
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: SB 568 **Hearing Date:** April 10, 2019
Author: Portantino
Version: February 22, 2019
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Postsecondary education: student housing: College-Focused Rapid Rehousing Program.

SUMMARY

This bill establishes, contingent upon an appropriation, the College-Focused Rapid Rehousing Program to provide housing options for homeless college and university students and to ensure that policies are in place at California's public postsecondary education systems to support students experiencing homelessness in transitioning into stable housing and remaining enrolled in college.

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 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 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 § 90001.5)
- 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 § 90001.5)
- 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)

ANALYSIS

This bill:

College-Focused Rapid Rehousing Program

- 1) Establishes, contingent upon an appropriation, the College-Focused Rapid Rehousing Program to provide housing options for homeless college and university students and to ensure that policies are in place at California’s public postsecondary education systems to support students experiencing

homelessness in transitioning into stable housing and remaining enrolled in college.

- 2) Provides that the systemwide office for each segment that chooses to participate is to receive a proportionate amount of the funding based on total student enrollment in each segment.

Requirements for participating campuses

- 3) Requires a systemwide office that receives funding to develop a process for allocating available funds to campuses based on demonstrated need. This bill requires each participating campus or community college district, to qualify for funds, to have in place all of the following (at a minimum):
 - a) An agreement with a local agency experienced with providing housing for homeless individuals to implement a rapid rehousing program that uses a Housing First model.

Identification of homeless students

- b) A system for identification of homeless students and referral into the housing program. This bill requires the system to include, at a minimum, a process to verify the homeless status of a student by one of the following:
 - i) A homeless services provider, as defined in existing law.
 - ii) The director of a federal TRIO program, Gaining Early Awareness and Readiness for Undergraduate Program program, educational opportunity program and services program, educational opportunity program, or California Community Colleges or California State university disabled students services program, or a designee of that director.
 - iii) A campus homeless student liaison as designated by an institution of higher education.
 - iv) A financial aid administrator for an institution of higher education.
 - v) A student who is otherwise unable to obtain verification, who may self-certify that homeless status by signing an affidavit describing the student's current living situation, which a college or university can then use to determine whether the student meets the program qualifications.
- c) An agreement with the local continuum of care agency that specifies how college students will be referred to the local coordinated entry system, which may include the campus serving as a coordinated entry access point for the local continuum of care.

Training

- d) Two hours of training annually for each homeless student liaison to ensure that this individual is equipped to provide students with information regarding how to access housing assistance through the local coordinated entry system or comparable local mechanism.

Financial aid

- e) A policy to prioritize students who are homeless or are foster youth in the distribution of financial aid and to not charge late fees or interest on payments that are late due to delays in the distribution of financial aid.
- f) A policy that allows a student to appeal the loss of federal financial aid due to not meeting satisfactory academic progress standards. This bill requires the policy to provide that homelessness is to be considered a special circumstance for the purposes of determining whether a student meets satisfactory academic progress standards when considering the student's eligibility for continued federal financial aid.
- g) A policy to review the financial aid status of each student who participates in college-focused rapid rehousing to determine if the student has been deemed an independent student due to being unaccompanied and homeless, and is receiving all financial aid for which the student is eligible, including an evaluation of whether the student is eligible for an adjustment to the student's cost of attendance.

Use of funds

- 4) Provides that program funds are to be used for the following activities:
 - a) Agreements with housing providers to provide rapid rehousing to students.
 - b) Housing-related supports for participants, which may include but are not limited to each of the following:
 - i) Conducting an assessment of each student's housing needs, including a plan to assist the student in meeting those needs.
 - ii) Providing housing navigation or search assistance including but not limited to recruitment of landlords, identification of shared housing opportunities, facilitation of access to on-campus housing and facilitation of connections with family members willing to provide safe, stable housing.
 - iii) Housing-related financial assistance, including rental application fees, rental assistance for up to 24 months, security deposit assistance, utility payments, purchase of basic furniture, moving cost assistance, and interim housing assistance while housing

navigators are actively seeking permanent housing options for the student.

- iv) Housing stabilization services, including ongoing tenant engagement, case management, public benefits advocacy, financial aid advocacy, credit repair assistance, employment support, life skills training, conflict mediation with landlords and

neighbors, and referrals to other resources necessary to stabilize housing or support the student's educational needs.

- 5) Authorizes the use of funds as follows:
 - a) A maximum of 10 percent of funds may be used by campuses for the direct costs to implement the program, and up to 5 percent may be retained by the campus for indirect administrative activities related to program implementation.
 - b) Each public segment of postsecondary education may designate up to 3 percent of the funds allocated to the systemwide office for program administration.

Student eligibility

- 6) Requires that a student be enrolled at least half time, as defined by the institution, at the time of referral to the program.
- 7) Provides that a student who falls below halftime enrollment subsequent to enrollment in the program is to continue to maintain eligibility for the program, including financial assistance, for up to 12 months provided that the total length of time the student receives rental assistance payments does not exceed 24 months.

Report

- 8) Requires each campus that receives funding to implement the program to submit a report annually to the applicable systemwide office. This bill requires the systemwide offices to compile each of their respective campus-based reports into a systemwide report, and submit the report to the budget committee by February 15, 2021 and annually thereafter.
- 9) Requires each campus-based and systemwide report to include but not be limited to all of the following:
 - a) The name of the local agency that is implementing the program.
 - b) The number of students referred to the program without duplication for those referred more than once in a year.

- c) The number of students served by the program without duplication for those served more than once in a year.
- d) The average length of time participants receive housing subsidies.
- e) A description of how the campus is serving the specific needs of students who are foster youth of former foster youth.
- f) The retention and graduation rates for program participants.
- g) Copies of the policies described in # 3.

Miscellaneous

- 10) Authorizes the California Community Colleges (CCC), the California State University (CSU), and the University of California (UC) to enter into an agreement with a community college district or campus in their respective systems to provide additional funds to create rapid rehousing programs for students experiencing homelessness.
- 11) Provides that this bill is to be operative in a fiscal year only if funds have been appropriated for those purposes for that fiscal year.
- 12) Provides the following definitions:
 - a) “Continuum of care” as a system of outreach, engagement, and assessment; emergency shelter; rapid rehousing; transitional housing; permanent housing; and preventative strategies to address the various needs of homeless people and those at risk of homelessness for a specific geographic area, planned and provided for by the administrative agency identified by the United States Department of Housing and Urban Development to distribute federal funding under the Homeless Emergency Assistance and Rapid Transition to Housing Act.
 - b) “Coordinated entry” as a process developed to ensure that all people experiencing a housing crisis have fair and equal access and are quickly identified, assessed for, referred to, and connected to housing and assistance based on their strengths and needs.
 - c) “Cost of attendance” as the figure published by a college or university that estimates the total cost of attending that particular school.
 - d) “Homeless student” as a student enrolled at a CCC, CSU, or UC who meets the definition of homeless at the time of application for housing assistance.
 - e) “Program” as the College-Focused Rapid Rehousing Program.
 - f) “Rapid rehousing” as a process to offer an individual or family immediate, temporary assistance in order to help the household quickly transition to

stable housing, which may include but is not limited to housing search assistance, one-time financial assistance to offset move-in costs, ongoing financial assistance as needed to bridge the gap between household income and housing cost, and other supportive services or linkages to community resources to help the household develop the capacity to sustain housing stability.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California is having a crisis in homelessness among its college students. According to a 2019 report, a full 1 in 5 community college students experienced an episode of homelessness within the last 12 months. A study of California State University students found that 11 percent of students reported being homeless one or more times in the last year. Not surprisingly, homelessness seriously impacts a student’s ability to remain in school and be successful. The issue of student homelessness is particularly acute among students attending California’s community colleges, where dorm access is limited. Of the 115 community colleges in California, just 11 have dorms. California currently lacks any consistent and targeted intervention to address student homelessness that is designed for the unique needs of college students.”
- 2) ***Existing efforts to house students.*** There are several systemwide and campus-based efforts to meet the housing needs of students. For example, the California State University has a Basic Needs Initiative that includes a emergency housing or vouchers for off-campus housing, assistance with long-term housing arrangements, and emergency grants or funds. Another example is the University of California’s Student Housing Initiative which plans to add 14,000 new affordable beds by 2020; approximately 3, 600 below-market beds have already been identified.
- 3) ***Satisfactory Academic Progress (SAP).*** SAP is a standard that students must meet to receive state and federal financial aid. The United States Department of Education requires that all institutions receiving financial aid have a SAP policy that specifies what is required of students to maintain financial aid eligibility. The policy must include the following three elements:
 - a) ***Grade point average (GPA) requirement:*** Students must maintain a minimum GPA per the policy of the individual institution, to be set at no lower than 2.0.
 - b) ***Progress requirement:*** Students must make progress towards their degree by completing a minimum percentage of attempted course units. The minimum percentage of unit attempted must be successfully completed both cumulatively and by the end of each academic year. It is commonly set to 67 percent.
 - c) ***Maximum number of attempted units:*** Students must complete their degree within a maximum specified amount of attempted course units. It is commonly set at 150 percent of the total unit requirements for the program in which the student is enrolled.

This bill requires each participating campus or community college district to have in place, among other things, a policy that allows a student who is homeless to appeal the loss of federal financial aid due to not meeting satisfactory academic progress standards. This bill requires the policy to provide that homelessness is to be considered a special circumstance for the purposes of determining whether a student meets satisfactory academic progress standards when considering the student's eligibility for continued federal financial aid.

Processes currently exist for a student to appeal the loss of eligibility for financial aid, but statute is silent with regard to which special circumstances must be considered during an appeal. This bill establishes homelessness as a special circumstance.

- 4) ***Existing priority for students who are homeless or foster youth.*** Existing law provides the following priorities for students who are currently or formerly homeless, and students who are current or former foster youth:

For housing:

- a) Requires the California State University (CSU), and requests the University of California (UC) and campuses of the California Community Colleges (CCC), to give priority housing.
- b) Requires CSU and UC, and requests campuses of the CCC, to give first priority for residence in the housing facilities that are open for uninterrupted year-round occupation.

For enrollment:

- c) Requires, until Jan 1, 2020, the CSU and each community college district, and requests the UC, to grant priority in that system for registration for enrollment

This bill requires each participating campus or community college district to have in place a policy to prioritize the distribution of financial aid to students who are homeless or are foster youth. **Staff recommends an amendment** to clarify that priority is for *when* financial aid is disbursed (not related to what type of aid or amount of aid the student is eligible to receive).

- 5) ***Student eligibility.*** This bill requires that a student be enrolled at least half time, as defined by the institution, at the time of referral to the program. This bill provides that a student who falls below halftime enrollment subsequent to enrollment in the program is to continue to maintain eligibility for the program, including financial assistance, for up to 12 months provided that the total length of time the student receives rental assistance payments does not exceed 24 months. **Staff recommends an amendment** to instead provide that a student who falls below halftime enrollment is no longer eligible for the program but may continue to receive services from the housing provider for up to 6 months.

On page 6, lines 34-40: A student must be enrolled at least half time, as defined by the institution, at the time of referral to the program. If a student falls below halftime enrollment subsequent to enrollment in the program, the student shall **no longer be eligible for the program, however the housing provider may continue to provide services** maintain eligibility for the program, including financial assistance, for up to 6 12 months **if immediate discharge from the program would result in homelessness**, provided that the total length of time the student receives rental assistance payments does not exceed 24 months. **Housing providers shall assess the household's ability to exit the program a minimum of once per month during this transition period and work to facilitate the transition from the program as quickly as possible.**

- 6) ***Review of financial aid status.*** This bill requires participating campus or community college district to have a policy to review the financial aid status of every participating student to determine if the student has been deemed an independent student due to being unaccompanied and homeless, and is receiving all financial aid for which the student is eligible. This bill provides that this review is to include an evaluation of whether the student is eligible for an adjustment to the student's cost of attendance. It is unclear how burdensome this could be for campus financial aid offices. Staff notes that this bill authorizes rapid rehousing funds to be used by campuses and segments for administrative costs. Further, staff notes that there are many proposals to expand financial aid to cover the total cost of attendance, which may be available to help cover housing costs.
- 7) ***Verification of homeless status.*** Existing law provides for the verification of a student's status as being homeless by individuals and entities such as a homeless services provider, the director of specified programs, a financial aid administrator, or a campus homeless student liaison. This bill additionally authorizes the director of an educational opportunity program and services program, or the director of a California Community College or California State University (CSU) disabled students services program to conduct this verification. This bill also authorizes a student to self-certify by signing an affidavit.
- 8) ***Local housing agency.*** Many services proposed by this bill would be provided by housing providers, such as conducting an assessment of each student's housing needs, providing housing navigation or search assistance, housing-related financial assistance, and housing stabilization services. According to information provided by the author's office, the campus and housing provider operate in partnership to identify homeless students, and the housing provider offers housing and services while ensuring integration with on-campus supports.
- 9) ***Extends some provisions to foster youth.*** This bill primarily relates to students who are homeless, yet includes two provisions for foster youth:
 - a) Requires campuses or community college districts that participate in the rapid rehousing program to have a policy to prioritize homeless students and foster youth students in the distribution of financial aid and to not

charge late fees or interest on payments that are late due to delays in the distribution of financial aid.

- b) Requires a report of the program to include a description of how the campus is serving the specific needs of students who are foster youth or former foster youth.

Staff notes that this bill does not require a *student* who is a foster youth to participate in the rapid rehousing program to receive priority for distribution of financial aid, but the bill does limit the requirement to grant this priority to *campuses* that participate in the rapid rehousing program.

- 10) **Related budget proposal.** The Governor's 2019-20 budget proposes \$15 million ongoing General Fund to augment the University of California's existing efforts to address student hunger and housing needs, and \$15 million one-time General Fund to support the CSU's Basic Need Initiative.
- 11) **Related legislation.** SB 728 (Galgiani) 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 is pending referral in the Senate.

AB 806 (Bloom) 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 is pending in the Assembly Higher Education Committee.

AB 302 (Berman) requires a community college that has parking facilities on campus to grant overnight access to those facilities to any homeless student for the purpose of sleeping in the student's vehicle overnight, provided that the student is enrolled in coursework, has paid enrollment fees if not waived, and is in good standing with the community college district without requiring the student to enroll in additional courses. AB 302 is pending in the Assembly Higher Education Committee.

AB 943 (Chiu) authorizes up to \$25,000 of funding 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 is pending in the Assembly Appropriations Committee.

SB 150 (Beall) relaxes a component of the eligibility requirements for the Chafee Educational and Training Vouchers (ETV) program to allow recipients to continue to be eligible for the award while failing to demonstrate satisfactory academic progress for two consecutive years. If a student is failing to meet satisfactory academic progress after the second or third academic semester, this bill requires

students to work with an advisor to develop an educational improvement plan as a condition of Chafee funds being released for that semester. This bill also establishes processes for appeal and reinstatement for an awardee who loses Chafee eligibility. This bill authorizes the California Student Aid Commission (CSAC) to make initial award offers for the Chafee ETV program that totals up to 200 percent of the total program funds available for all awards. SB 150 is scheduled to be heard by this Committee on April 10.

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

SUPPORT

Cal State Student Association (co-sponsor)
 John Burton Advocates for Youth (co-sponsor)
 Alliance for Children's Rights
 All Saints Church, Pasadena, Foster Care Project
 American Academy of Pediatrics
 Association of California Community College Administrators
 Bill Wilson Center
 Butte College, Inspiring Scholars
 Butte College, Student Success Services
 California Alliance of Child and Family Services
 California State University, Bakersfield, Guardian Scholars Program
 California State University, Chico, PATH Scholars Program
 California State University, Dominguez Hills, Toro Guardian Scholars
 California State University, Long Beach, School of Social Work
 California State University, Monterey Bay, Personal Growth & Counseling Center
 California YIMBY
 Cerritos College, Leaders Involved in Creating Change Program
 Children Now
 College of the Desert, EOPS/CARE/Foster Youth Program
 County of Santa Cruz Board of Supervisor Ryan Coonerty
 County of Sonoma Human Services Department
 Cypress College Health Center
 East Bay Children's Law Offices
 First Star
 Foster Care Counts
 Fullerton College, EOPS/CARE/FYSI
 Gavilan College, EOPS/CalWORKs
 Golden West College, NextUp & Guardian Scholars
 Imperial Valley College
 Imperial Valley College, EOPS
 Imperial Valley Regional Occupational Program-Project ACE
 Kings/Tulare Homeless Alliance
 Los Angeles Area Chamber of Commerce
 Los Angeles Southwest College, Guardian Scholars/Displaced Students

LSS of Northern California
Mission College, Student Enrollment & Financial Services
Mt. San Antonio College, EOPS/CARE Program
Norco College, EOPS
Pioneers Memorial Healthcare District
Power to Soar Foundation
Redwood Community Action Agency
Reedley College, EOPS
Riverside City College, Guardian Scholars Program
San Jose Evergreen Community College District
Santa Rosa Junior College, Financial Aid & Outreach
SchoolHouse Connection
Shasta College, Student Services
Student Senate for California Community Colleges
Swipe Out Hunger
Ticket to Dream Foundation
United Friends of the Children
Volunteers of America
Walden Family Services
Individuals

OPPOSITION

Non received

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