

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

BILL: CS/SB 786

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

SUBJECT: Homelessness

DATE: April 16, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ray	Jameson	CF	Fav/CS
2.	_____	_____	CA	_____
3.	_____	_____	HA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

Senate Bill 786 adds definitions for the terms “children and youths experiencing homelessness,” “continuum of care,” “Council on Homelessness,” and “State Office on Homelessness.” The bill amends the definition of the term “homeless” or “individual experiencing homelessness” and “new and temporary homeless” and removes definitions for the terms “AFDC” and “secretary.”

The bill changes the membership of the Council on Homelessness (council) by adding three new members and removing one member.

The bill establishes the Housing First approach to homelessness. The bill encourages local coalitions to adopt the Housing First approach to ending homelessness.

The bill 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.

The bill deletes the school code definition of the term “homeless child” and defines the term “children and youths experiencing homelessness.”

The bill provides an effective date of July 1, 2008.

The bill corrects a cross reference in s. 420.507, F.S., relating to powers of the Florida Housing Finance Corporation.

This bill substantially amends, ss. 420.507, 420.621, 420.622, 1003.01, 1003.21, and 1003.22, F.S. The bill creates ss. 420.6275 and 420.628, F.S.

II. Present Situation:

The State Office on Homelessness (office) within DCF and the council were created in 2001.¹ The office's 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 to 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.

¹ Chapter 2001-98, Laws of Florida

² Department of Children and Families, State Office on Homelessness website: <http://www.dcf.state.fl.us/homelessness/> (last visited April 2, 2008).

³ Section 420.622, F.S.

⁴ Department of Children and Families, Council on Homelessness website: <http://www.dcf.state.fl.us/homelessness/council.shtml> (last visited April 2, 2008).

⁵ Florida's Council on Homelessness, 2006 Report (on file with the committee).

⁶ National Coalition for the Homeless, McKinney-Vento Act, NCH Fact Sheet 18 (on file with the committee).

⁷ *Id.*

- 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 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

Florida law uses the general definition of “homeless” or “homeless individual or person” found in McKinney-Vento. Section 420.621, F.S. defines the term “homeless” as an individual who lacks a fixed, regular, and adequate nighttime residence or an individual who has a primary nighttime residence that is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;

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.

- An institution that provides a temporary residence for individuals intended to be institutionalized; or
- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Emergency Financial Assistance for Housing Program

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.¹⁰ The demand for this limited assistance has exhausted the approved budget of \$1.6 million in less than six months during each of the past two years.¹¹ The council estimates that by avoiding homelessness the program saved an estimated \$59.8 million in emergency shelter bed costs.¹²

Emergency Shelter Grants

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.¹³

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.¹⁴

III. Effect of Proposed Changes:

The bill amends s. 420.507, F.S., to correct a cross reference relating to the powers of the Florida Housing Finance Corporation.

Definitions

The bill amends s. 420.621, F.S., to add definitions of the terms “children and youths experiencing homelessness,” “continuum of care,” “Council on Homelessness,” and “State Office on Homelessness.” The bill amends the definition of the term “homeless” or “individual experiencing homelessness” and “new and temporary homeless” and removes definitions for the terms “AFDC” and “secretary.”

¹⁰ Emergency Financial Assistance for Housing Program Website, <http://www.dcf.state.fl.us/homelessness/efahp.shtml> (last visited, April 9, 2008).

¹¹ Council on Homelessness, 2006 Report (on file with the committee).

¹² *Id.*

¹³ U.S. Department of Housing and Urban Development Website, <http://www.hud.gov/offices/cpd/homeless/programs/esg/> (last visited, April 9, 2008).

¹⁴ U.S. Department of Housing and Urban Development Website, <http://www.hud.gov/offices/cpd/homeless/library/esg/esgdeskguide/introduction.cfm> (last visited, April 9, 2008).

The bill creates the definition of the term “children and youths who are experiencing homelessness” in s. 1003.01, F.S., to mirror the definition in s. 420.621, F.S. The definition of the term “homeless child” in s. 1003.01, F.S., is deleted.

Currently, s. 420.621, F.S., has a definition of the term “homeless” but does not have a separate definition for a homeless child. To conform¹⁵ to the federal definitions relating to homelessness found in the McKinney-Vento Act, the bill defines the term “children and youths experiencing homelessness” in s. 420.621, F.S., and “children and youths who are experiencing homelessness” in s. 1003.01, F.S. to mean:

“...children and youths who lack a fixed, regular, and adequate nighttime residence, and includes:

- (a) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, travel trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
- (b) Children and youths who have 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.
- (c) Children and youths who are living in cars, parks, public spaces, abandoned buildings, bus or train stations, or similar settings.
- (d) Migratory children who are living in circumstances described in paragraphs (a)-(c).”

To conform to the federal definitions relating to homelessness found in the McKinney-Vento Act, the bill defines the term “homeless” or “individual experiencing homelessness” as:

“...an individual who lacks a fixed, regular, and adequate nighttime residence and includes an individual who:

- (a) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- (b) Is living in a motel, hotel, travel trailer park, or camping ground due to lack of alternative adequate accommodations;
- (c) Is living in an emergency or transitional shelter;
- (d) 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;
- (e) Is living in a car, park, public space, abandoned building, bus or train station, or similar setting; or
- (f) Is a migratory individual who qualifies as homeless because he or she is living in circumstances described in paragraphs (a)-(e).”

¹⁵ According to Tom Pierce, Executive Director, State Office on Homelessness, the council recommended that the statutory definitions relating to homelessness be conformed to the federal definitions.

These definitions may include individuals whose families have been temporarily displaced from their homes and are living in a hotel despite the ability eventually return home. Because these individuals fall within the proposed definitions they would be eligible to receive assistance pursuant to ch. 420, F.S.

The bill 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.

Council on Homelessness

The bill increases the council membership from 15 to 17 members by adding 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 removing the representative of the Florida State Rural Development Council from the council. According to the State Office on Homelessness, the Florida State Rural Development Council no longer exists and the addition of three new members will enhance the effectiveness of the council.¹⁶ The bill provides that the Secretary of Community Affairs, or his or her designee are to advise the council on issues related to rural development.

The bill changes the council’s annual reporting date from December 31 to June 30 of each year beginning in 2009, to align with DCF’s reporting requirements.¹⁷

Housing First

The bill creates s. 420.6275, F.S., to establish the Housing First approach to homelessness.

The bill 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 bill provides that 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;
- Housing is not contingent on compliance with services. The bill specifies the participants must comply with a lease agreement. Services are provided to help them comply with the lease agreement; and
- A background check and the rehabilitation that is necessary to combat addiction have been completed by the individual receiving assistance.

The bill provides that Housing First consists of four components:

¹⁶ Phone conversation with Tom Pierce, Executive Director, State Office on Homelessness, April 10, 2008.

¹⁷ Section 420.623(4), F.S. requires that DCF submit a report relating to homelessness by June 30 of each year.

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

The bill provides the Legislature's findings regarding young adults leaving foster care.

The bill amends s. 1003.21, F.S., to replace the term "homeless child" with the newly defined term "children and youths who are experiencing homelessness."

The bill provides an effective date of July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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 \$7,500, and can be covered within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Children, Families, and Elder Affairs on April 15, 2008:**

- Removes the definition of the term “societal causes of homelessness;”
- Specifies that the Secretary of Community Affairs or his or her designee is to advise the council on issues related to rural development;
- Provides that in addition to the other factors listed, Housing First can be more effective when a background check and the rehabilitation that is necessary to combat addiction have been completed by the individual receiving assistance;
- Removes the Youth Housing Continuum Pilot Program;
- Removes an appropriation of \$250,000; and
- Changes the date of the council’s report to the Governor, President of the Senate, and Speaker of the House of Representatives to June 30 beginning in 2009.

B. Amendments:

None.