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## SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair

2021 - 2022 Regular

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**Bill No:** SB 1353

**Author:** Wilk

**Version:** April 18, 2022

**Urgency:** No

**Consultant:** Bridgett Hankerson

**Hearing Date:** April 19, 2022

**Fiscal:** Yes

**Subject:** Homeless population census information: collection and reporting

### SUMMARY

This bill requires local government entities (LGEs) to provide specified homelessness information for their jurisdiction to the Interagency Council on Homelessness (Cal ICH) by January 1, 2025; requires Cal ICH to develop and maintain a publicly available homelessness dashboard to post this data, and requires Cal ICH to provide a report to the Legislature on the data gathered by January 1, 2026, as specified.

### ABSTRACT

#### Existing Law:

- 1) Defines, in federal statute, the word “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 they resided for 90 days or less, after residing in an emergency shelter or place not meant for human habitation immediately before entering that institution (*42 Code of Federal Regulations (CFR) 91.5*)
- 2) Requires programs receiving state homeless funding to collect and share relevant data from HMIS 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)*)

- 3) 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 California. Further, requires Cal ICH to set and measure progress toward goals to prevent and end homelessness among youth in California by setting specific, measurable goals aimed at preventing and ending homelessness among youth in the state, defining outcome measures, and gathering data related to the goals. (*WIC 8255 et seq.*)
- 4) Sets the 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, federal entities to arrive at strategies to end homeless; coordinating existing homelessness funding; making policy and procedural recommendation to the Legislature; and, creating a Homeless Data Integration System, as provided. (*WIC 8257(b)*)
- 5) Defines “Homeless Management Information System (HMIS)” as the information system designated by a Continuum of Care (CoC) to comply with federal reporting requirements, as defined in current federal law. (*HSC 50216(i)*)
- 6) Defines “Homelessness Data Integration System” (HDIS) as the statewide data system or warehouse that collects local data through HMIS, with the ultimate goal of matching data on homelessness to programs impacting homeless recipients of state programs, as provided and in compliance with federal law. (*WIC 8257(b)(13)*)

**This Bill:**

- 1) Defines “Council” to mean the California Interagency Council on Homelessness (Cal ICH).
- 2) Defines “Homelessness Dashboard” to mean an internet web page that provides an easily understood display of data regarding homeless that is maintained on the council’s internet website.
- 3) Defines “Local Government Entity” (LGE) to mean a city or county.
- 4) Requires a LGE to provide homelessness information for its jurisdiction to Cal ICH by January 1, 2025 on the following:
  - a) A year-over-year comparison of the homeless population within its jurisdiction for 2023 and 2024.
  - b) The LGE’s expenditures on homelessness programs and efforts, as specified, and to report and list the sources of the fund amounts used for these expenditures, separated into federal, state and local source categories.

- c) Demographics and geographic locations of the homeless populations, which may include, but is not be limited to:
  - i) Criminal justice history, including arrests, jail time and probation;
  - ii) Medical information, including chronic medical conditions and medical diagnoses and how many persons are afflicted with mental health or substance abuse problems;
  - iii) Homeless population use of health care and emergency services, including emergency medical services, hospital admissions, and emergency room visits;
  - iv) Homeless population mental health inpatient and outpatient visits, including the use of substance abuse disorder services and treatment;
  - v) Homeless population use of public assistance services and food stamps;
  - vi) 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;
  - vii) The number of children born to homeless mothers;
  - viii) The backgrounds of the newly homeless persons, including how the recently homeless became homeless and where they resided before becoming homeless;
  - ix) The number of homeless persons who are veterans, as specified;
  - x) The number of homeless persons who are domestic violence victims;
  - xi) The number of homeless persons who are foster youth or former foster youth; and,
  - xii) 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.
- 5) Provides that the LGE has met the requirement to provide the homelessness information listed above, if it does any of the following:
  - a) Provides the Cal ICH with the requested information;
  - b) Provides a statement to Cal ICH explaining why it does not have access to the requested information; or,

- c) Provides a statement to Cal ICH that providing the information would impose an undue burden on the LGE without additional resources, which includes an estimate of the additional resources necessary to complete the request.
- 6) Requires the Cal ICH to develop and maintain a publicly available internet website homelessness dashboard, which shall be prominently displayed and easily accessible by the public.
- 7) Requires the Cal ICH, by January 1, 2026, to post on its dashboard the following:
  - a) The information it receives from the LGEs.
  - b) Information related to programs that state entities have undertaken to reduce homelessness in California, including federal funding for state and local programs, as provided.
- 8) Requires any state agency or office responsible for these programs to report data related to the programs, in a form as prescribed by the Cal ICH, to the council's homelessness dashboard by June 1, 2025.
- 9) Requires the Cal ICH, by January 1, 2026, to report back to the Legislature, and post to its homelessness dashboard, a data-driven assessment of the success or failure of funded and implemented state and local programs addressing homelessness, and further requires the assessment of homelessness program effectiveness to include all of the following:
  - a) Descriptions of each program targeting homelessness, and their goals in reducing homelessness;
  - b) Descriptions of expenditures on each homelessness program;
  - c) Data on each homelessness program's results in reducing homelessness; and,
  - d) An overall assessment of how the homelessness programs, together, reduce homelessness within jurisdictions of local governments.
- 10) States Legislative intent that continuums of care (CoCs) collaborate with LGEs, state agencies, and the Cal ICH to help collect the requested and required information, as specified.
- 11) Sunsets the provisions of this bill on January 1, 2027.

### **FISCAL IMPACT**

This bill has not yet been analyzed by a fiscal committee.

## BACKGROUND AND DISCUSSION

### **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 data to both track trends and grade performance, the State of California must as well.”

### *Homelessness in California*

Since 2016, homelessness in America 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 obtaining income through training, education, and employment.

Annually, the United States Department of Housing and Urban Development (HUD) has local community Continuums of Care (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. CoCs plan and coordinate these counts, but rely heavily on volunteers from the community to conduct them. In 2020, California accounted for 51 percent 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).

Due to the Covid-19 pandemic’s disruptions, the January 2021 PIT count efforts were refocused to survey people experiencing sheltered homelessness and a report focused on this was released in February 2022.<sup>1</sup> California’s 2021 PIT count of total sheltered individuals experiencing homelessness was 57,468. HUD has cautioned that the 2021 data may not fully represent the number of people experiencing sheltered homelessness due to the Covid-19 pandemic limitations.

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<sup>1</sup> The 2021 Report can be found at <https://www.huduser.gov/portal/home.html>.

Stakeholders typically feel the annual PIT count is limited, because while these numbers provide a snapshot of the state's homeless population during a single night, they 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. These limitations are further highlighted by the Covid-19 pandemic caused limitations on data collection efforts and resulting focus on sheltered homelessness in 2021.

#### *Homeless Data Integration System and Homeless Management Information System*

There are currently 44 CoCs across California's 58 counties. CoCs are often led by a county or non-profit organization, though in some cases, they are led by a city, and are comprised of a number of representative organizations that serve individuals facing homelessness. These can include nonprofit homeless providers, governments, victim service providers, hospitals, mental health agencies, affordable housing developers, and law enforcement, among others. HUD requires CoCs to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness and enter it into a database. This is accomplished by using HMIS, which is a local information technology system. Each CoC is responsible for selecting a HMIS software solution that complies with HUD's data collection, management, and reporting standards. HMIS in California is composed of each CoC's database. HUD requires each CoC's HMIS to comply with their data collection, management, and reporting standards and also requires CoCs to enter data from both the annual PIT count and annual Housing Inventory Count into HMIS.

The state, under the Business Consumer Services and Housing Agency's oversight, built their own homelessness database called the Homeless Data Integration System, which launched in April 2021. HDIS is currently tasked with collecting state homelessness data from the HMIS that is already required by HUD. This information is currently shared publicly on Cal ICH's website. However, according to Cal ICH, the "first half of 2022 we will be working to establish system-wide performance measures that will help the state and local jurisdictions better assess their progress toward preventing, reducing, and ending homelessness in California. Once finalized, we will be updating the HDIS website to focus more on the outcomes of people accessing services through the California homelessness response system".

SB 1353 would require, among other things, LGEs to provide specified homelessness information for their jurisdictions, including local expenditures on homelessness programs and efforts including street cleaning, law enforcement, shelters, medical treatment, mental health treatment, and substance use treatment provided to homeless persons, among other things, to Cal ICH by January 1, 2025.

#### *California Interagency Council on Homelessness (Cal ICH)*

AB 1220 (*Rivas, L., Chapter 398, Statutes of 2021*) renamed the Homeless Coordinating and Financing Council (HCFC) to Cal ICH, named the secretaries of BCSH and CHHS as co-chairs of the council, and changed the membership composition from one of that included a mix of state and local agencies, persons who previously experienced homelessness, and homeless advocacy groups to one composed of state departments' and offices' directorate, including the Departments of Rehabilitation, Aging, Social Services, State Hospitals, and the state's Medicaid

Director. SB 1220 also added an advisory committee that minimally meets twice a year with the Cal ICH.

Cal ICH is tasked to continue 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. Cal ICH is also responsible for administering and distributing funding associated with the Homeless Housing Assistance and Prevention Program, through which millions of dollars allocated through the state budget process are provided to local governments and CoCs to address immediate homelessness challenges.

In February 2021, the California State Auditor released an audit of the Cal ICH (HCFC at that time) and CoCs that found: the state's approach to addressing homelessness is disjointed; Cal ICH has not taken necessary steps to accomplish its 18 statutory goals; and the CoCs they reviewed did not consistently apply best practices for planning and providing services. The California State Auditor made a variety of recommendations to help address these findings. The report made a series of recommendations to the Legislature including:

- Requiring Cal ICH to collect and track funding data on all federal- and state-funded homeless programs;
- Requiring Cal ICH to give higher priority to coordination of statewide efforts to combat homelessness and to finalize its action plan; and,
- Requiring 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."<sup>2</sup>

In response to the need to enhance the homeless data collected in the state, the Legislature passed AB 977 (*Gabriel, Chapter 397, Statutes of 2021*), which requires recipients of state homeless funding to enter data on the individuals and families they serve into their local HMIS beginning on January 1, 2023. It also requires all of the CoCs within California to provide collected data elements, including health information, to HDIS consistent with federal guidelines and laws.

SB 1353 would require the Cal ICH to collect additional information on individuals experiencing or at risk of experiencing homelessness and requires Cal ICH to develop and maintain a publicly

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<sup>2</sup> <https://www.auditor.ca.gov/pdfs/reports/2020-112.pdf>

available internet website homelessness dashboard to display the data collected by the LGEs to the public by January 1, 2026.

**Related/Prior Legislation:**

**AB 140 (Committee on Budget, Chapter 111, Statutes of 2021)** among other things, required Cal ICH to conduct a statewide assessment to identify state programs that provide housing or services to persons experiencing or at risk of homelessness; collect and analyze data from those programs necessary to provide a comprehensive view of the homelessness response system; and authorizes local governments to collaborate with Cal ICH to share existing data from existing local analyses of system needs or gaps to complement other data requested, as specified.

**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, 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 1845 (Luz Rivas, 2020)** would have created the Governor's Office to End Homelessness under the Direction of the Secretary of Homelessness and would have moved the HCFC from the Business Consumer Services and Housing Agency into the Governor's Office to End Homelessness. AB 1845 was vetoed by the Governor.

**SB 850 (Senate Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2018)** provided funding for homelessness initiatives, and required that the Governor appoint up to 17 members to HCFC, including the Secretary BCSH, or designee, to serve as chair, a representative from the Department of Transportation and a formerly homeless youth to serve on the Council, among other things, as provided.

**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

The homelessness crisis has escalated during the last two years for many reasons, including the ongoing challenges with housing availability and affordability; the rapid rise of unemployment; challenges faced by the unhoused related to Covid-19 transmission and risk; increasing inflation; and racial and economic inequality. The impact of the pandemic and its effect on the economy has compounded the crises facing individuals at risk of and currently experiencing homelessness.

Currently, CoCs collect client level data on individuals experiencing homeless and provide this data to HUD via HMIS. Additionally, Cal ICH collects data from the CoCs HMIS and publicly posts it to their website. This data includes certain demographics such as age, race, veteran status, disability status, history of domestic violence, and number of services accessed. The data is aggregated, but provides a point in time look at homelessness in California. However, the data



collected is not as extensive as that which SB 1353 would mandate to be collected. This bill would require LGEs to collect data on their local jurisdictions, which would be a change for many of these jurisdictions, as cities and counties do not currently collect this data. Additionally, some of the data SB 1353 would require LGEs to collect is personal in nature and some is protected by law, including medical, behavioral health, and domestic violence information, unless it is voluntarily shared by the individual.

CoCs currently receive federal funding to complete an annual homelessness PIT count on a single night once a year, which requires the combined efforts of hundreds of volunteers to accomplish. By also tasking more additional entities with tracking homelessness data, this bill may move the state further away from one recommendation made by the State Auditor— that one entity be tasked with collecting homelessness data in the state. This bill, as currently written, also does not give enough time for the requirements of AB 977 (*Gabriel, Chapter 397, Statutes of 2021*) to be implemented by Cal ICH and to begin collecting additional homelessness information on individuals served by the CoCs by January 1, 2023, as required by the measure.

The author has taken amendments from the Senate Governance and Finance Committee which have helped to make the bill more feasible; however, there are still duplicative data collection elements in the bill. The amendments also do not completely address potential privacy concerns or challenges arising from the collection of sensitive information. Should this bill pass out of this Committee, the author may wish to work with stakeholders to address duplicative provisions and privacy concerns related to the data collection requirements. The author has expressed willingness to work on amendments with stakeholders who have expressed concerns about the bill.

**Triple Referral:** This bill was initially referred to the Senate Governance and Finance Committee and also to the Senate Housing Committee. However, due to Covid-19 protocols, the referral to the Senate Housing Committee was rescinded. A comment from the Senate Housing Committee can be found in the Senate Governance and Finance Committee’s analysis of this bill.

## SUPPORT/OPPOSITION

### Arguments in Support:

In support, the author states:

“SB 1353 was amended by the Senate Governance & Finance Committee to remove quarterly reporting altogether. Instead, the bill requires the local governments to report to the CA Interagency Council specified information on its homeless population and expenditures on its homelessness programs by January 1st 2025.

Each homeless population data point is important in getting a clearer picture of different populations of the state’s homelessness population. This will allow for policy makers and advocates to adjust funding and program goals to better serve different homeless populations. While this bill has been amended to remove its quarterly reporting requirements, the goal of the author is to work with stakeholders in the long-term for a future system where the trends in various homeless populations are tracked. For example, if we are able to recognize rising trends

in homeless persons recently released from prison or who were previous foster youth, policy makers can adjust funding and advocates can target services to better serve those populations.

The intent of the bill is not to require localities to interact with persons experiencing homelessness to survey them for the purpose of gaining the specified population data. The intent is that when a person experiencing homelessness comes into contact with a local government for another purpose, the person interacting with the person make an attempt to survey them on their population information.”

**Arguments in Opposition:**

In opposition, the Corporation for Supportive Housing and Housing California state:

“SB 1353 (Wilk) while well-intentioned, the bill’s requirements are not possible for local governments to meet. Moreover, counting and reporting data on people experiencing homelessness is difficult and costly, and the cost of the bill would make the requirements completely untenable for most local governments. There are reasons why HUD only requires CoCs to do these full counts every 2 years, because of the complexity and costs.

Further, under state and federal laws, local government staff cannot ask people some of the information required under this bill, including whether individuals have been diagnosed with medical, mental health, and substance use conditions. No data source exists on a macro basis for some of the information the bill requires, such as whether an individual who has experienced homelessness has been sent to prison, or whether an individual experiencing homelessness has been hospitalized. To gather data accurately that a county holds, counties would be required to integrate data across local departments and agencies, and then match that data with homeless data, which most local governments do not do, and even the ones who do this type of data integration cannot gather data for those experiencing homelessness who are not staying in a shelter or receiving services; most Californians experiencing homelessness are unsheltered. SB 1353 has a laudable intent, but does not take into consideration the significant challenges of counting and tracking people experiencing homelessness. It is unworkable for this reason.”

**PRIOR VOTES**

Senate Governance and Finance Committee:

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**POSITIONS****Support:**

None received

**Oppose:**

Corporation for Supportive Housing  
Housing California  
Oakland Privacy

**-- END --**