
THIRD READING

Bill No: AB 2174
Author: Gallagher (R), et al.
Amended: 8/17/20 in Senate
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 7-0, 8/10/20
AYES: Hurtado, Jones, Beall, Jackson, Melendez, Pan, Wiener

ASSEMBLY FLOOR: 77-0, 6/8/20 - See last page for vote

SUBJECT: Homeless multidisciplinary personnel teams

SOURCE: Author

DIGEST: 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.

Senate Floor Amendments of 8/17/20 add Senator Nielsen as a co-author.

ANALYSIS:

This bill:

- 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 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)*)

- 3) 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)*)
- 4) 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)*)
- 5) 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)*)
- 6) 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)*)
- 7) 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. (*WIC 18999.8(e)*)
- 8) 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)*)

- 9) 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)*)

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.

Comments

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.

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.

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 persons in 2007 to 150 person in 2017.¹ 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.²

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 allows Yuba and Sutter counties to jointly form a homeless adult and family MDT. This allows 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

¹ 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)

² *Id.*

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 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 policy committee analysis includes information from Senate Judiciary Committee. To see the Senate Judiciary Committee's full comment on this bill please refer to the Senate Human Services Committee analysis.

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

SUPPORT: (Verified 8/11/20)

County Behavioral Health Directors Association
County of Sutter
Yuba County Board of Supervisors

OPPOSITION: (Verified 8/11/20)

ACLU California

ARGUMENTS IN SUPPORT: According to the Yuba County Board of Supervisors, "Yuba and Sutter counties have made a concentrated effort to work together to address homeless issues. The homeless population often moves freely between the two counties, and many homeless service providers in the area serve both Yuba County and Sutter County residents. In addition, many homeless residents receive behavioral health services from the bi-county behavioral health department, Sutter-Yuba Behavioral Health... The limitation that the team act within its county jurisdiction creates doubt as to whether a bi-county team can be formed and afforded the same statutory protection related to the sharing of confidential information...Yuba County, Sutter County, and all cities within the two counties created the Bi-County Homeless Consortium to jointly address

homelessness...AB 2174 would allow 1Yuba and Sutter Counties to work together to provide meaningful social services to homeless individuals in the most efficient manner.”

ARGUMENTS IN OPPOSITION: According to ACLU California, who opposes this bill unless amended due to their ongoing privacy concerns with homeless MDTs, AB 2174 “would permit this MDT and provider agencies to share confidential information to coordinate services for the unhoused community in [Sutter and Yuba] counties. While increasing inter-county coordination may be appropriate to provide adequate services to those experiencing homelessness, it should be done consistent with comparable provisions of existing law addressing underlying privacy concerns with MDTs in various contexts...While appropriate sharing of information across agencies and programs can improve services and assist with preventing homelessness, this disclosure must be balanced by honoring the important privacy interests of the individuals the team is trying to serve and recognizing the important purpose that privacy seeks to achieve. Strong confidentiality laws create an environment of trust that supports safety and access to vital services and helps ensure that sensitive information is not used to criminalize or incarcerate people using these services.”

ASSEMBLY FLOOR: 77-0, 6/8/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, Obernolte, O'Donnell, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Muratsuchi, Quirk

Prepared by: Marisa Shea / HUMAN S. /
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**** END ****