
SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair

2021 - 2022 Regular

Bill No: SB 914

Author: Rubio

Version: March 22, 2022

Urgency: No

Consultant: Bridgett Hankerson

Hearing Date: March 29, 2022

Fiscal: Yes

Subject: Homeless domestic violence survivors and data systems: local and state support and guidelines

SUMMARY

This bill, called the Homeless Equity for Left Behind Populations or HELP Act, requires cities, counties, and continuums of care (CoCs) receiving state funding to include within the vulnerable populations that receive homeless services and housing delivery: families, people fleeing or attempting to flee domestic violence, and unaccompanied women; requires cities, counties and CoCs to work with victim service providers to incorporate specified data into their homelessness plans and response and into state and local homeless data systems; and, requires the Interagency Council on Homelessness, by January 1, 2025, to establish initial goals to prevent and end homelessness among domestic violence survivors, their children and unaccompanied women, and update these goals as needed every two years thereafter.

ABSTRACT

Existing Law:

- 1) Establishes the United States Interagency Council on Homelessness to coordinate a federal response to homelessness and create a national partnership at every level of government and with the private sector to end homelessness. (*42 United States Code (USC) 11311*)
- 2) Prohibits, unless a release of information is obtained, grantees and subgrantees, such as victim service providers, from disclosing or collecting any personally identifying information regarding personal services requested, utilized, or denied, regardless of whether the information has been encoded, encrypted or hashed, in order to protect the confidentiality and privacy of persons receiving services, as specified. Further allows grantees and subgrantees to share non-personally identifying information in the aggregate in order to comply with federal, state, tribal or territorial reporting, evaluation, or data collection requirements, as specified. (*34 USC 12291(2)*)
- 3) Defines in federal statute the term “victim service provider” to mean, a private nonprofit organization whose primary mission is to provide services to victims of domestic

violence, dating violence, sexual assault, or stalking. The term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs. (*42 USC 11360(34)*)

- 4) 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 and having resided in an emergency shelter or place not meant for human habitation immediately before entering that institution (*42 CFR 91.5*)
- 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)*)
- 7) Establishes the California Interagency Council on Homelessness (Cal ICH) and requires it 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.*)
- 8) Requires Cal ICH to coordinate a spectrum of funding, policy, and practice efforts related to young people experiencing homelessness by coordinating with young people experiencing homelessness, CDSS, and other appropriate state and county agencies and departments, and to provide technical assistance and program development, as provided. (*WIC 8261*)
- 9) 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)*)

This Bill:

- 1) Establishes the “HELP Act” or Homeless Equity for Left Behind Populations Act.
- 2) Makes a variety of findings and declarations regarding the correlations between homelessness, food insecurity, and domestic violence for women and men, including unaccompanied women.
- 3) Defines “Continuums of Care” (CoCs) as the group of organizations within a geographic area, organized to carry out the responsibilities required to serve homeless and formerly homeless veterans and individuals, in alignment with federal law.
- 4) Defines “Victim Service Provider” as a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking, which include rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs, in alignment with federal law.
- 5) Defines “Unaccompanied Woman” as an individual who identifies as a woman, who is 18 years of age or older, who is experiencing homelessness, as defined in the federal McKinney-Vento Homeless Assistance Act, and who is not accompanied by children or other dependents, as specified.
- 6) Requires cities, counties, and CoCs receiving state funding to address homelessness to do the following on or after January 1, 2023:
 - a. Ensure that both the needs of victim service providers and survivors of violence and a gendered analysis of the causes and consequences of homelessness are incorporated into homelessness planning and responses;
 - b. Include within the existing vulnerable populations for whom specific system supports are developed to maintain homeless services and housing delivery: families, people fleeing or attempting to flee domestic violence, and unaccompanied women;
 - c. Ensure that analyses and goals related to addressing homelessness are developed in conjunction with victim service providers and will do the following:
 - i) Address the specific needs of families, people fleeing or attempting to flee domestic violence, and unaccompanied women, without including certain data measures into HMIS in accordance with federal policies;
 - ii) Incorporate aggregate data from victim services providers and other data sources into any local landscape analysis that assesses the current number of people experiencing homelessness and existing local programs that address homelessness;

- iii) Address the safety and wellness of people experiencing homelessness in encampments, including the risk of sexual violence and domestic violence;
 - iv) Include victim service providers in the responses to family homelessness;
 - v) Address the disparate racial and gender outcomes in accessing and maintaining services and housing;
 - vi) Address the nexus of homelessness and justice-involvement, particularly for women and survivors of domestic violence; and,
 - vii) Disaggregate the number of beds provided by victim services providers and the number of beds available for women, transgender and gender-nonconforming persons when assessing the number of available shelter beds in the city, county, or region served by a CoC.
- 7) Requires, in order to improve the quality and accuracy of the homeless population data, both of the following:
 - a. Victim service providers must not be expected or required to enter client-level data into HDIS or HMIS, as specified by federal policy.
 - b. Beginning January 1, 2023, funding provided to cities, counties and CoCs to support HDIS and HMIS, may be used to support the development and maintenance of comparable databases.
- 8) Requires Cal ICH to set specific, measurable goals; define outcome measures; gather data; and measure progress toward the goal of preventing and ending homelessness among domestic violence survivors and their children and unaccompanied women. Goals must include, but are not limited to:
 - a. Measurably decreasing their numbers in the state;
 - b. Decreasing the duration and frequency of their experiences of homelessness; and,
 - c. Decreasing barriers to services through the promotion of cross-system partnerships to expedite access to social services, domestic violence services, regional center services, housing services, and mental health services.
- 9) Requires Cal ICH, when funding is available, to provide technical assistance to support the development of local programs and plans, as provided.
- 10) Requires Cal ICH, by January 1, 2025, to establish initial goals to prevent and end homelessness among domestic violence survivors, their children and unaccompanied women, and update the goals as needed every two years thereafter.

FISCAL IMPACT

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

BACKGROUND AND DISCUSSION

Purpose of the Bill:

According to the author, “Domestic violence is one of the leading drivers of homelessness for women, and unaccompanied women experiencing homelessness wait on average more than 10 years to access stable housing, a rate twice that of men. Despite making up a significant portion of the homeless population, our state’s homelessness response does not appropriately consider the needs of these two intersecting groups.”

The author further states, “SB 914 addresses this issue and will keep California at the forefront of innovative responses to homelessness and domestic violence by ensuring that data about these populations and the work of relevant service providers is incorporated into local homelessness planning. With this, cities, counties, and Continuums of Care will have a more complete picture of the homeless population in their community and be better able to achieve results in preventing homelessness and supporting individuals in moving to stable housing.”

California Homelessness Data

Since 2016, homelessness in America, and particularly in California, has been growing at an increasing rate. Annually, the U.S. Department of Housing and Urban Development (HUD) has local CoCs conduct a Point in Time (PIT) count of people experiencing homelessness in January. The annual PIT 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. The 2020 HUD Annual Homeless Assessment Report to Congress (Report) found:

- California has more than half of all unsheltered homeless people in the country, 51 percent or 113,660 individuals, 9 times that of the next highest state, Texas (13,212);
- Homelessness among California families with children increased by seven percent or 1,537 more individuals;
- A majority of people experiencing homelessness in Los Angeles were individuals, or people in households without children, 81 percent;
- In five major city CoCs, more than 80 percent of homeless individuals were unsheltered: San Jose (87 percent), Los Angeles (84 percent), Fresno (84 percent), Oakland (82 percent), and Long Beach (81 percent).

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 2022.¹ California's 2021 PIT count of total sheltered homeless was 57,468, and of those counted, 17,690 were women. HUD has cautioned that the 2021 data may not be fully represent the number of people experiencing sheltered homeless due to the Covid-19 pandemic limitations.

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.

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.

HUD Recognized Homeless Sub-Populations

The HUD PIT count breaks down its data on homelessness to report on the following subpopulations: homeless individuals; homeless families with children; unaccompanied homeless youth; homeless veterans; and chronically homeless individuals. For each population it reports those as sheltered or unsheltered. The chart below summarizes California's 2020 PIT counts by sub-population:

Breakdown of California's Homeless PIT Count by Sub-Population (January 2020)²	
Total People Experiencing Homelessness	161,548
Individuals	135,771
Families with Children	25,777
Unaccompanied Youth	12,172
Veterans	11,401
Chronically Homeless Individuals	48,812

As the above chart shows, the vast majority of Californian's experiencing homelessness are individuals without children. 135,771 individuals were identified as experiencing homelessness in January 2020; meaning that most Californians experience homelessness as households without children, i.e. as individuals. HUD further breaks down the PIT count data by gender, revealing

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

² Data in this chart includes total PIT counts for sheltered and unsheltered subpopulations.

that of those individuals: 53,505 were identified as female, 105,737 were identified as male, 1,601 were identified as transgender, and 705 were identified as gender non-conforming.³ Although the PIT count categorizes these persons as individuals that is not to say they are experiencing homelessness alone. HUD categorizes people experiencing homelessness as being families with children (families) or persons without children (individuals). Thus, some of these individuals experiencing homelessness could be experiencing homelessness with a partner or other supportive person.

Domestic Violence

Domestic violence is “abuse or threats of abuse when the person being abused and the abuser are or have been in an intimate relationship (married or domestic partners, are dating or used to date, live or lived together, or have a child together). It is also when the abused person and the abusive person are closely related by blood or by marriage”.⁴ It is experienced by all segments of society; however, certain communities are disproportionately affected. During the beginning of the Covid-19 pandemic, incidents of domestic violence and subsequent calls to helplines increased as people had to stay home due to the public health orders.

According to the 2015 National Intimate Partner and Sexual Violence Survey, about one in four women reported experiencing sexual violence, physical violence, and/or stalking by an intimate partner and reported an interpersonal violence related impact during their lifetime.⁵ Additional data on domestic or intimate partner violence includes the following:

- Approximately four in every 10 non-Hispanic Black women, four in every 10 American Indian or Alaska Native women, and one in two multiracial non-Hispanic women reported being the victim of rape, physical violence, and/or stalking by an intimate partner in their lifetime. These rates are 30 to 50 percent higher than those experienced by Hispanic, White non-Hispanic and Asian or Pacific Islander non-Hispanic women.⁶
- Women with disabilities have a 40 percent greater risk of intimate partner violence than women without disabilities.⁷

Domestic Violence is also the leading cause of homelessness among unaccompanied women and women with children. Nationally, 57 percent of women experiencing homelessness reported domestic violence was the immediate cause. Unaccompanied women experiencing homelessness, wait on average more than 10 years to access stable housing — twice the wait time for men. Women living unsheltered also have a higher chance of experiencing sexual violence, trauma, and inadequate hygiene access.⁸ The National Network to End Domestic

³This information can be found in the XLSX spreadsheet entitled 2007-2020 Point-in-Time Estimates by State available for download here: <https://www.huduser.gov/portal/sites/default/files/xls/2007-2020-PIT-Estimates-by-state.xlsx>

⁴ <https://www.courts.ca.gov/selfhelp-domesticviolence.htm?rdeLocaleAttr=en>

⁵ <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>

⁶ https://www.cdc.gov/violenceprevention/pdf/NISVS_Report2010-a.pdf

⁷ <http://www.apa.org/topics/violence/women-disabilities.aspx>;

⁸ <https://www.capolicylab.org/wp-content/uploads/2019/10/Health-Conditions-Among-Unsheltered-Adults-in-the-U.S.pdf>

Violence's 15th Annual Domestic Violence Counts: Census, found that in one 24-hour period in 2020, almost 6,296 nationwide requests for shelter and housing went unmet.⁹

The federal Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA) contain strong confidentiality provisions that limit the sharing of victims' personally identifying information, including entering information into public records and databases, such as the federal HMIS or the state's HDIS. VAWA, FVPSA, and the Victims of Crime Act (VOCA) regulations prohibit sharing personally identifying information about victims without informed, written, reasonably time-limited consent. VAWA and VOCA also exclude disclosure of individual information without written consent. These confidentiality grant conditions also prohibit programs from making the signing of a release a condition of service. Additionally, no victim service programs can share personally identifying information to comply with Federal, Tribal, or State reporting, evaluation, or data collection requirements.¹⁰ As a result, data about the number of survivors served, their needs, and program outcomes are not considered when measuring local responses to homelessness.

This bill would require cities, counties, and CoCs receiving state funding to address homelessness to take specific steps to ensure that the needs of victim service providers and survivors of violence are incorporated into their homelessness planning and responses efforts. The bill further requires that a gendered analysis of the causes and consequences of homeless are incorporated into cities, counties, and COC's homelessness planning and responses efforts, in order for them to continue receiving state funding. This bill also prohibits client level data from being entered into HMIS and HDIS by victim service providers, which aligns with federal law.

Interagency Council on Homelessness

As of January 1, 2022, the Housing Coordinating and Finance Council (HCFC) was renamed Cal ICH by SB 1220 (*Luz Rivas, Chapter 398, Statutes of 2021*). SB 1220 also named the secretaries of BCSH and of Cal HHS as co-chairs of the council and changed membership composition—from one of that included a mix of state and local agencies, persons who previously experience homelessness and homeless advocacy groups, to one composed of state departments' and offices' directorate. Cal ICH is tasked to continue much of the work it began as HCFC, which was created by SB 1380 (*Mitchell, Chapter 847, Statutes of 2016*), such as coordinate the state's response to homelessness and create partnerships among state agencies and departments, local government agencies, nonprofits, federal agencies, among others. Additionally, because of SB 918 (*Wiener, Chapter 841, Statutes of 2018*), Cal ICH is required to set and measure progress towards goals to prevent and end homelessness among youth in California. Cal ICH is currently 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.

This bill would require Cal ICH, by January 1, 2025, to establish initial goals to prevent and end homelessness among domestic violence survivors, their children, and unaccompanied women, and update the goals as needed every two years thereafter.

⁹ <https://nlihc.org/>

¹⁰ <https://www.techsafety.org/>

Homeless Data Integration System and Homeless Management Information System

There are currently 44 CoCs in 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, 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. This is accomplished by using a HMIS, which is a local information technology system and 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.

The state, under the BCSHA oversight, built their own homelessness database called HDIS, 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 will be used 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".

This bill would require Cal ICH by January 1, 2025, to establish initial goals to prevent and end homelessness among domestic violence survivors, their children and unaccompanied women, and update these goals as needed every two years thereafter.

Related/Prior Legislation:

SB 678 (Rubio, 2021) would have added "unaccompanied women" to state statute. This bill was held in the Assembly Appropriations Committee.

AB 140 (Committee on Budget, Chapter 111, Statutes of 2021) requires the Cal ICH to issue a standard agreement for cities, counties and CoCs applying for state homelessness funds to submit an application that includes a local homelessness action plan and specific outcome goals to prevent and reduce homelessness.

AB 1220 (Rivas, L., Chapter 398, Statutes of 2021) renames the Housing Coordinating and Financing Council (HCFC), the Cal ICH, and makes changes to the membership of the Council, as provided.

AB 83 (Committee on Budget, Chapter 15, Statutes of 2020), among other things, provided 300 million in grant funding for a Round Two of HHAP program funding.

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. This bill was vetoed by the Governor.

AB SB 1380 (Mitchell, Chapter 847, Statutes of 2016) created HCFC to coordinate the state's homeless response in order to implement Housing First policies throughout the state, as provided.

COMMENTS

This bill is being double referred to the Senate Housing Committee.

POSITIONS

Support:

California Partnership to End Domestic Violence (Sponsor)
Downtown Women's Center (Sponsor)
Rainbow Services (Sponsor)
Alexandria House
Brilliant Corners
California Catholic Conference
California Council of Community Behavioral Health Agencies
California Rural Legal Assistance
City of La Cañada Flintridge
Domestic Violence Solutions
Ella Baker Center for Human Rights
Futures Without Violence
Good Shepherd Center
Harriett Buhai Center for Family Law
Haven Hill, Inc.
Homeless Health Care Los Angeles
Hub for Urban Initiatives
Imagine LA
Junior Leagues of California State Public Affairs Committee
LA Family Housing
Little Hoover Commission
Little Tokyo Service Center
Los Angeles Center for Law and Justice
Los Angeles County District Attorney's Office
Los Angeles LGBT Center
National Association of Social Workers, California Chapter
Safe Place for Youth
Sojourn
United Way of Greater Los Angeles
Venice Community Housing
WISEPlace
Women's Center High Desert, Inc.
YMCA Glendale
YMCA Pasadena

Oppose:

None received

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