
SENATE COMMITTEE ON GOVERNANCE AND FINANCE

Senator Anna M. Caballero, Chair

2021 - 2022 Regular

Bill No: SB 1353
Author: Wilk
Version: 2/18/22
Consultant: Peterson

Hearing Date: 4/7/22
Tax Levy: No
Fiscal: Yes

HOMELESS POPULATION CENSUS INFORMATION: COLLECTION AND REPORTING

Requires cities, counties, and the California Interagency Council on Homelessness to collect and report various information on individuals experiencing homelessness, expenditures on homelessness, and conduct an assessment to evaluate the effectiveness of those expenditures.

Background

California Interagency Council on Homelessness. The Legislature created the Homeless Coordinating and Financing Council (HCFC) 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. As the state’s homelessness crisis has persisted, the role of the HCFC has significantly increased, and now administers programs dedicated to addressing homelessness. To acknowledge HCFC’s expanded role, AB 1220 (Luz Rivas, 2021) renamed the Homeless Coordinating and Financing Council (HCFC) the California Interagency Council on Homelessness (Cal ICH), reconstituted its membership, and required it to consult with a specified advisory group of stakeholders

Homelessness data collection. At the local level, the 44 Continuums of Care (CoCs) track, coordinate services for, and collect data on individuals experiencing homelessness. CoCs are collaborative entities comprised of nonprofit organizations, local governments, and public housing agencies, and receive federal funding from the United States Department of Housing and Urban Development (HUD) to address homelessness. CoCs manage Homeless Management Information System (HMIS) systems, which collect data on the provision of housing and services to individuals experiencing homelessness or who are at risk of homelessness. Each CoC’s HMIS must comply with HUD’s data collection, management, and reporting standards. Much of the data that CoCs feed into HMIS comes from the Point-in-Time (PIT) count HUD requires CoCs to conduct. Every year, on a night in January, CoCs must count the number of people experiencing homelessness living in shelters and transitional housing. In odd-numbered years, CoCs must also conduct a count of unsheltered people experiencing homelessness. Each count is planned, coordinated, and carried out locally, relying on volunteers to help conduct the count. Additionally, CoCs must conduct the Housing Inventory Count (HIC), which is a point-in-time inventory of programs that provide beds and units dedicated to serving individuals experiencing homelessness.

Cal ICH recently launched the Homeless Data Integration System (HDIS), which brings the data from all of the local HMIS into one statewide repository. Cal ICH intends for HDIS 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.

California's homelessness crisis. Recent counts show California has one of the worst homelessness rates in the nation and with the COVID-19 pandemic, the amount of people experiencing homelessness is expected to rise. 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 U.S., 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%). Existing homelessness counts are imperfect for a variety of reasons. They likely underestimate the number of individuals experiencing homelessness because the HUD's 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 unknown to those counting.

The Committee has held two homelessness informational hearings over the past two years. In the joint hearing held among the Senate Committee on Governance and Finance and four other committees on February 24, 2021, titled "A Perfect Storm: Confronting California's Homelessness Crisis during the Pandemic," the Committee examined the impact of homelessness on the state, and found that the way the homelessness crisis has evolved during the pandemic is relatively unknown because the available data predates the pandemic.

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:

- Cal ICH to collect and track funding data on all federal- and state-funded homeless programs;
- Cal ICH to give higher priority to coordination of statewide efforts to combat homelessness and to finalize its action plan; and
- 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.

The audit also analyzed how California compares with other states. It found that a number of other states have a single agency that collects homelessness data and tracks expenditures centrally. The audit highlighted the state of Washington, which "...tracks all funding and expenditures for every homelessness project in the state from every funding source. In fiscal year 2019–20, it tracked more than 2,300 different projects overseen by more than 500 different

entities, such as state departments, local governments, and nonprofit organizations. Washington shared that it is able to compare the costs of these projects to their performance to identify successful projects on which it will focus greater efforts.”

Recent state expenditures to address homelessness. To help address the persistent crisis, in recent years the state has increased funding for various homelessness programs. From 2018-19 to 2021-22, the state has allocated \$2.65 billion to Cal ICH homelessness programs. The largest of these programs is the Homeless Housing, Assistance, and Prevention Program (HHAPP), which provides block grants to large cities, counties, CoCs, and tribal governments, for a variety of solutions for those experiencing homelessness or at risk of homelessness, such as rapid rehousing, operating subsidies, street outreach, services coordination, delivery of permanent and innovative housing solutions, and homelessness prevention. The state has also invested billions more for other housing and homelessness programs in other state agencies. This includes Homekey, a program the California Department of Housing and Community Development administers to purchase and rehabilitate housing, including hotels, motels, vacant apartment buildings, and other types of housing, and convert them into permanent, long-term housing for people experiencing or at-risk of homelessness. The state allocated \$2.25 billion to Homekey between 2018-19 and 2021-22.

Recent efforts to improve data collection. To close the gaps in statutorily required data reporting to HMIS, and to enable Cal ICH to more precisely analyze the state’s investment into fighting homelessness and the outcomes of those investments, the Legislature enacted AB 977 (Gabriel, 2021), which requires recipients of state homeless programs to enter data on the individuals and families it serves into its local HMIS system beginning on January 1, 2023. It also requires all CoCs to provide collected data elements, including but not limited to health information, to HDIS in a manner consistent with federal law.

The author wants to collect additional information on individuals experiencing homelessness and require state and local agencies to evaluate the programs they operate.

Proposed Law

Senate Bill 1353 requires cities, counties, and Cal ICH to collect and report additional data on individuals experiencing homelessness and expenditures to serve those individuals, as well as evaluate how effectively those expenditures have reduced homelessness.

City and county reporting requirements. SB 1353 requires cities and counties to collect and report at least the following on a quarterly basis:

- Homeless population increase or decrease within the jurisdiction with a year-over-year comparison;
- Changes in demographics and geographic locations of the homeless population, including:
 - Age and gender;
 - Criminal justice history, including arrests, jail time and probation status;
 - Medical information, including chronic medical conditions and medical diagnoses and how many persons are afflicted with mental health or substance abuse problems;
 - Use of health care and emergency services, including emergency medical services, hospital admissions, and emergency room visits;

- Mental health inpatient and outpatient visits, including the use of substance abuse disorder services and treatment; and
- Use of public assistance services and food stamps.
- The number of homeless persons who are no longer unsheltered, and their current status, including whether sheltered, permanently housed, in treatment, reunited with family, employed, or no longer in the area;
- The number of homeless persons who died while homeless and identification of how they died, including whether by exposure, illness, accident, violence, or overdose, and how many died while in a care facility, including a hospital;
- The number of children born to homeless mothers;
- The backgrounds of the newly homeless persons, including how they became homeless, and where they resided before becoming homeless;
- The number of homeless persons who are veterans, as well as the number of veterans who suffer from post-traumatic stress disorder or traumatic brain injury, and the number of individuals who are connected to veterans' administration health care or other federal services;
- The number of homeless persons who are domestic violence victims;
- The number of homeless persons who are foster youth or former foster youth; and
- The length of time homeless persons have been homeless, measured in increments of six months or less, six months to one year, one year to two years, and more than two years.

Each city and county must develop and maintain a publicly-available online homelessness dashboard to prominently display this information in an easily accessible format, and report it quarterly to Cal ICH.

City and county expenditure reporting and evaluation. SB 1353 requires cities and counties to annually report, no later than March 31 of each year, all expenditures on homelessness programs and efforts in their jurisdiction. According to the bill, this includes, but is not limited to street cleaning, law enforcement, shelters, medical treatment, mental health treatment, and substance abuse treatment provided to homeless persons within each jurisdiction. They must list funding sources used separated by federal, state, and local agencies. Additionally, they must report and post current-year funding for these programs and efforts and the amount spent in the prior year. They must maintain prior years in an easily accessible archive, and post this information to the online dashboard the bill requires them to create.

The bill further requires cities and counties to annually conduct a data-driven assessment of state and local programs addressing homelessness in its jurisdiction, which it must report to Cal ICH and post to its dashboard. This assessment must include:

- A description of all programs targeting homelessness, and their goals in reducing homelessness;
- A description of expenditures on each homelessness program;
- Data on each homelessness program's results in reducing homelessness; and
- An overall assessment of how the homelessness programs, together, reduce homelessness within jurisdictions of local governments.

Cal ICH requirements. Cal ICH must develop and maintain a publicly-available online dashboard. It must annually report to the Legislature, and post to its dashboard, information on programs that state and local government entities have undertaken to reduce homelessness,

including federal funding these programs received. Other state agencies or offices responsible for these programs must report data to Cal ICH in the manner that the council prescribes no later than June 30 of each year, and Cal ICH must post this information on its dashboard. Cal ICH must annually conduct a data-driven assessment of state and local programs that address homelessness. The assessment must include:

- Descriptions of each program targeting homelessness, and their goals in reducing homelessness;
- Descriptions of expenditures on each homelessness program;
- Data on each homelessness program's results in reducing homelessness; and
- An overall assessment of how the homelessness programs, together, reduce homelessness within jurisdictions of local governments.

Cal ICH must report this information to the Legislature and post it on its dashboard.

State Revenue Impact

No estimate.

Comments

1. Purpose of the bill. According to the author, "SB 1353 would require additional reporting by both the Governor and local governments on how many homeless individuals there are, how many need medical and mental health services, how they became homeless, and how many are no longer homeless after receiving assistance. The bill also seeks additional reporting on expenditures made by local and state entities on homelessness programs to further clarify the true cost of the homelessness issue. The absence of hard data, readily available to all – makes it harder to fix these problems, or to determine whether the various local and state homelessness programs are working as intended. If the State of Washington can collect such output and outcome data to both track trends and grade performance, the State of California can as well."

2. Recreating the wheel. Currently, 44 CoCs in California collect data on individuals experiencing homelessness and transmit that data to HUD's HMIS system while complying with nationwide data reporting standards. Cal ICH created HDIS to bring local HMIS information into one statewide repository to inform future decisions regarding the state's response to homelessness. Instead of working through CoCs and these existing data systems, SB 1353 requires cities and counties to start collecting information. The bill's approach faces several shortcomings. CoCs may already collect some of this data in their counts, although not on a quarterly basis. Requiring cities and counties to also collect data, and do so more frequently, would be resource intensive, and may duplicate some of the CoCs data collection efforts. Second, CoC counts rely on recruiting volunteers to conduct counts. Cities and counties would have to find volunteers to collect information, or hire employees, but do so on a more frequent basis, and without the federal funding CoCs receive. Reports dating back to a 1989 report by the Little Hoover Commission have recommended that a single state entity should oversee the state's efforts to provide services to individuals experiencing homelessness. Rather than push further toward unifying the state's homeless efforts under a single statewide entity, SB 1353 adds cities and counties to the list of state and local agencies collecting data and evaluating the effectiveness of recent state and local efforts to combat homelessness. Does the new data the bill requires

cities and counties collect provide enough value to outweigh the costs for cities and counties to start collecting this data, some of which CoCs may already collect?

3. Where to start? SB 1353 requires cities and counties to report a lot of new information on individuals experiencing homelessness in their jurisdiction. Having some of this information could help cities and counties make decisions that target the specific needs of individuals in their communities. However, the bill requires cities and counties to collect data, some of which it does not currently collect or have access to, report it on a quarterly basis starting on March 31, 2023 (just three months after the measure's effective date), and post it on an online dashboard the city or county must create. Additionally, the bill requires cities and counties to annually report on their expenditures and evaluate their programs. It does so without providing any additional resources for cities and counties to meet its aggressive deadlines. In some cases, cities and counties could use existing data. For example, cities and counties could potentially match arrest, jail, and probation data with existing homelessness data sources to provide the information. However, getting information on individual's health conditions may prove difficult given legal limitations for public agencies to request this information. Should the Legislature impose so many requirements on cities and counties without a clear understanding of whether cities and counties can successfully comply with the new requirements, as well as the resources they need to do so? To ensure that cities and counties can meet the bill's requirements, the Committee may wish to consider the following amendments:

- Require local agencies provide information in the bill on a one-time basis to Cal ICH by January 1, 2025.
- For each data point, local agencies must provide (1) the information, (2) state that they do not have access to that information, or (3) state that providing the information would impose an undue burden without additional resources, including an estimate for how much it would cost for them to obtain that information.
- Rather than have each city and county do an assessment, require Cal ICH to collect the above information, conduct a data-driven assessment, and report to the Legislature, and post online, by January 1, 2026.
- Sunset the language after Cal ICH completes the reporting requirements.
- Include intent language to encourage CoCs to collaborate with state and local entities.

4. Cart before the horse. The Legislature just enacted AB 977 to require recipients of state homeless programs to collect information on the individuals and families it serves into its local HMIS system beginning on January 1, 2023. Before Cal ICH even starts collecting this data, SB 1353 imposes new data collection requirements on cities and counties, which may overlap with the data AB 977 requires state funding recipients to collect. Should the Legislature enact further data collection requirements before assessing the sufficiency of the data it receives from these recent legislative efforts?

5. Help from our friends. The Senate Rules Committee ordered a triple-referral for SB 1353 to the Committees on Governance and Finance, Human Services, and Housing. However, the referral to the Committee on Housing was rescinded because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus. The Housing Committee noted the following with regard to this bill:

“This bill fundamentally aims to collect, analyze, and publicize data. However, there are three key issues in this proposal. First, localities, as required by federal

law, collect much of this data using the Homeless Management Information System (HMIS), and California includes this data for its Homeless Data Integration System (HDIS), which is publically available on the Cal-ICH website. In addition, the Homeless Housing, Assistance, and Prevention Program (HHAPP) requires localities to submit a local homeless action plan including evaluations of homeless expenditures and the identification of gaps in populations being served. The demographic information this bill wants to collect that is not included in HMIS collection has issues as well. For example, government staff are prohibited by law to ask people what their medical or mental health conditions are. Lastly, people might be surveyed about this information, but the information must be verified in order to be trustworthy. As of now, systems to match HMIS data with other datasets are rare because of the immense effort (time and money) it would take to do this (known efforts took 10 years). Because of these issues, the committee may wish to consider whether duplicating existing efforts and imposing high data cleaning costs on localities are the best ways to move forward in solving California's homelessness crisis."

6. Mandate. The California Constitution requires the state to reimburse local agencies for the costs of new or expanded state mandated local programs. Because SB 1353 requires local agencies to collect new information on homelessness, Legislative Counsel says that it imposes a new state mandate. The measure states that if the Commission on State Mandates determines that the bill imposes a reimbursable mandate, reimbursement must be made pursuant to existing statutory provisions.

Support and Opposition (4/4/22)

Support:

None submitted

Opposition:

1 Individual

-- END --