
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No:	AB 302	Hearing Date:	June 19, 2019
Author:	Berman		
Version:	March 25, 2019		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Parking: homeless students.

NOTE: This bill has been referred to the Committees on Education and *Judiciary*. A "do pass" motion should include referral to the Committee on *Judiciary*.

SUMMARY

This bill requires a community college campus that has parking facilities on campus to grant overnight access to those facilities, on or before July 1, 2020, to any homeless student who is enrolled in coursework, has paid enrollment fees that have not been waived, and is in good standing with the community college, for the purpose of sleeping in the student's vehicle overnight

BACKGROUND

Existing federal law, the McKinney-Vento Homeless Assistance Act, defines homeless individuals as an individual or family:

- 1) Who lacks a fixed, regular, and adequate nighttime residence.
- 2) With 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, including a car, park, abandoned building, bus or train station, airport, or camping ground.
- 3) Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing).
- 4) Who will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations; has no subsequent residence identified; and lacks the resources or support networks needed to obtain other permanent housing.
- 5) Unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes. (United States Code, Title 42, § 11302)

Existing state law:

- 1) Requires campuses of the California State University (CSU) and University of California (UC), to the extent the Regents of the UC adopt a resolution making this requirement applicable, and requests campuses of the California Community Colleges (CCC), in order to ensure current and former homeless youth and current and former foster youth have stable housing, to give priority for housing these students. (Education Code § 76010, § 90001.5, and § 92660)
- 2) Requires campuses of the CSU and UC, and requests campuses of the CCC, that maintain student housing facilities open for occupation during school breaks, or on a year-round basis, to give first priority to *current and former foster and homeless youth* for residence in the housing facilities that are open for uninterrupted year-round occupation. (EC § 76010, § 90001.5, and § 92660)
- 3) Extends priority for housing at the UC, the CSU, and the CCCs to homeless youth, and requests campuses to develop plans to ensure that *homeless and foster youth* have housing during breaks. (EC § 76010, §90001.5 and § 92660)
- 4) Defines “homeless youth” as a student under 25 years of age, who has been verified as a homeless child or youth (as defined by federal law). Existing law provides that a student who is verified as a former homeless youth is to retain that status for a period of six years from the date of admission. (EC § 76010 § 90001.5 and § 92660)
- 5) Requires a postsecondary educational institution that is a “qualifying institution” for purposes of the Cal Grant program to designate a staff member who is employed within the financial aid office, or another appropriate office or department, of the institution to serve as the Homeless and Foster Student Liaison. Existing law requires the Homeless and Foster Student Liaison to be responsible for understanding the provisions of the federal Higher Education Act pertaining to financial aid eligibility of current and former foster youth and homeless youth, including unaccompanied homeless youth, and for identifying services available and appropriate for enrolled students who fall under one or more of these categories. Existing law requires the liaison to assist these students in applying for and receiving federal and state financial aid and available services. (EC § 67003.5)
- 6) Requires, a community college campus that has shower facilities for student use on campus, grant access to those facilities to any homeless student who is enrolled in coursework, has paid enrollment fees, and is in good standing with the community college district without requiring the student to enroll in additional courses. (EC § 76011)

ANALYSIS

This bill:

- 1) Requires, by July 1, 2020, a governing board of the community college district grant overnight access to parking facilities on a community college campus that

has those facilities to any homeless student for the purpose of sleeping in the student's vehicle overnight, provided that the student:

- a) Is enrolled in coursework.
 - b) Has paid enrollment fees if not waived.
 - c) Is in good standing with the community college district without requiring the student to enroll in additional courses.
- 2) Requires the governing board of the community college district determine a plan of action to implement the bill's provisions that includes, but is not limited to, all of the following:
- a) A definition of homeless student that is based on the definition of homeless youth specified in the federal McKinney-Vento Homeless Assistance Act and is reflective of the age of the homeless student population at the community college campus.
 - b) Overnight parking facilities monitoring.
 - c) An overnight parking form and liability waiver that must be completed by any homeless student seeking to access the overnight parking facilities.
 - d) Designation of a specific parking area or areas for overnight parking.
 - e) Accessible bathroom facilities that are in reasonable proximity to the designated parking area or areas.
 - f) A waiver of parking assessment fees for the overnight parking facilities.
 - g) Overnight parking rules that apply to eligible homeless students when using the overnight parking facilities.
 - i) Hours of operation for the overnight parking facilities.
- 3) States that it is the intent of the Legislature that homeless students who use the overnight parking facilities be connected to available state, county, community college district, and community-based housing, food and financial assistance resources.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California's housing crisis has left hundreds of thousands of community college students either homeless or facing the threat of being homeless. The Los Angeles Times in its editorial reported that "surveys of California' community college students have found that about one in five have been homeless during the previous 12 months." Housing and food insecurity, also known as basic needs insecurity, among college students is a harsh reality that only recently has been brought to light.

Basic needs insecurity has a direct impact on student academic success. These students are much more likely not to buy textbooks, to miss, drop, or fail classes, and to withdraw from school entirely. In addition, these students consistently report high levels of stress and other mental health issues, which negatively impact academic performance and health in general.

Some groups of students are disproportionately impacted by basic needs insecurity. Students of color, first-generation college students, financial aid recipients, former foster youth, and student parents are at much higher risk. Students have shared the challenges of their non-tuition costs and how little financial aid is available to help cover living costs. While federal Pell grants can be used for non-tuition expenses, a report from the Speaker's Office of Research and Floor Analysis found that federal Pell grants cover "less than a third of average non-tuition costs, leaving a sizable gap that these students must fill."

A recent report released by the California Community Colleges Chancellor's Office and The Hope Center for College, Community, and Justice, which surveyed nearly 40,000 students at 57 community colleges, found that 19 percent of respondents experienced homelessness in the previous year..."

This bill seeks to meet the needs of homeless student by providing a safe place to park overnight.

- 1) ***Existing to assist community college students who are homeless.*** Existing law provides the following services and priorities for students who are currently or formerly homeless:
 - a) Requests campuses of the California Community Colleges (CCC), to give priority housing.
 - b) Requests campuses of the CCC, to give first priority for residence in the housing facilities that are open for uninterrupted year-round occupation.
 - c) Requires, until Jan 1, 2020, each community college district to grant priority in that system for registration for enrollment.
 - d) Requires campuses of the CCC to grant access to shower facilities.
 - e) Requires campuses of the CCC to designate a Homeless and Foster Youth Liaison to assist these students in applying for and receiving federal and state financial aid and available services.

- 2) ***Related budget activity to address student homelessness. Related Budget activity.*** The 2019 Budget Act and accompanying trailer bills include the following relative to hunger, homelessness, and basic needs:
 - a) AB 74 (Ting) includes \$15,000,000 for basic needs partnerships between the University of California, the California State University, and the California Community Colleges and the State Department of Social Services to assess the effectiveness of CalFresh and other state

programs in addressing student food and housing insecurity.

- b) SB 76 (Committee on Budget and Fiscal Review) includes:
 - i) \$2.4 million for allocation by the Chancellor of the California Community Colleges to support the creation of a basic needs and veteran resource center at Sacramento City College.
 - ii) \$3.9 million for allocation by the Chancellor of the CCCs to community colleges to address student hunger needs and student basic needs.
 - iii) \$500,000 for allocation by the Chancellor of the CCCs to community college districts for a systemwide assessment of college-based food programs.
- c) SB 73 (Mitchell) includes:
 - i) \$3.5 million to the California State University to support rapid rehousing efforts assisting homeless and housing insecure students, including the following: (1) establishing ongoing partnerships with community organizations that have a tradition of helping populations experiencing basic needs insecurity to provide wrap-around services to students; (2) connecting students with community case managers who have knowledge and expertise in accessing safety net resources; (3) establishing ongoing emergency housing procedures, including on-campus and off-campus resources; and (4) providing emergency grants for up to three months for students enrolled half-time and up to six months for students enrolled full-time.
 - ii) \$9 million to the CCCs to support rapid rehousing efforts assisting homeless and housing insecure students. The uses of these funds may include, but are not limited to, the following: (1) establishing ongoing partnerships with community organizations that have a tradition of helping populations experiencing basic needs insecurity to provide wrap-around services to students; (2) connecting students with community case managers who have knowledge and expertise in accessing safety net resources; (3) establishing ongoing emergency housing procedures, including on-campus and off-campus resources; (4) providing emergency grants for up to three months for students enrolled half-time, and up to six months for students enrolled full-time.

Community colleges are not traditionally equipped to house students in the manner proposed in the bill. Could the actions above offer a more appropriate strategy and expectation of a college for serving its homeless population? Do these actions offer a comparable to the level of support to that of a safe parking program? SB 291 (Leyva, 2019) which was approved by this committee, proposes to increase college affordability by expanding eligibility for aid and the

overall assistance available to meet the total costs of attendance for California community college (CCC) students. Should the state focus its efforts on financial aid reform so that community college students with financial need can receive a greater benefit?

- 3) ***Is this the appropriate remedy?*** Concerns have been raised that bill's provisions fall short of addressing financial need or of enacting a sustainable housing solution for students and may distract from the types of reforms missing from student aid programs. Further resource equity issues in public higher education have been expressed. The Community College League of California contends, "While we agree with the author that, like many Californians, homelessness is affecting many of our students, we are concerned that this well-meaning approach masks the deeper issue of lack of resources, such as financial aid for California's community college (CCC) students, and instead potentially subjects students to sanitation and safety issues. We are concerned AB 302 perpetuates the structural inequities in California's higher education system. California Community Colleges serve the greatest proportion of low-income and students of color. Our students comprises 74 percent of the state's public higher education system. Yet, our institutions receive the lowest per-student funding in California. Sadly, less than 10 percent of our 2.2 million students receive Cal Grants. AB 302 does not solve the longstanding oppression against our system. Further, by only including community colleges, AB 302 sends the message that parking lots are good enough for community college students."

The author asserts, "...The harsh reality is that students are already sleeping in their vehicles. When we do not provide a safe place for students to sleep, we force them into the shadows where they are most vulnerable. The long term approach is to build more housing, but while we work to make that a reality, AB 302 is a step that we can take now to ensure that homeless students have a safe place to sleep at night."

The committee may wish to consider whether having a community college operate a safe parking program is an appropriate remedy or whether alternative solutions such as expanding financial aid programs or connecting students with entities that are equipped to offer wrap-around services is merited.

- 4) ***Liability?*** This bill has also been referred to the Committee on Judiciary, which has jurisdiction over legislation relating to courts, liens, claims, privacy and consumer protection and can more appropriately address issues relative to potential liability of colleges. Staff notes that several colleges have raised concerns of liability for campuses and their ability to ensure student safety.
- 5) ***Fiscal impact.*** According to the Assembly Appropriations Committee the bill would have the following fiscal impact, "Significant Proposition 98 General Fund cost pressures, potentially in the tens of millions of dollars annually, to CCCs. Costs per campus would vary, based on existing infrastructure, salary schedules and student populations. If costs were \$150,000 for each of the state's 72 community college districts, costs would be about \$11 million. If costs were \$500,000 for each of the state's 72 community college districts, costs would be about \$36 million. Costs would include (a) security and maintenance at parking

lots, (b) maintenance of restrooms (to the extent campuses already grants access to showers for homeless student use, as required by current law, costs could be lower), (c) administrative costs associated with issuance and verification of overnight parking permits, state mandate reporting and planning and (d) potential liability costs associated with any crime, theft or medical emergency. The state would need to reimburse these costs to California community colleges, if the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate."

- 6) **Amendments.** To ensure that individuals who have access to overnight parking facilities are students enrolled at that campus and that the access granted could directly impact the student's ability to persist in their course of study, **staff recommends that the bill be amended** to require that the student who is allowed use of the overnight facility be enrolled in a minimum of 6 units per semester or quarter equivalent.

Given that safe parking programs may be considered as a short-term emergency measure and not intended to be long-term solutions to preventing and ending homelessness and in recognition alternative solutions that may support unsheltered students, **staff further recommends the following amendments:**

- a) Incorporate a December 31, 2022 sunset date.
- b) Change implementation date by 3 months from July 1, 2020 to April 1, 2020.
- c) Require the community college district to report by October 1, 2021, to the Community College Chancellor's Office regarding the use of the overnight parking facilities by students, number and type of students served by campus, the types of services offered to students, challenges and best practices with operation of such facilities and whether students using the facilities remained enrolled or graduated from a campus within the district.
- d) Provide for a campus to opt-out from the bill's provisions by specifying the bill's provisions do not apply if the community college is addressing issues for students who are experiencing homelessness by implementing all of the following activities on or before April 1, 2020:
 - i) Provides emergency grants that are necessary to secure housing or to prevent the imminent loss of housing.
 - ii) Dispenses hotel vouchers through a public agency or community organization.
 - iii) Provides homeless students with rapid re-housing referral services.
- e) Require each community college that qualifies for the exemption to do all of the following:

- i) Send a stand-alone email to all students, at the beginning of each semester or quarter, and include as part of any orientation for students describing the housing services that are available.
 - ii) Include a housing assistance tab that is clearly visible and easily accessible from a drop-down menu on the community college's home page.
- f) Require the exempt colleges to report by January 1, 2021, to the Community College Chancellor's Office regarding the implementation of activities used to address homelessness on campus. This shall include, but is not limited to, the number and type of students served by each of the activities, the types of services offered to students, challenges and best practices of implementing the activities and whether students using the activities remained enrolled or graduated from a campus within the district.
- g) Require that the California Community College Chancellor's Office develop and submit by April 30, 2021 a report with information provided by community college districts exempt from this section regarding the implementation of activities, pursuant to Section 9795 of the Government Code, to the Legislature and the Governor.
- h) Require that the California Community College Chancellor's Office develop and submit by January 31, 2022 a report with information provided by community college districts regarding the use of the overnight parking facilities, pursuant to Section 9795 of the Government Code, to the Legislature and the Governor.
- i) Require that the California Community College Chancellor's Office conduct a follow-up student homelessness survey and shall release results of the survey by April 1, 2022.
- 7) ***Related legislation.***

SB 291 (Leyva, 2019) establishes the California Community College (CCC) Student Financial Aid Program to be administered by the Board of Governors of the CCC and implemented by eligible community colleges to assist CCC students cover the total cost of attendance. This bill proposes to cover students' unmet financial need with attending a community college. SB 291 was approved by this committee on March 27th and is currently pending in Assembly Higher Education Committee.

SB 728 (Galgiani, 2019) establishes the Student Housing and Food Hardship Fund in the State Treasury, and provides that the California Student Aid Commission is to use those funds to establish a program for students attending a public postsecondary educational institution who are experiencing housing or food hardship may apply for emergency assistance. SB 728 was placed on suspense in the Senate Appropriations Committee.

AB 806 (Bloom, 2019) expands existing priority enrollment for homeless youth to also include formerly homeless youth, and removes the sunset on this priority, thereby extending it into perpetuity. AB 806 was approved by this committee on June 12, 2019.

AB 943 (Chiu, 2019) authorizes funds from the Student Equity and Achievement Program per campus of apportionment funding to be used for provision of emergency student financial assistance to help an eligible student overcome unforeseen financial challenges that would directly impact the student's ability to persist in the student's course of study. This bill provides that these challenges include but are not limited to the immediate need for shelter or food. AB 943 was approved by this committee on June 12, 2019.

SB 150 (Beall, 2019) relaxes a component of the eligibility requirements for the Chafee Educational and Training Vouchers program to allow recipients to continue to be eligible for the award while failing to demonstrate satisfactory academic progress for two consecutive years. SB 150 is headed to the Assembly Appropriations Committee.

- 8) **Prior legislation.** AB 2784 (Caballero, 2018) would have established a program to provide loans for housing expenses to students experiencing homelessness at three California State University campuses. AB 2784 was held in the Assembly Appropriations Committee.

SUPPORT

Alliance for a Better Community
 Alliance for Children's Rights
 California Faculty Association
 California School Employees Association
 California Yimby
 Children Now
 County of Los Angeles Board of Supervisors
 Dreams for Change
 Faculty Association of California Community Colleges
 Homeless United Huntington Beach
 Life Moves
 Los Angeles Area Chamber of Commerce
 National Association of Social Workers, California Chapter
 Nextgen California
 Safe Parking LA
 South Bay Yimby
 Student Senate for California Community Colleges (Sponsors)
 Western Center on Law & Poverty, Inc.

OPPOSITION

Allan Hancock College
 Butte College
 Community College League of California
 San Bernardino Community College District
 Santa Clarita Community College District - College of the Canyons

Sierra College
State Center Community College District
Ventura County Community College District
Shasta-Tehama-Trinity Joint Community College District
Kern Community College District
College of the Sequoias
Schools Excess Liability Fund
North Orange County Community College District
Mt. San Antonio College
Butte-Glenn Community College District
Ventura County Community College District
Sierra Joint Community College District
State Center Community College District
College of the Canyons
San Bernardino Community College District
City of Pasadena
City of La Palma
City of Cypress
Association of California Community College Administrators

-- END --