

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 Community Affairs Committee

BILL: CS/SB 1054

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

SUBJECT: Homelessness

DATE: April 7, 2009

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ray	Walsh	CF	Fav/CS
2.	Molloy	Yeatman	CA	Favorable
3.			WPSC	
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:

The CS/SB 1054 (the bill) revises provisions of the “Affordable Housing Planning and Community Assistance Act” by adding definitions, revising the membership of the Council on Homelessness, and creating the Housing First program as an alternative approach to ending homelessness for individuals and families. The bill establishes the Legislature’s intent that state agencies and community-based care providers develop and implement procedures designed to reduce the number of young adults who become homeless after leaving the child welfare system. Conforming revisions are made in sections of statute relating to homeless children in the public education system.

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:

State Office on Homelessness/Council on Homelessness

The State Office on Homelessness (office) within the Department of Children and Families (DCF) and the Council on Homelessness (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 revised⁵ 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.⁶

McKinney-Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act was signed into law by President Ronald Reagan on July 22, 1987,⁷ and 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 which provide the following:⁸

- Title I⁹ 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, which is composed of the heads of 15 federal agencies.
- Title III authorizes the Emergency Food and Shelter Program, which is administered by the Federal Emergency Management Agency (FEMA).

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 February 24, 2009).

³ Section 420.622, F.S.

⁴ Department of Children and Families, Council on Homelessness website: <http://www.dcf.state.fl.us/homelessness/council/index.shtml> (last visited February 25, 2009).

⁵ McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C. 11431 *et seq.*

⁶ Florida's Council on Homelessness, 2008 Report, available at: <http://www.dcf.state.fl.us/homelessness/docs/2008CouncilReport.pdf> (last visited February 25, 2009).

⁷ National Coalition for the Homeless, McKinney-Vento Act, NCH Fact Sheet 18 (on file with the committee).

⁸ *Id.*

⁹ 42 U.S.C. 11301 *et seq.*

- Title IV authorizes 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 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 authorizes four programs:
 - The Adult Education for the Homeless and the Education of Homeless Children and Youth Programs 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 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,”¹⁰ and a definition of “homeless children and youths” within the Education of Homeless Children and Youth Program provision.¹¹ Florida law uses the McKinney-Vento definitions in s. 420.621, F.S., to define “homeless” to mean 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;
- 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.

¹⁰ 42 U.S.C. 11302(a)

¹¹ McKinney-Vento Homeless Assistance Act, Education for Homeless Children and Youths, 42 U.S.C. 11431 *et seq.*

Emergency Financial Assistance for Housing Program

DCF administers the Emergency Financial Assistance for Housing Program (EFAHP) to provide a one-time payment of up to \$400 to families who are totally without shelter or who 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.¹² The program is funded at \$1.8 million per year and provides assistance to just over 4,000 families a year. EFAHP reports that it has used its entire FY08-09 allocation and has stopped taking applications.

Emergency Shelter Grants

The Emergency Shelter Grants (ESG) program, also administered by DCF, 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

III. Effect of Proposed Changes:

Section 1. Amends s. 420.507, F.S., relating to powers and duties of the Florida Housing Finance Corporation to conform a cross-reference.

Section 2. Amends s. 420.621, F.S., to repeal outdated definitions, and revise and create the following definitions:

- “Continuum of care” means the community components needed to organize and deliver housing and services to meet the specific needs of persons who are homeless as they move to stable housing and maximum self-sufficiency. The term includes action steps taken to end homelessness and prevent a return to homelessness.
- “Council on Homelessness” means the council created in s. 420.622, F.S.
- “Homeless” applied to an individual, or “individual experiencing homelessness” means an individual who lacks a fixed, regular, and adequate nighttime residence and includes an individual who:
 - Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - Is living in a motel, hotel, travel trailer park, or camping ground due to a lack of alternative adequate accommodations;
 - Is living in an emergency or transitional shelter;
 - 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;
 - Is living in a car, park, public space, abandoned building, bus or train station, or similar setting, or;
 - Is a migratory individual who qualifies as homeless because he or she is living in circumstances described above.

¹² Emergency Financial Assistance for Housing Program Website, <http://www.dcf.state.fl.us/homelessness/efahp.shtml> (last visited, February 25, 2009).

¹³ U.S. Department of Housing and Urban Development Website, <http://www.hud.gov/offices/cpd/homeless/programs/esg/> (last visited, February 25, 2009).

The terms exclude individuals or families who are sharing housing due to cultural preferences, voluntary arrangements, or traditional networks of support. The terms do include individuals released from jail, prison, the juvenile justice system, the child welfare system, a residential addiction treatment program, a mental health and developmental disability facility, or a hospital, for whom no subsequent residence has been identified, and who lacks the resources and support network to obtain housing.

Section 3. Amends s. 420.622, F.S., to increase the membership of the Council on Homelessness from 15 to 17 members. 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 are added to the council, and the representative of the Florida State Rural Development Council is removed.¹⁴ The bill directs the Secretary of Community Affairs, or his or her designee to advise the council on issues related to rural development. Annual reporting date requirements are changed from December 31 to June 30 of each year beginning in 2010, to align with DCF's reporting requirements.¹⁵

Section 4. Creates s. 420.6275, F.S., to describe the Housing First approach to ending homelessness. 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 or contingent on compliance with services.
- Participants must comply with a lease agreement and services are provided to help them do so.
- 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 serves 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.

Section 5. Creates s. 420.628, F.S., to provide the Legislature's findings regarding young adults leaving foster care, and encourage DCF to develop and implement procedures designed to reduce the number of young adults who become homeless after leaving the child welfare system.

Section 6. Amends s. 1003.01, F.S.,¹⁶ to repeal the current definition of "homeless child" and create a new definition for "children and youth who are experiencing homelessness" as provided

¹⁴ The Florida State Rural Development Council no longer exists and the addition of three new members will enhance the effectiveness of the council pursuant to a telephone conversation with Tom Pierce, Executive Director, State Office on Homelessness, April 10, 2008.

¹⁵ Section 420.623(4), F.S. requires that DCF submit a report relating to homelessness by June 30 of each year.

¹⁶ Chapter 1003, F.S., provides for Public K-12 Education.

in the McKinney-Vento Act, 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,¹⁷ 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).

Sections 7 and 8. Amend ss. 1003.21 and 1003.22, F.S., to conform to the definition change in s. 1003.01, F.S.

Section 9. Provides that the act will take effect July 1, 2009.

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.

¹⁷ The McKinney-Vento Act uses the term “trailer parks” rather than “travel trailer parks.” See 42 U.S.C. 11434a.(2)(B).

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.

In the agency analysis dated February 26, 2009, the Department of Corrections noted that if the Housing First program includes sexual offenders, the bill will reduce the number of sexual offenders who go underground or leave due to the residence restrictions and local ordinances. The department reported that assisting such persons in locating more permanent housing will increase their chances of getting a job, attending treatment, completing supervision, and should ultimately reduce recidivism. The bill could eventually reduce the workload associated with keeping track of homeless sex offenders for law enforcement and officers who supervise such persons.

In the agency analysis dated March 5, 2009, the Department of Law Enforcement noted that the bill does not address what type of background check is provided under Housing First. If the intent is for a state only criminal history record check, the department recommends changing “background check” to “state criminal history record check.” The cost of a state criminal history record check is \$24 per history and the bill does not provide who or how the costs of a background check will be paid.

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 1, 2009:

- Removed a provision relating to continuums of care and a provision that incentivized the Housing First approach.

B. Amendments:

None.