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# SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair  
2019 - 2020 Regular

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**Bill No:** AB 2174  
**Author:** Gallagher  
**Version:** March 16, 2020  
**Urgency:** No  
**Consultant:** Marisa Shea  
**Hearing Date:** August 10, 2020  
**Fiscal:** No

**Subject:** Homeless multidisciplinary personnel teams

## SUMMARY

This bill permits Yuba and Sutter counties to establish a joint homeless adult and family multidisciplinary personnel team (MDT) in order to facilitate the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services.

## ABSTRACT

### Existing Law:

- 1) Allows a county to establish a homeless adult and family MDT in order to facilitate the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within that county and to allow provider agencies to share confidential information for the purpose of coordinating housing and supportive services to ensure continuity of care. (*WIC 18999.8(a)*)
- 2) Defines “homeless” as any recorded instance of an adult or family self-identifying as homeless within the most recent 12 months, or any element contained in service utilization records indicating that an adult or family experienced homelessness within the most recent 12 months. (*WIC 18999.8(b)(1)*)
- 3) Defines “homeless adult and family MDT” as any team of two or more persons who are trained in the identification and treatment of homeless adults and families, and who are qualified to provide a broad range of services related to homelessness. Further specifies that the MDT shall include, but not be limited to, mental health and substance abuse services personnel, law enforcement entities, legal counsel, social services workers, and medical personnel, among other entities. (*WIC 1899.8(b)(2)*)
- 4) Defines “homeless services provider agency” as any governmental or other agency that has, as one of its purposes, the identification, assessment, and linkage of housing or supportive services to homeless adults or families, and further allows a homeless provider agency to share information with certain entities, including, but not limited to, social

services, health services, probation, and law enforcement, among others. (*WIC 18999.8(b)(3)*)

- 5) Allows members of a homeless adult and family MDT engaged in the identification, assessment, and linkage of housing and supportive services to homeless adults or families to disclose to, and exchange with, one another information and writings that relate to any information that may be confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the identification, reduction, or elimination of homelessness or the provision of services. (*WIC 18999.8(c)(1)*)
- 6) Prohibits disclosure and exchange of information to anyone other than members of the homeless adult and family MDT and those qualified to receive information, as provided. (*WIC 18999.8(c)(3)*)
- 7) Requires the representatives of a domestic violence victim services organization, as defined, participating in a county's homeless adult and family MDT to obtain an individual's informed consent before disclosing confidential information about that individual to another team member, as provided. (*WIC 18999.8(c)(4)*)
- 8) Allows a homeless adult and family MDT to designate persons qualified, as provided, to be a member of the MDT for a particular case, and thus able to receive and disclose relevant information and records, subject to confidentiality provisions, for that specific case. (*WIC 18999.8(d)*)
- 9) Requires each county operating a homeless adult and family MDT to develop protocols describing how and what information may be shared by members of the MDT to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. Further requires the protocol to include, but not be limited to, all of the following:
  - a) The items of information or data elements that will be shared;
  - b) The participating agencies;
  - c) A description of how the information shared will be used by the members of the MDT;
  - d) An information retention schedule that participating agencies shall follow;
  - e) A requirement that no confidential information or writings be disclosed to persons who are not members of the MDT, except to the extent required or permitted under applicable law;
  - f) A requirement that participating agencies develop uniform written policies and procedures that include security and privacy awareness training for employees who will have access to information pursuant to this protocol;

- g) A requirement that all persons who have access to information shared by participating agencies sign a confidentiality statement that includes, at a minimum, general use, security safeguards, acceptable use, and enforcement policies;
  - h) A requirement that participating agencies employ security controls that meet applicable federal and state standards, including reasonable administrative, technical, and physical safeguards to ensure data confidentiality, integrity, and availability and to prevent unauthorized or inappropriate access, use, or disclosure; and
  - i) A requirement that participating agencies take reasonable steps to ensure information is complete, accurate, and up to date to the extent necessary for the agency's intended purposes and that the information has not been altered or destroyed in an unauthorized manner. (*WIC 18999.8(e)*)
- 10) Requires every member of the homeless adult and family MDT who receives information or records regarding adults and families in their capacity as a member of the MDT to be under the same privacy and confidentiality obligations and subject to the same penalties as the person disclosing or providing the information or records. Further requires the information or records obtained by the MDT to be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights. (*WIC 18999.8(f)*)
- 11) Establishes a pilot program, until January 1, 2025, in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara, and Ventura to allow homeless adult and family MDT's established in those counties to have the goal of facilitating expedited identification, assessment, and linkage of individuals at risk of homelessness to housing and supportive services, and the goal of facilitating the expedited prevention of homelessness for those individuals. (*WIC 18999.81(a)*)
- 12) Defines "individual at risk of homelessness" as an individual who is indigent or receiving or eligible to receive public benefits in the form of cash aid, and who meets all of the following conditions: the individual is exiting, or exited within the most recent 12 months, a state funded or locally funded detention or treatment setting, as specified, or is aging out, or aged out within the most recent 12 months, of the child welfare system or the juvenile justice system; or, the individual presents with, or received services within the most recent 12 months for, significant health, mental health, or substance use issues. (*WIC 18999.81(b)*)

**This Bill:**

- 1) Allows Yuba and Sutter counties to establish a joint homeless adult and family MDT with the goal of facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within either of those counties and to allow provider agencies and members of the MDT to share confidential information for the purpose of coordinating housing and supportive services to ensure continuity of care.

- 2) Requires a joint homeless adult and family MDT established in Yuba and Sutter counties to conform to all requirements and obligations of a homeless adult and family MDT, as established in current law.
- 3) Requires Yuba and Sutter counties to adopt a joint protocol to govern the sharing of information that is in full compliance with the requirements and obligations of existing homeless adult and family MDT protocols, as provided.
- 4) Requires the adopted joint protocol to be at least as restrictive of the sharing of confidential information as any protocol adopted under existing law for the sharing of information by a team comprised solely of members of either county individually.
- 5) Allows for the participation of appropriate city personnel, as determined by the counties, from a city within Yuba county or Sutter county that requests to participate in the joint MDT, unless the counties determine that participation by the city would hinder compliance with the requirements and obligations, as provided, or otherwise conflict with the counties' goals and objectives.
- 6) States legislative findings and declarations that a special statute is necessary because of unique geographical characteristics of Yuba and Sutter counties and their preexisting and coordinated approach to addressing homelessness and providing services to individuals who are homeless.

### **FISCAL IMPACT**

This bill has been keyed non-fiscal by the Legislative Counsel.

### **BACKGROUND AND DISCUSSION**

#### **Purpose of the Bill:**

According to the author, current law “hinders the efforts of Yuba and Sutter counties to provide housing and supportive services to homeless individuals, which are especially critical to containing COVID-19, because current law limits the utilization of homeless MDTs to providers within a single county.” This limitation prevents Yuba and Sutter Counties, which share homeless services providers, a bi-county behavioral health department, a bi-county health officer, and have created a bi-county homeless consortium, from being able to better coordinate services across counties lines for their homeless populations. The author states, “authorizing Yuba and Sutter counties to establish a joint MDT would help with the identification, assessment, and linkage of homeless individuals to housing and supportive services. This will create cost savings and improve government efficiency by preventing duplicative efforts through better coordination, while enhancing the continuity of care for homeless individuals and families.”

*Homelessness in California*

The U.S. Department of Housing and Urban Development's (HUD) 2019 Annual Point in Time Count Homelessness Report (Report) found that although much of the country experienced a combined decrease in homelessness in 2019, the west coast saw significant increases in unsheltered and chronic homelessness. The Report showed California as having an increase of 16.4 percent, or 21,306 individuals, experiencing homelessness from the state's numbers reflected in the 2018 Report. Additionally, the Report found that California has more than half of all unsheltered homeless people in the country, 53 percent or 108,432 individuals.

Furthermore, while the Report found decreased nationwide totals for specific populations, such as families with children, unaccompanied youth, and veterans experiencing homelessness, the Report found that:

- Homelessness among California families with children increased by 7 percent or 1,537 more individuals;
- California has the largest number of unaccompanied youth experiencing homelessness, 11,993 individuals, accounting for just over one-third of all unaccompanied youth, with the majority, or 9,465 individuals, found to be unsheltered; and
- Just under 30 percent of all veterans experiencing homelessness reside in California, 10,980 individuals, more than half of whom are unsheltered, or 7,719 unsheltered individuals.

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. Consequently, people who are chronically homeless cycle through costly emergency-driven public systems – emergency shelters, emergency rooms, detoxification centers, criminal justice facilities – without getting the ongoing care they need to address severe mental illness, substance abuse disorders, or chronic health conditions.

California has taken variety of ongoing actions to address homelessness at the state, county and local level. In 2016, SB 1380 (*Mitchell, Chapter 847, Statutes of 2016*) created the Homeless Coordinating and Financing Council (HCFC) to coordinate the state's response to homelessness. The HCFC was created to oversee the state's implementation of Housing First; identify mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California; and to create partnerships between state agencies and departments, local government agencies, participants in HUD's Continuum of Care (CoC) program, federal agencies, and service providers, among others.

The HCFC is also responsible for the administration of the Homeless Emergency Aid Program (HEAP) and the Homeless Housing, Assistance and Prevention (HHAP) program. Both of these programs represent large budgetary invests made by the state to address homelessness and their program specifics are as follows:

- HEAP - an allocation of \$500 million in one-time block grant funds through SB 850 (*Senate Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2018*) was

created to provide one time funding to enable local governments to respond to homelessness. These funds have been awarded to 43 CoCs and 11 large cities who committed to allocating HEAP funds to services, capital improvements, rental assistance, and programs specifically targeting the needs of homeless youth.

- HHAP – an allocation of \$650 million to assist local governments in addressing homelessness through AB 101 (*Committee on Budget, Chapter 159, Statutes of 2019*) is a one-time block grant that provides local jurisdictions with funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges. HHAP program allocations are given to the 44 CoCs, 13 large cities, and the 58 counties and recipients are required to use the funds on evidence-based solutions that address and prevent homelessness, with eight percent of funds going towards youth specific services or preventions.

In light of the COVID-19 pandemic, Governor Newsom signed Executive Order N-25-20 on March 12, 2020 identifying the state's need for various facilities that could be used to isolate and treat individuals exposed to COVID-19. As a result, the governor ordered the California Health and Human Services Agency (CHHS) and the Office of Emergency Services (OES) to identify and make available hotels and other similar facilities that could be used as temporary residences for quarantining and treating individuals who have tested positive for or have a high-risk exposure to COVID-19.

These actions were followed by Executive Order N-32-20 on March 18, 2020, which provided local governments with additional flexibilities to expand emergency shelter and isolation capacity for people experiencing homelessness in California during the COVID-19 pandemic. An additional \$150 million in state general funds were made available to support state and local governments in protecting the health and safety of people experiencing homelessness in response to COVID-19. This emergency response focused on: emergency funding to local governments and tribes, flexibility in the use of existing homeless response funding, public health guidance for homeless assistance providers, and hotel/motel occupancy agreements and trailers that provide immediate isolation housing for the most vulnerable. This effort has become known as Project Roomkey, whose purpose, according to CDSS, is “to provide non-congregate shelter options for people experiencing homelessness, protect human life, and minimize strain on health care system capacity. Project Roomkey gives people who are experiencing homelessness and are recovering from COVID-19 or have been exposed to COVID-19 a place to recuperate and properly quarantine outside of a hospital.”<sup>1</sup> These efforts, like the pandemic, are ongoing.

#### *Homelessness in Yuba and Sutter Counties*

Yuba and Sutter counties report a drastic increase in homelessness over the past decade, with the number of reported persons experiencing homelessness more than doubling from 362 in 2007 to 760 in 2017. Furthermore, during that same time period, the counties report the number of individuals experiencing chronic homelessness within their borders more than tripled from 44

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<sup>1</sup> See [https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACWDL/2020/ACWDL\\_Project\\_Roomkey\\_Initiative.pdf](https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACWDL/2020/ACWDL_Project_Roomkey_Initiative.pdf)

persons in 2007 to 150 person in 2017.<sup>2</sup> The majority of these individuals are unsheltered, with 62.2 percent of individuals experiencing homelessness within Yuba and Sutter counties reported to be unsheltered, including 57.4 percent of veterans experiencing homelessness, 62.5 percent of youth experiencing homelessness, and 66.6 percent of parenting youth experiencing homelessness.<sup>3</sup>

Yuba and Sutter Counties coordinate to provide services to individuals experiencing homelessness. In 2017, the counties developed a 2017 Action Plan for Homelessness in Yuba and Sutter Counties, which provided an outline of the homeless situation within the counties and identified key partners, stakeholders, and goals. Also in 2017, the counties established a Bi-County Homeless Services Program to address homelessness regionally. The program consists of elected officials and staff from each jurisdiction: Sutter County, Yuba County, and each of the four incorporated cities found within the two counties (Yuba City, Live Oak, Marysville, and Wheatland). This program works to devise, propose, conduct, evaluate, and administer public social services programs, funding, and revitalization programs serving individuals experiencing homelessness. The counties also share a CoC, the Sutter-Yuba Homeless Consortium, which is responsible for conducting the annual point-in-time count, coordinated entry system, and other U.S. Department of Housing and Urban Development regulated activities. This bi-county CoC is made up of representatives from community-based organizations, non-profits, government staff from both counties, school district staff, law enforcement, and faith based organizations. As result of this shared CoC, the counties share a coordinated entry program, with one-stop centers in both counties.

This bill would allow the counties to jointly form a homeless adult and family MDT. This would allow the MDT to include members from government agencies in each county, as well as non-profits and services providers that might operate in only one of the counties. By being able to utilize the MDT model, members of the MDT will be able to share private information about the individuals being served that would likely not be available to all team members without the creation of an MDT.

#### *Multidisciplinary Personnel Teams (MDTs)*

MDTs have been authorized in California to allow for a coordinated interagency response to elder and child abuse cases since the passage of AB 1049 (*Bader, Chapter 353, Statutes of 1987*). MDTs are formed and operated at the county level and afford their members with the ability to share confidential information among team members for the purposes of preventing, identifying, or treating child abuse. MDTs are seen as an effective tool for conducting a timely and objective investigation, with the added benefit of facilitating coordination among the different agencies and entities participating on the team, enabling decisions to be made through team decision-making.

In 2017, AB 210 (*Santiago, Chapter 544, Statutes of 2017*) gave counties the ability to create MDTs for homeless adults and families to facilitate the expedited identification, assessment, and

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<sup>2</sup> See [https://www.yuba.org/Homeless%20Plan%20-%20Regional%20Strategic%20Plan%20FINAL%20-%20APPROVED%20\(Sutter-Yuba%20Counties\).pdf](https://www.yuba.org/Homeless%20Plan%20-%20Regional%20Strategic%20Plan%20FINAL%20-%20APPROVED%20(Sutter-Yuba%20Counties).pdf)

<sup>3</sup> *Id.*

linkage of individuals experiencing homelessness to housing and supportive services within that county and to allow provider agencies and other MDT members to share confidential information for the purpose of coordinating housing and supportive services to ensure continuity of care. The sharing of confidential information is governed by protocols developed by the county in which the MDT operates, as provided. In 2019, AB 728 (*Santiago, Chapter 337, Statutes of 2019*) established a five year pilot program in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara, and Ventura that allows those counties to expand the scope of their homeless adult and family MDTs to include the identification, assessment, and linkage to services and housing of individuals who are at risk of homelessness, as defined, with the goal of preventing these individuals from becoming homeless.

Those counties participating in the AB 728 pilot program must notify individuals at risk of homelessness that their confidential information may be shared for the purpose of coordinating housing and supportive services and requires the MDT member who first establishes contact with the individual at risk of homelessness to attempt to obtain the individual's consent to that information sharing. There is no such notification or consent requirement for individuals experiencing homelessness who are identified, assessed, and/or linked to housing or services by a county's homeless adult and family MDT, even in those counties participating in the AB 728 pilot. Rather the requirement to provide notice and attempt to gain consent only applies to individuals at risk of homelessness.

This bill allows Yuba and Sutter Counties to operate a joint homeless adult and family MDT, rather than each county operating a homeless adult and family MDT separately. This bill does not allow for the counties to operate a homeless adult and family MDT that target individuals at risk of homelessness, but limits this jointly operated MDT to the same restrictions as those established through AB 210 (*Santiago, Chapter 544, Statutes of 2017*). AB 728 and AB 210 do not allow counties to operate a homeless adult and family MDT in partnership with another county, rather those MDTs are geographically limited to a single county.

#### *COVID-19 Impacts on Committee Jurisdiction*

Due to the COVID-19 Pandemic and the unprecedented nature of the 2020 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 one committee 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 Senate Judiciary Committee. The Judiciary Committee specifically states that:

“This bill implicates the privacy of individuals who experience homelessness and thus is in the jurisdiction of the Senate Judiciary Committee. The bill draws on existing provisions governing a homeless adult and family multidisciplinary team (MPD). An MDT may gather and internally share an individual's confidential information for the purpose of connecting them with housing and services, provided that the MDT does so in accordance with a protocol meeting specified standards to protect the information. The MPT is not required to obtain the individual's explicit consent.

By contrast, a similar pilot program, (*SB 728 (Santiago, Ch. 337, Stats. 2019)*), which applies to individuals at risk of homelessness, requires an MDT to attempt to obtain



affirmative consent of the individual, who may opt out of the collection and sharing of their information. Although beyond the scope of this bill, this disparate treatment of an essential civil liberty of similarly situated individuals arguably warrants further scrutiny in future legislation.”

**Related/Prior Legislation:**

*AB 728 (Santiago, Chapter 337, Statutes of 2019)* established a five year pilot program in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara, and Ventura that allows those counties to expand the scope of a homeless adult and family MDTs established in those counties to include serving individuals who are at risk of homelessness, as provided.

*AB 210 (Santiago, Chapter 544, Statutes of 2017)* allows counties to develop homeless adult and family MDTs in order to facilitate identification and assessment of individuals experiencing homelessness, and to link individuals experiencing homelessness to housing and support services. Additionally allows service providers and others who are members of the MDT to share confidential information to ensure continuity of care, as provided.

*AB 2229 (Brownley, Chapter 464, Statutes of 2010)* established a time-limited authority for counties to create two-person MDTs engaged in the investigation of suspected child abuse or neglect.

*AB 2322 (Feuer & Bass, Chapter 551, Statutes of 2010)* broadened the scope of information that may be included in a county MDT computerized database to include information regarding nonrelatives living in the home a child.

*AB 1518 (Soto, Chapter 919, Statutes of 1999)* established a three-year, three county pilot in Alameda, San Bernardino, and Ventura counties to create an integrated coordinated case management system using MDTs for CalWORKs families with multiple barriers to employment.

*AB 1049 (Bader, Chapter 353, Statutes of 1987)* authorized the use of MDTs for both child and elder abuse.

**COMMENTS**

Yuba and Sutter Counties are uniquely situated to jointly operate a homeless adult and family MDT. The two counties are already working together to address the needs of individuals experiencing homelessness within their geographical borders through their Bi-County Homeless Services Program, shared CoC and coordinated entry system. Additionally, the counties coordinated their efforts to address homelessness through their 2017 Action Plan and through these efforts have been working with shared community partners and stakeholders to address the needs of individuals experiencing homelessness. Operating separate county-based homeless adult and family MDTs would create silos where the counties have worked to break them down and separate out resources and providers that are currently collaborating to provide services.

This preexisting coordination and collaboration will enable the MDT to work as envisioned, facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services. Without this preexisting coordination and collaboration a joint homeless adult and family MDT may simply result in the broader sharing of confidential information of individuals experiencing homelessness without the necessary relationships and available services to make a difference in their service needs.

**PRIOR VOTES**

Assembly Floor:	77 - 0
Assembly Human Services Committee:	8 - 0

**POSITIONS**

**Support:**

County Behavioral Health Directors Association  
County of Sutter  
Yuba County

**Oppose:**

None received

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