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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Executive Office

SUBMITTAL DATE:
May 31, 2016

SUBJECT: Report from Legislative Platform Ad Hoc Committee, regarding the Opposition of The No Place Like Home Initiative Unless Amended

RECOMMENDED MOTION: That the Board of Supervisors: Receive and Concur with the Legislative Platform Ad Hoc Committee and its action to Oppose The No Place Like Home Initiative Unless Amended

BACKGROUND:

Summary

The No Place Like Home Initiative proposes to securitize a portion of Proposition 63 monies to construct shelter. California Proposition 63, or the Mental Health Services Act, approved on November 2, 2004 is an Act which imposes a 1% income tax on personal income in excess of \$1 million. Statewide, the Act was projected to generate approximately \$254 million in fiscal year 2004-05 and increasing amounts thereafter. Much of the funding would then be provided to county mental health programs to fund programs consistent with local plans. Passage of this legislation would result in Riverside County losing approximately \$6 million dollars per year for current behavioral health programs. This initiative is completely contrary to the Governor's repeated adherence to the concept of subsidiarity, defined as local governments implementing public policy with the least amount of state and federal interference.

Brian Nestande
Deputy County Executive Officer

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION: APPROVE

BY:
George A. Johnson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: | District: All | Agenda Number:

3-2

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: The No Place Like Home Initiative

DATE: May 31, 2016

PAGE: 2 of 3

BACKGROUND:

Summary (continued)

In light of numerous homeless issues the California State Senate has recently proposed legislative on homelessness through The No Place Like Home Initiative (NPLH).

Trailer bill language to establish the NPLH grant program would authorize the Department of Housing and Community Development (HCD) to issue revenue bonds, funded by the Mental Health Services Fund, in the amount of \$2 billion. Annual debt services on a \$2 billion bond would require about **\$130 million or 7% of the estimated \$1.8 billion in annual Proposition 63 revenue.**

This program, which as previously stated, would come at the cost of **7% of the estimated \$1.8 billion in annual Proposition 63 revenue** already appropriated statewide for county mental health programs, would provide:

- \$1.8 billion awarded by HCD to counties through a competitive grant program to finance the acquisition, design, construction, or reconstruction of permanent supportive housing for individuals with mental illness who are chronically homeless. Funds would be divided into categories based on county size and would be distributed in at least four separate grant rounds over several years.
- California Housing Finance Agency would allocate \$200 million to all counties in an amount that is proportionate to the number of homeless persons in each county.
- A committee comprised of Administration officials, county officials, behavioral health directors and housing and mental health advocates, would sign off on HCD's guidelines and advice the department throughout the process.
- \$6.2 million from the Mental Health Services Fund (state administration) to counties for technical assistance.

The other key elements of the Senate plan are as follows.

- \$43 million General Fund to provide a total \$10 monthly increase, when combined with the Governor's budget proposal, in Supplemental Security Income/State Supplementary Payment (SSI/SSP) program grants to low-income persons who are aged, blind, or have a disability.
- \$50 million General Fund annually (for two years) for SSI outreach to increase participation among homeless persons with disabilities who may be eligible for disability benefits programs.
- \$50 million General Fund annually (for four years) for temporary housing for homeless persons.
- \$15 million General Fund ongoing for the CalWORKs Housing Support Program which provides housing and supportive services for CalWORKs families in danger of homelessness.
- \$10 million General Fund ongoing for the Bringing Families Home program, a county matching grant program to reduce homelessness among families that are part of the child welfare system.

The need for comprehensive behavioral health care far outstrips the money and programs available in every county. By enacting the initiative, as currently written, the state will be purposefully withdrawing care for people in specific counties to the benefit of other counties.

Riverside County advocates for an opt/in or out provision, thereby allowing each county to decide the best use of resources in caring for this vulnerable population.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: The No Place Like Home Initiative**

DATE: May 31, 2016

PAGE: 3 of 3

Impact on Residents and Businesses

The passing of this bill in its current state would potentially negatively affect residents/businesses within Riverside County as the loss of resources would result in impairment to vital services provided by Riverside County.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

HOUSING AND LOCAL GOVERNMENT

Department of Housing and Community Development

- Approve \$650 million in funding for affordable housing and placeholder trailer bill language.
- Approve \$266.8 million in bond proceeds to be generated from the securitization of Proposition 63 (2004) funds and 10.4 positions to implement a competitive, multiyear, initiative to address the state's homelessness and affordable housing issues and adopt placeholder trailer bill language
- Adopt placeholder trailer bill language that proposes a "By-Right" process for developments with Affordable Housing Units.
- Approve changes in law to further the California Housing Finance Agency's (CalHFA) goal of helping more families become first-time homebuyers by combining remaining funds from multiple down-payment assistance programs into the MYHOME Program.
- Adopt trailer bill language to replace the Director of Insurance with a Director of Enterprise Risk Management and Compliance, and require the annual audit of the California housing Loan Insurance Fund to be based on agreed upon procedures within the California Housing Finance Agency (CalHFA).
- Provide \$568,000 in expenditure authority to fund application development for the Consolidated Automated Program Enterprise System. The program will ensure the proper administration, tracking, and monitoring of HCD projects.
- Adopt \$150,000 (Special Fund) to enable HCD's State Housing Law Program meet its code development and adoption responsibilities associated with the CA Green Building Standards Code.
- Provide \$250,000 Budget Act appropriation for the Habitat for Humanity Fund to align program expenditures with revenue collections associated with a voluntary tax check off contribution.
- Make technical adjustments to the Prop. 1C local assistance budget authority.
- Approve an increase of 11 positions to continue the implementation of the Affordable Housing and Sustainable Communities (AHSC) program - requested positions will provide staff to award about \$320,000 in loans and grants.

- Approve an increase of \$422,000 in federal states operations budget authority to administer the federal Community Development Block Grant Program for National Disaster Resiliency funding.

Department of Fair Employment and Housing

- Approve \$1.928 million (General Fund), \$1.450 million (Enforcement Litigation Fund), and 3 positions in 2016-17, and \$993,000 in 2017- 18, to replace DFEH's current Case Management System (CMS). The total cost of the project is \$6.524 million of which \$2.153 is being redirected from existing resources. DFEH is also requesting \$944,000 (General Fund) for ongoing costs.
- Increase \$2.5 million (General Fund) for 28 positions in 2016-17, and \$2.8 million in 2017-18 and ongoing, to provide enforcement staff and resources to investigate complaints of civil rights violations and to respond to Public Records Act (PRA) requests.

Commission on State Mandates

- Approve proposal to fund and suspend mandates consistent with past years.
- Fund a newly Approve mandate for Post-Election Manual Tally at \$626,000.

Local Government Financing

- Adopt placeholder trailer bill language to implement \$25 million for Community Based Transitional Housing.
- Amend budget bill language to indicate that funds for reimbursement costs associated with AB 953 (Weber, Chapter 46, Statutes of 2016) are to be awarded based on a schedule to be provided by the DOF and acceptance of the funds would preclude the local government from filing a claim for these costs with the Commission on State Mandates (CSM).



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4 Chairman	John J. Benoit 951-955-1040
District 5	Marion Ashley 951-955-1050

May 26, 2016

Assembly Republican Leader Chad Mayes
State Capitol Building, Room 3104
Sacramento, CA 95814

RE: No Place Like Home Initiative (de Leon)
County of Riverside: OPPOSE UNLESS AMENDED

Dear Assemblyman Mayes:

We are writing to express our reservations regarding the No Place Like Home Initiative, sponsored by Senator de Leon.

Riverside County applauds the thought and attention being given to the plight of the homeless, and by extension people with behavioral needs; however we oppose the prescription outlined in this initiative.

Proposition 63 provides the monies necessary for innovative new practices and ideas in the area of behavioral health. However, providing shelter is not within the guidelines for use as described in proposition 63 therefore legislation is required to do so.

The policies put forth in the Initiative permit the State to bond against future revenues of proposition 63 and use those monies for housing. The concern of Riverside County is that the revenues taken from counties to be used for bonding will not return to the counties of origin. If the stated concern is not a valid assumption, then we suggest allowing each county to bond individually (or through a JPA) or use the money as they deem appropriate.

Riverside County strongly believes in the concept put forth by Governor Brown in his state of the state addresses, subsidiarity. This concept is defined as local governments implementing public policy with the least amount of state and federal interference. The Initiative is completely contrary to subsidiarity. The Initiative approach literally steals money from one county and gives to another via force of law from the state.

We believe the need for comprehensive behavioral health care far outstrip the money and programs available in every county. Therefore by enacting the Initiative, as currently written, the state will be purposefully withdrawing care for people in specific counties to the benefit of others in other counties. We view this as wrong on both a public policy level and an individual level.

A better approach would be to simply allow counties to design programs, recognizing each county might have conditions specific to their local populations, and locally elected leaders are best positioned to understand those needs.

Riverside County advocates for an opt/in or out provision, thereby allowing each county to decide the best use of resources in caring for this vulnerable population. We consider this approach consistent with subsidiarity.

For these reasons, the County Riverside opposes the No Place Like Home Initiative unless amended. If you have any questions about the County's position, please do not hesitate to contact our Legislative Advocate James S. Gross at (916) 446-6752, jgross@nmgovlaw.com or Deputy County Executive Officer, Brian Nestande at (951) 955-1110, bnestande@rceo.org.

Sincerely,

John J. Benoit
Chairman
Riverside County Board of Supervisors

John Tavaglione
Second District Supervisor
Riverside County Board of Supervisors

cc: County of Riverside Delegation

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: No Place Like Home Program.

(1) The Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, imposes a 1% tax on that portion of a taxpayer's taxable income that exceeds \$1,000,000 and requires that the revenue from that tax be deposited in the Mental Health Services Fund to fund various county mental health programs. The MHSA authorizes the Legislature to amend its provisions by a 2/3 vote, provided that the amendment is consistent with and furthers the intent of the act.

This bill would establish the No Place Like Home Grant Program, to be administered by the Department of Housing and Community Development. The bill would require the department to award \$2,000,000,000 among counties and developers to finance the acquisition, design, construction, or reconstruction of permanent supportive housing for individuals with mental illness who are chronically homeless.



The bill would require the department to allocate \$1,800,000 to a competitive grant program. The bill would require that applicants meet specified requirements to be eligible to apply for grants and would require the department to valuate applications using specified criteria. The bill would require the department to award moneys in four grant rounds, as provided. The bill would require the department to allocate \$200,000,000 among all counties within this state proportionate to the number of homeless persons within each county. The bill would establish, and continuously appropriate, the No Place Like Home Fund for these purposes. The bill would also appropriate \$6,200,000 from the Mental Health Services Fund to the department to provide technical and grant preparation assistance to counties. The bill would require counties to annually report to the department on activities funded under these provisions, as provided.

This bill would establish the No Place Like Home Grant Program Advisory Committee, as specified, and require the committee to assist and advise the department in the implementation of the program, review and approve the department's guidelines, review the department's progress in distributing moneys pursuant to the program, and provide advise and guidance on statewide homelessness issues. The bill would also require the department to submit a report on the program to the Legislature by December 31 of each year and, upon an appropriation for that purpose, to contract with a public or private research university in this state to evaluate the program, as provided.

(2) The MHSA, among other things, requires county health programs to develop plans for innovative programs, to be funded as provided, and requires that the innovative program have specified purposes, including increasing access to services. Existing law



requires that the projects included in the innovative program portion of a county health plan meet specified requirements, including increasing access to underserved groups and increasing access to services. The MHSA further requires the State Department of Health Care Services, in coordination with counties, to establish a program designed to prevent mental illnesses from becoming severe and disabling and requires that the program provide specified services.

This bill would specify that the services required to be provided through these programs may include the provision of permanent supportive housing.

(3) This bill would declare that its provisions further the intent of the MHSA.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.



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An act to amend Sections 5830, 5840, and 5847 of, and to add Part 3.9 (commencing with Section 5849.1) to Division 5 of, the Welfare and Institutions Code, relating to housing, and making an appropriation therefor.



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

SECTION 1. Section 5830 of the Welfare and Institutions Code is amended to read:

5830. County mental health programs shall develop plans for innovative programs to be funded pursuant to paragraph (6) of subdivision (a) of Section 5892.

(a) The innovative programs shall have the following purposes:

(1) To increase access to underserved groups.

(2) To increase the quality of services, including better outcomes.

(3) To promote interagency collaboration.

(4) To increase access to ~~services.~~ services, including, but not limited to, services provided through permanent supportive housing.

(b) All projects included in the innovative program portion of the county plan shall meet the following requirements:

(1) Address one of the following purposes as its primary purpose:

(A) ~~Increase access to underserved groups.~~ groups, which may include providing access through the provision of permanent supportive housing.

(B) Increase the quality of services, including measurable outcomes.

(C) Promote interagency and community collaboration.

(D) ~~Increase access to services.~~ services, which may include providing access through the provision of permanent supportive housing.

(2) Support innovative approaches by doing one of the following:

(A) Introducing new mental health practices or approaches, including, but not limited to, prevention and early intervention.



(B) Making a change to an existing mental health practice or approach, including, but not limited to, adaptation for a new setting or community.

(C) Introducing a new application to the mental health system of a promising community-driven practice or an approach that has been successful in nonmental health contexts or settings.

(D) Participating in a housing program designed to stabilize a persons living situation while also providing supportive treatment on site.

(c) An innovative project may affect virtually any aspect of mental health practices or assess a new or changed application of a promising approach to solving persistent, seemingly intractable mental health challenges, including, but not limited to, any of the following:

- (1) Administrative, governance, and organizational practices, processes, or procedures.
- (2) Advocacy.
- (3) Education and training for service providers, including nontraditional mental health practitioners.
- (4) Outreach, capacity building, and community development.
- (5) System development.
- (6) Public education efforts.
- (7) Research.
- (8) Services and interventions, including prevention, early intervention, and treatment.
- (9) Permanent supportive housing development.



(d) If an innovative project has proven to be successful and a county chooses to continue it, the project workplan shall transition to another category of funding as appropriate.

(e) County mental health programs shall expend funds for their innovation programs upon approval by the Mental Health Services Oversight and Accountability Commission.

SEC. 2. Section 5840 of the Welfare and Institutions Code is amended to read:

5840. (a) The State Department of Health Care Services, in coordination with counties, shall establish a program designed to prevent mental illnesses from becoming severe and disabling. The program shall emphasize improving timely access to services for underserved populations.

(b) The program shall include the following components:

(1) Outreach to families, employers, primary care health care providers, and others to recognize the early signs of potentially severe and disabling mental illnesses.

(2) Access and linkage to medically necessary care provided by county mental health programs for children with severe mental illness, as defined in Section 5600.3, and for adults and seniors with severe mental illness, as defined in Section 5600.3, as early in the onset of these conditions as practicable.

(3) Reduction in stigma associated with either being diagnosed with a mental illness or seeking mental health services.

(4) Reduction in discrimination against people with mental illness.

(c) The program shall include mental health services similar to those provided under other programs effective in preventing mental illnesses from becoming severe,



and shall also include components similar to programs that have been successful in reducing the duration of untreated severe mental illnesses and assisting people in quickly regaining productive lives. These services may be provided through the provision of permanent supportive housing.

(d) The program shall emphasize strategies to reduce the following negative outcomes that may result from untreated mental illness:

- (1) Suicide.
- (2) Incarcerations.
- (3) School failure or dropout.
- (4) Unemployment.
- (5) Prolonged suffering.
- (6) Homelessness.
- (7) Removal of children from their homes.

(e) Prevention and early intervention funds may be used to broaden the provision of community-based mental health services by adding prevention and early intervention services or activities to ~~these services.~~ services, which may be provided through the provision of permanent supportive housing.

(f) In consultation with mental health stakeholders, and consistent with regulations from the Mental Health Services Oversight and Accountability Commission, pursuant to Section 5846, the department shall revise the program elements in Section 5840 applicable to all county mental health programs in future years to reflect what is learned about the most effective prevention and intervention programs for children, adults, and seniors.



SEC. 3. Section 5847 of the Welfare and Institutions Code is amended to read:

5847. Integrated Plans for Prevention, Innovation, and System of Care Services.

(a) Each county mental health program shall prepare and submit a three-year program and expenditure plan, and annual updates, adopted by the county board of supervisors, to the Mental Health Services Oversight and Accountability Commission within 30 days after adoption.

(b) The three-year program and expenditure plan shall be based on available unspent funds and estimated revenue allocations provided by the state and in accordance with established stakeholder engagement and planning requirements as required in Section 5848. The three-year program and expenditure plan and annual updates shall include all of the following:

(1) A program for prevention and early intervention in accordance with Part 3.6 (commencing with Section 5840).

(2) A program for services to children in accordance with Part 4 (commencing with Section 5850), to include a program pursuant to Chapter 4 (commencing with Section 18250) of Part 6 of Division 9 or provide substantial evidence that it is not feasible to establish a wraparound program in that county.

(3) A program for services to adults and seniors in accordance with Part 3 (commencing with Section 5800).

(4) A program for innovations in accordance with Part 3.2 (commencing with Section 5830).

(5) A program for technological needs and capital facilities needed to provide services pursuant to Part 3 (commencing with Section 5800), Part 3.6 (commencing



with Section 5840), and Part 4 (commencing with Section 5850). All plans for proposed facilities with restrictive settings shall demonstrate that the needs of the people to be served cannot be met in a less restrictive or more integrated ~~setting~~; setting, such as permanent supportive housing.

(6) Identification of shortages in personnel to provide services pursuant to the above programs and the additional assistance needed from the education and training programs established pursuant to Part 3.1 (commencing with Section 5820).

(7) Establishment and maintenance of a prudent reserve to ensure the county program will continue to be able to serve children, adults, and seniors that it is currently serving pursuant to Part 3 (commencing with Section 5800), the Adult and Older Adult Mental Health System of Care Act, Part 3.6 (commencing with Section 5840), Prevention and Early Intervention Programs, and Part 4 (commencing with Section 5850), the Children's Mental Health Services Act, during years in which revenues for the Mental Health Services Fund are below recent averages adjusted by changes in the state population and the California Consumer Price Index.

(8) Certification by the county behavioral health director, which ensures that the county has complied with all pertinent regulations, laws, and statutes of the Mental Health Services Act, including stakeholder participation and nonsupplantation requirements.

(9) Certification by the county behavioral health director and by the county auditor-controller that the county has complied with any fiscal accountability requirements as directed by the State Department of Health Care Services, and that all expenditures are consistent with the requirements of the Mental Health Services Act.



(c) The programs established pursuant to paragraphs (2) and (3) of subdivision (b) shall include services to address the needs of transition age youth 16 to 25 years of age. In implementing this subdivision, county mental health programs shall consider the needs of transition age foster youth.

(d) Each year, the State Department of Health Care Services shall inform the County Behavioral Health Directors Association of California and the Mental Health Services Oversight and Accountability Commission of the methodology used for revenue allocation to the counties.

(e) Each county mental health program shall prepare expenditure plans pursuant to Part 3 (commencing with Section 5800) for adults and seniors, Part 3.2 (commencing with Section 5830) for innovative programs, Part 3.6 (commencing with Section 5840) for prevention and early intervention programs, and Part 4 (commencing with Section 5850) for services for children, and updates to the plans developed pursuant to this section. Each expenditure update shall indicate the number of children, adults, and seniors to be served pursuant to Part 3 (commencing with Section 5800), and Part 4 (commencing with Section 5850), and the cost per person. The expenditure update shall include utilization of unspent funds allocated in the previous year and the proposed expenditure for the same purpose.

(f) A county mental health program shall include an allocation of funds from a reserve established pursuant to paragraph (7) of subdivision (b) for services pursuant to paragraphs (2) and (3) of subdivision (b) in years in which the allocation of funds for services pursuant to subdivision (e) are not adequate to continue to serve the same number of individuals as the county had been serving in the previous fiscal year.



SEC. 4. Part 3.9 (commencing with Section 5849.1) is added to Division 5 of the Welfare and Institutions Code, to read:

PART 3.9. THE NO PLACE LIKE HOME PROGRAM

5849.1. (a) The Legislature finds and declares that this part is consistent with and furthers the purposes of the Mental Health Services Act, enacted by Proposition 63 at the November 2, 2004, statewide general election, within the meaning of Section 18 of that measure.

(b) The Legislature further finds and declares all of the following:

(1) Housing is the key factor for stabilization and recovery to occur and results in the most successful outcomes for those living with a mental illness.

(2) Mental illness was the third largest cause of homelessness for single adults.

(3) California has the nation's largest homeless population that is disproportionately comprised of women with children, veterans, and the chronically homeless.

(4) California has the largest number of homeless veterans in the United States at 24 percent of the total population in our nation. Fifty percent of California's veterans live with serious mental illness and 70 percent have a substance use disorder.

(5) Fifty percent of mothers experiencing homelessness have experienced a major depressive episode since becoming homeless and 36 percent of these mothers live with post-traumatic stress disorder and 41 percent have a substance use disorder.



(6) Ninety-three percent of supportive housing tenants who live with mental illness and substance use disorders voluntarily participated in the services offered.

(7) Adults who receive 2 years of “whatever-it-takes,” or Full Service Partnership services, experience a 68 percent reduction in homelessness.

(8) For every dollar of bond funds invested in permanent supportive housing the state can leverage a significant amount of additional dollars through tax credits, Medicaid health services funding, and other housing development funds.

(9) Tenants of permanent supportive housing reduced their visits to the emergency department by 56 percent, and their hospital admissions by 45 percent.

(10) The cost in public services for a chronically homeless Californians range from \$60,000 to \$100,000 annually. When housed, these costs are cut in half and some reports show reductions in cost of more than 70 percent.

(11) Californians have identified homelessness as their top tier priority, this measure seeks to address the needs of the most vulnerable people within this population.

(12) Having counties provide mental health programming and services is a benefit to the state.

5849.2. As used in this part, the following definitions shall apply:

(a) “At risk of chronic homelessness” includes, but is not limited to, persons who are at high risk of long-term and intermittent homelessness, including persons with mentally ill released from incarceration, emancipated foster youth, and others.

(b) “Committee” means the No Place Like Home Grant Program Advisory Committee established pursuant to Section 5849.3.



(c) "Chronically homeless" has the same meaning as defined in Section 578.3 of Title 4 of the Code of Federal Regulations, as that section read on May 1, 2016.

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

(e) "Fund" means the No Place Like Home Fund established pursuant to Section 5849.4.

(f) "Homeless" has the same meaning as defined in Section 11302 of Title 42 of the United States Code, as that section read on May 1, 2016.

(g) "Permanent supportive housing" has the same meaning as "supportive housing," as defined in Section 50675.14 of the Health and Safety Code, except that "permanent supportive housing" shall include associated facilities if used to provide services to housing residents.

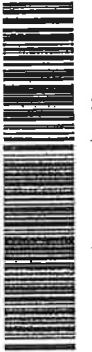
(h) "Program" means the process for awarding grants and loans and distributing moneys to applicants established in Sections 5849.7, 5849.8, and 5849.9.

(1) "Competitive grant program" means that portion of the program for awarding grants and loans by competitive application established by Section 5849.8.

(2) "Distribution program" means that portion of the program for providing moneys to counties described in Section 5849.9.

(i) "Target population" means individuals or households as provided in 5600.3 who are homeless, chronically homeless or at risk of chronic homelessness.

5849.3. (a) There is hereby established the No Place Like Home Grant Program Advisory Committee. Membership on the committee shall be as follows:



(1) The Director of Housing and Community Development, or his or her designee, who shall serve as the chairperson of the committee.

(2) The Director of Health Care Services, or his or her designee, and an additional representative.

(3) The Secretary of Veterans Affairs, or his or her designee.

(4) The Director of Social Services, or his or her designee.

(5) The Treasurer, or his or her designee.

(6) A member of the Mental Health Services Oversight and Accountability Commission, to be designated by the chairperson of the committee.

(7) A chief administrative officer of a county or a member of a county board of supervisors, to be appointed by the Governor.

(8) A director of a county behavioral health department, to be appointed by the Governor.

(9) An administrative officer of a city, to be appointed by the Governor.

(10) A representative of an affordable housing organization, to be appointed by the Speaker of the Assembly.

(11) A representative of a community mental health organization, to be appointed by the Senate Rules Committee.

(12) A representative of a continuum of care organization, to be appointed by the Governor.

(b) The committee shall do all of the following:

(1) Assist and advise the department in the implementation of the program.

(2) Review and approve the department's guidelines.



(3) Review the department's progress in distributing moneys pursuant to this part.

(4) Provide advice and guidance more broadly on statewide homelessness issues.

5849.4. (a) The No Place Like Home Fund is hereby created within the State Treasury and, notwithstanding Section 13340 of the Government Code, continuously appropriated to the department for the purposes of this part. The department may use up to five percent of the amount deposited in the fund for administrative expenses in implementing this part.

(b) There shall be paid into the fund the following:

(1) Any proceeds from the issuance of bonds by the Treasurer for the purpose of implementing the program.

(2) Any other federal or state grant, or from any private donation or grant, for the purposes of this part.

(3) Any interest payment, loan repayments, or other return of funds.

5849.5. (a) The department may adopt guidelines or regulations as necessary to exercise the powers and perform the duties conferred or imposed on it by this part. Any guideline or regulation adopted pursuant to this section shall not be subject to the requirements 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).

(b) The department may adopt emergency regulations in order to expedite the award of moneys pursuant to this part.



5849.6. For the purpose of administering this part, the department shall organize counties into the following competitive groupings based on the number of homeless persons residing within each county, as determined by the department:

- (a) The County of Los Angeles.
- (b) Large counties.
- (c) Medium counties.
- (d) Small counties.

5849.7. (a) The department shall administer a competitive grant program, pursuant to Section 5849.8, and distribution program, pursuant to Section 5849.9, for awarding a total of two billion dollars (\$2,000,000,000) among counties and developers to finance the construction, rehabilitation or preservation of permanent supportive housing for individuals with mental health supportive needs who are homeless or at risk of homelessness.

(b) For the competitive grant program established by Section 5849.8, the following shall apply:

- (1) A county and developer shall apply as co-applicants.
- (2) Funded developments shall integrate the target population with the general public.
- (3) Funded developments shall utilize low barrier tenant selection practices that prioritize vulnerable populations and offer flexible, voluntary, and individualized supportive services.



(4) The guidelines may provide for alternative housing models, such as shared housing models of fewer than five units. Integration requirements may be modified in shared housing.

(5) Funds shall be offered as deferred payment loans to finance capital costs including acquisition, design, construction, rehabilitation or reconstruction, and to capitalize operating reserves of permanent supportive housing for the target population.

(6) The department shall adopt guidelines establishing income and rent standards.

5849.8. (a) One billion eight hundred million dollars (\$1,800,000,000) shall be allocated from the fund for the purposes of the competitive grant program. The department shall develop a competitive application process for the purpose of awarding moneys pursuant to this section. In considering applications, the department shall do all of the following:

(1) Restrict eligibility to applicants that meet the following minimum criteria:

(A) The county commits to provide mental health supportive services inside the supportive housing development for at least 20 years.

(B) The county has developed a county plan to combat homelessness, which includes a description of homelessness countywide, any special challenges or barriers to serving this population, county resources applied to the issue, community-based resources, an outline of partners and collaborations, and proposed solutions.

(C) The county commits to provide mental health supportive services and other services, including drug treatment services from any other available funding sources, including, but not limited to, the following:



(i) The Mental Health Services Act, enacted by Proposition 63 at the November 2, 2004, general election, as amended.

(ii) The Drug Medi-Cal Treatment Program (22 Cal. Code Regs. 51341.1, 51490.1, and 51516.1).

(iii) Funds allocated from the Local Revenue Fund to the county's mental health account of its local health and welfare trust fund established pursuant to Section 17600.10.

(iv) Funds received from private nonprofit organizations.

(v) Other county funds.

(D) Meet other threshold requirements including, but not limited to, developer capacity to develop, own, and operate a permanent supportive housing development for the target population, application proposes a financially feasible development with reasonable development costs.

(2) The department shall evaluate applications using, at minimum, the following criteria:

(A) The extent to which assisted units are restricted to persons who are chronically homeless or at risk of chronic homelessness within the target population.

(B) The extent to which non-state funds are leveraged for capital costs.

(C) The extent to which projects achieve deeper affordability through the use of non-state project-based rental assistance, operating subsidies, or other funding.

(D) Project readiness.



(E) The extent to which applicants offer a range of on and off-site supportive services to tenants, including mental health services, behavioral health services, primary health, employment, and other tenancy support services.

(b) The department may establish an alternative process for allocating funds as grants directly to counties with at least five percent of the state's homeless population and that demonstrate the capacity to directly administer loan funds for permanent supportive housing serving the target population consistent with this part. The department shall adopt guidelines establishing the parameters of an alternative process, if any, and requirements for local administration of funds. Funds not committed to projects within two years following award of funds to counties shall be returned to the state for the purposes of the competitive grant program. The Department shall consider the following when selecting participating counties:

(1) Demonstrated ability to finance permanent supportive housing with local and federal funds, and monitor requirements for the life of the loan.

(2) Past history of delivering supportive services to the target population in housing.

(3) Past history of committing project-based vouchers to supportive housing.

(4) Ability to prioritize the most vulnerable within the target population through coordinated entry system.

(c) The department shall award grants in at least four grant rounds as follows:

(1) The department shall issue its first request for proposal for the competitive grant program no later than 180 days after any deadline for appeals as set forth in Section 870 of the Code of Civil Procedure.



(2) The second round shall be completed no later than one year after the completion of the first round.

(3) The third round shall be completed no later than two years after the completion of the second round.

(4) The fourth round shall be completed no later than three years after the completion of the third round.

(5) Subsequent rounds shall occur annually thereafter in order to fully exhaust remaining funds.

(d) (1) Any loans made by the department pursuant to this section shall be in the form of secured deferred payment loans to pay for the eligible costs of development. Principal and accumulated interest is due and payable upon completion of the term of the loan, which shall be established through program guidelines adopted pursuant to Section 5849.5. The loan shall bear simple interest at a rate of three percent per annum on the unpaid principal balance. The department shall require annual loan payments in the minimum amount necessary to cover the costs of project monitoring. For the first 15 years of the loan term, the amount of the required loan payments shall not exceed forty-two hundredths of 1 percent per annum.

(2) The department may establish maximum loan-to-value requirements for some or all of the types of projects that are eligible for funding under this part, which shall be established through program guidelines adopted pursuant to Section 5849.5.

(3) The department shall establish per-unit and per-project loan limits for all project types.



(e) (1) The department may designate an amount not to exceed four percent of funds allocated for the competitive grant program, not including funding allocated pursuant to subdivision (b), in order to cure or avert a default on the terms of any loan or other obligation by the recipient of financial assistance, or bidding at any foreclosure sale where the default or foreclosure sale would jeopardize the department's security in the rental housing development assisted pursuant to this part. The funds so designated shall be known as the "default reserve."

(2) The department may use default reserve funds made available pursuant to this section to repair or maintain any rental housing development assistance pursuant to this part to protect the department's security interest.

(3) The payment or advance of funds by the department pursuant to this subdivision shall be exclusively within the department's discretion, and no person shall be deemed to have any entitlement to the payment or advance of those funds. The amount of any funds expended by the department for the purposes of curing or averting a default shall be added to the loan amount secured by the rental housing development and shall be payable to the department upon demand.

(f) (1) Prior to disbursement of any funds for loans made pursuant this section, the department shall enter into a regulatory agreement with the developer that provides for all of the following:

(A) Sets standards for tenant selection to ensure occupancy of assisted units by eligible households of very low and low income for the term of the agreement.

(B) Governs the terms of occupancy agreements.



(C) Contains provisions to maintain affordable rent levels to serve eligible households.

(D) Provides for periodic inspections and review of year-end fiscal audits and related reports by the department.

(E) Permits a developer to distribute earnings in an amount established by the department and based on the number of units in the rental housing development.

(F) Has a term for not less than the original term of the loan.

(G) Contains any other provisions necessary to carry out the purposes of this part.

(2) The agreement shall be binding upon the developer and successors in interest upon sale or transfer of the rental housing development regardless of any prepayment of the loan.

(3) The agreement shall be recorded in the office of the county recorder in the county in which the real property subject to the agreement is located.

5849.9. (a) In addition to the competitive grant program established by Section 5849.8, the department shall distribute two hundred million dollars (\$200,000,000) from the fund of funds on a "first-come-first-served" basis. Funds to be awarded pursuant to this section shall be available to all counties within the state proportionate to the number of homeless persons within each county.

(b) Funds not committed within 18 months following the first allocation of moneys in accordance with subdivision (d) shall be used for the purposes of the competitive grant program.



(c) The moneys described in subdivision (a) shall be distributed either in accordance with the procedures for awarding funds to local agencies established by the existing Mental Health Services Act housing program administered by the Department of Health Care Services and the California Housing Finance Agency or alternative procedures developed by the department for distributing these moneys that enhance the efficiency and goals of the distribution program.

(d) The department shall make the first allocation of moneys pursuant to this section no later than 60 days after any deadline for appeals as set forth in Section 870 of the Code of Civil Procedure.

5849.10. (a) The sum of six million two hundred thousand dollars (\$6,200,000) is hereby appropriated from the Mental Health Services Fund to the department to provide technical and grant preparation assistance to counties.

(b) Eligible use of technical and grant preparation assistance shall include, but is not limited to, assistance in performing one or more of the following activities:

- (1) Applying for program funds.
- (2) Implementing activities funded by moneys distributed pursuant to this part, including the development of supportive housing for the target population.
- (3) Coordinating funded activities with local homelessness systems, including coordinated access systems developed pursuant to Section 578.7(a)(8) of Title 24 of the Code of Federal Regulations, as that section read on May 1, 2016.
- (4) Delivering a range of supportive services to tenants.
- (5) Collecting data, evaluating program activities, and sharing data among multiple systems, such as the Mental Health Services Act, enacted by Proposition 63



at the November 2, 2004, the Medi-Cal Act (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9) and implementing regulations, and homelessness systems.

(c) The department shall provide grant funds to a county upon application as follows:

(1) To a large county and to Los Angeles County, the department shall provide one hundred fifty thousand dollars (\$150,000).

(2) To a medium county, the department shall provide one hundred thousand dollars (\$100,000).

(3) To a small county, the department shall provide seventy-five thousand dollars (\$75,000).

(d) If a county does not expend the moneys provided pursuant to subdivision (b) by June 30, 2020 those moneys shall revert to the department to be used to augment the funding pursuant to subdivision (d).

(e) The department may contract for expert technical assistance and grant preparation assistance. The department shall deploy such assistance to counties based upon a process to be defined in guidelines.

(f) The department shall establish a unit for the purpose of providing technical assistance to counties.

5849.11. (a) The counties shall annually report to the department on activities funded under this part, including information on the funded supportive housing development. Reported information shall include location of projects, number of units



assisted, occupancy restrictions, number of individuals and households served, related income levels, and homeless, veteran, and mental health status

(b) The department shall submit a report on the program to the Legislature by December 31 of each year, commencing with the year after the first full year in which the program is in effect. The report shall contain at least all of the following:

- (1) The processes established for distributing grants.
- (2) The distribution of grants among counties.
- (3) Any recommendations as to modifications to the program for the purpose of improving efficiency or furthering the goals of the program.

(c) The report required to be submitted by subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

5849.12. (a) Upon an appropriation of funds for the purpose of this section, the department shall contract with a public or private research university in this state to evaluate the program. The department shall develop the research design and issue a request for proposal for a contract for the evaluation, with the assistance of the Legislative Analyst's Office and the Department of Finance.

(b) The department shall submit the final research design and request for proposal required by subdivision (a) to the Chairperson of the Joint Legislative Budget Committee no more than 30 days prior to executing a contract for the evaluation.

5849.13. An action to determine the legality of any action by the department pursuant to this part may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.



SEC. 5. The Legislature finds and declares that this act furthers the intent of the Mental Health Services Act, enacted by Proposition 63 at the November 2, 2004, statewide general election.

It is intent of the Legislature that the costs to service the debt for the bond authorized by this act shall not impede in any way the direct mental health services provided by counties, and that the counties shall maximize the use of all available state, federal, and local funding sources, including those listed in Section 5849.7 of the Welfare and Institutions Code, to support direct local mental health services.

