

AMENDED IN ASSEMBLY MARCH 19, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2479

Introduced by Assembly Member Haney

February 13, 2024

~~An act relating to housing.~~ *An act to amend Section 8255 of the Welfare and Institutions Code, relating to housing.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2479, as amended, Haney. ~~Housing.~~ *Housing First: core components.*

Existing law requires agencies and departments administering state programs related to homelessness to adopt guidelines and regulations to incorporate core components of Housing First, as defined. Under existing law, Housing First includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient, among other things, in accessing permanent housing. Existing law defines "state programs" for this purpose as any program a California state agency or department funds, implements, or administers for the purpose of providing housing or housing-based services to people experiencing homelessness or at risk of homelessness, except as provided. Under existing law, the core components of Housing First include, among others, services that are informed by a harm-reduction philosophy that recognizes drug and alcohol use and addiction as a part of tenants' lives, where 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.

This bill would clarify, pursuant to that core component, that state departments and agencies may allow programs to fund recovery housing, as defined, if the state program uses at least 75% of funds for housing or housing-based services using a harm-reduction model and the recovery housing complies with specified requirements. The bill would require the housing related to time-limited rental or services assistance to meet the core components of Housing First.

~~Existing law, the Planning and Zoning Law, requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a housing element.~~

~~This bill would state that it is the intent of the Legislature to enact legislation relating to housing.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8255 of the Welfare and Institutions Code
2 is amended to read:

3 8255. For purposes of this chapter:

4 (a) “Council” means the California Interagency Council on
5 Homelessness, formerly known as the Homeless Coordinating and
6 Financing Council established pursuant to Section 8257.

7 (b) “Core components of Housing First” means all of the
8 following:

9 (1) Tenant screening and selection practices that promote
10 accepting applicants regardless of their sobriety or use of
11 substances, completion of treatment, or participation in services.

12 (2) Applicants are not rejected on the basis of poor credit or
13 financial history, poor or lack of rental history, criminal convictions
14 unrelated to tenancy, or behaviors that indicate a lack of “housing
15 readiness.”

16 (3) Acceptance of referrals directly from shelters, street outreach,
17 drop-in centers, and other parts of crisis response systems
18 frequented by vulnerable people experiencing homelessness.

19 (4) Supportive services that emphasize engagement and problem
20 solving over therapeutic goals and service plans that are highly
21 tenant-driven without predetermined goals.

22 (5) Participation in services or program compliance is not a
23 condition of permanent housing tenancy.

1 (6) Tenants have a lease and all the rights and responsibilities
2 of tenancy, as outlined in California’s Civil, Health and Safety,
3 and Government codes.

4 (7) The use of alcohol or drugs in and of itself, without other
5 lease violations, is not a reason for eviction.

6 (8) In communities with coordinated assessment and entry
7 systems, incentives for funding promote tenant selection plans for
8 supportive housing that prioritize eligible tenants based on criteria
9 other than “first-come-first-serve,” including, but not limited to,
10 the duration or chronicity of homelessness, vulnerability to early
11 mortality, or high utilization of crisis services. Prioritization may
12 include triage tools, developed through local data, to identify
13 high-cost, high-need homeless residents.

14 (9) Case managers and service coordinators who are trained in
15 and actively employ evidence-based practices for client
16 engagement, including, but not limited to, motivational
17 interviewing and client-centered counseling.

18 (10) Services are informed by a harm-reduction philosophy that
19 recognizes drug and alcohol use and addiction as a part of tenants’
20 lives, where tenants are engaged in nonjudgmental communication
21 regarding drug and alcohol use, and where tenants are offered
22 education regarding how to avoid risky behaviors and engage in
23 safer practices, as well as connected to evidence-based treatment
24 if the tenant so chooses. *State departments and agencies may allow*
25 *programs to fund recovery housing if the state program uses at*
26 *least 75 percent of funds for housing or housing-based services*
27 *using a harm-reduction model, and that the recovery housing*
28 *complies with all of the following:*

29 (A) *The individual or family is offered options and chooses*
30 *recovery housing over housing offering a harm-reduction*
31 *approach.*

32 (B) *The recovery housing otherwise complies with all other*
33 *components of Housing First in this section.*

34 (C) *Participation in a program is self-initiated.*

35 (D) *Core outcomes emphasize long-term housing stability and*
36 *minimize returns to homelessness.*

37 (E) *Policies and operations ensure individual rights of privacy,*
38 *dignity, and respect, and freedom from coercion and restraint, as*
39 *well as continuous, uninterrupted access to the housing.*

1 (F) *Holistic services and peer-based recovery supports are*
2 *available to all program participants along with services that align*
3 *with participants' choice and prioritization of personal goals of*
4 *sustained recovery and abstinence from substance use.*

5 (G) *The housing abides by local and state landlord-tenant laws*
6 *governing grounds for eviction.*

7 (H) *Relapse is not a cause for eviction from housing and,*
8 *instead, tenants receive relapse support. Eviction from recovery*
9 *housing should only occur when a tenant's behavior substantially*
10 *disrupts or impacts the welfare of the recovery community in which*
11 *the tenant resides. A tenant may apply to reenter the housing*
12 *program if expressing a renewed commitment to living in a housing*
13 *setting targeted to people in recovery with an abstinence focus. If*
14 *a tenant is no longer interested in living in a recovery-housing*
15 *model or the tenant is at risk of eviction, the housing program*
16 *provides assistance in accessing housing operated with*
17 *harm-reduction principles that is also permanent housing.*

18 (11) The project and specific apartment may include special
19 physical features that accommodate disabilities, reduce harm, and
20 promote health and community and independence among tenants.

21 (c) "Homeless" has the same definition as that term is defined
22 in Section 91.5 of Title 24 of the Code of Federal Regulations.

23 (d) (1) "Housing First" means the evidence-based model that
24 uses housing as a tool, rather than a reward, for recovery and that
25 centers on providing or connecting homeless people to permanent
26 housing as quickly as possible. Housing First providers offer
27 services as needed and requested on a voluntary basis and that do
28 not make housing contingent on participation in services.

29 (2) (A) "Housing First" includes time-limited rental or services
30 assistance, so long as the housing and service provider assists the
31 recipient in accessing permanent housing and in securing longer
32 term rental assistance, income assistance, or ~~employment.~~
33 *employment, and the housing otherwise meets the core components*
34 *identified in this section.*

35 (B) For time-limited, supportive services programs serving
36 homeless youth, programs should use a positive youth development
37 model and be culturally competent to serve unaccompanied youth
38 under 25 years of age. Providers should work with the youth to
39 engage in family reunification efforts, where appropriate and when
40 in the best interest of the youth. In the event of an eviction,

1 programs shall make every effort, which shall be documented, to
2 link tenants to other stable, safe, decent housing options. Exit to
3 homelessness should be extremely rare, and only after a tenant
4 refuses assistance with housing search, location, and move-in
5 assistance.

6 (e) *“Recovery housing” means a housing model using substance*
7 *use-specific services, peer support, and physical design features*
8 *supporting individuals and families on a path to recovery from*
9 *addiction that emphasizes abstinence.*

10 (e)

11 (f) “State programs” means any programs a California state
12 agency or department funds, implements, or administers for the
13 purpose of providing housing or housing-based services to people
14 experiencing homelessness or at risk of homelessness, with the
15 exception of federally funded programs with requirements
16 inconsistent with this chapter.

17 ~~SECTION 1. It is the intent of the Legislature to enact~~
18 ~~legislation relating to housing.~~