

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1083 Homelessness
SPONSOR(S): Culp
TIED BILLS: None **IDEN./SIM. BILLS:** SB 2824

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Healthy Families</u>	<u>8 Y, 0 N</u>	<u>Preston</u>	<u>Mitchell</u>
2) <u>Healthcare Council</u>	<u>12 Y, 0 N, As CS</u>	<u>Preston</u>	<u>Gormley</u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill implements idea #99 from the Speaker of the House of Representatives' 100 Innovative Ideas for Florida's Future, which is to establish Housing First as an alternative to the prevalent system of emergency shelter and transitional housing. The bill does the following:

- Puts into statute a definition for the term "children and youths who are experiencing homelessness" which mirrors the federal McKinney-Vento definition.
- Amends the current definition of the term "homeless" to include changes in the proposed federal HEARTH Act.
- Creates a new section of chapter 420 that encourages local coalitions to adopt the Housing First approach to ending homelessness.
- Creates a new section of chapter 420, related to children and young adults leaving the foster care system, that encourages the Department of Children and Family Services (DCF or department) 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 system.
- Creates a 3-year Youth Housing First Continuum Pilot Program in Hillsborough County to be administered by Connected by 25.
- Amends the school code definition of "homeless child".

An appropriation of \$250,000 in non-recurring funds from the General Revenue will be necessary to implement s. 420.628(2), Florida Statutes, as created by this act during the 2007-2008 fiscal year.

The bill provides an effective date of July 1, 2007, with the exception that s.420.628(2), Florida Statutes, as created by this act, is effective only if a specific appropriation is made in the General Appropriations Act for fiscal year 2007-2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty – The pilot program created by the bill may increase the ability for young adults aging out of foster care who may be at risk of becoming homeless to remain housed and provided with services.

B. EFFECT OF PROPOSED CHANGES:

Background

The State Office on Homelessness within the department and Council on Homelessness were created in 2001.¹ The State Office on Homelessness coordinates state agency responses to homelessness, 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 27 local homeless coalitions.

The Council on Homelessness (council) consists of 15 members representing state agencies, counties, homeless advocacy organizations, and volunteers. The council's duties include coordinating state, local, and private agencies and providers to produce a program and plan for the state's response to the needs of persons who are experiencing homelessness. 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.

Definition of Homeless

The McKinney-Vento Homeless Assistance Act² was the first, and continues to be the only, major federal legislative response to homelessness. The McKinney-Vento Act originally consisted of fifteen 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. Title I provides a definition of homelessness and Title VII authorizes the Education of Homeless Children and Youths Program. The current McKinney-Vento Act has been amended four times: in 1988, 1990, 1992 and 1994. These amendments have, for the most part, expanded the scope and strengthened the provisions of the original legislation. McKinney-Vento contains a general definition of "homeless individual":

- (a) In general, the term "homeless" or "homeless individual or homeless person" includes--
 - (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and
 - (2) an individual who has a primary nighttime residence that is--
 - (A) 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);
 - (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings...
- (c) ...the term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.³

¹ See Chapter 2001-98, Laws of Florida.

² See PL 100-77. The original Stewart B. McKinney Homeless Assistance Act was renamed the McKinney-Vento Homeless Assistance Act in 2000.

³ McKinney-Vento Homeless Assistance Act, 42 U.S.C. s. 11302.

The McKinney-Vento Homeless Assistance Act also contains a definition of “homeless children and youths” as part of the Education of Homeless Children and Youth Program provisions:

- (2) The term “homeless children and youths”--
- (A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and
 - (B) includes--
 - (i) 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, 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;
 - (ii) 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 (within the meaning of section 103(a)(2)(C));
 - (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - (iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).⁴

This defines homeless children and youths for the purpose of addressing the problems that homeless children and youth face in enrolling, attending, and succeeding in school. The Education of Homeless Children and Youth Program was reauthorized in 2001 as part of the No Child Left Behind Act.

The current definition in s. 420.621, Florida Statutes, reflects the definition of “homeless” or “homeless individual or homeless person” found in McKinney-Vento.

Housing First

For much of the past 20 years, solutions to homelessness in both the public and private sectors have focused on providing individuals and families experiencing homelessness with emergency shelter and/or transitional housing. While emergency shelter may provide access to services for individuals and families in crisis, it often fails to address long-term needs. In addition, emergency shelters and transitional programs rarely assist individuals and families in overcoming the barriers they face in accessing permanent housing, such as poor credit and eviction histories, unemployment, and lack of move-in funds. For those individuals and families who do find permanent housing, the vast majority require a range of supportive services if they are to become and remain stable. However, there is a shortage of support systems for individuals and families who are not living in a shelter or transitional housing program, and most communities either lack programs that address the interconnecting causes of homelessness, or those programs that do exist are not easily accessible.

As states and communities continue to search for solutions to the problem of homelessness, an increasing number are looking at a methodology known as Housing First. “Housing First” is an alternative to the current system of emergency shelter/transitional housing, which tends to prolong the length of time that individuals and families remain homeless. Recognized as a dramatic new response to the problem of homelessness, the housing first approach stresses the immediate return of individuals and families to independent living.

The methodology is premised on the belief that vulnerable and at-risk individuals and families who are homeless are more responsive to interventions and social services support after they are in their own housing, rather than while living in temporary/transitional facilities or housing programs. With permanent housing, these individuals and families can begin to regain the self-confidence and control

⁴ McKinney-Vento Homeless Assistance Act, Education for Homeless Children and Youths, 42 U.S.C. ss. 11431 et seq.
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over their lives they lost when they became homeless.⁵ At the core of the effectiveness of housing first is the concept of empowering individuals to help them identify their own needs, recognize the choices they have, create options for themselves and plan strategies for permanent change in their lives.

Emerging in a time of shrinking resources, the housing first approach places a great deal of emphasis on reducing duplication of effort and maximizing the effectiveness of community resources. By situating individuals and families experiencing homelessness within the larger community, the program supports human connection. The methodology is a cost-effective model that coordinates many existing systems and services, rather than creating new ones.

Youth Aging Out of Foster Care

Youth homelessness is not uncommon. Although the prevalence of youth homelessness is difficult to measure, researchers estimate that about 5 to 7.7 percent of youth experience homelessness. With at least one million youth on the streets and in shelter, and thousands more leaving juvenile justice, mental health facilities, and leaving foster care systems, the problem of youth homelessness continues to increase.⁶ Many adolescents find transitioning to adulthood difficult, but those who are homeless have even greater obstacles to overcome. Stable housing linked with services are critical to helping youth who are homeless transition to adulthood.

Being homeless has serious consequences for youth. It is especially dangerous for youth and young adults between the ages of 16 and 24 who do not have a familial support system. Living in shelters or on the streets, unaccompanied homeless youth are at a higher risk for physical and sexual assault or abuse and physical illness, including HIV/AIDS. It is estimated that 5,000 unaccompanied youth die each year as a result of assault, illness, or suicide. Furthermore, homeless youth are at a higher risk for anxiety disorders, depression, post-traumatic stress disorder, and suicide due to increased exposure to violence while living on their own. Youth who are homeless are also more likely to become involved in prostitution, to use and abuse drugs, and to engage in other dangerous and illegal behaviors.

Although the causes for homelessness among youth vary by individual, the primary causes appear to be either family breakdown or systems failure. The same factors that contribute to adult homelessness such as poverty, lack of affordable housing, low education levels, unemployment, mental health, and substance abuse issues can also play a role in both the occurrence and duration of a youth's homelessness.

Although family conflict also plays a part in adult homelessness, the nexus is more critical for youth since they are, by virtue of their developmental stage in life, still largely financially, emotionally, and, depending on their age, legally dependent upon their families. In addition, many youth become homeless due to systems failure of mainstream programs like child welfare, juvenile corrections, and mental health programs. Every year between 20,000 and 25,000 youth ages 16 and older transition from foster care to legal emancipation, or "age out" of the system.⁷ They enter into society with few resources and multiple challenges. As a result, former foster care children and youth are disproportionately represented in the homeless population. Twenty-five percent of former foster youth nationwide reported that they had been homeless at least one night within two-and-a-half to four years after exiting foster care.

⁵ Beyond Shelter. Founded in 1988, the mission of Beyond Shelter is to develop systemic approaches to combat poverty and homelessness among families with children and enhance family economic security and well-being.

⁶ Fundamental Issues to Prevent and End Youth Homelessness. Youth Homelessness Series, Brief No. 1. National Alliance to End Homelessness. May 2006.

⁷ According to the department, in Florida approximately 800 young adults leave the foster care system annually upon reaching their 18th birthday.

The goals of any housing model for youth should be placement in stable housing and preparation for future independent housing. Responding to the needs of homeless youth with developmentally appropriate housing models along a housing continuum will increase their ability to live independently in the future. Stable and supportive housing enables young adults to make better transitions to adulthood.⁸

The Bill

The bill implements idea #99 from the Speaker of the House of Representatives' 100 Innovative Ideas for Florida's Future, which is to establish Housing First as an alternative to the prevalent system of emergency shelter and transitional housing. The bill does the following:

- Puts into statute a definition for the term "children and youths who are experiencing homelessness" which mirrors the federal McKinney-Vento definition.
- Amends the current definition of the term "homeless" to include changes in the proposed federal HEARTH Act.
- Creates a new section of chapter 420 that encourages local coalitions to adopt the Housing First approach to ending homelessness.
- Creates a new section of chapter 420, related to children and young adults leaving the foster care system, that encourages the Department of Children and Family Services (DCF or department) 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 system.
- Creates a 3-year Youth Housing First Continuum Pilot Program in Hillsborough County to be administered by Connected by 25.
- Amends the school code definition of "homeless child".

C. SECTION DIRECTORY:

Section 1. Amends s. 420.507, Florida Statutes, relating to powers of the corporation to correct a cross reference.

Section 2. Amends s. 420.621, Florida Statutes, relating to definitions.

Section 3. Amends s. 420.622, Florida Statutes, relating to the State office on Homelessness and the Council on Homelessness.

Section 4. Creates s. 420.6275, Florida Statutes, relating to Housing First.

Section 5. Creates s. 420.628, Florida Statutes, relating to children and adults leaving foster care.

Section 6. Amends s. 1003.01, Florida Statutes, relating to definitions.

Section 7. Amends s. 1003.21, Florida Statutes, relating to school attendance, to conform terminology.

Section 8. Amends s. 1003.22, Florida Statutes, relating to school-entry health examinations and immunization.

Section 9. Provides for an appropriation.

Section 10. Provides an effective date of July 1, with the exception that s. 420.628, Florida Statutes, is effective only if a specific appropriation is made in the General Appropriations Act for fiscal year 2007-2008.

⁸ Fundamental Issues to Prevent and End Youth Homelessness. Youth Homelessness Series, Brief No. 1. National Alliance to End Homelessness. May 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The sum of \$250,000 in non-recurring funds is appropriated from the General Revenue Fund to the Department of Children and Family Services for the purposes of implementing section 420.628(2), Florida Statutes, as created by this act during the 2007-2008 fiscal year.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 20, 2007, the Committee on Healthy Families adopted a "strike-all" amendment by the bill sponsor that does the following:

- Puts into statute a definition for the term "Children and youths who are experiencing homelessness" which mirrors the federal McKinney-Vento definition;
- Amends the current definition of the term "homeless" to include changes in the proposed federal HEARTH Act;
- Creates a new section of chapter 420 that encourages local coalitions to adopt the Housing First approach to ending homelessness;
- Creates a new section of chapter 420, related to children and young adults leaving the foster care system, that encourages DCF and the CBCs to develop and implement procedures to reduce the number of young adults who become homeless after leaving the system;
- Creates a 3-year Youth Housing First Continuum Pilot Program in Hillsborough County to be administered by Connected by 25; and
- Amends the school code definition of "homeless child".

HB 1083 was reported favorable with 1 amendment.

On March 27, 2007, the Healthcare Council adopted 5 amendments to the strike all amendment adopted by the Healthy Families Committee on March 20, 2007. Three of those amendments were technical, replacing the term "structural" with the term "societal; one amendment clarified language that was unclear; and one amendment provided that the appropriation goes to DCF rather than directly to Connected by 25 for implementation of the pilot.

The bill was reported favorably as a Council Substitute. The analysis reflects the Council Substitute.