



CALIFORNIA HOMELESS COORDINATING AND FINANCING COUNCIL

Business, Consumer Services and Housing Agency
Gavin Newsom, Governor | Alexis Podesta, Chair

Housing First and State Programs – An Update

1-17-19 DRAFT

Overview

Senate Bill (SB) 1380 (Mitchell, Chapter 847, Statutes of 2016) requires state programs, defined as any programs a state agency or department funds, implements, or administers for the purpose of providing housing or housing-related services to people experiencing homelessness or at risk of homelessness, to revise or adopt guidelines and regulations consistent with the core components of Housing First. It excludes federally funded programs with requirements inconsistent with Housing First and programs that fund emergency shelters. (Health and Safety (H&S) Code Section 8255(e)).

Housing First is an evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and do not make housing contingent on participation in services. (H&S Code Section 8255(d)(1)).

Housing First applies to time-limited rental or services assistance, so long as the housing and service provider assists the recipient in accessing permanent housing and in securing longer-term rental assistance, income assistance, or employment. (H&S Code Section 8255(d)(2)(A)).

According to the Housing First statute, time-limited, supportive services programs serving homeless youth, programs should use a positive youth development model and be culturally competent to serve unaccompanied youth under 25 years of age. Providers should work with the youth to engage in family reunification efforts, where appropriate and when in the best interest of the youth. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance. (H&S Code Section 8255(d)(2)(B)).

Core Components of Housing First

The core components of Housing First are described in Health and Safety Code Section 8255(b) as all of the following:

- (1) Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services.
- (2) Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of “housing readiness.”
- (3) Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts of crisis response systems frequented by vulnerable people experiencing homelessness.
- (4) Supportive services that emphasize engagement and problem solving over therapeutic goals and service plans that are highly tenant-driven without predetermined goals.

- (5) Participation in services or program compliance is not a condition of permanent housing tenancy.
- (6) Tenants have a lease and all the rights and responsibilities of tenancy, as outlined in California’s Civil, Health and Safety, and Government codes.
- (7) The use of alcohol or drugs in and of itself, without other lease violations, is not a reason for eviction.
- (8) In communities with coordinated assessment and entry systems, incentives for funding promote tenant selection plans for supportive housing that prioritize eligible tenants based on criteria other than “first-come-first-serve,” including, but not limited to, the duration or chronicity of homelessness, vulnerability to early mortality, or high utilization of crisis services. Prioritization may include triage tools, developed through local data, to identify high-cost, high-need homeless residents.
- (9) Case managers and service coordinators who are trained in and actively employ evidence-based practices for client engagement, including, but not limited to, motivational interviewing and client-centered counseling.
- (10) Services are informed by a harm-reduction philosophy that recognizes drug and alcohol use and addiction as a part of tenants’ lives, where the tenants are engaged in nonjudgmental communication regarding drug and alcohol use, and where tenants are offered education regarding how to avoid risky behaviors and engage in safer practices, as well as connected to evidence-based treatment if the tenant so chooses.
- (11) The project and specific apartment may include special physical features that accommodate disabilities, reduce harm, and promote health and community and independence among tenants.

Housing First Checklist for State Programs

As a first step in implementing Housing First, the Department of Housing and Community Development (HCD) collaborated with the Corporation for Supportive Housing to develop a checklist (below) that can be used by state agencies and departments to (1) determine if their programs providing housing and housing-related services are in compliance with Housing First, and (2) identify changes in existing or new regulations and guidelines that are necessary to bring their programs into compliance with Housing First.

Housing First Checklist for Housing and Housing-Related Services	
Tenant Screening	<p>Does the program require providers who house tenants to accept applicants with the greatest needs or vulnerabilities?</p> <ul style="list-style-type: none"> ✓ Providers must accept tenants regardless of sobriety/completion of treatment ✓ Providers do not reject applicants for poor credit/financial history, criminal background ✓ Providers may not impose a “Housing Readiness” requirement on applicants for housing ✓ Providers receive referrals to housing from homeless response system ✓ Program offers funding incentives to providers to accept referrals from Coordinated Entry/Assessment Systems
Housing-Based Services	<p>Are services tailored to tenants’ needs, rather than designed to meet set programmatic requirements?</p> <ul style="list-style-type: none"> ✓ Service providers are required to offer services emphasizing engagement and problem-solving, rather than meeting set therapeutic goals ✓ Service providers use evidence-based practices for engagement

	<ul style="list-style-type: none"> ✓ Service providers practice harm reduction and/or recognize drug/alcohol use as part of tenant’s lives and recovery ✓ Providers offer tenants education on avoiding risky behavior and connect them to evidence-based treatment by choice
Services Are Voluntary	<p>Does the program prohibit conditional housing tenancy on tenant participation in services or program compliance?</p> <ul style="list-style-type: none"> ✓ Housing providers must accept most vulnerable Californians eligible for program, regardless of applicant’s willingness to participate in services (although program may require service providers to offer services) ✓ Program disallows housing/service providers from conditioning tenancy on participation in services or program compliance
Housing Permanency	<p>Does the program require housing providers to offer housing without limit on length of stay, with a lease? If the housing is time-limited, is the housing provider required to connect tenants to permanent, decent, safe housing upon exit?</p> <ul style="list-style-type: none"> ✓ Program requires housing providers to provide tenants with leases and reflects tenants’ rights and responsibilities of tenancy under California law (including eviction protections) ✓ Program disallows providers from evicting tenants for use of drugs/alcohol without lease violations ✓ Program does not fund time-limited housing unless housing/service providers assist tenants in relocating to decent, safe, permanent housing tenant can afford upon exit ✓ If funding homeless youth program, any time-limited housing documents efforts to avoid eviction and help tenant find permanent, decent, safe housing upon exit

Criteria for Including or Excluding Programs from Housing First Requirements

The Homeless Coordinating and Financing Council (Council) endorses the use of the Housing First checklist developed by HCD, while recognizing that some elements of the checklist may not apply to all programs. For example, programs providing housing-related services, such as case management or navigation services, are not required to revise their regulations or guidelines to adopt the tenant screening and lease provisions.

In order to assist state agencies and departments in determining whether their housing or housing-related services and programs for people experiencing homelessness or at risk of homelessness are required to incorporate the core components of Housing First, the Interagency working group has developed a set of criteria (below). The Interagency working group recommends these criteria should be used consistently by state agencies and departments to determine whether a specific program must comply with Housing First requirements.

Criteria for Inclusion in Housing First

Generally, while agencies and departments administering state housing and housing-related services programs are required to collaborate with the Council to adopt or amend guidelines and regulations to incorporate core components of Housing First, contracts and agreements with individual grantees are not specifically covered. (H&S Code Section 8256). However, to the extent it is feasible, the Council

encourages state agencies and departments to include language incorporating the applicable components of Housing First in all future housing or housing-related services contracts and agreements.

- (1) Programs are included even if they only provide services such as housing-related case management, housing navigation, and tenancy sustaining services.
- (2) Programs are included even if they provide only short-term or transitional housing, unless there are specific program requirements that conflict with the core components of Housing First. Housing First applies where it does not conflict with these program requirements.
- (3) Programs are included even if they are funded, implemented, or administered by state agencies and departments not represented on the Homeless Coordinating and Financing Council.
- (4) Programs are included even if they are not ongoing programs and are funded with one-time federal or state funding, unless there are specific program requirements that conflict with the core components of Housing First. Housing First applies where it does not conflict with these program requirements.
- (5) Programs are included even if only a portion of the program provides housing or housing-related services. Housing First applies to the portion of the program that provides housing or housing-related services.
- (6) Programs are included even if only a portion of the program targets people who are homeless or at risk of homelessness.
- (7) Programs are included even if they are partially funded with federal funds, as long as the federal program requirements do not conflict with Housing First.
- (8) Programs are included even if the funds flow through the state to local jurisdictions or recipients, within the limits of state administrative authority for the program.
- (9) Programs are included even if the local jurisdictions or recipients have discretion over whether to use the funding for housing or housing-related services. Housing First applies to the portion of funding used for housing or housing-related services.

Criteria for Exclusion from Housing First

Nothing prohibits a state agency or department from choosing to revise or adopt guidelines and regulations to be consistent with the core components of Housing First. To the extent it is feasible, the Council encourages state agencies and departments to include language incorporating the applicable components of Housing First in all the housing or housing-related services programs they fund, implement, or administer, including emergency shelters. However, state agencies and departments may not be required to adopt guidelines or regulations if any of the following criteria apply.

- (1) Programs are excluded if the funding is one-time and has already been awarded.
- (2) Programs are excluded if the funding is one-time and the standard agreements or contracts have been signed.
- (3) Programs are excluded if the funding is one-time and the programs are already operational.
- (4) One-time funding augmentations are not included if they do not have the characteristics of a “program,” such as funding items that are not adding funding to an existing program and have no specific guidelines or uniformity that would characterize a short-term or ongoing program, such as specific services, applications that describe the use of the funding, and specific eligibility criteria.
- (5) Programs are excluded if they sunset by July 1, 2019.
- (6) Programs are excluded if there is state or federal statute that conflicts with the Housing First provisions. In this case, the exclusion is only for the provisions in which a conflict exists.
- (7) Programs may be excluded for other reasons on a case-by-case basis if necessary. The Interagency working group will evaluate the program with the agency or department that funds, implements, or

administers the program and will make a recommendation to the Council, which will make the final determination about whether to recommend the program be included or excluded.

State Programs Included in Housing First

Based on the criteria above, the following departments and programs are required to coordinate with the Council to ensure the guidelines or regulations for their housing or housing-related services programs incorporate the core components of Housing First:

Business, Consumer Services and Housing Agency (BCSH)

- Homeless Emergency Aid Program (HEAP)

Governor's Office of Emergency Services (CalOES):

- Domestic Violence Housing First Program
- Domestic Violence Assistance Program
- Homeless Youth and Exploitation Program
- Human Trafficking Victim Assistance Program
- Transitional Housing Program
- Equality in Prevention and Services for Domestic Violence
- Native American Domestic Violence and Sexual Assault Program
- Specialized Emergency Housing
- Youth Emergency Services and Housing Program

Department of Housing and Community Development (HCD):

- Multifamily Housing Program—Supportive Housing Program (SHMHP)
- California Emergency Solutions and Housing Program (CESH)
- Housing for a Healthy California Program
- Emergency Solutions Grant Program (ESG)
- Veterans Housing and Homelessness Prevention Program (VHHP)
- No Place Like Home (NPLH) Program

Department of Health Care Services (DHCS):

- Affordable Care Act (Medicaid) Health Home Program (HHP)
- Mental Health Services Act, Community Services and Support Component
- Project for Assistance in the Transition from Homelessness (PATH)

Tax Credit Allocation Committee (TCAC):

- Low-Income Housing Tax Credit Program

Department of Corrections and Rehabilitation (CDCR):

- Transitional Housing Program (THP)

California Housing Finance Agency (CalHFA):

- Special Needs Housing Program (SNHP)

Department of Social Services (DSS):

- CalWORKS Housing Support Program (HSP)
- Home Safe Program
- Housing and Disability Income Advocacy Program (HDAP)

Additional programs will be added to this list as the Interagency working group identifies them. New programs developed after the date of a department's initial determination will be evaluated by the Council using the criteria described above.

Next Steps

In addition to continuing the state program assessments for compliance with Housing First, the Interagency working group will explore additional ways to support state agencies and departments in implementing Housing First, including the development of a Housing First “Tool Kit” to do the following (among other things):

- (1) Supplement the current checklist to include additional elements needed to fully comply with the Housing First requirements for housing and housing-related services for homeless youth.
- (2) Develop consistent language that agencies and departments may choose to include in regulations and guidelines across programs.
- (3) Develop consistent language that agencies and departments may choose to include in Notices of Funding Availability across programs.
- (4) Develop consistent language that agencies and departments may choose to include in applications across programs.
- (5) Develop consistent language that agencies and departments may choose to include in contracts and standard agreements across programs.