
SENATE COMMITTEE ON HOUSING
Senator Scott Wiener, Chair
2021 - 2022 Regular

Bill No: AB 977 **Hearing Date:** 7/8/2021
Author: Gabriel
Version: 6/15/2021
Urgency: No **Fiscal:** Yes
Consultant: Erin Riches

SUBJECT: Homelessness program data reporting: Homeless Management Information System

DIGEST: This bill requires grantees or entities that receive funding from a state homeless program or programs to report specified data to the Homeless Coordinating and Financing Council (HCFC) on the populations they serve.

ANALYSIS:

Existing law:

- 1) Establishes the HCFC, with the purpose of coordinating the state’s response to homelessness by utilizing Housing First practices. Requires agencies and departments administering state programs created on or after July 1, 2017, to incorporate the core components of Housing First.
- 2) Defines “Housing First” to mean the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.
- 3) Establishes the following state programs:
 - a) The Homekey Program under the state Department of Housing and Community Development (HCD), which helps local jurisdictions purchase and rehabilitate facilities such as hotels and vacant apartment buildings and convert them into permanent, long-term housing for people experiencing or at risk of homelessness.
 - b) The Housing for a Healthy California program under HCD, which helps fund supportive housing for individuals who are recipients of, or are eligible for, Medi-Cal benefits.

- c) The No Place Like Home Program under HCD, which helps counties construct and operate supportive housing to assist people who are experiencing homelessness and are suffering from a serious mental illness.
- d) The Multifamily Housing Program under HCD, to assist the new construction, rehabilitation, and preservation of permanent and transitional rental housing for lower income households through loans to local governments and non- and for-profit developers.
- e) The Veterans Housing and Homeless Prevention Program under HCD, in collaboration with the California Housing Finance Agency (CalHFA) and the California Department of Veterans Affairs (CDVA), to help provide affordable multifamily housing to veterans who are at risk of homelessness or are experiencing temporary or chronic homelessness.
- f) The Bringing Families Home Program under the state Department of Social Services (DSS), which provides housing-related supports to eligible families experiencing homelessness if that homelessness prevents reunification between an eligible family and a child receiving child welfare services, or where housing prevents a parent or guardian from addressing issues that could lead to foster care placement.
- g) The CalWORKs Housing Support Program under DSS, which offers financial assistance and housing-related wrap-around supportive services to foster housing stability for low-income families in the CalWORKs program who are experiencing homelessness.
- h) The Housing and Disability Income Advocacy Program under DSS, which helps individuals with disabilities who are experiencing homelessness and are eligible for disability benefits programs such as Supplemental Security Income/State Supplementary Program for the Aged, Blind, and Disabled, and the Cash Assistance Program for Immigrants.
- i) The Community Colleges Homeless and Housing Insecure Pilot Project, under the California Community Colleges Chancellor's Office, which provides funding for rapid rehousing services for community college students who are experiencing homelessness or housing insecurity.
- j) The Homeless Housing, Assistance, and Prevention Program (HHAPP) under the HCFC, to support regional coordination and help expand or develop local capacity to address homelessness challenges.

- 4) Defines “Homeless Management Information System” (HMIS) as the information system designated by a Continuum of Care to comply with federal reporting requirements.

This bill:

- 1) Requires a grantee or entity receiving funds from any of 10 specified state homeless programs (see “Existing Law, #3 above), to enter any collected data elements on the individuals and families it serves into its local HMIS system, unless otherwise exempted by state or federal law, by January 1, 2023.
- 2) Requires the HCFC, in consultation with the respective administering state agencies or departments, to specify the entry format and disclosure frequency of the data elements required by (1) in a manner that informs the HCFC’s statutory objectives and goals.
- 3) Provides that the requirements of (1) shall also apply to all state homelessness programs that commence on or after July 1, 2021.
- 4) Requires the HCFC to provide technical assistance to any requesting grantee or entity subject to the requirements of this bill, that does not already collect and enter data into HMIS.
- 5) Requires the HCFC, beginning January 1, 2022, to provide aggregate data summaries to the respective administering state agencies or departments that oversee relevant programs, within 45 days of receipt. Requires the HCFC, where feasible, to notify the respective administering state agencies or departments at least seven days prior to sharing, publicly using, or referencing the data, including but not limited to using the data for any substantive analysis, summary statistics, and other findings.
- 6) Provides that administering state agencies or departments shall be granted an extension, up until July 1, 2023, to meet the requirements of this bill provided non-compliant programs are making good faith efforts toward meeting the requirements, as specified.
- 7) Requires all Continuums of Care in California to provide collected data elements, including but not limited to health information, to the state Homeless Data Integration System (HDIS) in a manner consistent with federal law. Requires the HCFC to specify the form and substance of the data elements and

authorizes the HCFC to amend or modify data elements, disclosure formats, or disclosure frequency as needed.

- 8) Adds to the HCFC's statutory goals, "To collect, compile, and make available to the public financial data provided to the council from all state-funded homelessness programs."

COMMENTS:

- 1) *Author's statement.* "AB 977 ensures that there is clear transparency and strong accountability for all public funding appropriated to address California's housing and homelessness crisis. The Legislature needs to closely track and monitor the use of public funding appropriated for homelessness and to collect relevant data and information about expenditures and outcomes. With this information policymakers can develop and refine data-driven responses and ensure the best outcomes for California residents, taxpayers, and individuals experiencing homelessness."
- 2) *Homelessness in California.* According to the US Department of Housing and Urban Development's (HUD) 2020 Annual Homeless Assessment Report to Congress, in January 2020 California accounted for more than one-fifth of the nation's homeless population (28%, or 161,548 people). California also contains more than half of the nation's unsheltered homeless population (51%, or 113,660 people), including people living in vehicles, abandoned buildings, parks, or on the street. California experienced the largest increase in homelessness in the US, a 6.8% increase over 2019 (10,270 individuals). Los Angeles accounts for the highest number of homeless people in the nation, at 51,290 (followed by New York City at 36,394). In five major metropolitan areas, more than 80% of homeless individuals were unsheltered: San Jose (87%), Los Angeles (84%), Fresno (84%), Oakland (82%), and Long Beach (81%).

While these numbers provide a snapshot of the state's homeless population, they likely underestimate the scope of the crisis because the HUD point-in-time (PIT) count only measures the homeless population on one day of the year. Moreover, the PIT count does not capture everyone experiencing homelessness, as some do not wish to be counted and others cannot be counted because their location is not known to those counting. People experiencing homelessness face a variety of challenges including food and income insecurity, as well as health problems; the homeless population faces a higher risk of exposure to communicable diseases such as COVID-19, influenza, strep throat, sexually transmitted diseases, Hepatitis C, HIV/AIDS, and tuberculosis, among others.

- 3) *The HCFC*. The HCFC was created in 2017 (SB 1380, Mitchell, Chapter 847, Statutes of 2016) to oversee the implementation of “Housing First” policies, guidelines, and regulations to reduce the prevalence and duration of homelessness in California. Housing First is an evidence-based model that focuses on the idea that homeless individuals should be provided shelter and stability before underlying issues can be successfully addressed. Housing First utilizes a tenant screening process that promotes accepting applicants regardless of their sobriety, use of substances or participation in services. This approach contrasts to the “housing readiness” model where people are required to address predetermined goals before obtaining housing. The federal government has shifted its focus to Housing First over the last decade, and housing programs under HUD utilize core components of this strategy. Since the implementation of the Housing First model, chronic homelessness in the U.S. experienced a 27% decrease between 2010 and 2016. Housing First was embraced by California in 2015 through SB 1380, which requires all state housing programs to adopt this model.
- 4) *Local HMIS*. At the local level, the 44 Continuums of Care (CoCs) track, coordinate services for, and collect data on the local population of individuals experiencing homelessness. CoCs are collaborative entities comprised of nonprofit organizations, local governments, and public housing agencies and are designated to receive federal funding from HUD to address homelessness. CoCs manage HMIS systems, which are used to collect client-level data and data on the provision of housing and services to individuals experiencing homelessness and families and individuals at risk of homelessness. Each CoC’s HMIS software system must comply with HUD’s data collection, management, and reporting standards. HUD views the collection of complete and accurate data about homelessness as a core component of ending homelessness. HUD has determined that communities must be able to analyze data at both the system and project levels and to evaluate their efforts by subpopulation, across project types, and in other ways. HMIS data can be used to increase shelter bed coverage and improve data quality, as well as to gain a more holistic picture of the communities’ progress toward ending homelessness.
- 5) *State HDIS*. The HCFC recently launched HDIS, which brings the data from all of the local HMIS systems into one statewide repository. HDIS is intended to give the state a more complete and accurate picture of the local homelessness response system and to inform future decisions regarding the state’s response to homelessness. However, not all state-funded homeless programs are explicitly required in statute to report data to HMIS. This bill seeks to close the gaps in statutorily required data reporting to HMIS, to enable the HCFC to more

precisely analyze the state's investment into fighting homelessness and the outcomes of those investments.

- 6) *State Auditor Report on Homelessness in California.* In February 2021, the California State Auditor released a report entitled "Homelessness in California: The State's Uncoordinated Approach to Addressing Homelessness Has Hampered the Effectiveness of its Efforts." The report notes that "[a]t least nine state agencies administer and oversee 41 different programs that provide funding to mitigate homelessness, yet no single entity oversees the State's efforts or is responsible for developing a statewide strategic plan." The report makes a series of recommendations to the Legislature, including, among others: requiring the HCFC to collect and track funding data on all federal- and state-funded homeless programs; requiring the HCFC to give higher priority to coordination of statewide efforts to combat homelessness and to finalize its action plan; and to require all state entities that administer state funding for homelessness to ensure that recipient service providers enter relevant data into HMIS as a condition of state funding. This bill seeks to address the concerns raised in the Auditor's report.
- 7) *Triple referral.* Due to the COVID-19 Pandemic and the unprecedented nature of the 2021 Legislative Session, all Senate Policy Committees are working under a compressed timeline. This timeline does not allow this bill to be referred and heard by more than two committees as a typical timeline would allow. In order to fully vet the contents of this measure for the benefit of Senators and the public, this analysis includes information from the third committee included in the original referral. This bill was also referred to the Human Services Committee, which passed it out on a 5-0 vote on June 22, 2021.

According to the Senate Judiciary Committee:

"This bill implicates privacy and the disclosure of information to the public and thus affects issues in the jurisdiction of the Senate Judiciary Committee. The bill requires grantees or entities operating specified state homelessness programs, as a condition of receiving state funds, to enter the collected data elements on individuals and families it serves into the Homeless Management Information System. The bill appropriately prohibits health information and personal identifying information from being subject to public disclosure. With respect to the collection of this information in the first place, while it appears that some personal and health information may be essential for the operation of certain programs, the author and stakeholders are encouraged to ensure that the

bill is crafted so that no sensitive personal data beyond what is strictly necessary is collected.”

- 8) *Committee amendments.* The author **will accept an amendment to clarify that administering state agencies or department shall be granted an extension to meet the requirements of this bill only if they request one.**

RELATED LEGISLATION:

AB 2746 (Gabriel, 2020) — would have required recipients of state funding for the CalWORKs Homeless Assistance, Housing and Disability Income Advocacy. And Whole Person Care pilot programs to submit annual reports to the agency that provided the recipient with the funding, regarding the use of those funds, as specified. *This bill was vetoed by the Governor.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Thursday, July 1, 2021.)

SUPPORT:

AIDS Healthcare Foundation
California Apartment Association
California Catholic Conference
California Taxpayers Association

OPPOSITION:

None received

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