
SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair

2021 - 2022 Regular

Bill No: AB 1685
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Fiscal: Yes

Subject: Vehicles: parking violations

SUMMARY

This bill would require all processing agencies to provide a parking citation forgiveness program for persons who are experiencing homelessness, and to report to the California Interagency Council on Homelessness (Cal ICH) by March 1, 2024, and annually thereafter, the number of applications received for the program. This bill further requires Cal ICH to report this information back to the Legislature by June 1, 2024, and annually thereafter.

ABSTRACT

Existing Law:

- 1) Establishes the United States Interagency Council on Homelessness to coordinate a federal response to homelessness and create a national partnership at every level of government and with the private sector to end homelessness. (42 United States Code 11311)
- 2) Defines “Continuum of care” to mean the group organized to carry out the responsibilities required under McKinney-Vento Homeless Assistance Act, and that is composed of representatives of organizations, including nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, and others, as specified. (24 Code of Federal Regulations (CFR) 578.3)
- 3) Defines “Coordinated Entry System” to mean a centralized or coordinated assessment system, developed and designed to coordinate homelessness program participant intake, assessment, and provision of referrals, as specified. (24 CFR 578.7)
- 4) Defines, in federal statute, “homeless” for the purpose of housing assistance, to mean an individual or family who lacks a fixed, regular, and adequate nighttime residence, such as:

- a) A primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - b) A supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
 - c) Exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. (*42 CFR 91.5*)
- 5) Requires programs receiving state homeless funding to collect and share relevant HMIS data among state and county agencies and service providers, and with the Cal ICH for programs related to youth homelessness and prevention, as specified, and in accordance with state and federal privacy and confidentiality laws and regulations. (*WIC 8256(d)(1)*)
- 6) Establishes the Cal ICH to oversee and coordinate the implementation of Housing First guidelines and regulations in California, and to identify resources and services that can be accessed to prevent and end homelessness in the state. (*WIC 8255 et seq.*)
- 7) Sets goals for the Cal ICH including, but not limited to, identification of resources and services to prevent and end homelessness; creating partnerships among local, state, and federal entities to arrive at strategies to end homelessness; coordinating existing homelessness funding; making policy and procedural recommendation to the Legislature; and, creating a Homeless Data Integration System, as provided. (*WIC 8257(b)*)
- 8) Waives all late fees and penalty assessments, exclusive of any state surcharges as described if an indigent person enrolls in the payment plan. Waived late fees and penalty assessments may be reinstated if the person falls out of compliance with the payment plan. (*VEH 40220(1)(A)(i)(II)*)
- 9) Defines “indigent” to mean a person who meets the following conditions, as provided:
- a) Receives public benefits under one or more of the following programs: Supplemental Security Income and State Supplementary Payment; California Work Opportunity and Responsibility to Kids Act or federal Tribal Temporary Assistance for Needy Families; CalFresh; County Relief, General Relief, or General Assistance; Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants; In-Home Supportive Services; and Medi-Cal; or,
 - b) Has a monthly income that is 125 percent or less of the current federal poverty guidelines; or
 - c) Provides either: (1) proof of income from a pay stub or another form of proof of earnings, such as a bank statement, that shows that the person meets the income

criteria, or (2) proof of receipt of benefits under the programs described above, as specified. (*VEH 40220(3)(c)(1-3), GOV 68632 et seq.*)

This Bill:

- 1) Defines “homeless services provider” to mean a governmental or nonprofit agency receiving federal, state, or local funding to provide services to homeless persons or that is sanctioned to provide those services through a continuum of care (CoC).
- 2) Requires each processing agency to provide a parking citation forgiveness program for persons who are experiencing homelessness.
- 3) Requires an applicant who is verified homeless, and has any outstanding parking fines and fees, including any service fees or late fees, be forgiven no later than 30 days after their application is received by the processing agency for any vehicle for which they are the registered owner.
- 4) Permits a processing agency to limit the total amount of fines and fees forgiven, or the number of applications allowed, as follows:
 - a. Any limitation on the amount of fines and fees forgiven shall be no less than one thousand five hundred dollars (\$1,500) per applicant, per calendar year.
 - b. Any limitation on the number of applications shall be no fewer than four applications per applicant, per calendar year.
- 5) Prohibits, without limitation, a processing agency from establishing or imposing any additional qualifications for citation forgiveness under this program, including mandatory participation in any service or program, or mandatory community service.
- 6) Permits a processing agency to verify an applicant’s eligibility through a CoC, or a homeless services provider that is connected to the coordinated entry system and is contracting with a continuum of care, as specified. Further, permits a legal services provider or health care provider to require an applicant to be their client in order to make the verification.
- 7) Requires Cal ICH to develop an alternative low-barrier process to determine if an applicant is experiencing homelessness, in any area in which the availability of homeless services providers is sparse as determined by the CoC.
- 8) Requires each processing agency to include the following information in the same manner that it generally provides public information and instructions on the payment of parking citations, and at a clear and easily accessible location on its internet website, as specified.
- 9) Requires each processing agency, by March 1, 2024, and annually thereafter, to report to the Cal ICH the number of applications received pursuant to this section, and the total

number of citations and total amount of penalties and fines waived during the previous calendar year, in a form prescribed by the council.

- 10) Requires the Cal ICH, by June 1, 2024 and annually thereafter, to submit a report to the Legislature compiling the information received from all processing agencies from the previous calendar year, as specified.

FISCAL IMPACT

According to an analysis prepared by the Assembly Committee on Appropriations, this bill will likely have the following fiscal impact:

- The Department of Motor Vehicles (DMV) indicates, to comply with this bill, the DMV would follow existing procedures when processing parking citations on a vehicle record. Therefore, DMV does not anticipate any implementation efforts or costs.
- However, the bill entails costs of a potentially significant amount (General Fund) because the bill will result in foregone parking citation revenue to local agencies. If such an agency or agencies submit a claim with the Commission on State Mandates, and the commission determines the bill imposes a reimbursable mandate on local government, the state would need to reimburse the local costs.

BACKGROUND AND DISCUSSION

Purpose of the Bill:

According to the author, “parking enforcement can exacerbate poverty and the cost of enforcement for local governments are often greater than the fines and fees that end up being collected. AB 1685 will waive many parking fees for people who are unhoused. Instead of continuing to penalize poverty, let’s save some money with good policy and use it to get people more of the housing and services they really need. Lose your financial stability, lose your house. Lose your house, live in your car. Lose your car, set up an encampment. This cycle of poverty is vicious and AB 1685 creates the policy solution that allows us to do better.”

Homelessness in California

Since 2016, homelessness in America, and particularly in California, has been growing at an increasing rate. Homelessness has been correlated with a number of negative effects, including high rates of chronic disease and acute illness, a broad range of mental health and substance use issues, greater exposure to violence, malnutrition, extreme weather, and criminal charges. The health, personal, and economic challenges that chronically homeless individuals and families face and the lack of effective, coordinated services to address these problems often lead to a cycle of housing instability and health deterioration. Persistent homelessness impedes access to needed health and employment services. Additionally, the conditions of homelessness often make it more difficult to exit homelessness, by creating barriers to the resources necessary to obtain income through training, education, and employment.

Annually, the U.S. Department of Housing and Urban Development's (HUD) has local community CoCs conduct a Point in Time (PIT) count of people experiencing homelessness in January, and includes people experiencing homelessness who are "sheltered" — living in temporary shelters — and those who are "unsheltered," or living out in the open or in places not designated for, or ordinarily used as, a regular sleeping accommodation for people (i.e. the streets, vehicles, or parks). The PIT count is required by HUD as a condition of receiving federal funding. In 2020, California accounted for 51% of all people experiencing unsheltered homelessness in the nation (113,660 people), nearly nine times the number of unsheltered people in the state with the next highest number, Texas (13,212). In 2021, Californians experiencing sheltered homelessness accounted for 17% (32,910) of all individuals, just shy of New York, at 19% (37,793).

The yearly PIT counts provide only a snapshot of the state's homeless population during a single night, and likely underestimate the scope of the crisis because: (1) the HUD PIT count only measures the homeless population on one day of the year, and (2) it does not capture everyone experiencing homelessness, as some do not wish to be counted, while others cannot be counted because their location is not known to the counters. However, regardless of these underestimates, California leads the nation in having the largest number of persons experiencing homeless.

Due to the Covid-19 pandemic's disruptions, HUD urged communities to determine whether conducting an unsheltered PIT count posed a high risk of exacerbating COVID-19 transmissions, related to a lack of widespread access to COVID-19 vaccines and treatments at the time. As such, the January 2021 PIT count and report of unsheltered homeless were refocused to survey people experiencing sheltered homelessness and was released in February 2022. California's 2021 PIT count total of sheltered homeless was 57,468. Of note, HUD has cautioned that the data may not fully represent the number of people experiencing sheltered homeless due to the Covid-19 pandemic limitations.

Vehicles and Homelessness

For some people experiencing homelessness, their only means of shelter is their vehicle. According to research out of the Benioff Homeless and Housing Initiative, there has been a rapid growth of vehicle residency over the last decade, especially during the pandemic. People without permanent homes are now using their cars, vans, RVs, and campers as a form of 'affordable housing' instead of going to shelters or encampments, however, parking restrictions and a lack of infrastructure are challenges. Some cities during the pandemic had stopped towing vehicles and citing cars for being parked in the same area for extended periods. Nevertheless, in recent months, ticketing and towing vehicles has been on the rise again, causing some who are experiencing homelessness to incur fines and fees they cannot afford to pay back.

Parking tickets

Currently, when a person gets parking tickets and does not pay them, local agencies are allowed to use the DMV to collect the unpaid debt. The DMV can require payment in full for unpaid parking tickets in order to renew a vehicle's registration. For indigent individuals, these mounting fees can create a cycle of debt where they are unable to pay parking fines, and then get additional fines for failure to pay or to pay on time. Additionally, if the person does not pay their

vehicle registration on time, they can face added fees for late payments. If the individual accumulates enough tickets, their vehicle could be towed and impounded. Debt Free Justice California issued a report regarding civil assessments, and how when these are tacked onto minor offenses, including traffic offenses, they can create a vicious circle for those who can't afford them. If these assessments go unpaid, usually additional fines and fees ensue, sometimes resulting in their driver's licenses being suspended, therefore making travel in the vehicle illegal.

Some processing agencies permit persons deemed indigent to apply for a payment plan to pay back their entire fine. Yet, for some, especially those experiencing homelessness, it can be a challenge, or even impossible, due to their circumstances to pay these fines back.

According to the sponsors of the bill, “parking fines are significantly burdensome to this population, while also threatening the loss of their vehicle, [and provide] very little revenue for the government.” The sponsors further state that AB 1685 would create a statewide “mechanism for those experiencing homelessness to receive much needed debt relief, both avoiding damaging vehicle tows that send people deeper into crisis, while also preserving flexible homeless service dollars to focus on moving these individuals into housing.”

The bill would require all processing agencies who use the DMV to provide a parking citation forgiveness program for persons who are experiencing homelessness. The bill would also allow for fines of up to \$1500 per agency to be waived if the person is deemed to be experiencing homelessness as verified by a healthcare provider, legal services provider, or other entity that serves people experiencing homelessness and are connected to the coordinated entry system in a specific capacity. Additionally, a legal services provider or health care provider may require an applicant for these waivers to be a client in order for the providers to make the verification.

California Interagency Council on Homelessness (Cal ICH)

The Cal ICH, previously the Housing Coordinating and Finance Council (HCFC), oversees the implementation of Housing First policies, guidelines, and regulations to reduce the prevalence and duration of homelessness in California. As of January 1, 2022, in addition to being renamed, the Cal ICH was also restructured through SB 1220 (Rivas, L., Chapter 398, Statutes of 2021), with the secretaries of BCSH and of Cal-HHS named as co-chairs of the council. Additionally, the restructure changed its membership composition— from one that included a mix of state and local agencies, homeless advocacy groups, and persons who previously experienced homelessness, to one composed of state departments' and offices' directorates. Cal-ICH is tasked to continue much of the work it began as HCFC, which was created by SB 1380 (Mitchell, Chapter 847, Statutes of 2016), such as coordinating the state's response to homelessness, and creating partnerships among state agencies and departments, local government agencies, nonprofits, and federal agencies, among others, in an effort to prevent and work toward ending homelessness in California.

This bill would require the Cal ICH to develop, for areas where a CoC determines the availability of homeless services providers is sparse, an alternative low-barrier process for processing agencies to determine if a person applying for the program is experiencing homelessness. This bill also would require the Cal ICH to receive reports from each processing agency by March 1, 2024, and annually thereafter, on the number of applications received by a parking citation program, and the total amount of penalties and fines waived during the prior

calendar year. This bill further requires the Cal ICH to compile all received information into one report that is submitted to the Legislature, as provided.

Related/Prior Legislation:

AB 2775 (Quirk Silva, 2022) would exempt the payment of vehicle registration fees for recreational vehicles owned by a person who verifies to the department that they are homeless and using the recreational vehicle as their residence. AB 2775 is waiting to be heard in the Senate Human Services Committee.

AB 1220 (Luz Rivas, Chapter 398, Statutes of 2021) renamed HCFC to Cal ICH, named the Secretary of Cal HHS as co-chair, reconstituted the Cal ICH membership, and required the Cal ICH to meet at least twice yearly with an advisory committee, among other things, and as provided.

AB 977 (Gabriel, Chapter 397, Statutes of 2021) required recipients of state homeless programs to enter data on the individuals and families it serves into its local HMIS beginning on January 1, 2023. SB 977 also requires all CoCs to provide collected data elements, as specified.

AB 3277 (Jones-Sawyer, Chapter 55, Statutes of 2020) increased the maximum cap a parking agency has to offer in a payment plan from \$300 to \$500, as specified.

AB 833 (Lackey, Chapter 495, Statutes of 2019) clarified that the \$300 maximum cap on required parking agency payment plans only applied to the base fines, not to late penalties, because the City of Sacramento was refusing to offer payment plans to individuals who had more than two tickets with a late fee.

AB 2544 (Lackey, Chapter 494, Statutes of 2018) clarified that parking agencies had to offer payment plans for tickets issued prior to July 1, 2018 because processing agencies refused to consider older tickets when implementing the law.

SB 1380 (Mitchell, Chapter 847, Statutes of 2016) created the HCFC to coordinate the state's response to homelessness and required California to adopt the Housing First model, as provided.

COMMENTS

This bill seeks to assist people who are experiencing homelessness, as verified by specific homelessness or other service providers, by waiving parking fines and fees up to \$1500 per processing agency. Currently, a limited number of processing agencies provide programs that waive parking citations for people experiencing homelessness. In 2021, San Francisco Municipal Transportation Agency (SFMTA) began a citation relief program, which offers a one-time waiver of all outstanding citations for people experiencing homelessness, and the removal of late penalties on subsequent violations. According to SFMTA, since the program's inception, the SFMTA has dismissed citations for "over 550 people amounting to \$1.4 million. The number of citations issued per individual has ranged from 1 to 233 citations and the ticket value has ranged from \$50 to \$34,000. More than half of the people whose citations were dismissed owed over \$1,500. Seventy-six individuals had \$5,000+ dismissed." Although this program has had success,

an individual may only use this program once, and if other citations occur, the person experiencing homelessness must participate in other specified programming, to reduce their fines. This bill would instead require all process agencies to create parking citation forgiveness program, which would expand these types of programs statewide.

As the bill is currently written, for areas that have a limited number of homelessness service providers, the Cal ICH would be required to create a low-barrier method for processing agencies to verify if an applicant for the program is experiencing homelessness. One way to ensure that a method is low-barrier is to allow people to self-attest they are experiencing homelessness. However, concerns have been raised that without a verification from a CoC or other providers who serve people experiencing homelessness, it could lead to others using the program that are not part of the program's target population. It is unclear how likely this misuse would be were self-attestation allowed.

Additionally, this bill tasks the Cal ICH with providing a report to the Legislature on the uptake and outcomes of the parking citation program based on the information received yearly from processing servers who are required to implement this new program. As the entity tasked with the coordination and collection of the state's homelessness data, Cal ICH is in a unique position to analyze how this new program fits into or can work in tandem with the other efforts by the state and local jurisdiction to decrease homelessness, which may help to inform future Legislative endeavors to address homelessness.

Should this bill pass out of this Committee, the author's office may wish to engage with relevant stakeholders to address concerns related to implementation of the bill, including those that may arise when a processing agency operates an existing parking citation waiver program that does not conform with the requirements of this bill.

SUPPORT/OPPOSITION

Arguments in Support:

In support, Housing California, as sponsor of this bill, states:

“According to the 2020 Greater Los Angeles Count, there were at least 18,904 people living in 11,124 vehicles on any given night in Los Angeles County. For many of our unhoused neighbors, their vehicles provide protection from sleeping directly on the sidewalk. Vehicles provide a last vestige of stability and a way to access jobs, appointments with doctors, case managers, and a way to maintain the social networks that can provide a way out of crisis.

Unfortunately, many unhoused people's vehicles are at risk of criminalization through outstanding parking tickets. A 2019 report, *Towed into Debt*, outlined the massive barriers people from over 20 California jurisdictions faced in both paying their ticket fines and in recovering their vehicle from a tow following the initial inability to pay those fines--poverty was a leading factor in both instances.

AB 1685 creates opportunities for people experiencing homelessness to waive their ticket balances. Parking fines significantly burden this population while also threatening the loss of their vehicle, while providing very little revenue for the government. AB 1685 would create the mechanism in California for those experiencing homelessness to receive much-needed debt relief.”

Arguments in Opposition:

In opposition, the California Mobility and Parking Association states:

“CMPA is opposed to the potential scope of the fine forgiveness and is also concerned that the measure does not restrict the \$1,500 amount to a single agency. Municipal, University and other public parking programs are typically independent operations that enforce local parking rules, as well as state and local laws related to parking in order to benefit the residents and visitors to those jurisdictions. At their fundamental core, parking Enforcement programs are designed to ensure compliance of local and state parking regulations to facilitate availability of parking spaces throughout the city, which supports local businesses and events. While the stated goal of AB 1685 is laudable, CMPA urges consideration of the collateral impacts on municipalities if the tools used to bolster compliance are largely removed. ”...,.Staff in parking enforcement agencies is typically limited and not equipped with time or bandwidth to conduct the required background work to determine eligibility under this bill.

CMPA is committed to continue to work with the Legislature and advocates to strike a balance to achieve clear, fair and consistent local enforcement while assisting our residents and visitors with staying in compliance. We have demonstrated a willingness to craft programs to assist those who seek help in paying their fees and fines. Unfortunately, we feel AB 1685 is rife for misuse and needs to be clarified and limited in its scope.”

PRIOR VOTES

Senate Transportation Committee:	13 - 1
Assembly Floor:	74 - 0
Assembly Appropriations Committee:	16 - 0
Assembly Transportation Committee:	14 - 0

POSITIONS

Support:

- Housing California (Sponsor)
- Abundant Housing LA
- California Federation of Teachers
- California Housing Partnership

California Mobility and Parking Association
Corporation for Supportive Housing
East Bay HomeBridge Connect
East Bay Housing Organizations
John Burton Advocates for Youth
National Alliance to End Homelessness
National Association of Social Workers, California Chapter
Orange County United Way
PATH
Root & Rebound
Streets For All
The People Concern
Union Station Homeless Services
Western Center on Law and Poverty
YIMBY Action

Oppose:

California Mobility and Parking Association

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