

File No. 180864

Committee Item No. 11

Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date September 13, 2018

Board of Supervisors Meeting

Date September 25, 2018

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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Completed by: Linda Wong Date September 7, 2018
 Completed by: Linda Wong Date September 17, 2018

1 [Declaration of Shelter Crisis and Authorizing the Application for the Homeless Emergency Aid
2 Program]

3 **Resolution declaring a shelter crisis pursuant to Senate Bill 850 (Chapter 48, Statutes**
4 **of 2018 and Government Code, Section 8698.2) and authorizing the Department of**
5 **Homelessness and Supportive Housing to apply for funding under the California**
6 **Homeless Emergency Aid Program.**

7
8 WHEREAS, The Board of Supervisors of the City and County of San Francisco ("Board
9 of Supervisors"), after careful study and consideration, has determined that there is a
10 shortage of safe and sanitary housing throughout the City, particularly for no, low, and
11 moderate income persons; and

12 WHEREAS, California's Governor Edmund G. Brown, Jr. and the members of the
13 California Legislature have recognized the urgent and immediate need for funding at the local
14 level to combat homelessness; and

15 WHEREAS, The Governor and Legislature have provided funding to local governments
16 under the Homeless Emergency Aid Program as part of SB 850 and the 2018-19 Budget Act
17 (Chapter 48, Statutes of 2018); and

18 WHEREAS, The Governor and Legislature require jurisdictions seeking an allocation
19 through the Homeless Emergency Aid Program to declare a Shelter Crisis pursuant to
20 Government Code, Section 8698.2; and

21 WHEREAS, the City and County of San Francisco has developed a homelessness plan
22 and undertaken multiple efforts at the local level to combat homelessness; and

23 WHEREAS, the City and County of San Francisco finds that according to the San
24 Francisco 2017 Point in Time Count 6,858 persons within the City and County of San
25

1 Francisco are homeless on any given night; and

2 WHEREAS, the City and County of San Francisco finds that the number of homeless
3 is significant, and these persons are without the ability to obtain shelter; and

4 WHEREAS, the City and County of San Francisco finds that the health and safety of
5 unsheltered persons in San Francisco is threatened by a lack of shelter; and

6 WHEREAS, the City and County of San Francisco affirms San Francisco's commitment
7 to combatting homelessness and creating or augmenting a continuum of shelter and service
8 options for those living without shelter in our communities; now, therefore, be it

9 RESOLVED, By the Board of Supervisors of the City and County of San Francisco that
10 a shelter crisis pursuant to Government Code, Section 8698.2 exists in the City and County of
11 San Francisco and authorizes the San Francisco's participation in the Homeless Emergency
12 Aid Program; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors authorizes the Department of
14 Homelessness and Supportive Housing to apply for and administer funds from the Homeless
15 Emergency Aid Program.

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June 25, 2018

Dear Members of the Budget & Finance Committee;

San Francisco is experiencing a homelessness and housing crisis. With the failure of Proposition D earlier this month a proposed \$40 Million investment in homelessness and housing was left unfunded, jeopardizing critical investments and new programs focused on reducing and preventing homelessness. Additionally, in this past election San Francisco voters passed Proposition F calling for legal services to support tenants facing eviction in our city, but no funding source was identified in that measure. In partnership with the Mayor's Budget Office, we are pleased to jointly present a plan to fund these critical housing intervention and homeless prevention services in the upcoming two-year budget with three newly available sources.

Proposition D was expected to generate revenues of \$32 million in FY 2018-19 and \$64 million in FY 2019-20; of which \$13.4 million and \$27.2 million would have been allocated to the Department of Homelessness and Supportive Housing (HSH). The remainder of the programmatic funds would have been allocated to the Mayor's Office of Housing and Community Development (MOHCD).

This plan draws on new resources included in the State's proposed budget, currently under the Governor's consideration, to support housing and homeless services from the State of California, coupled with newly identified recent reduction in retiree health costs approved by the Health Service System Board on June 15, 2018. With these sources, we are able to expand, fortify, and enhance services to prevent displacement, provide exits from street homeless, and add permanent housing units. Additionally, this rebalancing proposal includes an additional new investment which will provide funding for full scope legal services and representation to tenants facing eviction in our city.

This proposed rebalancing plan includes: 1) financial support in FY 2019-20 for the on-going homelessness programs previously funded in FY 2018-19; 2) new homeless programs in the FY 2018-19 budget which were contingent on Proposition D revenues which are no longer available (rapid rehousing, TAY Navigation Center, and flexible housing subsidy pool); and 3) significantly increases and expands legal assistance funding for tenants facing eviction through MOHCD. Details on the program expansions and funding sources are available below.

We look forward to continuing to work together with the Budget and Finance Committee and the full Board of Supervisors to finalize the FY 2018-19 and FY 2019-20 budget and ensure these critical programs and investments are funded.

Handwritten signature of London Breed in black ink.

London Breed
President, Board of Supervisors
Mayor-Elect

Handwritten signature of Malia Cohen in black ink.

Malia Cohen
Chair, Budget and Finance Committee

Rebalancing Plan: Allocated Uses and Identified Sources

	FY 2018-19 (\$ millions)	FY 2019-20 (\$ millions)
USES		
Extend Critical Programs (Housing, Navigation Centers, Prevention)		(13.4)
Rapid Rehousing - Adult & TAY	(5.0)	(6.0)
TAY Navigation Center	(1.0)	(3.4)
Capital for Replacement Shelter/TAY Nav Center Capital	(4.7)	
Flex Housing Subsidy Pool	(2.0)	(3.0)
Eviction Legal Representation for Tenants (MOHCD)	(1.4)	(3.4)
Total Uses	(14.1)	(29.2)
SOURCES*		
State Emergency Homelessness Funds - Onetime	10.7	11.5
State Emergency Solutions Grant - On-going	2.0	3.0
General Fund - Retiree Health Savings	1.4	14.7
Total Sources	14.1	29.2
Surplus/(Gap)	0.0	0.0

*Adjustments to fund balance have been made to match sources to uses in compliance with the State grant funding requirements and timelines.

Expand and Continue Critical Homeless Services

The City's homelessness crisis, and the conditions that exist on streets every day are not acceptable. We cannot continue to allow people to live in tents or doorways, nor endure illness and addiction alone on our streets. These investments will help provide meaningful change for those struggling with homelessness.

This rebalancing plan will ensure critical programs which had been dependent on Proposition D's revenue, beginning in FY 2018-19 will move forward, and the programs initiated in the first year of the budget will receive continued support in the second year of the budget. These are shared priorities for critical service expenditures including expanded navigation and shelter capacity, permanent exits from homelessness, and interventions that target families and youth experiencing homelessness.

- **Extending Critical Homeless Services Programs:** This plan provides funding in FY 2019-20 for new and continued programming including:
 - Doubling Homeward Bound to expand capacity to reunite persons experiencing homelessness with families or loved ones.
 - New units of permanent supportive housing in newly constructed affordable housing and continued support for master leased units.
 - Enhanced services in existing permanent supportive housing to better meet the acute needs of residents.
 - Operations of four navigation centers opening in the next year, including one serving women who are pregnant.
 - Expansion of shelter capacity and funding to replace closing shelters.

- **Rapid Rehousing:** Expanding the rapid rehousing voucher program for adults and TAY- a program provides a declining rent subsidy and income stabilization supports so that clients can find and maintain housing.
- **Navigation Centers:** Funding a new Navigation Center tailored for the needs of transitional aged youth (TAY) and one-time capital for the replacement of existing shelters or construction of the new TAY Navigation Center.
- **New Housing Exits:** Funding the Flexible Housing Subsidy Pool to create new permanent exits from homelessness

Funding for Eviction Legal Representation for Tenants

No tenant should face eviction alone in San Francisco. The voters of San Francisco agree, and approved Proposition F on June 5, 2018. However, this measure did not include any identified funding. Keeping San Franciscans in their homes is one of the most cost effective ways to prevent homelessness and help residents maintain access to affordable housing. We know that tenants who have legal support through the eviction process are much more likely to maintain their housing.

This rebalancing plan includes a ramp up to \$3.4 million in additional annual funding to support free legal counsel for tenants facing eviction. This amount builds off of the \$2 million in existing full scope legal representation currently available and anticipates the \$0.5 million the Board of Supervisors has indicated it will be allocating to this program area. This additional funding will allow the City to provide full scope legal representation to tenants facing eviction beginning January 1, 2019. This funding level assumes that a majority of tenants facing eviction will take advantage of the services available to them and that legal service providers will focus on households earning 120% of the Area Median Income and below.

New Revenue Sources

After the introduction of the June 1 Proposed Budget, three funding sources have become available.

The first is a reduction in retiree health costs per the rates approved by the Health Service System Board at their June 15, 2018 meeting. These final approved rates are lower than the assumed rates included in the proposed budget and will generate \$16.1 million in General Fund savings over the two-year budget to be allocated to this plan.

The State's proposed budget, currently under the Governor's consideration, includes additional support for housing and homeless services. It creates the Homeless Emergency Aid Program to provide one-time grants to address homelessness, and augments the existing Emergency Solutions Grant (ESG) to provide on-going funding for housing and homeless services. The anticipated one-time allocation to San Francisco is \$27.7 million and must be fully encumbered by June 2021. This rebalancing plan assumes the utilization of \$22.2 million in FY 2018-19 and FY 2019-20, with a final allocation of \$5.5 million to continue programming in FY 2020-21. This rebalancing plan assumes \$2 million growing to \$3 million of the on-going support through the ESG program.



**CALIFORNIA
HOMELESS COORDINATING
AND FINANCING COUNCIL**

**Homeless Emergency Aid Program (HEAP) Grant
Program Guidance – August 2018**

The California Homeless Coordinating and Financing Council (HCFC) is pleased to announce the launch of the Homeless Emergency Aid Program (HEAP). HEAP is a \$500 million block grant program designed to provide direct assistance to cities and counties to address the homelessness crisis throughout California. HEAP is authorized by Senate Bill (SB) 850, which was signed into law by Governor Brown in June 2018. This overview provides a program timeline with key milestones and delineates when stakeholders may expect program deliverables.

Available Funding

HEAP funding is divided into three categories for distribution.

Category for Distribution	Funded Amount	Eligible Applicants
Continuum of Care – Based on Point in Time Count Ranges [SB 850: Section 2, Chapter 5, 50213 (a)]	\$250,000,000	Continuum of Care (CoC)
Continuum of Care – Based on Percent of Homeless Population [SB 850: Section 2, Chapter 5, 50213 (b)]	\$100,000,000	Continuum of Care (CoC)
City / City that is also a County – Based on Population [SB 850: Section 2, Chapter 5, 50213 (c)]	\$150,000,000	Large Cities (LCs) with a population over 330,000

Eligible Uses

HEAP funds are intended to provide funding to Continuums of Care (COCs) and large cities (LCs) with populations over 330,000, so they may provide immediate emergency assistance to people experiencing homelessness. Eligible uses include, but are not limited to the following:

- a. Homelessness prevention activities,
- b. Criminal justice diversion programs for homeless individuals with mental health needs,
- c. Establishing or expanding services meeting the needs of homeless youth or youth at risk of homelessness, and
- d. Emergency aid.

The parameters of the program are intentionally broad to allow local communities to be creative and craft programs that meet the specific needs they have identified. All activities must directly benefit the target population.

Expenditure Deadlines

The HEAP statute mandates that 50 percent of the awarded funds must be contractually obligated by January 1, 2020. Additionally, 100 percent of the funds must be expended by June 30, 2021. Unexpended funds must be returned to the Business, Consumer Services and Housing Agency (BCSH) and will revert to the General Fund. Finally, administrative costs are

capped at five percent of program funds, but this does not include staff costs directly related to carrying out program activities.

Eligible Applicants

For the HEAP program, an Administrative Entity (AE) is the CoC. The CoC is the eligible applicant for HEAP funding for the same geographic boundaries for which it administers federal Department of Housing and Urban Development CoC funds. LCs with populations over 330,000 are also eligible applicants. Please refer to the California Department of Finance [website](#) for population estimates. LC grant applicants will enter into a contract with BCSH and administer their own funds separately, however, they will still be expected to collaborate with their CoC.

Shelter Crisis Declaration

The shelter crisis declaration is required for all cities and counties within a CoC that wish to receive HEAP funds, except for CoCs with fewer than 1,000 homeless people, based on the 2017 Point in Time count. Each incorporated city must declare a shelter crisis pursuant to Chapter 7.8 (commencing with Section 8698) of Division 1 of Title 2 of the Government Code. Counties may declare a shelter crisis only for the unincorporated areas of the county. The declaration is a resolution that must be adopted by the governing body of a jurisdiction or jurisdictions within a CoC or LC. A sample resolution has been provided (see attachment A). If a CoC has fewer than 1,000 homeless people, they may submit with their application a waiver exempting all cities and the counties that are part of the CoC from declaring a shelter crisis.

Pre-Application Program Timeline

Beginning in early August, the HEAP team will begin the distribution of key program information and documents. These pre-application materials will help inform the local collaborative process and assist stakeholders as they plan their applications.

Program Guidance, Timeline, Sample Shelter Crisis Resolution, Funding Allocations	
August 3, 2018	The guidance document includes a program timeline, sample resolution and funding allocation spreadsheet.
HEAP Frequently Asked Questions	
August 10, 2018	The FAQs will be updated on a regular basis on the HCFC website: http://www.bcsch.ca.gov/hcfc/
Sample Application and Instructions	
August 17, 2018	An application map will be released in advance of the HEAP Notice of Funding Availability (NOFA). The map will track to the application. The map, once completed will make the application process seamless.
August 20, 2018	Application instructions will be distributed along with the sample application.
Workshops/Webinars - Application Training Documents	
August 13 – Ongoing	Outreach and technical assistance will be conducted by the HEAP team. A detailed schedule will be posted on the HCFC website at a later date.

Application Timeline

Applications will be accepted immediately upon release of the Round 1 Notice of Funding Availability (NOFA) beginning on September 5, 2018. The Round 2 NOFA is planned for release on February 15, 2019. If, after the second round of awards, not all funds have been

claimed by all administrative entities, the BCSH shall, no later than June 15, 2019, work with the Department of Finance to identify an appropriate allocation methodology for a third round of awards or determine if any unallocated funds should revert to the General Fund.

Round 1	
NOFA Release	September 5, 2018
Early Applications Reviews Start***	Starting in September 2018
Early Applications Awarded	Starting in September 2018
Early Distribution of Funds Begins	Starting in late October 2018
Round 1 Application Cut-off Date	No later than December 31, 2018
Standard Applications Awarded	No later than January 2019
Standard Distribution of Funds Begins	April 2019
Round 2	
NOFA Release	February 15, 2019
Early Applications Reviews Start***	Starting in February 2019
Early Applications Awarded	Starting in February 2019
Early Distribution of Funds Begins	Starting in late March 2019
Round 2 Application Cut-off Date	No later than April 30, 2019
Standard Applications Awarded	No later than May 2019
Standard Distribution of Funds Begins	July 2019

***The HEAP team, recognizing the urgent need in cities and counties, encourages early applications and will review applications, make award decisions, and disburse funds on a rolling basis, immediately upon receipt.

Application Process

HEAP applications will be received through an online portal, with supporting attachments submitted via email. There are separate applications for CoCs and LCs. The applicant (CoC or LC) must submit with the application proof that a resolution declaring a shelter crisis has been approved for all jurisdictions receiving funds. Applicants must conduct a local collaborative application process to determine how HEAP funds will be utilized in the CoC or LC. The submitting entity must also demonstrate coordination with stakeholders, including but not limited to, homeless service and housing providers, law enforcement, cities, and homeless advocates whose general service area falls within the CoC or LC. The CoC or LC in turn may make sub-awards to entities it determines are qualified to carry out the eligible activities and operate within areas with approved shelter crisis status.

Special Notes

Collaboration

CoCs and LCs must demonstrate that a local collaborative effort has been conducted prior to application submission. A collaborative process may include, but is not limited to, a public meeting, regional homeless taskforce meeting, letters of support with signatures of endorsement, an adopted homeless plan, and an adopted budget which includes HEAP funds. Proof of a public process may include sign-in sheets, meeting minutes, agendas, and public comment logs, among other items. It is important that a wide enough range of participants are consulted as part of this process. Participants should include representatives of local homeless

service provider entities, law enforcement, behavioral health, and city and county public officials.

Homeless Youth

The HEAP statute requires a minimum investment of five percent of all awards be set aside for emergency assistance for homeless youth. The HEAP team encourages and expects local CoCs and LCs to work with youth advocates and related stakeholders to consider the level of investment that makes sense for this most vulnerable segment of the target population.

Contact the Program

The HCFC will be providing ongoing technical assistance and training to support CoCs and LCs in successfully applying for and administering HEAP funds. Additional information regarding the HEAP program is available on the HCFC [website](#). To receive information releases regarding the HEAP program, please register for the program [listserv](#). If you have questions, please direct them to the HCFC inbox at HCFC@BCSH.ca.gov.

DRAFT

Sample Resolution: Declaration of a Shelter Crisis

RESOLUTION NO. _____

RESOLUTION OF [insert name of local governing body, e.g. City Council or County Board of Supervisors] OF THE [insert name of jurisdiction, e.g. City or County here] _____, STATE OF CALIFORNIA declaring a shelter crisis pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code § 8698.2).

The _____ [insert name of local governing body, e.g. City Council or County Board of Supervisors] Finds:

WHEREAS, California's Governor Edmund G. Brown, Jr. and the members of the California Legislature have recognized the urgent and immediate need for funding at the local level to combat homelessness;

WHEREAS, The Governor and Legislature have provided funding to local governments under the Homeless Emergency Aid Program as part of SB 850 and the 2018-19 Budget Act (Chapter 48, Statutes of 2018);

WHEREAS, The Governor and Legislature require jurisdictions seeking an allocation through the Homeless Emergency Aid Program to declare a Shelter Crisis pursuant to Government Code §8698.2;

WHEREAS, [insert name of city or county here] has developed a homelessness plan and undertaken multiple efforts at the local level to combat homelessness;

WHEREAS, [insert name of city or county here] finds that [Insert the 2017 Point in Time Count for the jurisdiction] persons within the [insert name of city or county here] are homeless and living without shelter;

REQUIRED

WHEREAS, [insert name of city or county here] finds that the number of homeless is significant, and these persons are without the ability to obtain shelter;

WHEREAS, [insert name of city or county here] finds that the health and safety of unsheltered persons in the [insert City or County] is threatened by a lack of shelter;

WHEREAS, [insert name of city or county here] affirms the [insert: City's or County's] _____ commitment to combatting homelessness and creating or augmenting a continuum of shelter and service options for those living without shelter in our communities;

NOW, THEREFORE, BE IT RESOLVED BY THE [insert name of city council or county board of supervisors here] _____, CALIFORNIA, that a **shelter crisis** pursuant to Government Code §8698.2 exists in [insert name of city or county here] _____, and authorizes the [insert: City's or County's] _____ participation in the Homeless Emergency Aid Program.

Required: This is a specific term used in the code. Other terms such as shelter emergency, or homeless crisis are not sufficient.

PASSED AND ADOPTED by the [insert governing body here] _____ of the [insert name of city or county here] _____, State of California at the meeting of the said [insert Board or City Council] held on the ___ day of _____ by the following vote:

- AYES:** [insert name of local governing body]: _____
- NOES:** [insert name of local governing body]: _____
- ABSTAIN:** [insert name of local governing body]: _____
- ABSENT:** [insert name of local governing body]: _____

By: _____
_____, CHAIR PERSON
_____ [insert name of local governing body]

ATTEST:
By: _____
Date: _____

APPROVED AS TO LEGAL FORM:
By: _____
Date: _____

Attachment B – Formula Funding Estimates

CoC Number	Jurisdiction	Total Homeless, 2017	Percent of Total State Homeless, 2017	Section 50213(a) Per Jurisdiction portion of \$250M	Section 50213(b) \$100M Distribution Based on Percent of Homeless Population	Total of CoC Distribution per 50213(a) and (b)	50214(c) 5% Minimum Youth Set-aside Per Continuum of Care total of 50213(a) and (b)
CA-600	Los Angeles City & County	55,188	41.100%	\$ 40,000,000.00	\$ 41,099,807.86	\$ 81,099,807.86	\$ 4,054,990.39
CA-601	San Diego City & County	9,160	6.822%	\$ 12,000,000.00	\$ 6,821,668.48	\$ 18,821,668.48	\$ 941,083.42
CA-500	San Jose/Santa Clara City & County	7,394	5.506%	\$ 12,000,000.00	\$ 5,506,486.54	\$ 17,506,486.54	\$ 875,324.33
CA-501	San Francisco	6,858	5.107%	\$ 12,000,000.00	\$ 5,107,314.68	\$ 17,107,314.68	\$ 855,365.73
CA-502	Oakland, Berkeley/Alameda County	5,629	4.192%	\$ 12,000,000.00	\$ 4,192,049.33	\$ 16,192,049.33	\$ 809,602.47
CA-602	Santa Ana, Anaheim/Orange County	4,792	3.569%	\$ 12,000,000.00	\$ 3,568,715.65	\$ 15,568,715.65	\$ 778,435.78
CA-503	Sacramento City & County	3,665	2.729%	\$ 10,000,000.00	\$ 2,729,412.12	\$ 12,729,412.12	\$ 636,470.61
CA-506	Salinas/Monterey, San Benito Counties	3,364	2.505%	\$ 10,000,000.00	\$ 2,505,250.30	\$ 12,505,250.30	\$ 625,262.52
CA-504	Santa Rosa, Petaluma/Sonoma County	2,835	2.111%	\$ 10,000,000.00	\$ 2,111,291.50	\$ 12,111,291.50	\$ 605,564.57
CA-608	Riverside City & County	2,406	1.792%	\$ 8,000,000.00	\$ 1,791,805.06	\$ 9,791,805.06	\$ 489,590.25
CA-508	Watsonville/Santa Cruz City & County	2,249	1.675%	\$ 8,000,000.00	\$ 1,674,883.45	\$ 9,674,883.45	\$ 483,744.17
CA-514	Fresno City & County/Madera County	2,016	1.501%	\$ 8,000,000.00	\$ 1,501,362.84	\$ 9,501,362.84	\$ 475,068.14
CA-609	San Bernardino City & County	1,866	1.390%	\$ 8,000,000.00	\$ 1,389,654.30	\$ 9,389,654.30	\$ 469,482.71
CA-606	Long Beach	1,863	1.387%	\$ 8,000,000.00	\$ 1,387,420.13	\$ 9,387,420.13	\$ 469,371.01
CA-603	Santa Maria/Santa Barbara County	1,860	1.385%	\$ 8,000,000.00	\$ 1,385,185.96	\$ 9,385,185.96	\$ 469,259.30
CA-510	Turlock, Modesto/Stanislaus County	1,661	1.237%	\$ 6,000,000.00	\$ 1,236,985.95	\$ 7,236,985.95	\$ 361,849.30
CA-505	Richmond/Contra Costa County	1,607	1.197%	\$ 6,000,000.00	\$ 1,196,770.88	\$ 7,196,770.88	\$ 359,838.54
CA-511	Stockton/San Joaquin County	1,542	1.148%	\$ 6,000,000.00	\$ 1,148,363.84	\$ 7,148,363.84	\$ 357,418.19
CA-512	Daly City/San Mateo County	1,253	0.933%	\$ 4,000,000.00	\$ 933,138.71	\$ 4,933,138.71	\$ 246,656.94
CA-509	Mendocino County	1,238	0.922%	\$ 4,000,000.00	\$ 921,967.86	\$ 4,921,967.86	\$ 246,098.39
CA-518	Vallejo/Solano County	1,232	0.917%	\$ 4,000,000.00	\$ 917,499.52	\$ 4,917,499.52	\$ 245,874.98
CA-519	Chico, Paradise/Butte County	1,195	0.890%	\$ 4,000,000.00	\$ 889,944.74	\$ 4,889,944.74	\$ 244,497.24
CA-613	Imperial County	1,154	0.859%	\$ 4,000,000.00	\$ 859,411.07	\$ 4,859,411.07	\$ 242,970.55
CA-611	Oxnard, San Buenaventura/Ventura County	1,152	0.858%	\$ 4,000,000.00	\$ 857,921.63	\$ 4,857,921.63	\$ 242,896.08
CA-614	San Luis Obispo County	1,125	0.838%	\$ 4,000,000.00	\$ 837,814.09	\$ 4,837,814.09	\$ 241,890.70

H7

Homeless Emergency Aid Program (HEAP) – Program Guidance

CA-507	Marin County	1,117	0.832%	\$ 4,000,000.00	\$ 831,856.30	\$ 4,831,856.30	\$ 241,592.81
CA-515	Roseville, Rocklin/Placer, Nevada Counties	979	0.729%	\$ 2,000,000.00	\$ 729,084.44	\$ 2,729,084.44	\$ 136,454.22
CA-516	Redding/Shasta, Siskiyou, Lassen, Plumas, Del Norte, Modoc, Sierra Counties	934	0.696%	\$ 2,000,000.00	\$ 695,571.87	\$ 2,695,571.87	\$ 134,778.59
CA-513	Visalia/Kings, Tulare Counties	853	0.635%	\$ 2,000,000.00	\$ 635,249.26	\$ 2,635,249.26	\$ 131,762.46
CA-604	Bakersfield/Kern County	810	0.603%	\$ 2,000,000.00	\$ 603,226.14	\$ 2,603,226.14	\$ 130,161.31
CA-524	Yuba City & County/Sutter County	760	0.566%	\$ 2,000,000.00	\$ 565,989.96	\$ 2,565,989.96	\$ 128,299.50
CA-522	Humboldt County	759	0.565%	\$ 2,000,000.00	\$ 565,245.24	\$ 2,565,245.24	\$ 128,262.26
CA-525	El Dorado County	602	0.448%	\$ 1,000,000.00	\$ 448,323.63	\$ 1,448,323.63	\$ 72,416.18
CA-607	Pasadena	575	0.428%	\$ 1,000,000.00	\$ 428,216.09	\$ 1,428,216.09	\$ 71,410.80
CA-521	Davis, Woodland/Yolo County	459	0.342%	\$ 1,000,000.00	\$ 341,828.15	\$ 1,341,828.15	\$ 67,091.41
CA-520	Merced City & County	454	0.338%	\$ 1,000,000.00	\$ 338,104.53	\$ 1,338,104.53	\$ 66,905.23
CA-529	Lake County	401	0.299%	\$ 1,000,000.00	\$ 298,634.18	\$ 1,298,634.18	\$ 64,931.71
CA-526	Tuolumne, Amador, Calaveras, Mariposa Counties	367	0.273%	\$ 1,000,000.00	\$ 273,313.57	\$ 1,273,313.57	\$ 63,665.68
CA-517	Napa City & County	315	0.235%	\$ 1,000,000.00	\$ 234,587.94	\$ 1,234,587.94	\$ 61,729.40
CA-523	Colusa, Glen, Trinity Counties	176	0.131%	\$ 500,000.00	\$ 131,071.36	\$ 631,071.36	\$ 31,553.57
CA-612	Glendale	168	0.125%	\$ 500,000.00	\$ 125,113.57	\$ 625,113.57	\$ 31,255.68
CA-527	Tehama County	124	0.092%	\$ 500,000.00	\$ 92,345.73	\$ 592,345.73	\$ 29,617.29
CA-530	Alpine, Inyo, Mono Counties	121	0.090%	\$ 500,000.00	\$ 90,111.56	\$ 590,111.56	\$ 29,505.58

Large Cities Allocation

CoC Number	Jurisdiction	50213(c) Large Cities \$150,000,000 Allocation	50213(c) Minimum Youth Set Aside Per Large City Allocation
CA-600	Los Angeles	\$ 85,013,607.00	\$ 4,250,680.35
CA-601	San Diego	\$ 14,110,397.95	\$ 705,519.90
CA-500	San Jose	\$ 11,389,987.16	\$ 569,499.36
CA-501	San Francisco	\$ 10,564,313.22	\$ 528,215.66
CA-502	Oakland	\$ 8,671,116.82	\$ 433,555.84
CA-602	Santa Ana	\$ 3,690,885.841	\$ 184,544.29
CA-602	Anaheim	\$ 3,690,885.841	\$ 184,544.29
CA-503	Sacramento	\$ 5,645,699.61	\$ 282,284.98
CA-514	Fresno	\$ 3,105,519.90	\$ 155,276.00
CA-606	Long Beach	\$ 2,869,833.12	\$ 143,491.66
CA-604	Bakersfield	\$ 1,247,753.53	\$ 62,387.68



California

LEGISLATIVE INFORMATION

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8698. For purposes of this chapter, the following definitions shall apply:

- (a) "Political subdivision" includes the state, any city, city and county, county, special district, or school district or public agency authorized by law.
- (b) "Governing body" means the following:
- (1) The Governor for the state.
 - (2) The legislative body for a city or city and county.
 - (3) The board of supervisors for a county.
 - (4) The governing board or board of trustees for a district or other public agency.
 - (5) An official designated by ordinance or resolution adopted by a governing body, as defined in paragraph (2), (3), or (4).
- (c) "Public facility" means any facility of a political subdivision including parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained, or any combination thereof, by the political subdivision through money derived by taxation or assessment.

(d) "Declaration of a shelter crisis" means the duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.

(e) "Emergency bridge housing community" means any new or existing facilities, including, but not limited to, housing in temporary structures, including, but not limited to, emergency sleeping cabins consistent with the requirements of subdivision (h) of Section 8698.3 that are reserved for homeless persons and families, together with community support facilities, including, but not limited to, showers and bathrooms adequate to serve the anticipated number of residents all of which may be located on property leased or owned by a political subdivision. An emergency bridge housing community shall include supportive and self-sufficiency development services, have the ultimate goal of moving homeless persons to permanent housing as quickly as reasonably possible, and limit rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons.

(Amended by Stats. 2016, Ch. 691, Sec. 1. (AB 2176) Effective January 1, 2017.)

8698.1. Upon a declaration of a shelter crisis, the following provisions shall apply during the period of the emergency.

(a) The political subdivision shall be immune from liability for ordinary negligence in the provision of emergency housing pursuant to Section 8698.2. This limitation of liability shall apply only to conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing. This section does not limit liability for grossly negligent, reckless, or intentional conduct which causes injury.

(b) The provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Political subdivisions may, in place of such standards, enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety. The provisions of this section apply only to additional public facilities open to the homeless pursuant to this chapter.

(Added by Stats. 1987, Ch. 1116, Sec. 2. Effective September 25, 1987.)

8698.2. (a) (1) The governing body may declare a shelter crisis, and may take such action as is necessary to carry out the provisions of this chapter, upon a finding by that governing body that a significant number of persons within the jurisdiction of the governing body are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons.

(2) For purposes of this chapter, the governing body of the state, in making a declaration of a shelter crisis pursuant to paragraph (1), may limit that declaration to any geographical portion of the state.

(b) Upon a declaration of a shelter crisis pursuant to subdivision (a), the political subdivision may allow persons unable to obtain housing to occupy designated public facilities during the duration of the state of emergency.

(Added by Stats. 1987, Ch. 1116, Sec. 2. Effective September 25, 1987.)

8698.3. Notwithstanding any other provisions in this chapter, upon a declaration of a shelter crisis by the City of San Jose, the following shall apply during a shelter crisis:

(a) Emergency housing may include an emergency bridge housing community for the homeless located or constructed on any city-owned or city-leased land, including land acquired with low- and moderate-income housing funds.

(b) (1) The city, in lieu of compliance with state and local building, housing, health, habitability, or safety standards and laws, may adopt by ordinance reasonable local standards for the design, site development, and operation of emergency bridge housing communities and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The Department of Housing and Community Development shall review the city's draft ordinance to ensure it addresses minimum health and safety standards. The department shall, as set forth in Section 9795 of the Government Code, provide its findings to the Senate and Assembly housing committees and the Senate Judiciary Committee within 30 calendar days of receiving the draft ordinance.

(2) During the shelter crisis, except as provided in this section, provisions of any state or local building, housing, health, habitability, or safety standards or laws shall be suspended for the emergency bridge housing communities provided that the city has adopted health and safety standards for emergency bridge housing communities consistent with ensuring minimal public health and safety and those standards are complied with. Landlord tenant laws codified in Sections 1941 to 1942.5, inclusive, of the Civil Code providing a cause of action for habitability or tenantability, shall be suspended for the emergency bridge housing communities provided that the city has adopted health and safety standards for emergency bridge housing communities and those standards are complied with. During the shelter crisis, the local and state law requirements for an emergency bridge housing project to be consistent with the local land use plans, including the general plan, shall be suspended.

(3) This section applies only to a public facility or an emergency bridge housing community reserved for the homeless pursuant to this chapter.

(c) An emergency bridge housing community constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(d) An emergency bridge housing community that complies with the applicable requirements of the Americans with Disabilities Act of 1990 (Public Law 101-336), as amended by the ADA Amendments Act of 2008 (Public Law 110-325), shall be exempt from Part 2.5 (commencing with Section 54) of Division 1 of the Civil Code and actions thereunder for the duration of the shelter crisis.

(e) The city shall match each resident of an emergency bridge housing community to an affordable housing unit identified in the city's housing plan that shall be available for the resident to live in on or before January 1, 2022.

(f) On or before July 1, 2017, the city shall develop a plan for every emergency bridge housing community to include on-site supportive services. The city shall make the report publicly available.

(g) On or before January 1, 2018, and annually thereafter, the city shall report to the Legislature the number of residents in every emergency bridge housing community, the number of residents who have moved from an emergency bridge housing community into permanent affordable housing, the average time required for a resident to receive a permanent affordable housing unit, and the actual and projected number of permanent affordable housing units available through January 1, 2022.

(h) An "emergency sleeping cabin" means a relocatable hard-sided structure that may be used for occupancy only pursuant to Section 8698 and this section. It shall have a raised floor area of no less than 120 square feet of interior space for two occupants and a minimum of 70 square feet of interior space for one occupant. It shall contain no plumbing or gas service. An emergency sleeping cabin shall meet a minimum of a 20 pounds per square foot live load roof structure, shall be provided light, heat, and ventilation, and shall comply with minimum emergency bridge housing design standards as follows:

- (1) Electrical power available as needed to meet the light and heat requirements of this subdivision. The source of electricity may be solar power.
- (2) At least one interior lighting fixture.
- (3) Electrical heating equipment approved for residential use.
- (4) Means of ventilation allowing for adequate air replacement.
- (5) At least one GFCI-protected receptacle for use by the occupant or occupants.

(6) At least two forms of egress placed remotely from each other, one of which may be an egress window with a sill height of not more than 44 inches from the floor, a minimum net opening height of 24 inches, and a minimum width of 20 inches.

(7) A privacy lock on each door.

(8) When required to meet accessibility requirements, compliance with the applicable requirements specified in Chapter 11B of the California Building Code.

(9) One permanently wired smoke alarm with battery backup, listed and labeled in accordance with UL 217, installed in accordance with the California Residential Code and NFPA 72. Battery powered alarms are permissible in lieu of wired alarms only when the cabin is solar powered and other electrical service is not supplied to the cabin. Smoke alarms shall be listed and approved by the State Fire Marshal.

(10) This subdivision shall remain operative until the date on which the California Building Standards Commission includes standards in the California Building Standards Code that conform to this subdivision.

(i) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

(Added by Stats. 2016, Ch. 691, Sec. 2. (AB 2176) Effective January 1, 2017. Repealed as of January 1, 2022, by its own provisions.)

8698.4. (a) Notwithstanding any other provision in this chapter, upon a declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, the following shall apply to the respective city, county, or city and county during a shelter crisis:

(1) Emergency housing may include homeless shelters for the homeless located or constructed on any land owned or leased by a city, county, or city and county, including land acquired with low- and moderate-income housing funds.

(2) (A) (i) The city, county, or city and county, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, may adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The Department of Housing and Community Development shall review and approve the city's, county's, or city and county's draft ordinance to ensure it addresses minimum health and safety standards. The department shall, as set forth in Section 9795,

provide its findings to the Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development within 30 calendar days of receiving the draft ordinance.

(ii) During the shelter crisis, except as provided in this section, provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety and those standards are complied with. Landlord tenant laws codified in Sections 1941 to 1942.5, inclusive, of the Civil Code providing a cause of action for habitability or tenantability shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards for homeless shelters and those standards are complied with. During the shelter crisis, the local and state law requirements for homeless shelters to be consistent with the local land use plans, including the general plan, shall be suspended.

(B) This section applies only to a public facility or homeless shelters reserved entirely for the homeless pursuant to this chapter.

(3) Homeless shelters constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(4) On or before July 1, 2019, the city, county, or city and county shall develop a plan to address the shelter crisis, including, but not limited to, the development of homeless shelters and permanent supportive housing, as well as onsite supportive services. The city, county, or city and county shall make the plan publicly available.

(5) On or before January 1, 2019, and annually thereafter until January 1, 2021, if the city, county, or city and county has declared a shelter crisis, the city, county, or city and county shall report all of the following to the Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development:

(A) The total number of residents in homeless shelters within the city, county, or city and county.

(B) The total number of residents who have moved from a homeless shelter into permanent supportive housing within the city, county, or city and county.

(C) The estimated number of permanent supportive housing units.

(D) The number of residents who have exited the system and are no longer in need of a homeless shelter or permanent supportive housing within the city, county, or city and county.

(E) The number of new homeless shelters built pursuant to this section within the city, county, or city and county.

(F) New actions the city, county, or city and county is taking under the declared shelter crisis to better serve the homeless population and to reduce the number of people experiencing homelessness.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Homeless shelter" means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A temporary homeless shelter community may include supportive and self-sufficiency development services.

(2) "Permanent supportive housing" means housing for people who are homeless, with no limit on length of stay, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

(Added by Stats. 2017, Ch. 786, Sec. 1. (AB 932) Effective January 1, 2018. Repealed as of January 1, 2021, by its own provisions.)



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SB-850 Housing. (2017-2018)

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Senate Bill No. 850

CHAPTER 48

An act to amend Section 65913.4 of the Government Code, to add Sections 50472 and 50717 to, to add Chapter 5 (commencing with Section 50210) to Part 1 of Division 31 of, to add Chapter 2.8 (commencing with Section 50490) to Part 2 of Division 31 of, and to add and repeal Section 50710.3 of, the Health and Safety Code, to amend Section 8257 of the Welfare and Institutions Code, and to amend the Budget Act of 2016 (Chapter 23 of the Statutes of 2016) by amending Item 2240-105-0001 of Section 2.00 of that act, relating to housing, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 27, 2018. Filed with Secretary of State June 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 850, Committee on Budget and Fiscal Review. Housing.

(1) Existing law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development, which satisfies specified objective planning standards, that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit. Existing law requires, among other objective planning standards, that the development be subject to a minimum percentage of below market rate housing on the basis that the locality failed to submit its latest production report by the applicable time period and that report reflecting that there were fewer units of above moderate-income housing or housing affordable to households making below 80% of area median income that were issued building permits than what was required to meet the locality's regional housing needs assessment for that reporting period.

This bill would modify this objective planning standard by requiring that the production report submitted by the locality reflect that there were both fewer units of affordable housing for persons of above moderate income and for persons making 80% of the area median income issued building permits than were required for the locality to meet its regional housing needs assessment for that reporting period. The bill would make other clarifying changes to these provisions.

(2) Existing law requires that the objective planning standards described above include that the development is not located on a site that is within either a flood plain as determined by maps promulgated by the Federal Emergency Management Agency unless the development has been issued a flood plain development permit, or that the site is not located within a floodway as determined by maps promulgated by the Federal Emergency Management Agency unless the development has received a no-rise certification in accordance with specified federal requirements.

This bill would modify the above provisions to provide that the development may not be located on a site that is within either a special flood hazard area that is determined by the Federal Emergency Management Agency (FEMA) to be subject to inundation by the 1% annual chance flood unless that site has been subject to a letter of map revision prepared by FEMA and issued to the local government or the site meets FEMA requirements necessary to meet minimum flood plain management criteria, or be located within a regulatory floodway as determined by FEMA in any official map unless the no-rise certification has been received. The bill would provide that if a development proponent meets all applicable federal qualifying criteria and is otherwise eligible for streamlined approval, then a local government is prohibited from denying an application on the basis that the development proponent did not comply with additional requirements adopted by the local government that are applicable to that site.

(3) Existing law requires the objective planning standards described above to include that the development certify to the locality that a skilled and trained workforce will be used to complete the development, if the development meets certain standards and depending on when the application is approved, including that if the application for the development is approved between January 1, 2020, and December 31, 2021, and the development consists of more than 50 units and is located in a jurisdiction that meets specified requirements, or if the application for the development is approved between January 1, 2022, and December 31, 2025, and the development consists of more than 25 units and is located in a jurisdiction that meets specified requirements.

This bill would modify those provisions by requiring a skilled and trained workforce to be used if the application for the development is approved between January 1, 2020, and December 31, 2021, and the development consists of more than 50 units that are not 100% subsidized affordable housing, or if the application for the development is approved between January 1, 2022, and December 31, 2025, and the development consists of more than 25 units that are not 100% subsidized affordable housing.

(4) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts from its requirements specified projects or activities, including an action taken by the Department of Housing and Community Development or the California Housing Finance Agency to provide financial assistance or insurance for the development and construction of residential housing for persons and families of low or moderate income, as defined, if the project that is the subject of the application for financial assistance or insurance will be reviewed pursuant to CEQA by another public agency.

This bill would provide that CEQA does not apply to an action taken by a state agency or local government to provide financial assistance to a development that was approved for streamlined approval pursuant to the provisions described above to be used for housing for persons and families of very low, low, or moderate income.

(5) Existing law, the Building Homes and Jobs Act, establishes the Building Homes and Jobs Trust Fund and, upon appropriation by the Legislature, allocates 50% of the moneys in that fund that are collected on and after January 1, 2018, and before December 31, 2018, to the Department of Housing and Community Development to assist persons experiencing or at risk of homelessness, as provided.

This bill would require the department to allocate \$5,000,000 from the money in the Building Homes and Jobs Trust Fund that is to be used to assist persons experiencing homelessness described above to the Bridges at Kraemer Place emergency shelter in Orange County, and another \$5,000,000 from those moneys to the County of Merced, to create a homeless navigation center, as provided. The bill would require the department to allocate 50% of any funds remaining from that amount to the California Emergency Solutions and Housing Program, described below, and the remaining 50% to the Housing for a Healthy California Program.

(6) Existing law, the California Emergency Solutions Grants Program, requires the department to make grants under the program to qualifying subrecipients to implement activities that address the needs of homeless individuals and families and assist them to regain stability in permanent housing as quickly as possible. Existing law, the Budget Act of 2016, made appropriations for the support of state government for the 2016–17 fiscal year, including a transfer of \$45,000,000 to the Emergency Housing and Assistance Fund to be used for support costs and local assistance associated with administering the California Emergency Solutions Grant Program.

This bill would establish the California Emergency Solutions and Housing Program, and would authorize the department to issue a notice of funding availability, which would be exempted from the rulemaking requirements of the Administrative Procedure Act, for specified administrative entities to request funding for eligible activities relating to homelessness within specified Continuum of Care service areas by submitting an application in response to a notice of funding availability that would be required to meet certain minimum requirements. The bill would require the department to allocate the above-described moneys in the Building Homes and Jobs Trust Fund, upon appropriation of those moneys, and any moneys that have not yet been made available pursuant to a notice of funding availability or request for proposal as of June 30, 2018, from the above-described moneys appropriated for the Emergency Solutions Grant Program by the Budget Act of 2016 for expenditure by an administrative entity within each Continuum of Care service area for the purposes of this program. By authorizing the use of previously appropriated funds for a new purpose, the bill would make an appropriation. The bill would require the department to allocate those funds using a formula that is based off of the formula utilized for the allocation of grants pursuant to the California Emergency Solutions Grants Program, and that includes specified additional formula components. The bill would require that funds not distributed after the initial round of awards be reallocated among all Continuum of Care service areas with a participating administrative entity in accordance with the allocation formula in a subsequent notice of funding availability and that funds not distributed after that 2nd round of awards revert to be used for the Multifamily Housing Program, which is funded by the Housing Rehabilitation Loan Fund, a continuously appropriated fund. By authorizing additional money to be deposited into a continuously appropriated fund, this bill would make an appropriation.

The bill would require an administrative entity receiving funds to enter into a contract with the department with a term of 5 years and would further require that any funds not expended for eligible activities upon expiration of the contract revert to be used for the Multifamily Housing Program, which is funded by the Housing Rehabilitation Loan Fund, a continuously appropriated fund. By authorizing additional money to be deposited into a continuously appropriated fund, this bill would make an appropriation. The bill would require the administrative entity to submit an annual report to the department pertaining to the administrative entity's program or project selection process performed in collaboration with the Continuum of Care, contract expenditures, and progress toward meeting state and local goals as demonstrated by the performance measures set forth in the application. The bill would authorize the department to request a repayment of funds from an administrative entity or to pursue any other remedies available by law for failure to comply with program requirements.

(7) Existing law requires the Department of Housing and Community Development, through its Office of Migrant Services, to assist in the development, construction, reconstruction, rehabilitation, or operation of migrant farm labor centers, as provided. Existing law authorizes the Director of Housing and Community Development to contract with specified local public and private entities, including school districts and housing authorities, for the procurement or construction of housing or shelter and to obtain specified services for migratory agricultural workers. Under existing law, the department designates a period of 180 days each calendar year during which migrant farm labor centers are open to migratory agricultural workers and their families for occupancy, as specified.

This bill would, until January 1, 2024, require a migratory agricultural worker that is eligible for housing pursuant to these provisions to reside outside a 50-mile radius of the migrant farm labor center for at least 3 months out of the preceding 6 month period, as specified. The bill would, until January 1, 2024, additionally require the department to approve a proposal by an entity operating a migrant farm labor center meeting certain requirements, including, among other things, that the proposal provides for up to 50% of the units at the migrant farm labor center to be exempt from the requirement to reside outside a 50-mile radius of the migrant farm labor center for at least 3 months out of the preceding 6 months, the proposal requires nonmigratory agricultural workers who are exempt from the above-described residency requirement to have schoolage children, and the proposal reserves at least 50% of the units at the migrant farm labor center for migratory agricultural workers who require round-trip travel exceeding 100 miles per day, as specified.

The bill would also require an entity operating a migrant farm labor center to provide a report, on or before January 1, 2019, and annually thereafter, to the Office of Migrant Services that contains specified data about the agricultural workers that resided at the migrant farm labor center during the most recently concluded contract period, as specified.

(8) Existing law establishes various programs, including, among others, the Emergency Housing and Assistance Program, homeless youth emergency service pilot projects, and Housing First, and the Homeless Coordinating and Financing Council to provide assistance to homeless persons:

This bill would establish the Homeless Emergency Aid program for the purpose of providing localities with one-time flexible block grant funds to address their immediate homelessness challenges. The bill would require the Business, Consumer Services, and Housing Agency to administer the program in consultation with the Homeless Coordinating and Financing Council and exempt the agency from the rulemaking provisions of the Administrative Procedure Act for these purposes. The bill, upon appropriation by the Legislature, would require the agency to allocate a total of \$500,000,000 among administrative entities, defined to include a unit of general purpose local government or a nonprofit organization that meet specified requirements, with \$250,000,000 allocated according to groupings based on homeless point-in-time counts determined pursuant to specified federal law, \$100,000,000 allocated based on the administrative entity's proportionate share of total homeless population, and \$150,000,000 allocated to cities or counties that are also counties that meet specified requirements. The bill would require the agency to make a first round of awards by January 31, 2019, a 2nd round of awards by May 31, 2019, if any funds remain unallocated following the first round, and to work with the Department of Finance to identify an appropriate allocation methodology for a 3rd round of awards, or to determine if any unallocated funds should revert to the General Fund, if any funds remain unallocated following the 2nd round.

The bill would require an administrative entity, in order to be eligible for funding, to meet certain requirements including that the jurisdiction or jurisdictions represented by the administrative entity have declared a shelter crisis pursuant to specified law, unless the agency approves a waiver of this requirement, as provided. The bill would require award recipients to expend program funds on one-time uses that address homelessness, including, but not limited to, prevention, criminal justice diversion programs to homeless individuals with mental health needs, and emergency aid, and to submit a report to the agency by January 1, 2020, pertaining to contract expenditures, the number of homeless individuals served by program funds, and progress toward state and local homelessness goals. The bill would require that at least 50% of program funds be contractually obligated by January 1, 2020, and 100% of program funds contractually obligated by June 30, 2021, and further require that any unexpended funds as of the latter date be returned to the agency and revert to the General Fund. The bill would authorize the agency to request a repayment of funds from an administrative entity, or to pursue any other remedies available by law for failure to comply with program requirements.

(9) Existing law requires the Governor to create the Homeless Coordinating and Financing Council to, among other things, identify mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California. Existing law requires the Governor to appoint up to 15 members of the council,

including representatives from specified state agencies and departments and state advocates or other members of the public or state agencies, according to the Governor's discretion. Existing law requires the Department of Housing and Community Development to provide staff for the council.

This bill would require that the Governor appoint up to 17 members of the council and that the members include the Secretary of Business, Consumer Services, and Housing, or his or her designee, to serve as chair of the council, a representative from the Department of Transportation, and a formerly homeless youth who lives in California. The bill would also require that the Business, Consumer Services, and Housing Agency to staff the council rather than the Department of Housing and Community Development. The bill would provide for an executive director of the council under the direction of the Business, Consumer Services, and Housing Agency.

(10) This bill would make legislative findings and declarations as to the necessity of a special statute for the Bridges at Kraemer Place emergency shelter and the County of Merced.

(11) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65913.4 of the Government Code is amended to read:

65913.4. (a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (b) and is not subject to a conditional use permit if the development satisfies all of the following objective planning standards:

- (1) The development is a multifamily housing development that contains two or more residential units.
- (2) The development is located on a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(3) If the development contains units that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction for the following applicable minimum durations:

(A) Fifty-five years for units that are rented.

(B) Forty-five years for units that are owned.

(4) The development satisfies both of the following:

(A) Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(i) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that zoning ordinance applies.

(ii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of housing affordable to households making below 80 percent of the area median income that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making below 80 percent of the area median income, unless the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, in which case that ordinance applies.

(iii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to both income levels described in clauses (i) and (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, "objective zoning standards" and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(6) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by

that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(7) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(8) The development proponent has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(i) The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(ii) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs

approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in therein.

(IV) Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(B) (i) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.

(ii) For purposes of this section, "skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(iii) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:

(I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

(III) Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200)

per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(C) Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(i) The project includes 10 or fewer units.

(ii) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(9) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

(10) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division

13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(c) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(2) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(d) (1) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(e) (1) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making below 80 percent of the area median income.

(2) If a local government approves a development pursuant to this section and the project does not include 50 percent of the units affordable to households making below 80 percent of the area median income, that approval shall automatically expire after three years except that a project may receive a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(3) If a local government approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the local government shall have discretion to grant, an additional one-year extension to the original three-year period. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.

(f) A local government shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(g) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of subdivision (i) of Section 65583.2.

(h) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to actions taken by a state agency or local government to provide financial

assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(i) For purposes of this section:

(1) "Department" means the Department of Housing and Community Development.

(2) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

(3) "Completed entitlements" means a housing development which has received all the required land use approvals or entitlements necessary for the issuance of building permit.

(4) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(5) "Production report" means the information reported pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

(6) "Subsidized" means units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

(7) "Reporting period" means either of the following:

(A) The first half of the regional housing needs assessment cycle.

(B) The last half of the regional housing needs assessment cycle.

(8) "State agency" includes every state office, officer, department, division, bureau, board, and commission, but does not include the California State University or the University of California.

(9) "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

(j) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms

adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(k) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2. Chapter 5 (commencing with Section 50210) is added to Part 1 of Division 31 of the Health and Safety Code, to read:

CHAPTER 5. Homeless Emergency Aid Program

50210. For purposes of this chapter, the following definitions shall apply:

(a) "Administrative entity" means a unit of general purpose local government or a nonprofit organization that has previously administered federal Department of Housing and Urban Development Continuum of Care funds as the collaborative applicant pursuant to Section 578.3 of Title 24 of the Code of Federal Regulations that has been designated by the Continuum of Care to administer program funds.

(b) "Agency" means the Business, Consumer Services, and Housing Agency.

(c) "Council" means the Homeless Coordinating and Financing Council created pursuant to Section 8257 of the Welfare and Institutions Code.

(d) "County" includes, but is not limited to, a city and county.

(e) "Homeless" has the same meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations, as that section read on May 1, 2018.

(f) "Homeless point-in-time count" means the 2017 homeless point-in-time counts pursuant to Section 578.3 of Title 24 of the Code of Federal Regulations.

(g) "Program" means the Homeless Emergency Aid program established pursuant to this chapter.

50211. (a) The Homeless Emergency Aid program is hereby established for the purpose of providing localities with one-time flexible block grant funds to address their immediate homelessness challenges.

(b) The agency, in consultation with the council, shall administer the program, which shall provide block grant funds.

(c) The agency's decision to approve or deny an application and the determination of the amount of funding to be provided shall be final.

(d) The agency shall maintain records of the following:

- (1) The number of applications for program funding received by the agency.
- (2) The number of applications for program funding denied by the agency.
- (3) The name of each recipient of program funds.

(e) In administering this chapter, the agency shall not be subject to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

50212. (a) In order to be eligible for program funds, an administrative entity shall demonstrate the following:

(1) Except as otherwise provided in subdivision (b), the jurisdiction or jurisdictions that the administrative entity represents for which funding is requested have, at the time of the award, declared a shelter crisis pursuant to Chapter 7.8 (commencing with Section 8698) of Division 1 of Title 2 of the Government Code.

(2) The applicants within the administrative entity have collaborated in its application, and have committed to future collaboration, with other city, county, or nonprofit partners. Recipients may submit a regional plan.

(b) Notwithstanding subdivision (a), an administrative entity representing cities and counties included in the three groupings with the lowest three homeless point-in-time count thresholds pursuant to Section 50213 may submit a waiver for the requirement for a declaration of a shelter crisis, as required by paragraph (1) of subdivision (a). Upon approval by the agency during a given round of awards, a city, county, or city that is also a county shall be eligible to receive program funds through the administrative entity.

50213. (a) (1) Upon appropriation by the Legislature, two hundred fifty million dollars (\$250,000,000) shall be distributed in accordance with this subdivision.

(2) The agency shall allocate the following amounts to administrative entities according to the following groupings based on homeless population:

(A) To administrative entities with a homeless point-in-time count of over 20,000 persons, forty million dollars (\$40,000,000).

(B) To administrative entities with a homeless point-in-time count between 4,000 and 19,999 persons, sixty million dollars (\$60,000,000).

(C) To administrative entities with a homeless point-in-time count between 2,500 and 3,999 persons, thirty million dollars (\$30,000,000).

(D) To administrative entities with a homeless point-in-time count between 1,800 and 2,499 persons, forty-eight million dollars (\$48,000,000).

(E) To administrative entities with a homeless point-in-time count between 1,500 and 1,799 persons, eighteen million dollars (\$18,000,000).

(F) To administrative entities with a homeless point-in-time count between 1,000 and 1,499 persons, thirty-two million dollars (\$32,000,000).

(G) To administrative entities with a homeless point-in-time count between 750 and 999 persons, twelve million dollars (\$12,000,000).

(H) To administrative entities with a homeless point-in-time count between 250 and 749 persons, seven million dollars (\$7,000,000).

(I) To administrative entities with a homeless point-in-time count of less than 250 persons, two million dollars (\$2,000,000).

(J) The agency shall set aside funds for each administrative entity grouping with the funds available for each grouping to be divided equally among administrative entities within that grouping.

(K) Up to one million dollars (\$1,000,000) shall be available for the agency to administer the program.

(b) Upon appropriation by the Legislature, the agency shall allocate one hundred million dollars (\$100,000,000) in program funding to each administrative entity in an amount calculated based on the administrative entity's proportionate share of total homeless population based on the 2017 homeless point-in-time count.

(c) (1) Upon appropriation by the Legislature, the agency shall proportionately allocate one hundred fifty million dollars (\$150,000,000) in program funding to each city or city that is also a county that meets both of the

following requirements:

(A) Has a population as of January 1, 2018, of 330,000 or more, according to the data published on the Department of Finance's Internet Web site.

(B) Has, at the time of the award, declared a shelter crisis pursuant to Chapter 7.8 (commencing with Section 8698) of Division 1 of Title 2 of the Government Code.

(2) Any allocations pursuant to this subdivision shall be in an amount calculated based on the proportionate share of the total homeless population of the administrative entities, in which a recipient city or city that is also a county is included, based on the 2017 homeless point-in-time count. If more than one recipient within the administrative entity meets the requirements of paragraph (1), the proportionate share of funds shall be equally allocated to those jurisdictions.

(d) Applications for the first round of awards shall be submitted to the agency on or before December 31, 2018. The agency shall verify whether each funding request meets the minimum criteria established by this chapter and make awards on a continuous basis based on that criteria, but no later than January 31, 2019.

(e) (1) If, after the first round of awards pursuant to this section, not all funds have been claimed by all administrative entities, the agency shall set aside any remaining funds for a second round of awards.

(2) Applications for the second round of awards shall be submitted to the agency on or before April 30, 2019. The agency shall verify whether each funding request meets the minimum criteria established by this chapter and make awards on a continuous basis based on that criteria, but no later than May 31, 2019. Any qualifying administrative entity may apply for funds available in the second round of awards.

(f) If, after the second round of awards pursuant to subdivision (d), not all funds have been claimed by all administrative entities, the agency shall, no later than June 15, 2019, work with the Department of Finance to identify an appropriate allocation methodology for a third round of awards, or determine if any unallocated funds should revert to the General Fund. The allocation methodology or reversion to the General Fund shall be approved by the Department of Finance with notification provided to the Joint Legislative Budget Committee.

50214. (a) Program funds shall be expended on one-time uses that address homelessness, including, but not limited to, prevention, criminal justice diversion programs to homeless individuals with mental health needs, and emergency aid.

(b) No more than five percent of programs funds may be used for administrative costs related to the execution of eligible activities. For purposes of this subdivision, "administrative costs" does not include staff costs directly related to carrying out the eligible activities pursuant to subdivision (a). Program funds shall not be used for overhead or planning activities.

(c) An administrative entity shall use no less than five percent of its total allocation to establish or expand services meeting the needs of homeless youth or youth at risk of homelessness.

50215. (a) (1) No later than January 1, 2020, each recipient of program funds shall submit to the agency a report, on a form provided by the agency, pertaining to contract expenditures, the number of homeless individuals served by program funds, and progress toward state and local homelessness goals.

(2) The agency may request additional information, as needed, to meet other applicable reporting or audit requirements.

(b) (1) Not less than 50 percent of program funds shall be contractually obligated by January 1, 2020.

(2) One hundred percent of program funds shall be contractually obligated by June 30, 2021. Any funds not expended by that date shall be returned to the agency and revert to the General Fund.

(c) The agency may monitor expenditures and activities of an administrative entity, as the agency deems necessary, to ensure compliance with program requirements.

(d) The agency may, as it deems appropriate or necessary, request the repayment of funds from an administrative entity, or pursue any other remedies available to it by law for failure to comply with program requirements.

SEC. 3. Section 50472 is added to the Health and Safety Code, to read:

50472. The department shall allocate the funds described in subparagraph (B) of paragraph (1) of subdivision (b) of Section 50470 as follows:

(a) Five million dollars (\$5,000,000) to the Bridges at Kraemer Place emergency shelter, located in Orange County.

(b) Five million dollars (\$5,000,000) to the County of Merced, in furtherance of Phase 1 to create a homeless navigation center. These efforts may include, but are not limited to, the following:

(1) Capital and construction costs.

(2) Contracting costs associated with hiring outside consultants to provide technical assistance for development of the homeless navigation center.

(3) Operating subsidies for current homelessness intervention efforts located in the county, coordinated by the county, and provided by a nonprofit organization, community-based housing, or homeless service provider in partnership with the county or by county employees.

(c) Of the funds remaining after making the allocations described in subdivisions (a) and (b), 50 percent of those funds shall be available for purposes of Chapter 2.8 (commencing with Section 50490), and 50 percent shall be available for the Housing for a Healthy California Program (Part 14.2 (commencing with Section 53590)).

SEC. 4. Chapter 2.8 (commencing with Section 50490) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

CHAPTER 2.8. California Emergency Solutions and Housing Program

50490. For purposes of this chapter:

(a) "Administrative entity" means one of the following that has been designated by the Continuum of Care to administer California Emergency Solutions and Housing Program funds:

(1) A unit of general purpose local government.

(2) A nonprofit organization that has previously administered HUD Continuum of Care funds as the collaborative applicant, as that term is defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

(3) A unified funding agency, as that term is defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

(b) "Applicant" means an administrative entity that has applied to receive funds under the program.

(c) "At risk of homelessness" has the same meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations.

(d) "Continuum of Care" has the same meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations.

(e) "Continuum of Care service area" means the entire geographic area within the boundaries of a Continuum of Care.

(f) "Coordinated Entry System," or "CES," means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, and related requirements, designed to coordinate program participant intake, assessment, and referrals. In order to satisfy this subdivision, a centralized or coordinated assessment system shall cover the entire geographic area, be easily accessed by individuals and families seeking housing or services, be well advertised, and include a comprehensive and standardized assessment tool.

(g) "Department" means the Department of Housing and Community Development.

(h) "HMIS" means a Homeless Management Information System, as defined in Section 578.3 of Title 24 of the Code of Federal Regulations. The term "HMIS" also includes the use of a comparable database by a victim services provider or legal services provider that is permitted by HUD under Part 576 of Title 24 of the Code of Federal Regulations.

(i) "Homeless" has the same meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations.

(j) "HUD" means the federal Department of Housing and Urban Development.

(k) "Permanent housing" means a structure or set of structures with subsidized or unsubsidized rental housing units subject to applicable landlord-tenant law, with no limit on length of stay and no requirement to participate in supportive services as a condition of access to or continued occupancy in the housing. "Permanent housing" includes permanent supportive housing.

(l) "Permanent supportive housing" means permanent housing with no limit on the length of stay that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. "Permanent supportive housing" includes associated facilities if used to provide services to housing residents.

(m) "Program" means the California Emergency Solutions and Housing Program established pursuant to this chapter.

(n) "Subrecipient" means a unit of local government or a private nonprofit or for-profit organization that the administrative entity determines is qualified to undertake the eligible activities, described in subdivision (a) of Section 50490.4, for which the administrative entity seeks funds under the program, and that enters into a contract with the administrative entity to undertake those eligible activities in accordance with the requirements of the program.

(o) "Temporary housing" means housing that does not qualify as permanent housing as defined under subdivision (l), including, but not limited to, emergency shelters or navigation centers as defined under other federal, state, or local programs. All programs providing temporary housing funded pursuant to this chapter shall have partnerships or other linkages to case management services to connect homeless individuals and families to income, public benefits, health services, and permanent housing

50490.1. (a) There is hereby established the California Emergency Solutions and Housing Program, to be administered by the department in accordance with this chapter.

(b) The department may carry out the program through the issuance of one or more notices of funding availability as necessary to exercise the powers and perform the duties conferred or imposed on it by this chapter. An administrative entity may submit an application, which shall meet all the requirements in Section 50490.3, for an allocation pursuant to subdivision (a) of Section 50490.2 in response to a notice of funding availability issued by the department pursuant to this section. Any notice of funding availability issued pursuant to this section shall not be subject to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

50490.2. (a) The department shall allocate 50 percent of moneys available in the Building Homes and Jobs Trust Fund described in subdivision (c) of Section 50472, and any moneys that have not yet been made available pursuant to a notice of funding availability or request for proposal as of June 30, 2018, that were previously appropriated by Item 2240-105-0001 in the Budget Act of 2016 (Chapter 23 of the Statutes of 2016) for purposes of the California Emergency Solutions Grants Program (Chapter 19 (commencing with Section 50899.1)) for expenditure by an administrative entity within each Continuum of Care service area using the most recent data available for that Continuum of Care service area. The department shall allocate the money described in the previous sentence using a formula that is based off of the formula utilized, as of June 30, 2018, for the allocation

of grants pursuant to the California Emergency Solutions Grants Program (Chapter 19 (commencing with Section 50899.1)), and that includes the following formula components:

- (1) The 2017 point-in-time count published by HUD that includes both sheltered and unsheltered homeless.
- (2) The number of extremely low income households in rental housing that pay more than 50 percent of household income on rent, based on HUD's most recent Comprehensive Housing Affordability Strategy dataset.
- (3) (A) The number of persons below the federal poverty line divided by the total population within the Continuum of Care service area, based on data from the United States Census Bureau.
(B) The formula required by this subdivision shall afford double weight to the factor described in this paragraph.
(b) The administrative entity within a Continuum of Care service area that receives an allocation pursuant to this section shall not use more than 5 percent of that allocation for administrative costs related to the planning and execution of eligible activities. For purposes of this subdivision, "administrative costs" does not include staff and overhead costs directly related to carrying out the eligible activities described in subdivision (a) of Section 50490.4. An administrative entity may share any funds available for administrative costs with a subrecipient.
(c) Any funds not distributed by the Continuum of Care service area or otherwise returned to the department shall be reallocated in the following manner in order to redistribute funds as soon as possible:
 - (1) Any funds not distributed after the initial round of awards shall be reallocated among all Continuum of Care service areas with a participating administrative entity, in accordance with the formula specified in subdivision (a) and any other applicable requirements of this section, in a subsequent notice of funding availability released for the program.
 - (2) Any funds not distributed after the second round of awards shall revert to be used for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).
(d) Funds available under the program are not required to be matched.

50490.3. (a) An application submitted in response to the department's notice of funding availability shall meet all of the following minimum requirements:

- (1) The application requests an allocation pursuant to subdivision (a) of Section 50490.2 in order to carry out one or more of the eligible activities described in subdivision (a) of Section 50490.4 within the relevant

Continuum of Care service area.

(2) The applicant is an administrative entity that meets one of the following:

(A) Has prior experience administering the eligible activities described in the application.

(B) Has partnered with one or more local governments or other entities within the relevant Continuum of Care service area that have the necessary prior experience to administer the requested funds.

(3) (A) Except as otherwise provided in subparagraph (B), the application documents that the Continuum of Care service area has a functioning CES and HMIS that meet the applicable HUD requirements, as set forth in the department's notice of funding availability.

(B) If the Continuum of Care does not have systems in place that meet the requirements of subparagraph (A), the application documents that a minimum of 20 percent of the allocation to the Continuum of Care service area pursuant to subdivision (a) of Section 50490.2 will be used to implement or update its systems to comply with the applicable HUD requirements.

(4) The application describes or provides documentation of the local program or project selection process anticipated to be used to allocate available funds to subrecipients qualified to carry out the eligible activities. In order to satisfy the requirements of this subdivision, the applicant's proposed program or project selection process shall avoid conflicts of interest in program or project selection and shall be easily accessible to the public.

(5) The application identifies anticipated estimated amounts to be used for the specific eligible activities described in the application and numerical goals and performance measures established by the applicant, in collaboration with the relevant Continuum of Care, to be used to evaluate success in implementing eligible activities described in the application for the anticipated term of the agreement with the department entered into pursuant to subdivision (a) of Section 50490.5. Any goal established pursuant to this paragraph shall be greater than zero, unless using funds for systemwide or administrative capacity-building such as improving CES functionality. At minimum, the application shall evaluate the following project or system performance measures based on HMIS data from the Continuum of Care service area, as set forth in the department's notice of funding availability:

(A) The number of homeless persons served.

(B) The number of unsheltered homeless persons served, and the average length of time spent as homeless before entry into the program or project.

(C) The number of homeless persons exiting the program or project to permanent housing.

(D) The number of persons that return to homelessness after exiting the program or project.

(b) An application submitted in response to the department's notice of funding availability may include, if available, the most current plan addressing actions to be taken within the Continuum of Care service area to address homelessness. If there is no current plan addressing actions to be taken within the Continuum of Care service area to address homelessness, the application may request that funds allocated to the Continuum of Care service area pursuant to subdivision (a) of Section 50490.2 be used to develop a plan. If an application requests funding to develop a plan pursuant to this subdivision, the applicant shall submit the plan developed to the department prior to the expiration of the contract pursuant to subdivision (a) of Section 50490.5.

50490.4. (a) An administrative entity shall use funds allocated pursuant to subdivision (a) of Section 50490.2 for one or more of the following eligible activities:

(1) Rental assistance and housing relocation and stabilization services to ensure housing affordability to people experiencing homelessness or at risk of homelessness. Rental assistance provided pursuant to this paragraph shall not exceed 48 months for each assisted household, and rent payments shall not exceed two times the current HUD fair market rent for the local area, as determined pursuant to Part 888 of Title 24 of the Code of Federal Regulations.

(2) Operating subsidies in the form of 15-year capitalized operating reserves for new and existing affordable permanent housing units for homeless individuals and families.

(3) Flexible housing subsidy funds for local programs that establish or support the provision of rental subsidies in permanent housing to assist homeless individuals and families. Funds used for purposes of this paragraph may support rental assistance, bridge subsidies to property owners waiting for approval from another permanent rental subsidy source, vacancy payments, or project-based rent or operating reserves.

(4) Operating support for emergency housing interventions, including, but not limited to, the following:

(A) Navigation centers that provide temporary room and board and case managers who work to connect homeless individuals and families to income, public benefits, health services, permanent housing, or other

shelter.

(B) Street outreach services to connect unsheltered homeless individuals and families to temporary or permanent housing.

(C) Shelter diversion, including, but not limited to, homelessness prevention activities, and other necessary service integration activities to connect individuals and families to alternate housing arrangements, services, and financial assistance.

(5) Systems support for activities necessary to maintain a comprehensive homeless services and housing delivery system, including CES, data, and HMIS reporting, and homelessness planning activities.

(6) To develop or update a CES system pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 50490.3, or to develop a plan addressing actions to be taken within the Continuum of Care service area to address homelessness pursuant to subdivision (b) of Section 50490.3.

(b) The administrative entity or a subrecipient, as applicable, shall establish the duration, amount, and other terms of assistance provided, consistent with the requirements of this chapter and other reasonable limitations established by the department in the notice of funding availability or in the contract with the department entered into pursuant to subdivision (a) of Section 50490.5.

(c) Unless otherwise exempted by federal rules, an administrative entity that is allocated funding under the program for a program or project that is an eligible activity shall utilize a CES that meets the requirements of Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations and related HUD requirements. Except in the case of a program or project specifically concerned with homelessness prevention activities as a part of shelter diversion activities authorized under subparagraph (C) of paragraph (3) of subdivision (a), an administrative entity that is allocated funding under the program for an eligible program or project funded shall prioritize assistance to homeless individuals and families over assistance to individuals and families at risk of homelessness.

(d) An administrative entity that is allocated funds under the program for eligible activities described in subdivision (a) that provide permanent housing shall incorporate the core components of Housing First, as provided in subdivision (b) of Section 8255 of the Welfare and Institutions Code.

(e) An administrative entity shall provide all eligible activities in a manner consistent with the housing first practices described in paragraphs (1) to (6), inclusive, of subdivision (b) of Section 8409 of Title 25 of the

California Code of Regulations.

(f) An administrative entity shall not use more than 40 percent of any funds allocated pursuant to subdivision (a) of Section 50490.2 in a fiscal year for operating support for emergency housing interventions as described in paragraph (4) of subdivision (a).

50490.5. (a) The department shall distribute funds allocated to an administrative entity pursuant to subdivision (a) of Section 50490.2 by executing a contract with that entity that shall be for a term of five years. After a contract has expired pursuant to this subdivision, any funds not expended for eligible activities described in subdivision (a) of Section 50490.4 shall revert to the department to be used for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).

(b) (1) An administrative entity that receives funds pursuant to this chapter shall submit to the department an annual report on a form issued by the department, pertaining to the administrative entity's program or project selection process performed in collaboration with the Continuum of Care, contract expenditures, and progress toward meeting state and local goals as demonstrated by the performance measures set forth in the application pursuant to paragraph (4) of subdivision (a) of Section 50490.3.

(2) The annual report required by this subdivision shall include the information required by paragraph (2) of subdivision (c), pertaining to funds distributed to subrecipients.

(3) The department may request additional information, as needed to meet other applicable reporting or audit requirements.

(c) (1) An administrative entity that receives funds under the program shall be responsible for ensuring that the expenditure of those funds is in accordance with this chapter and for the eligible activities described in subdivision (a) of Section 50490.4. The administrative entity shall monitor the activities and expenditures of any subrecipients at least annually to ensure that those activities and expenditures comply with this chapter.

(2) As part of the annual report required pursuant to subdivision (b), the administrative entity shall report to the department on the expenditures and activities of any subrecipients for each year of the term of the contract with the department until all funds awarded to a subrecipient have been expended.

(d) The department may monitor the expenditures and activities of the administrative entity, as the department deems necessary, to ensure compliance with program requirements.

(e) The department may, as it deems appropriate or necessary, request the repayment of funds from an administrative entity or pursue any other remedies available to it by law for failure to comply with program requirements.

SEC. 5. Section 50710.3 is added to the Health and Safety Code, to read:

50710.3. (a) (1) A migratory agricultural worker eligible for housing pursuant to this chapter shall have resided outside a 50-mile radius of the migrant farm labor center for at least three months out of the preceding six-month period.

(2) Paragraph (1) applies only to the migratory agricultural worker, and does not apply to immediate family members of the migratory agricultural worker. Immediate family members of a migratory agricultural worker may reside within a 50-mile radius of the migrant farm labor center on a year-round basis.

(b) (1) Notwithstanding subdivision (a), the department shall approve a proposal submitted by an entity operating a migrant farm labor center provided that it meets all of the following requirements and conditions:

(A) The proposal provides for up to 50 percent of the number of units at the migrant farm labor center to be exempt from the requirement that agricultural workers reside outside a 50-mile radius of the migrant farm labor center for at least three months out of the preceding six-month period.

(B) The proposal requires an agricultural worker, in order to be eligible for a unit at the migrant farm labor center under the exemption set forth in subparagraph (A), to have schoolage children and, upon enrollment, provide to the entity proof of enrollment of their children in the local school district, grades K-12.

(C) The proposal reserves a minimum of 50 percent of the number of units at the migrant farm labor center for migratory agricultural workers who require round-trip travel exceeding 100 miles per day, which results in the migratory agricultural worker being unable to return to the workers' chosen place of residence within the same day of labor.

(D) (i) The proposal was previously presented at a public meeting of the migrant farm labor center's resident council.

(ii) For purposes of this section, the term "resident council" means an entity elected from among residents of the migrant farm labor center with the responsibilities of electing from themselves a chairperson, advising the entity operating the migrant farm labor center or department on any matters pertinent to the operation of the migrant

farm labor center, and representing all residents of the migrant farm labor center on matters which properly should be presented to the entity operating the migrant farm labor center and department.

(2) In determining an applicant's status as an agricultural worker, the combined earned income of all members of the applicant's household shall be considered, and as long as 50 percent of the household's combined earned income is derived from agricultural employment, any individual household members may engage in nonagricultural employment.

(3) If the department approves a proposal pursuant to paragraph (1), the operating entity shall submit a report to the department on an annual basis, by a date determined by the department, that identifies the number of units rented to migratory and nonmigratory households at each migrant farm labor center.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 6. Section 50717 is added to the Health and Safety Code, to read:

50717. (a) On or before January 1, 2019, and on or before January 1 of each year thereafter, an entity operating a migrant farm labor center shall provide a report to the Office of Migrant Services that contains the data specified in subdivision (b) about the agricultural workers that resided at the migrant farm labor center during the most recently concluded contract period. This data shall be reported in an aggregate, anonymous format, without any individual identifiable information.

(b) The report shall include the following information:

(1) Where the migratory agricultural workers are migrating from.

(2) Household incomes.

(3) Race or ethnicity of members of each household.

(4) Genders of the members of each household.

(5) (A) Number of schoolaged children, including number of participants in the Migrant Education Program, and the number of residents enrolled in K-12 programs.

(B) Information regarding the intended schooling for the children once the migrant farm labor center closes.

(6) Where members of the household reside when not in the migrant farm labor center and whether they own or rent.

(7) If members of households are elderly or disabled.

(8) If the migrant farm labor center has an approved proposal allowing for an exemption pursuant to subparagraph (A) of paragraph (1) of subdivision (b) of Section 50710.3, the number and percentage of units allocated to nonmigrant agricultural workers, and the number of children enrolled in the local school district, grades K-12.

(c) The Migrant Education Program shall share information with the Department of Housing and Community Development regarding the number of students utilizing a migrant farm labor center address to register, as recorded in the State's Migrant Education Program database. This information shall be reported in an aggregate, anonymous format, without any individual identifiable information.

SEC. 7. Section 8257 of the Welfare and Institutions Code is amended to read:

8257. (a) Within 180 days of the effective date of the measure adding this chapter, the Governor shall create a Homeless Coordinating and Financing Council.

(b) The council shall have the following goals:

(1) To oversee implementation of this chapter.

(2) To identify mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California.

(3) To create partnerships among state agencies and departments, local government agencies, participants in the United States Department of Housing and Urban Development's Continuum of Care Program, federal agencies, the United States Interagency Council on Homelessness, nonprofit entities working to end homelessness, homeless services providers, and the private sector, for the purpose of arriving at specific strategies to end homelessness.

(4) To promote systems integration to increase efficiency and effectiveness while focusing on designing systems to address the needs of people experiencing homelessness, including unaccompanied youth under 25 years of age.

(5) To coordinate existing funding and applications for competitive funding. Any action taken pursuant to this paragraph shall not restructure or change any existing allocations or allocation formulas.

(6) To make policy and procedural recommendations to legislators and other governmental entities.

(7) To identify and seek funding opportunities for state entities that have programs to end homelessness, including, but not limited to, federal and philanthropic funding opportunities, and to facilitate and coordinate those state entities' efforts to obtain that funding.

(8) To broker agreements between state agencies and departments and between state agencies and departments and local jurisdictions to align and coordinate resources, reduce administrative burdens of accessing existing resources, and foster common applications for services, operating, and capital funding.

(9) To serve as a statewide facilitator, coordinator, and policy development resource on ending homelessness in California.

(10) To report to the Governor, federal Cabinet members, and the Legislature on homelessness and work to reduce homelessness.

(11) To ensure accountability and results in meeting the strategies and goals of the council.

(12) To identify and implement strategies to fight homelessness in small communities and rural areas.

(13) To create a statewide data system or warehouse that collects local data through Homeless Management Information Systems, with the ultimate goal of matching data on homelessness to programs impacting homeless recipients of state programs, such as Medi-Cal (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code) and CalWORKS (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code).

(c) (1) The Governor shall appoint up to 17 members of the council as follows:

(A) The Secretary of Business, Consumer Services, and Housing, or his or her designee who shall serve as chair of the council.

(B) A representative from the Department of Transportation.

(C) A representative from the Department of Housing and Community Development.

- (D) A representative of the State Department of Social Services.
- (E) A representative of the California Housing Finance Agency.
- (F) A representative of the State Department of Health Care Services.
- (G) A representative of the Department of Veterans Affairs.
- (H) A representative of the Department of Corrections and Rehabilitation.
- (I) A representative from the California Tax Credit Allocation Committee in the Treasurer's office.
- (J) A representative of the Victim Services Program within the Division of Grants Management within the Office of Emergency Services.
- (K) A formerly homeless person who lives in California.
- (L) A formerly homeless youth who lives in California.
- (M) Two representatives of local agencies or organizations that participate in the United States Department of Housing and Urban Development's Continuum of Care Program.
- (N) State advocates or other members of the public or state agencies, according to the Governor's discretion.
- (2) The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one representative of the council from two different stakeholder organizations.
- (3) The council may, at its discretion, invite stakeholders, individuals who have experienced homelessness, members of philanthropic communities, and experts to participate in meetings or provide information to the council.
- (d) The council shall hold public meetings at least once every quarter.
- (e) The members of the council shall serve at the pleasure of the appointing authority.
- (f) Within existing funding, the council may establish working groups, task forces, or other structures from within its membership or with outside members to assist it in its work. Working groups, task forces, or other structures established by the council shall determine their own meeting schedules.

(g) The members of the council shall serve without compensation, except that members of the council who are, or have been, homeless may receive reimbursement for travel, per diem, or other expenses.

(h) The Business, Consumer Services, and Housing Agency shall provide staff for the council.

(i) The members of the council may enter into memoranda of understanding with other members of the council to achieve the goals set forth in this chapter, as necessary, in order to facilitate communication and cooperation between the entities the members of the council represent.

(j) There shall be an executive director of the council under the direction of the Secretary of Business, Consumer Services, and Housing.

(k) The council shall be under the direction of the executive director and staffed by employees of the Business, Consumer Services, and Housing Agency.

SEC. 8. Item 2240-105-0001 of Section 2.00 of the Budget Act of 2016 is amended to read:

2240-105-0001—For transfer by the Controller to the Emergency Housing and Assistance Fund	45,000,000
.....	

Provisions:

1. The funds transferred by this item shall be used for support costs and local assistance associated with administering the California Emergency Solutions Grant Program as set forth in Chapter 19 (commencing with Section 50899.1) of Part 2 of Division 31 of the Health and Safety Code. Any amount of the funds transferred by this item that remains unobligated as of June 30, 2018, shall be used for purposes of the California Emergency Solutions and Housing Program (Chapter 2.8 (commencing with Section 50490) of Part 2 of Division 31 of the Health and Safety Code).

SEC. 9. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances in the Bridges at Kraemer Place shelter and in the County of Merced it is therefore necessary to allocate funds to that shelter and county directly.

SEC. 10. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Mayor London Breed *AKC*
RE: Emergency Declaration – Declaration of Shelter Crisis and Authorizing the
Application for the Homeless Emergency Aid Program
DATE: September 4, 2018

Resolution declaring a shelter crisis pursuant to Senate Bill 850 (Chapter 48, Statutes of 2018 and Government Code § 8698.2) and authorizing the Department of Homelessness and Supportive Housing to apply for funding under the California Homeless Emergency Aid Program.

Should you have any questions, please contact Kanishka Karunaratne Cheng at 415-269-1819.

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