

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: CS/SB 2824

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Crist

SUBJECT: Homelessness

DATE: April 21, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ray</u>	<u>Jameson</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Herrin</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
3.	_____	_____	<u>HA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute (CS) amends current law relating to powers of the corporation to correct a cross reference. It adds definitions for the terms “Children and youths experiencing homelessness,” “Council on Homelessness,” “Societal causes of homelessness,” and “State Office on Homelessness.” The CS amends the definition of the term “homeless” or “individual experiencing homelessness” and removes a definition for the term “AFDC.”

This CS amends the current structure of the Council on Homelessness (council). It establishes the Housing First approach to homelessness and encourages local coalitions to adopt the Housing First approach to ending homelessness.

The CS encourages the Department of Children and Family Services (DCF) and the community-based care lead agencies (CBCs) to develop and implement procedures to reduce the number of young adults who become homeless after leaving the child welfare system. It establishes a three-year Youth Housing First Continuum Pilot program in Hillsborough County to be administered by Connected by 25, which is a division of Camelot Community Care, Inc. that provides programs and services designed to enable young adults to successfully transition to independence. It also amends the school code definition of the term “homeless child.”

This CS appropriates \$250,000 in nonrecurring General Revenue funds.

This CS substantially amends the following sections of the Florida Statutes: 420.507, 420.621, 420.622, 1003.01, 1003.21, and 1003.22. The CS also creates sections 420.6275 and 420.628 of the Florida Statutes.

II. Present Situation:

The State Office on Homelessness (office) within DCF and the Council on Homelessness were created in 2001.¹ The State Office on Homelessness' primary duty is to coordinate the services of the various state agencies and programs to serve those persons or families who have become homeless, or are facing becoming homeless.² The office also serves as a single point of contact on homeless issues in the state and administers state-funded grant programs that support the activities of the local homeless coalitions.³

The council consists of 15 members, representing seven state agency heads or their designees, four members appointed by the Governor, and four members representing statewide organizations and homeless advocacy groups. The council's mission is to develop and coordinate policy to reduce the prevalence and duration of homelessness, and work toward ending homelessness in Florida.⁴ The council collects and disseminates data and public information, monitors and provides technical assistance to local coalitions, develops policy and legislative proposals, and prepares an annual report and recommendations to the Legislature and the Governor. The council recommended that the definition of "homeless" or "homeless person" in s. 420.621(4), F.S., be revised to align this definition with the federal definition applicable to the Education for Homeless Children and Youths Program under the McKinney-Vento Homeless Assistance Act.⁵

The McKinney-Vento Homeless Assistance Act was signed into law by President Ronald Reagan on July 22, 1987.⁶ The McKinney-Vento Act originally consisted of 15 programs providing a range of services to homeless people, including emergency shelter, transitional housing, job training, primary health care, education, and some permanent housing. The McKinney-Vento Act contains nine titles:⁷

- Title I of the McKinney-Vento Act includes a statement of six findings by Congress and provides a definition of homelessness.
- Title II establishes and describes the functions of the Interagency Council on the Homeless, an independent entity within the Executive Branch composed of the heads of 15 federal agencies.
- Title III of the McKinney-Vento Act authorizes the Emergency Food and Shelter Program, which is administered by the Federal Emergency Management Agency (FEMA).
- Title IV authorizes the emergency shelter and transitional housing programs administered by the Department of Housing and Urban Development, including the Emergency Shelter Grant program (expanded from the program created by the Homeless Housing Act in 1986), the

¹ ch. 2001-98, Laws of Florida.

² Department of Children and Family Services, State Office on Homelessness Website: <http://www.dcf.state.fl.us/homelessness/> (Last visited, April 12, 2007).

³ s. 420.622, F.S.

⁴ Department of Children and Family Services, Council on Homelessness Website, <http://www.dcf.state.fl.us/homelessness/council.shtml> (Last visited, April 12, 2007).

⁵ Florida's Council on Homelessness, 2006 Report.

⁶ U.S. Department of Housing and Urban Development Website, <http://www.hud.gov/offices/cpd/homeless/rulesandregs/laws/> (Last visited, April 13, 2007).

⁷ National Coalition for the Homeless, McKinney-Vento Act, NCH Fact Sheet 18, <http://www.nationalhomeless.org>, (Last visited, April 13, 2007).

Supportive Housing Demonstration Program, Supplemental Assistance for Facilities to Assist the Homeless, and Section 8 Single Room Occupancy Moderate Rehabilitation.

- Title V of the McKinney-Vento Act imposes requirements on federal agencies to identify and make available surplus federal property, such as buildings and land, for use by states, local governments, and nonprofit agencies to assist homeless people.
- Title VI authorizes several programs administered by the Department of Health and Human Services to provide health care services to homeless persons, including the Health Care for the Homeless program, a Community Mental Health Services block grant program, and two demonstration programs providing mental health and alcohol and drug abuse treatment services to homeless persons.
- Title VII of the McKinney-Vento Act authorizes four programs: the Adult Education for the Homeless Program and the Education of Homeless Children and Youth Program, both administered by the Department of Education; the Job Training for the Homeless Demonstration Program, administered by the Department of Labor; and the Emergency Community Services Homeless Grant Program, administered by the Department of Health and Human Services.
- Title VIII amends the Food Stamp program to facilitate participation in the program by persons who are homeless, and also expands the Temporary Emergency Food Assistance Program, administered by the Department of Agriculture. Title IX of the McKinney-Vento Act extends the Veterans Job Training Act.

The McKinney-Vento Homeless Assistance Act contains a general definition of “homeless” or “homeless individual or person.”⁸ It also contains a definition of “homeless children and youths” within the Education of Homeless Children and Youth Program provision.⁹

Current law¹⁰ uses the general definition of “homeless” or “homeless individual or person” found in McKinney-Vento.

A one time payment of up to \$400 is provided by the Emergency Financial Assistance for Housing Program (EFAHP) to families who are totally without shelter or face the loss of shelter because of non-payment of rent or mortgage. It also helps those families who have had household disasters such as fire, flood, or other accidents.¹¹ The demand for this limited assistance has exhausted the approved budget of \$1.6 million in less than six months during both of the past two years.¹² Effective use of the EFAHP funds has resulted in a 62.5 percent, one-year increase (from 4,899 to 7,882) in the number of families who are kept together in housing and off the street. The Council estimates that by avoiding homelessness the program saved an estimated \$59.8 million in emergency shelter bed costs.¹³

⁸ McKinney-Vento Homeless Assistance Act, Pub. L. 100-77, (1986).

⁹ McKinney-Vento Homeless Assistance Act, Education for Homeless Children and Youths, 42 U.S.C. ss. 11431 et seq. s. 42.621, F.S.

¹¹ Emergency Financial Assistance for Housing Program Website, <http://www.dcf.state.fl.us/homelessness/efahp.shtml> (Last visited, April 13, 2007).

¹² Council on Homelessness, 2006 Report, <http://www.dcf.state.fl.us/homelessness/docs/2006annualreport.pdf> (Last visited, April 13, 2007).

¹³ Id.

The Emergency Shelter Grants (ESG) program provides homeless persons with basic shelter and essential supportive services. It can assist with the operational costs of the shelter facility, and for the administration of the grant. The ESG also provides short-term homeless prevention assistance to persons at imminent risk of losing their own housing due to eviction, foreclosure, or utility shutoffs.¹⁴

The ESG program was originally established by the Homeless Housing Act of 1986, in response to the growing issue of homelessness among men, women, and children in the United States. In 1987, the ESG program was incorporated into Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act.¹⁵

According to DCF, of the \$6,981,221 awarded to Florida in 2006, \$2,094,366 could be used for homeless prevention.

III. Effect of Proposed Changes:

The CS amends s. 420.507, F.S., relating to powers of the corporation to correct a cross reference to s. 420.621, F.S.

Definitions

The CS amends s. 420.621, F.S. to add definitions of the terms “children and youths experiencing homelessness,” “continuum of care,” “Council on Homelessness,” “societal causes of homelessness,” and “State Office on Homelessness.” The CS amends the definition of the term “homeless” or “individual experiencing homelessness” and removes a definition for the term “AFDC”. The term(s):

- “Children and youths experiencing homelessness” is a new term defined to mean children and youths who lack a fixed, regular, and adequate nighttime residence.
- “Continuum of care” is a new term defined to mean a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.
- “Council on Homelessness” is a new term defined to mean the council and state office created in s. 420.622, F.S.
- “Societal causes of homelessness” is a new term defined to mean factors such as lack of housing for individuals and families with low incomes, lack of employment opportunities for those with a high school education or less, and lack of day care, transportation, and other institutional supports.
- “Homeless” or “individual experiencing homelessness” means an individual who lacks a fixed, regular, and adequate nighttime residence and includes an individual who:

(a) Is living in an emergency or transitional shelter (*this paragraph is similar to s. 420.621(4)(a), F.S.*);

¹⁴ U.S. Department of Housing and Urban Development Website, <http://www.hud.gov/offices/cpd/homeless/programs/esg/> (Last visited, April 13, 2007).

¹⁵ U.S. Department of Housing and Urban Development Website, <http://www.hud.gov/offices/cpd/homeless/library/esg/esgdeskguide/introduction.cfm> (Last visited, April 13, 2007).

- (b) Has 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 (*this paragraph is similar to s. 420.621(4)(c), F.S.*);
- (c) Is living in a car, park, public space, abandoned building, bus or train station, or similar setting (*this paragraph is new, but appears to be contained within new (b) above*); or
- (d) Is a migratory individual who qualifies as homeless because he or she is living in circumstances described in paragraphs (a)-(e) (*this paragraph appears to be duplicative of (a)-(c)*).

The CS adds a provision which applies to the definition of the term “homeless” or “individual experiencing homelessness” specifying that the terms do not include any individuals or families who are sharing housing due to cultural preferences, voluntary arrangements, and traditional networks of support. This provision also specifies that the terms include an individual who has been released from jail, prison, the juvenile justice system, the child welfare system, a mental health and developmental disability facility, a residential addiction treatment program, or a hospital, for whom no subsequent residence has been identified, and who lacks the resources and support network to obtain housing.

The CS amends the definition of the term “Children and youths who are experiencing homelessness” in ss. 1003.01, 1003.21, and 1003.22, F.S., to mirror the definition given above.

The CS increases the council membership from 15 to 17 members. The CS adds the Secretary of Health Care Administration, or his or her designee; the Commissioner of Education, or his or her designee; and one representative from the Florida League of Cities to the council, and removes the representative of the Florida State Rural Development Council from the council.

The CS changes the council’s annual reporting date from December 31 to June 30 of each year, beginning in 2008.

Housing First

The CS creates s. 420.6275, F.S., to state Legislative findings and intent and establish the Housing First methodology.

The CS provides that the Legislature finds that:

- Communities plan to manage homelessness rather than plan to end it;
- Public and private solutions to homelessness focus on providing individuals and families who are experiencing homelessness with emergency shelter, transitional housing, or a combination of both. Emergency shelter programs often fail to address the long-term needs of those who are homeless; and
- Housing First is an alternative approach that tends to reduce the length of time of homelessness and has proven to be cost-effective to homeless programs.

The CS provides that it is the Legislature’s intent to encourage local coalitions for the homeless to adopt the Housing First approach to ending homelessness for individuals and families.

The CS describes the Housing First Methodology. The Housing First approach provides housing assistance, case management, and support services responsive to individual family needs after housing is obtained. Housing First emphasizes that social services provided to enhance individual and family well-being can be more effective when people are in their own home, and:

- Housing is not time limited; and
- Housing is not contingent on compliance with services. The CS specifies the participants must comply with a lease agreement. Services are provided to help them comply with the lease agreement.

The CS provides that Housing First provides a critical link between the emergency and transitional housing system and community based social service, educational, and health care organizations and consists of four components:

- Crisis intervention and short-term stabilization;
- Screening, intake, and needs assessment;
- Provision of housing resources; and
- Provision of case management.

It is not clear what tools would be used for screening and needs assessments.

Youth Housing First Continuum Pilot Program

The CS creates s. 420.628, F.S., to state legislative findings and intent and establish the Youth Housing First Continuum Pilot Program in Hillsborough County.

The CS provides that the Legislature finds that:

- The transition from childhood to adulthood is filled with opportunity and risk.
- Many young people will enter adulthood without the knowledge, skills, attitudes, habits, and relationships that will enable them to be a productive member of society. Young people who live in foster families, group homes, and institutions are among those at greatest risk.
- These young people face barriers to a successful transition to adulthood including changes in foster care placements and schools, limited opportunities for participation in age-appropriate normal activities, and the inability to achieve economic stability, make connections with permanent supportive adults or family, and access housing. The main barriers to housing faced by young people are cost, lack of availability, landlords unwillingness to rent to them, and their own lack of knowledge about how to be a good tenant.
- Young adults who emancipate from the child welfare system are at risk of becoming homeless and those who were formerly in foster care are disproportionately represented in the homeless population. Two-fifths of eligible young people receive independent living services and, of those who do, few receive adequate housing assistance. Without the stability of safe housing, other services, training, and opportunities may not be effective.
- Research suggests a nexus between foster care involvement and later episodes of homelessness and that interventions in the foster care system may help to prevent homelessness. Responding to the needs of young people leaving the foster care system with

developmentally appropriate supportive housing models may increase their ability to live independently in the future.

The CS provides that it is the Legislature's intent to encourage DCF, its agents, and community based care providers to develop and implement procedures designed to reduce the number of young adults who become homeless after leaving the child welfare system.

The CS provides for the establishment of a three-year Youth Housing First Continuum Pilot Program in Hillsborough County. The pilot program shall serve at least 100 young adults.

Pilot Program Eligibility Requirements

The CS establishes eligibility requirements for the pilot program. Young adults who turn 18 years of age while in licensed foster care and who have been in foster care for at least 12 months prior to turning 18 years of age are eligible for the pilot program. The 12 month requirement shall be waived if:

- A young adult has not been provided a clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and what educational program or school he or she will be enrolled in, as provided in s. 39.701(6)(a)8., F.S.;
- No subsequent residence has been identified; and
- The young person lacks the resources and support network to obtain housing.

The CS provides that priority shall be given to young persons who are attending high school and can prove that a displacement from school would have an adverse effect on their ability to achieve their educational goals.

The CS provides that other participants shall be chosen based on their documented enrollment in a full-time adult educational or postsecondary educational or vocational program or a combination of employment and part-time enrollment in an educational program and on their eligibility pursuant to s. 409.1451(2), F.S. which includes:

- The department shall serve children who have reached 13 years of age but are not yet 18 years of age and who are in foster care by providing services pursuant to s. 409.1451(4), F.S. Children to be served must meet the eligibility requirements set forth for specific services as provided in this section.
- The department shall serve young adults who have reached 18 years of age or were placed with a court-approved nonrelative or guardian after reaching 16 years of age and have spent a minimum of six months in foster care by providing services pursuant to s. 409.1451(5), F.S. Young adults are not entitled to be served but must meet the eligibility requirements set forth for specific services in this section.

Pilot Program Design

The CS provides for a youth housing continuum that incorporates various types of housing without predetermined time limits to allow young adults to transition from one housing program to another. Such housing could take any number of forms. The CS provides that young adults should have the flexibility to move among housing programs as they gain independent living

skills and economic stability. The continuum in the pilot program will consist of the following three levels of decreasing supervision:

- Supervised living for young adults who have reached 18 years of age, but are not yet 24 years of age, who cannot adequately manage their affairs and need constant, consistent adult supervision, training, and support. Each participant shall have his or her own bedroom and bathroom and share a common area.
- Monitored living for young adults who have reached 18 years of age, but are not yet 24 years of age, who can typically manage their own affairs but need regular adult monitoring. Housing will be provided in scattered sites throughout the community with support staff working regularly with participants to address their educational, employment, and financial stability goals. Each participant shall have his or her own bedroom and bathroom and share an apartment with one to three roommates.
- Independent living for young adults who have the ability to live on their own with access to support services as needed.

Pilot Program Administration

The CS provides that Connected by 25 in Hillsborough County shall provide administrative support and shall:

- Create and implement a transitional housing continuum based on the Housing First approach in which young persons who meet the eligibility criteria will receive support while participating in an educational or training program, or any activity consistent with their independent living transitional services case plan;
- Provide each participant with a transition and aftercare specialist to provide transitional support services and help develop a transition plan that is specific to his or her efforts to achieve self-sufficiency; and
- Require each participant to complete a financial literacy and asset development training program and be enrolled in the Connected by 25 match savings program.

The CS provides that beginning January 1, 2008, and continuing for the duration of the pilot program, Connected by 25 shall submit an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Secretary of Children and Family Services.

The CS provides that DCF receive an appropriation of \$250,000 in nonrecurring funds from General Revenue for the purpose of implementing s. 420.628, F.S., during FY 2007-2008.

The CS provides an effective date of July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The pilot program participants will benefit by having a home and from the knowledge and skills they will attain that will assist them toward an independent life.

C. Government Sector Impact:

The CS provides for a \$250,000 appropriation in non-recurring funds be designated from the General Revenue Fund to DCF for the purposes of implementing s. 420.628(2), F.S., as created by this act during FY 2007-2008.

With the increased membership on the Council on Homelessness, additional meeting and travel expenses are anticipated. According to DCF, the increased cost is estimated to be less than \$5,000, and can be covered within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
