

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children, Families, and Elder Affairs Committee

BILL: SPB 7070

INTRODUCER: For consideration by Children, Families, and Elder Affairs Committee

SUBJECT: Homelessness

DATE: February 13, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Goltry	Jameson		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

This proposed bill amends the definition of “homeless” in Chapter 420, F.S., and establishes a housing retention program to provide funding and services to individuals who are at risk of becoming homeless.

This bill substantially amends s. 420.621, F.S., and creates s. 420.628, F.S.

II. Present Situation:

Sections 420.621 - 420.627, F.S., establish the State Office on Homelessness within the Department of Children and Family Services (DCF) and the state and local Council on Homelessness, describe the continuum of care for homeless persons, and authorize a grant-in-aid program to fund local agencies for services to homeless persons. The State Office on Homelessness coordinates state agency responses to homelessness, serves as a single point of contact on homeless issues in the state, and administers state-funded grant programs that support the activities of the 27 local homeless coalitions.

The local coalitions plan and coordinate services to homeless persons and work with an array of local service providers to develop a continuum of care that is required to apply for federal grants from the Department of Housing and Urban Development. The Council on Homelessness (Council) consists of 15 members representing state agencies, counties, homeless advocacy organizations, and volunteers. The Council’s duties include coordinating state, local, and private agencies and providers to produce a program and plan for the state’s response to the needs of homeless persons. The council collects and disseminates data and public information, monitors and provides technical assistance to local coalitions, develops policy and legislative proposals, and prepares an annual report and recommendations to the Legislature and the Governor. Among

the Council's recommendations in the 2006 report was that the statutory definition of "homeless" be changed to incorporate the federal definition in the McKinney-Vento Homeless Assistance Act.

As currently defined in s. 420.621 (4), F.S., "homeless" means "an individual who lacks a fixed, regular, and adequate nighttime residence or an individual who has a primary nighttime residence that is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;
- An institution that provides a temporary residence for individuals intended to be institutionalized; or
- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings."

Individuals who are imprisoned or otherwise detained under state or federal law are not considered homeless.

This definition is consistent with the current federal definition of "homeless" used by the Department of Housing and Urban Development pursuant to the McKinney-Vento Homeless Assistance Act.

The Stewart B. McKinney Homeless Assistance Act¹ was enacted by Congress in 1987. The original act consisted of 14 programs providing a range of services to homeless people, including outreach, prevention, emergency shelter, transitional and supported housing, job training, health care, alcohol, drug abuse and mental health treatment, education, veterans' reintegration, and permanent housing. However, the McKinney-Vento Act as amended by the "No Child Left Behind Act"² broadens the definition of homeless children and youths to include:

- “(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) of this title);
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).”³

¹ Public Law 100-77, July 22, 1987.

² Public Law 107-110, January 8, 2002.

³ 42 USC 1143a.

Based on the current definition of “homeless,” local coalitions report that there were 85,907 individuals who were homeless in Florida on any given night in 2006. The homeless population includes family households (34,363 persons or 40 percent), children under the age of 18 (19,759 or 23 percent, and elderly persons (6,873 or 8 percent).⁴ Of these persons, 37 percent were homeless for the first time, and 39 percent were homeless for less than three months.⁵

The majority of funding provided for homeless programs and services is directed to persons who are already homeless and are designated for building and operating emergency shelters, transitional housing, and supportive services.⁶ The Emergency Financial Assistance for Housing Program is the only state program that assists families facing eviction with one-time aid of up to \$400. The demand for this limited assistance has exhausted the approved budget of \$1.6 million in less than 6 months in both of the last two years. Based on the demand, DCF projects that there are over 22,000 families a year who are facing the loss of their homes.⁷ Effective use of the Emergency Financial Assistance for Housing Program funds has resulted in a 62.5 percent one-year increase (from 4,899 to 7,882) in families who are kept together in housing and off the street. The Council estimates that by avoiding homelessness the program saved an estimated \$59.8 million in emergency shelter bed costs.⁸

The only federal program that addresses homeless prevention is the Emergency Shelter Grant Program, 30 percent of which can be used for assistance to prevent homelessness. Although local communities are encouraged to develop plans that include a continuum of services and activities that include prevention of homelessness, there are limited resources to apply to prevention activities. The total award to Florida for the Emergency Shelter Grant in 2006 was \$6,981,221, of which \$2,094,366 could be used for prevention by the 27 local coalitions.

III. Effect of Proposed Changes:

Senate Proposed Bill 7070 amends s. 420.21, F.S., adding definitions of the “Council on Homelessness” and the “State Office on Homelessness.” The proposed bill modifies the definition of “homeless” to include persons who are living with family or friends due to the loss of their housing or economic hardship and individuals living in motels or similar arrangements due to a lack of alternative, adequate housing. This expanded definition mirrors the federal definition enacted by the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, which is applicable to all school districts.

This change will broaden the criteria for homelessness to include persons who are at risk of losing their housing or are in a temporary, unstable living situation. This will encompass persons who would not qualify under the current definition. Currently, a person must be living on the street or in a shelter to qualify for housing assistance programs. The department indicates that the

⁴ Council on Homelessness, 2006 Report.

⁵ Department of Children and Family Services, Staff Analysis of SPB 7070, January 30, 2007.

⁶ Florida received \$65 million in federal grant funds for homeless assistance programs in 2005. The Office on Homelessness managed \$16 million in state funds for direct services to homeless persons, including housing assistance, emergency shelter, emergency financial assistance, homeless coalitions, and program administration.

⁷ Department of Children and Family Services, Staff Analysis of SPB 7070, January 30, 2007.

⁸ Council on Homelessness, 2006 Report

revised definition will provide for a more accurate count of homeless persons and that it may increase the number of persons who will qualify as homeless by 15 to 20 percent.

The proposed bill also creates a Housing Retention Program that will provide grant funding to non-profits organizations or agencies, local governments, or other qualified entities, for assistance to households to keep them in stable housing and avert homelessness. The intent of the program is to support the development of a comprehensive local homeless prevention program that will authorize greater flexibility, require case management, and help households over several months rather than on a one-time basis. The program will be locally administered and will require local partnerships to address housing, employment, education, and health care needs. The program will track the households that are provided aid for at least two years to assess the effectiveness of the prevention program.

Grant funds provided through the program may be used for rent or mortgage payments, security deposits, utilities, or any major household bill that is contributing to the financial crisis. Funds may also be used to pay for case management but may not exceed ten percent of the agency's award. Assistance provided may not exceed a maximum cost of \$6,000 per household and the program must not exceed an average cost of \$3,000 per household. Local agencies must match grant-in-aid funds with at least 25 percent cash and 25 percent in-kind services. The Housing Retention Program's performance goal is that at least 85 percent of those households assisted will remain in their homes for at least two years following the last date on which assistance was received. Local agencies will be responsible for immediately referring a household to temporary housing that will keep all members together if the household is unable to keep their home after receiving assistance.

The proposed bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If a private non-profit organization applies for a grant under this program, they will be required to provide a 25 percent cash match and a 25 percent in-kind match.

C. Government Sector Impact:

The Housing Retention program may be administered by a unit of local government. If so, the local government could incur costs to establish and coordinate the program. Direct assistance and case management would be eligible for estate grant assistance; the local government will be responsible for a 25 percent cash match and a 25 percent in-kind match.

The proposed bill does not include an appropriation for the Housing Retention Program. The department indicates that the grant program will be managed within existing staff and resources in the Office of Homelessness, but an appropriation will be required to fund the grant program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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