

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 1054

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

SUBJECT: Homelessness

DATE: April 1, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ray	Walsh	CF	Fav/CS
2.			CA	
3.			WPSC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

Committee Substitute for Senate Bill 1054 adds definitions for the terms “Continuum of care,” “Council on Homelessness,” and “State Office on Homelessness” (state office). The bill amends the definition of the terms “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 describes the Housing First approach to 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 conforms a cross reference in s. 420.507, F.S., relating to powers of the Florida Housing Finance Corporation.

The bill provides an effective date of July 1, 2009.

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 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

The McKinney-Vento Homeless Assistance Act was signed into law by President Ronald Reagan on July 22, 1987.⁷ 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:⁸

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.*

- Title I of the McKinney-Vento Act⁹ 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 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.”¹⁰ It also contains a definition of “homeless children and youths” within the Education of Homeless Children and Youth Program provision.¹¹

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:

⁹ 42 U.S.C. 11301 *et seq.*

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.*

- 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.

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), administered by DCF 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.¹² The program is funded at \$1.8 million per year. At this level, the state can help 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:

Committee Substitute for Senate Bill 1054 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 “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 creates the definition of the term “Children and youths who are experiencing homelessness” in s. 1003.01, F.S. The definition of the term “Homeless child” in s. 1003.01, F.S., is deleted.

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).

To conform to the federal definitions relating to homelessness found in the McKinney-Vento Act, the bill defines the term “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,¹⁴ 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 amends s. 420.621(5), F.S., to define the terms “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,¹⁵ 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).

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

¹⁴ The McKinney-Vento Act uses the term “trailer parks” rather than “travel trailer parks.” See 42 U.S.C. 11434a.(2)(B).

¹⁵ See note 14, *supra*.

The bill adds a provision specifying that the terms “Homeless” or “individual experiencing homelessness” do not include any individuals or families who are sharing housing due to cultural preferences, voluntary arrangements, or 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 2010, to align with DCF’s reporting requirements.¹⁷

Housing First

The bill creates s. 420.6275, F.S., to describe 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:

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

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.

The bill provides the Legislature's findings regarding young adults leaving foster care and encourages DCF to develop and implement procedures designed to reduce the number of young adults who become homeless after leaving the child welfare system.

The bill provides an effective date of 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.

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 1, 2009:

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

- B. **Amendments:**

None.

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