californians identify as black or African American, almost 40*
11 *percent of the state's homeless population is African American,*
12 *far outpacing the rates of poverty among African Americans in*
13 *general. Similarly, indigenous populations have rates of*
14 *homelessness that are several times higher than among people*
15 *who are white, and rates of homelessness among Latinx*
16 *communities are rapidly rising.*

17 ~~(b)~~

18 (c) The vast majority of homeless Californians were unsheltered,
19 which is about 71 percent and the highest rate in the nation,
20 meaning that they were living in streets, parks, or other locations
21 not meant for human habitation. In 2018, among homeless veterans,
22 California had the nation's highest share that are unsheltered (67
23 percent), and among homeless youth, the share that are unsheltered
24 (80 percent) ranked second highest.

25 ~~(c)~~

26 (d) As local communities work to house the unsheltered, more
27 people are falling into homelessness. Larger urban areas with high
28 numbers of people experiencing homelessness have reported that
29 more people are falling into homelessness than they are able to
30 house.

31 ~~(d)~~

32 (e) In the City of Oakland, for every one person they are able
33 to house, two more are falling into homelessness.

34 ~~(e)~~

1 (f) In the County of Los Angeles, despite housing 20,000
 2 homeless people in 2018, for every 133 people housed, 150 fall
 3 into homelessness per day.

4 ~~(f)~~

5 (g) In the City and County of San Francisco, for every one
 6 person they are able to house, three more fall into homelessness.

7 ~~(g)~~

8 (h) A growing percentage of the state’s homeless population
 9 are seniors who are experiencing homelessness for the first time.
 10 Seniors who are on fixed incomes and who are severely rent
 11 burdened have no potential for additional income.

12 ~~(h)~~

13 (i) Once seniors are homeless, their health quickly deteriorates
 14 and they use emergency services at a higher rate and face high
 15 mortality rates.

16 ~~(i)~~

17 (j) Fifty percent of seniors who are homeless become homeless
 18 after 50 years of age.

19 ~~(j) African Americans are disproportionately found on
 20 California’s streets and roughly 30 percent of the state’s unhoused
 21 population is Black.~~

22 (k) While comprehensive statewide data is lacking, local surveys
 23 indicate that people living on the streets are typically from the
 24 surrounding neighborhood. For example, 70 percent of the people
 25 experiencing homelessness in the City and County of San Francisco
 26 were housed somewhere in the city where they lost housing, while
 27 only 8 percent came from out-of-state. In addition, three-quarters
 28 of the homeless population of the County of Los Angeles lived in
 29 the region before becoming homeless.

30 (l) About 1,300,000 California renters are considered “extremely
 31 low income,” making less than twenty-five thousand dollars
 32 (\$25,000) per year.

33 (m) In many parts of the state, many lower income residents
 34 are severely cost burdened, paying over 50 percent of their income
 35 toward housing costs. One small financial setback can push these
 36 individuals and families into homelessness.

37 (n) The Legislature has made the following investments in
 38 affordable housing and homelessness response:

39 (1) In 2016, the Legislature passed and the voters approved
 40 Proposition 63, known as the Mental Health Services Act, which

1 generates two billion dollars (\$2,000,000,000) per year for mental
2 health services that can be used for people experiencing
3 homelessness.

4 (2) In 2017, Senate Bill 2 (Chapter 364 of the Statutes of 2017)
5 established a recording fee for real estate documents that has
6 generated three hundred fifty million dollars (\$350,000,000) per
7 year since its creation. Beginning this year, 70 percent of funds
8 from the recording fee go directly to *cities and counties* to use to
9 address affordable housing and homelessness.

10 (3) In 2017, the Legislature passed No Place Like Home to
11 authorize the use of two billion dollars (\$2,000,000,000) in
12 Proposition 63 revenues in bonds for supportive housing for
13 chronically homeless individuals with mental illness.

14 (4) In 2018, the Legislature passed and the voters approved
15 Proposition 1, which authorized three billion dollars
16 (\$3,000,000,000) in general fund bonds to increase the supply of
17 affordable housing around the state.

18 (5) Local governments have also passed general obligation
19 bonds to fund affordable housing, supportive housing, and
20 emergency shelters:

21 (A) In 2016, the voters of the City of Los Angeles passed
22 Measure HHH, which authorizes 1.2 billion dollars
23 (\$1,200,000,000) to fund the construction of 10,000 supportive
24 housing units.

25 (B) In 2019, the City and County of San Francisco passed
26 Proposition A, which authorized six hundred million dollars
27 (\$600,000,000) to support the creation of affordable housing.

28 (C) In 2019, the City and County of San Francisco passed
29 Proposition C, which authorizes a tax on gross receipts of business
30 with incomes of fifty million dollars (\$50,000,000) or more to
31 fund affordable housing, supportive housing, and legal assistance
32 programs.

33 (6) The Legislature has also made policy changes to allow for
34 siting and building emergency shelters, affordable housing, and
35 supportive housing:

36 (A) In 2017, the Legislature passed Senate Bill 35 (Chapter 366
37 of the Statutes of 2017), which created a streamlined process for
38 housing developments that include a percentage of affordable
39 housing.

1 (B) In 2018, the Legislature passed Assembly Bill 2162 (Chapter
2 753 of the Statutes of 2018), which established a streamlined
3 process for supportive housing developments.

4 (C) In 2018, the Legislature authorized five hundred million
5 dollars (\$500,000,000) for the Homeless Emergency Aid Program
6 to provide local governments with flexible block grant funds to
7 address their immediate homelessness challenges.

8 (D) In 2019, the Legislature passed Assembly Bill 101 (Chapter
9 159 of the Statutes of 2019), which streamlines navigation centers
10 that provide emergency shelter and services to people experiencing
11 homelessness.

12 (E) In 2019, the Legislature authorized six hundred fifty million
13 dollars (\$650,000,000) for the Homeless Housing, Assistance, and
14 Prevention Program one-time block grant that provides local
15 jurisdictions with funds to support regional coordination and
16 expand or develop local capacity to address their immediate
17 homelessness challenges.

18 (o) State and local government at all levels should be held
19 responsible for responding to homelessness and providing
20 permanent housing for ~~the unsheltered~~ *people experiencing*
21 *homelessness*. In order to ensure state and local jurisdictions are
22 making best use of existing resources, and to determine the
23 additional resources needed to substantially reduce unsheltered
24 homelessness in California, the state should work with local
25 communities to determine the appropriate roles of each level of
26 government.

27 (p) To identify the types and levels of interventions the state
28 currently provides, and to arrive at strategies the state will pursue
29 to solve homelessness, the state must conduct a state gaps analysis.
30 The analysis should include an assessment of existing resources,
31 gaps in interventions needed to solve homelessness, and a financial
32 analysis of the costs of filling those gaps at a state level.

33 (q) There are few other areas of important public policy where
34 government efforts to achieve a compelling societal objective are
35 voluntary.

36 (r) The state required the state's utilities and public agencies to
37 meet a timetable for increasing their use of renewable energy, and
38 the state is achieving dramatic results.

1 (s) Government at all levels should be obligated to spend
2 existing resources in the most efficient and expeditious manner to
3 reduce homelessness.

4 SEC. 2. Section 11552 of the Government Code is amended
5 to read:

6 11552. (a) Effective January 1, 1988, an annual salary of
7 eighty-five thousand four hundred two dollars (\$85,402) shall be
8 paid to each of the following:

- 9 (1) Commissioner of Business Oversight.
- 10 (2) Director of Transportation.
- 11 (3) Real Estate Commissioner.
- 12 (4) Director of Social Services.
- 13 (5) Director of Water Resources.
- 14 (6) Director of General Services.
- 15 (7) Director of Motor Vehicles.
- 16 (8) Executive Officer of the Franchise Tax Board.
- 17 (9) Director of Employment Development.
- 18 (10) Director of Alcoholic Beverage Control.
- 19 (11) Director of Housing and Community Development.
- 20 (12) Director of Alcohol and Drug Programs.
- 21 (13) Director of Statewide Health Planning and Development.
- 22 (14) Director of the Department of Human Resources.
- 23 (15) Director of Health Care Services.
- 24 (16) Director of State Hospitals.
- 25 (17) Director of Developmental Services.
- 26 (18) State Public Defender.
- 27 (19) Director of the California State Lottery.
- 28 (20) Director of Fish and Wildlife.
- 29 (21) Director of Parks and Recreation.
- 30 (22) Director of Rehabilitation.
- 31 (23) Director of the Office of Administrative Law.
- 32 (24) Director of Consumer Affairs.
- 33 (25) Director of Forestry and Fire Protection.
- 34 (26) The Inspector General pursuant to Section 6125 of the
35 Penal Code.
- 36 (27) Director of Child Support Services.
- 37 (28) Director of Industrial Relations.
- 38 (29) Director of Toxic Substances Control.
- 39 (30) Director of Pesticide Regulation.
- 40 (31) Director of Managed Health Care.

1 (32) Director of Environmental Health Hazard Assessment.

2 (33) Director of California Bay-Delta Authority.

3 (34) Director of California Conservation Corps.

4 (35) Director of Technology.

5 (36) Director of Emergency Services.

6 (37) Director of the Office of Energy Infrastructure Safety.

7 (38) The Housing and Homelessness Inspector General.

8 (b) The annual compensation provided by this section shall be
9 increased in any fiscal year in which a general salary increase is
10 provided for state employees. The amount of the increase provided
11 by this section shall be comparable to, but shall not exceed, the
12 percentage of the general salary increases provided for state
13 employees during that fiscal year.

14 ~~SEC. 3. Section 12804 of the Government Code is amended~~
15 ~~to read:~~

16 ~~12804. (a) There is in the state government the Business,~~
17 ~~Consumer Services, and Housing Agency.~~

18 ~~(b) The Business, Consumer Services, and Housing Agency~~
19 ~~shall consist of the following: the Department of Consumer Affairs,~~
20 ~~the Department of Real Estate, the Department of Housing and~~
21 ~~Community Development, the Department of Fair Employment~~
22 ~~and Housing, the Department of Business Oversight, the~~
23 ~~Department of Alcoholic Beverage Control, the Alcoholic Beverage~~
24 ~~Control Appeals Board, the California Horse Racing Board, the~~
25 ~~Alfred E. Alquist Seismic Safety Commission, and the Office of~~
26 ~~the Housing and Homelessness Inspector General.~~

27 ~~(c) This section shall become operative on July 1, 2018.~~

28 ~~SEC. 4.~~

29 ~~SEC. 3. Section 8257.1 is added to the Welfare and Institutions~~
30 ~~Code, to read:~~

31 8257.1. (a) Upon appropriation by the Legislature, or upon
32 receiving technical assistance offered by the federal Department
33 of Housing and Urban Development, if available, the coordinating
34 council, or an entity the council contracts with for this purpose,
35 shall do all of the following:

36 (1) Conduct a statewide needs and gaps analysis that will do all
37 of the following:

38 (A) Identify programs in the state that provide housing or
39 services to persons experiencing homelessness and describe all of
40 the following for each program to the extent that data is available:

- 1 (i) The amount of funding the program receives each year and
2 funding sources for the program.
- 3 (ii) The number of persons the program serves each ~~year~~; *year*;
4 *disaggregated by race and gender*.
- 5 (iii) The types of housing and services provided to the persons
6 the program serves each ~~year~~; *year, disaggregated by race and*
7 *gender*.
- 8 (iv) Limitations, if any, on the length of stay for housing
9 programs and length of provision of services for service programs.
- 10 (v) If applicable, reasons for the unavailability of data.
- 11 (B) Identify the total number and type of permanent housing
12 beds, units, or opportunities available to persons experiencing
13 homelessness statewide and in geographically diverse regions
14 across the state.
- 15 (C) Analyze the need for permanent housing opportunities,
16 including, but not limited to, supportive housing, rapid rehousing,
17 and affordable housing.
- 18 (D) Analyze the need for services to assist persons in exiting
19 homelessness and remaining housed.
- 20 (E) Identify the number of and types of interim interventions
21 available to persons experiencing homelessness in geographically
22 diverse regions across the state. The data shall also include, but is
23 not limited to, all of the following:
- 24 (i) The number of year-round shelter beds.
- 25 (ii) The average length of stay in or use of interim interventions,
26 to the extent data is available.
- 27 (iii) The exit rate from an interim intervention to permanent
28 housing, to the extent data is available.
- 29 (F) Analyze the need for additional interim interventions and
30 funding needed to create these interventions, taking into
31 consideration the ideal length of stay in or use of the intervention.
- 32 (G) Identify state-funded institutional settings that discharge
33 persons into homelessness, and the total number of persons
34 discharged into homelessness from each of those settings, to the
35 extent data is ~~available~~; *available, disaggregated by race and*
36 *gender*. If data is unavailable, the entity conducting the analysis
37 may extrapolate from national, local, or statewide estimates on the
38 number or percentage of people discharged from specific
39 institutional settings into homelessness.

1 (H) Collect data on the numbers and demographics of persons
2 experiencing homelessness, including, but not limited to, *a*
3 *quantification of the racial and ethnic disparities in the homeless*
4 *population relative to the general population and, to the extent*
5 data is available, race and gender demographics, in all of the
6 following circumstances:

- 7 (i) As a young adult.
- 8 (ii) As an unaccompanied minor.
- 9 (iii) As a single adult experiencing chronic homelessness and
10 nonchronic homelessness.
- 11 (iv) As an adult over 50 years of age.
- 12 (v) As a domestic violence survivor.
- 13 (vi) As a veteran.
- 14 (vii) As a person on parole or probation.
- 15 (viii) As a member of a family experiencing either chronic or
16 nonchronic patterns of homelessness.

17 (I) Collect data, to the extent data is available, on exits from
18 homelessness to housing, including, but not limited to, the number
19 of people moving into permanent housing and the type of housing
20 being accessed, the type of interventions people exiting
21 homelessness received, if any, and racial and gender characteristics
22 of people accessing each type of housing and receiving each type
23 of intervention.

24 (J) To the extent data is available, assess a sampling of data
25 provided by local jurisdictions regarding the number of people
26 experiencing homelessness who accessed interim interventions,
27 including, but not limited to, shelters, recuperative care, and motels
28 and hotels, in response to the COVID-19 pandemic, and the number
29 of people who were able to access permanent housing on or before
30 the expiration of interim assistance. The assessment shall include
31 the number and racial identification of people experiencing
32 homelessness who sheltered in place or were quarantined during
33 the COVID-19 pandemic and the number and racial identification
34 of people experiencing homelessness who were able to access
35 permanent housing on or before the expiration of temporary
36 assistance, as well as the type of housing accessed.

37 (K) Create a financial model that will assess needs for
38 investment in capital, in operating supports in project-based
39 housing, in rental assistance with private-market landlords, and in
40 services costs for purposes of moving persons experiencing

1 homelessness into permanent housing. *The financial model shall*
2 *include an explanation of how these investments will affirmatively*
3 *reduce and close any racial disparities identified in the homeless*
4 *population.*

5 (2) (A) For purposes of collecting data to conduct the analysis
6 pursuant to paragraph (1), evaluate all available data, including,
7 but not limited to, data from agencies and departments other than
8 the council, statewide and local homeless point-in-time counts and
9 housing inventory counts, and available statewide information on
10 the number or rate of persons exiting state-funded institutional
11 settings into homelessness.

12 (B) To the extent specific data is unavailable for purposes of
13 subparagraph (A), the council may calculate estimates based on
14 national or local data. The council shall only use data that meets
15 either of the following requirements:

16 (i) The data is from an evaluation or study from a third-party
17 evaluator or researcher and is consistent with data from evaluations
18 or studies from other third-party evaluators or researchers.

19 (ii) A federal agency cites and refers to the data as
20 evidence-based.

21 (3) Seek input from the council's members on the direction of,
22 design of data collection for, and items to be included in the
23 analysis conducted pursuant to paragraph (1).

24 (b) *The council's obligation to conduct the statewide needs and*
25 *gaps analysis under subdivision (a) shall be fulfilled if a technical*
26 *assistance provider from the federal Department of Housing and*
27 *Urban Development conducts the analysis on behalf of the council.*
28 *The council shall work with the technical assistance provider to*
29 *complete the analysis.*

30 ~~(b)~~

31 (c) For purposes of collecting data pursuant to paragraph (1) of
32 subdivision (a), and upon appropriation pursuant to subdivision
33 (a) to fund costs or upon the provision of technical assistance by
34 the federal Department of Housing and Urban Development, a
35 local government may collaborate with the coordinating council
36 or the entity conducting the statewide analysis to do both of the
37 following:

38 (1) If available, share existing data from local gaps or needs
39 analyses to inform statewide data.

1 (2) Provide data for conducting needs analyses in a sampling
2 of up to six geographically diverse regions to inform statewide
3 data. The council or other entity conducting the statewide analysis
4 may extrapolate data from these local data analyses to inform the
5 statewide analysis.

6 ~~(e)~~

7 (d) The council shall report on the final needs and gaps analysis
8 by July 31, 2021, to the Assembly Committee on Housing and
9 Community Development, the Assembly Committee on Budget,
10 Senate Committee on Housing, and Senate Committee on Budget
11 and Fiscal Review. The report submitted pursuant to this paragraph
12 shall comply with Section 9795 of the Government Code.

13 ~~(e)~~

14 (e) For purposes of this section, all of the following definitions
15 apply:

16 (1) “Chronic homelessness” has the same definition as that in
17 Section 578.3 of Title 24 of the Code of Federal Regulations, as
18 that section read on January 1, 2020.

19 (2) “Council” or “coordinating council” shall mean the
20 Homeless Coordinating and Financing Council, as created
21 pursuant to Section 8257.

22 ~~(2)~~

23 (3) “Interim interventions” include, but are not limited to,
24 year-round shelter beds, recuperative care beds, and motel
25 vouchers.

26 ~~(3)~~

27 (4) “State-funded institutional settings” include, but are not
28 limited to, justice, juvenile justice, child welfare, and health care
29 settings.

30 ~~(4)~~

31 (5) “Young adult” means a person 18 to 24 years of age,
32 inclusive.

33 ~~SEC. 5.~~

34 SEC. 4. Section 8257.2 is added to the Welfare and Institutions
35 Code, to read:

36 8257.2. (a) Notwithstanding any other law, for purposes of
37 designing, collecting data for, and approving the needs and gaps
38 analysis described in Section 8257.1, a state department or agency
39 that has a member on the coordinating council shall, within 180
40 days of a request for data pertaining to that state department or

1 agency, provide to the council, or the entity conducting the
2 analysis, the requested data, including, but not limited to, the
3 number or rate of persons exiting state-funded institutional settings
4 into homelessness.

5 (b) The state department or agency shall remove any personally
6 identifying data provided pursuant to subdivision (a), if any.

7 (c) For purposes of this section, the following definitions apply:

8 (1) “Personally identifying information” has the same meaning
9 as that in Section 1798.79.8 of the Civil Code.

10 (2) “State-funded institutional settings” include, but are not
11 limited to, justice, juvenile justice, child welfare, and health care
12 settings.

13 ~~SEC. 6.~~

14 *SEC. 5.* Chapter 6.6 (commencing with Section 8258) is added
15 to Division 8 of the Welfare and Institutions Code, to read:

16

17 CHAPTER 6.6. HOUSING AND HOMELESSNESS INSPECTOR

18

GENERAL

19

20 8258. For purposes of this chapter:

21 (a) “Department” means the Department of Housing and
22 Community Development.

23 (b) “Inspector general” means the Housing and Homelessness
24 Inspector General.

25 (c) “Local agency” means a county or city and county.

26 ~~(d) “Office” means Office of the Housing and Homelessness~~
27 ~~Inspector General.~~

28 (e)

29 (d) “State department or agency” means state agency or
30 department that ~~administers a state program to address~~
31 ~~homelessness.~~ *has a representative on the Homeless Coordinating*
32 *and Financing Council, as created pursuant to Section 8257.*

33 8258.1. (a) There is in state government ~~the Office of the an~~
34 ~~independent officer, named the~~ Housing and Homelessness
35 ~~Inspector General as an independent office General,~~ within the
36 ~~Business, Consumer Services, and Housing agency. The office~~
37 ~~shall be under the supervision of the Housing and Homelessness~~
38 ~~Inspector General.~~ *department.*

1 (b) The inspector general shall be appointed by, and hold office
 2 at the pleasure of, the Governor. The appointment of the inspector
 3 general is subject to confirmation by the Senate.

4 (c) The inspector general shall receive an annual salary as set
 5 forth in Section 11552 of the Government Code.

6 (d) The inspector general shall have all of the following
 7 responsibilities:

8 (1) Oversee the implementation of this chapter.

9 (2) Monitor the implementation and progress of state *plans* and
 10 local agency plans adopted pursuant to Section 8258.3.

11 (3) Provide technical assistance to ~~state and local agencies~~ *the*
 12 *state, local agencies, and cities* in complying with this chapter.

13 (4) Audit ~~state and local agencies~~ *the state, local agencies, and*
 14 *cities* to determine compliance with adopted plans.

15 (5) Bring actions against a ~~state or local agency~~ *the state, local*
 16 *agencies, and cities* to compel compliance with their respective
 17 adopted plans pursuant to Section 8258.3.

18 (6) Investigate complaints and issue civil penalties pursuant to
 19 Section 8258.5.

20 8258.2. (a) It is the intent of the Legislature that ~~each state~~
 21 ~~and local agency~~ *the state, each local agency, and each city* shall
 22 aim to reduce homelessness in their jurisdiction by 90 percent by
 23 December 31, 2028, based on the 2019 homeless point-in-time
 24 count pursuant to Section 578.3 of Title 24 of the Code of Federal
 25 Regulations.

26 (b) *It is the intent of the Legislature that racial disparities in*
 27 *the homeless population be eliminated by December 31, 2028.*

28 (c) *It is the intent of the Legislature that the inspector general's*
 29 *decision that a local agency's or city's good standing status may*
 30 *influence future funding decisions related to housing and*
 31 *homelessness to that jurisdiction.*

32 ~~(b)~~

33 (d) It is the intent of the Legislature that a ~~state or local agency~~
 34 *the state, a local agency, or a city* is only accountable under this
 35 chapter for reducing homelessness to the extent that it has available
 36 resources to address homelessness, and that the ~~state or~~ local
 37 *agency or city* should not be required to expend additional funds
 38 not contained in its actionable plan in order to meet the benchmark
 39 goal set by the department.

1 ~~(e) No later than December 31, 2021, each county shall submit~~
2 ~~to the department a county-level plan for meeting specific annual~~
3 ~~benchmarks with city and homeless continuum of care~~
4 ~~participation, approved by each participating jurisdiction's or~~
5 ~~homeless continuum of care's governing body.~~

6 ~~(1) The plan for meeting specific annual benchmarks shall~~
7 ~~include both of the following:~~

8 ~~(A) A gaps analysis that does both of the following:~~

9 ~~(i) Assesses key indicators of statewide homeless system~~
10 ~~performance, including estimates of inflow into homelessness,~~
11 ~~including state-funded institutional settings that discharge people~~
12 ~~into homelessness, exits to permanent housing, length of time of~~
13 ~~homelessness, rate of returns to homelessness, and other federal~~
14 ~~Department of Housing and Urban Development System~~
15 ~~Performance Measures, disaggregated by race.~~

16 ~~(ii) Quantifies the need for interim, affordable, rapid rehousing,~~
17 ~~and supportive housing interventions, and the associated costs for~~
18 ~~those interventions, to achieve a 90-percent reduction in~~
19 ~~population-level homelessness by December 31, 2028. This shall~~
20 ~~include a financial model that will assess needs for investment in~~
21 ~~capital and for coverage of annual operating, rental assistance, and~~
22 ~~services costs.~~

23 ~~(B) An assessment of appropriate roles for the cities, the county,~~
24 ~~and the homeless continuum of care to site housing and establish~~
25 ~~zoning, to fund affordable and supportive housing, to fund rapid~~
26 ~~rehousing, to fund interim interventions, to fund services, to~~
27 ~~establish and run coordinated entry systems, to promote health and~~
28 ~~services access, and to establish protocols to avoid discharges from~~
29 ~~institutional systems into homelessness.~~

30 ~~(2) A county may use an existing gaps analysis or plan to fulfill~~
31 ~~the requirements of this subsection, if approved by each~~
32 ~~participating jurisdiction's or homeless continuum of care's~~
33 ~~governing body, and if entered into no earlier than three years prior~~
34 ~~to submission to the department.~~

35 8258.3. (a) (1) The department shall, based on the gap analysis
36 conducted pursuant to ~~subdivision (e) of Section 8258.2, 8257.1,~~
37 set a benchmark goal to reduce homelessness for ~~each state and~~
38 ~~local agency.~~ *The the state. The department shall, based on the*
39 *plan required under subdivision (b) of this section, approve or*
40 *work with local agencies to identify appropriate benchmark goals*

1 to reduce homelessness for each local agency and cities within
 2 each local agency. These benchmark-goal goals shall establish a
 3 minimum percentage reduction of homelessness goal within the
 4 state or local agency's jurisdiction both of the following by
 5 December 31, 2028, and be based on the 2019 homeless
 6 point-in-time count pursuant to Section 578.3 of Title 24 of the
 7 Code of Federal Regulations: Regulations:

8 (A) The minimum number of people experiencing homelessness
 9 who are diverted from a homeless shelter or who have successfully
 10 accessed permanent housing during the relevant period.

11 (B) The minimum reductions in people becoming homeless,
 12 including targeted homelessness prevention and reductions in
 13 returns to homelessness, during the relevant period.

14 (2) The department shall establish annual-homelessness
 15 reduction benchmarks for each state and local agency that require
 16 progress toward the benchmark goal established pursuant to local
 17 agency and city subject to the requirements of paragraph-(1): (1)
 18 of subdivision (b) and the state.

19 (b) (1) On or before January 1, 2022, each-state-and-local
 20 agency shall develop local agency shall submit to the department
 21 an actionable county-level plan-to-achieve for meeting specific
 22 annual benchmarks, with the goal of achieving the benchmark
 23 goal set pursuant to subdivision (a). Each city in the local agency's
 24 jurisdiction shall participate in the county-level plan, and the local
 25 agency shall request and actively seek the participation of all
 26 homeless continuums of care that serve the local agency's
 27 jurisdiction.

28 (2) The plan described in paragraph (1) shall include all of the
 29 following:

30 (A) A gaps analysis, conducted by the local agency or a
 31 homeless continuum of care that serves the local agency, that
 32 assesses key indicators of homeless system performance, including
 33 estimates of inflow into homelessness, exits to permanent housing,
 34 length of time of homelessness, rate of returns to homelessness,
 35 and other federal Department of Housing and Urban Development
 36 System Performance Measures, disaggregated by race, and that
 37 quantifies the need for interim, affordable, rapid rehousing, and
 38 supportive housing interventions, and the associated costs for
 39 those interventions, to achieve a 90-percent reduction in
 40 population-level homelessness by December 31, 2028.

1 (B) *A description of any racial and ethnic disparities among*
2 *the homeless population relative to the general population, and a*
3 *description of the specific actions that will be taken to affirmatively*
4 *eliminate these disparities by December 31, 2028.*

5 ~~(A)~~

6 (C) *A description and the amount of all funding sources that*
7 *the state or local agency, and any incorporated jurisdiction and*
8 *continuum of care within the local agency, has earmarked or*
9 *committed to addressing homelessness, mental illness, and*
10 *substance abuse substance use, medical care, justice system needs,*
11 *and child welfare within their jurisdiction.*

12 ~~(B)~~

13 (D) *The estimated amount of additional funding needed to meet*
14 *the homelessness reduction goal described in subdivision (a).*

15 ~~(C)~~

16 (E) *Timelines for the state or local agency to utilize the funding*
17 *identified in subparagraph ~~(A)~~: (C).*

18 ~~(D)~~

19 (F) *Specific actions that the state or local agency agency, cities*
20 *in the local agency's jurisdiction, and the homeless continuum of*
21 *care that serves the local agency will take to meet the goal*
22 *established in subdivision (c), taking into account funding*
23 *limitations in subparagraph ~~(B)~~; (D) and the housing market in the*
24 *local agency's area, by reducing the number of individuals who*
25 *are experiencing homelessness in the relevant jurisdiction by*
26 *moving individuals into permanent housing and ensuring the*
27 *adequate provision of related social services to achieve and*
28 *maintain that housing.*

29 ~~(E)~~

30 (G) *Specific roles and responsibilities that each jurisdiction*
31 *local agency, city, and homeless continuum of care will assume*
32 *to meet the benchmark goal established in subdivision (a), to ensure*
33 *collaboration, leverage resources, and avoid the duplication of*
34 *services and efforts. Identifying roles may include roles in siting*
35 *housing and establishing zoning, funding affordable and supportive*
36 *housing, funding rapid rehousing, funding interim interventions,*
37 *funding services, establishing and running coordinated entry*
38 *systems, promoting health and services access, and establishing*
39 *protocols to avoid discharges from institutional systems into*
40 *homelessness.*

1 ~~(F)~~
 2 (H) A plan may identify ~~innovation~~ *innovative* projects to test
 3 new policies or programs that are designed to help the local agency
 4 meet its benchmark goal by reducing costs, leveraging additional
 5 resources, or increasing performance, such as by increasing housing
 6 exits, reducing returns to homelessness, and reducing the length
 7 of time experiencing homelessness.

8 ~~(3) A local agency developing a plan pursuant to this~~
 9 ~~subdivision, and any incorporated jurisdiction implicated in the~~
 10 ~~plan pursuant to subparagraphs (A) and (E) of paragraph (2), shall~~
 11 ~~adopt the plan by resolution.~~

12 ~~(4) On or before January 1, 2022, each state and local agency~~
 13 ~~subject to this section shall transmit the adopted plan to the~~
 14 ~~department.~~

15 (3) *Each participating local agency’s, city’s, and homeless*
 16 *continuum of care’s governing body shall approve, by resolution*
 17 *or, in the case of a homeless continuum of care, by another method*
 18 *in accordance with the continuum of care’s bylaws or governance*
 19 *procedures, the county-level plan required by paragraph (1).*

20 (4) *A local agency may use or incorporate an existing gaps or*
 21 *needs analysis or plan to fulfill the requirements of paragraphs*
 22 *(1) and (2), if approved, pursuant to the procedure described in*
 23 *paragraph (3), by each participating jurisdiction’s and homeless*
 24 *continuum of care’s governing body, and if entered into no earlier*
 25 *than three years prior to submission to the department.*

26 ~~(5) Each state and~~ *The state and each* local agency shall submit
 27 an annual progress report to the department that details the progress
 28 and implementation of the adopted plan and any amendments
 29 proposed to the plan. Amendments to a plan shall be reviewed by
 30 the department pursuant to subdivision (c).

31 (c) (1) Upon receipt of a plan adopted pursuant to subdivision
 32 (b), the department shall review the plan and provide feedback
 33 and recommended revisions to the state or local agency.

34 ~~(2) A state or local agency that receives~~ *If the department sends*
 35 *recommended revisions to their plan from the department the*
 36 *state’s or local agency’s plan, the state or applicable local agency*
 37 *shall either adopt the recommended revisions, or adopt findings*
 38 *as to why the revisions are not needed.*

39 (d) (1) The department shall monitor the progress of ~~each~~ *the*
 40 ~~state or~~ *and each* local agency required to adopt and implement a

1 plan pursuant to subdivision (b). If the department determines that
2 a *the* state or a local agency has not adopted an actionable plan
3 pursuant to subdivision (b), or has failed within a reasonable time
4 after adoption of a plan to make progress in accordance with that
5 plan, the department shall notify the state or local agency and the
6 inspector general that the state or local agency is not in substantial
7 compliance with subdivision (b).

8 (2) If new resources are identified in a progress report submitted
9 pursuant to paragraph (5) of subdivision (b), the department may
10 revise a benchmark goal established pursuant to subdivision (a).

11 (3) *An innovative project, as described in subparagraph (H) of*
12 *paragraph (2) of subdivision (b), shall be deemed approved by the*
13 *department if the department approves a plan or plan amendment*
14 *with the innovative project and the local agency or city establishes*
15 *and documents outcomes upon implementation of the project.*

16 8258.4. (a) (1) On or after January 1, 2022, the inspector
17 general may bring an action against ~~a state or local agency~~ *the*
18 *state, a local agency, or a city* to compel compliance with Section
19 8258.3 pursuant to Section 1085 of the Code of Civil Procedure.

20 ~~In~~

21 (2) ~~In~~ determining whether to bring an action, the inspector
22 general shall ~~consider population-level reductions in homelessness,~~
23 ~~as measured by the homeless point-in-time count, as the primary~~
24 ~~indicator of benchmark goal compliance, but may also consider~~
25 ~~the state or local agency's demonstrated progress towards HUD~~
26 ~~System Performance Measures.~~ *consider, among other*
27 *considerations, all of the following:*

28 (A) *The number of people experiencing homelessness who are*
29 *now living in permanent housing due to the actions or inactions*
30 *of the city, local agency, or state.*

31 (B) *The number of people entering homelessness, as measured*
32 *by the homeless point-in-time count.*

33 (C) *The number of people diverted from the homeless system.*

34 (D) *Whether actions taken are consistent with evidence-based*
35 *or best practices as the primary indicators of benchmark goal*
36 *compliance.*

37 (3) *In determining whether to bring an action, the inspector*
38 *general may also consider the state's or local agency's*
39 *demonstrated progress or good faith efforts toward progress in*
40 *achieving the HUD System Performance Measures.*

1 (b) An action against a ~~state agency~~ *the state* pursuant to this
 2 section shall be brought in the Superior Court of the County of
 3 Sacramento. An action against a ~~county local agency~~ pursuant to
 4 this section shall be brought in the superior court for that ~~county,~~
 5 *local agency*, and an action brought against a city pursuant to this
 6 section shall be brought in the superior court for the ~~county local~~
 7 *agency* in which the city is located.

8 ~~(e) (1) If, in~~

9 (c) (1) *If the inspector general finds that court action is*
 10 *warranted, the inspector general shall present findings around*
 11 *responsibility of a city, local agency, or state, and identify*
 12 *requested remedies for the court to consider.*

13 (2) *If, in an action brought pursuant to this section, the court*
 14 *finds that the state or applicable state or local agency local agency*
 15 *or city has not substantially complied with Section 8258.3, the*
 16 ~~inspector general may request that the court~~ *court may issue an*
 17 *order or judgment directing the state or local agency state, local*
 18 *agency, or city to substantially comply with this section by taking*
 19 *any of the following actions:*

20 (A) ~~In the case of a state or local agency state, local agency, or~~
 21 *city that has failed to adopt an actionable plan within the time*
 22 *period specified in subdivision (b) of Section 8258.3, adopt a plan*
 23 *in accordance with this section.*

24 (B) ~~Dedicate~~ *Direct the state, local agency, or city to dedicate*
 25 *the resources identified in the plan, consistent with applicable state*
 26 *or federal law, to reduce the number of individuals who are*
 27 ~~experiencing homelessness within the jurisdiction of the state or~~
 28 ~~local agency.~~ *move people experiencing homelessness into*
 29 *permanent housing and to provide adequate interim housing.*

30 (C) ~~Coordinate~~ *Direct the local agency or city to coordinate*
 31 *with other the state or other local agencies to reduce the number*
 32 *of individuals who are experiencing homelessness.*

33 (D) ~~Pool~~ *Direct the local agency or city to pool resources*
 34 *identified in the plan, consistent with applicable state or federal*
 35 *law, with the resources of other jurisdictions in order to address*
 36 *regional challenges to reducing homelessness.*

37 (E) *Require jurisdictions within local agencies to rezone sites*
 38 *to permit the construction of housing and emergency shelters.*

39 (F) *Order a jurisdiction to otherwise comply with the roles*
 40 *identified in subdivision (b) of Section 8258.3.*

1 ~~(2)~~
2 (3) The remedies available to a court that finds that the *state or*
3 applicable ~~state or~~ local agency *or city* has not substantially
4 complied with Section 8258.3 shall be limited to those described
5 in paragraph (1).

6 ~~(3)~~
7 (4) If the court issues an order or judgment pursuant to paragraph
8 (1), it shall retain jurisdiction for no more than ~~12~~ 24 months to
9 ensure that its order or judgment is carried out.

10 ~~(4)~~
11 (5) If the *department approves a local agency has identified an*
12 ~~innovation project in their local plan~~ *agency's or city's plan to*
13 *pursue an innovative program pursuant to subparagraph (H) of*
14 *paragraph (2) of subdivision (b) of Section 8258.3, it shall be*
15 ~~exempt from the inspector general and court shall not pursue any~~
16 *action described in paragraph (1) if that project fails to meet goals*
17 ~~as stated in the approved plan. due to that program's failure to~~
18 *meet anticipated goals for up to 18 months after the program*
19 *implementation. If, after 18 months, an innovative program is deemed*
20 *unsuccessful in achieving benchmarks, the local agency or city*
21 *operating the program shall have up to six additional months to*
22 *close, repurpose, or reallocate funding intended for the program,*
23 *which shall be reflected in the annual report.*

24 ~~(5)~~
25 (6) An order or judgment of the court pursuant to paragraph (1)
26 may be reviewed in the manner prescribed in Title 13 (commencing
27 with Section 901) of Part 2 of the Code of Civil Procedure.
28 Notwithstanding any other law, an appeal pursuant to this
29 paragraph shall be heard on an expedited basis.

30 8258.5. (a) ~~A state or local agency~~ *The state, a local agency,*
31 *or a city* shall not deliberately and intentionally transport a
32 homeless individual *or households* to a different jurisdiction in
33 order to reduce the number of homeless individuals within its
34 ~~jurisdiction. jurisdiction, unless those individuals or households~~
35 *choose to move to a different jurisdiction.*

36 (b) Any person may file a complaint with the inspector general
37 ~~that a state or local agency~~ *the state, a local agency, or a city*
38 violated subdivision (a).

39 (c) (1) The inspector general shall investigate a complaint
40 received pursuant to subdivision (a).

1 (2) After investigating a complaint, the inspector general shall
2 impose on ~~any~~ *the* state or *any* local jurisdiction ~~that is~~ found to
3 have violated subdivision (a) a civil penalty in an amount not to
4 exceed ~~ten~~ *one hundred* thousand dollars ~~(\$10,000)~~ *(\$100,000)*
5 per individual transported outside of the jurisdiction.

6 ~~SEC. 7.~~

7 *SEC. 6.* If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.