

ASSEMBLY BILL 816 (CHIU, BLOOM, BONTA, QUIRK-SILVA SANTIAGO, WICKS)

HOMELESSNESS ACCOUNTABILITY

This bill ensures that local governments and relevant state agencies are held accountable for addressing California's historic homelessness crisis.

THE PROBLEM

On any given night, over 150,000 Californians are homeless, and California has the highest rate of unsheltered homeless individuals in the nation. Even as people are housed, more fall into homelessness: In Los Angeles County, for every 133 people housed, 150 fall into homelessness; in Oakland, for one person housed, two more become homeless; in San Francisco, for one person housed, three become homeless.

African Americans are disproportionately represented among California's homeless population. While 6.5 percent of Californians identify as African American almost 40 percent of the state's homeless population are African American, far outpacing the rates of poverty among African Americans in general.

Before coronavirus, local governments had come under intense pressure to address homelessness from constituents, civil rights advocates, business communities, and people experiencing homelessness, and the latest pressure point is in the courts.

The landmark *Martin v. Boise* case challenged a municipal quality of life offense against homeless individuals. Last year, the US Supreme Court refused to overturn the 9th Circuit case that held the local law violated the 8th Amendment's "cruel and unusual punishment" clause: "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter."

Subsequently, advocates successfully sued Orange County after Santa Ana riverbed encampments were cleared without alternatives for people to sleep. While the federal court under Judge David Carter successfully held local governments accountable to provide emergency shelters, the process was complex, expensive, and time-consuming for both litigants and local governments. Attorneys have since filed lawsuits in or sent demand letters to Los Angeles, San Diego,

Santa Cruz, Sacramento, San Francisco and other jurisdictions.

In the beginning of 2020, before coronavirus, the Governor's Council of Regional Homeless Advisors proposed the creation of an enforceable, results-based accountability mandate to end homelessness, since purely voluntary efforts by a myriad of local and state agencies and billions of dollars of funding have failed without accountability. Coronavirus has only intensified the moral, public health and community imperatives to address homelessness.

THE SOLUTION

AB 816 creates a process for holding state and local governments accountable for housing the unsheltered based on measurable goals and existing resources they have identified for that purpose.

Specifically, AB 816:

- Requires state and local governments to assess available resources to address homelessness.
- Requires local governments to develop an actionable plan to end homelessness that includes specific actions that will be taken to eliminate racial and ethnic disparities among people experiencing homeless by 2029.
- Based on goals, requires the state and local governments to develop an actionable plan to reduce homelessness to functional zero by December 31, 2029.
- Establishes a Homelessness Inspector General that can bring a public right of action against the state or local government for failing to submit a plan or not follow a plan.
- A public right of action would be limited to existing resources within a jurisdiction.

Rather than waiting for coronavirus outbreaks or expensive, time-consuming lawsuits to force the question of how to address homelessness, AB 816 would proactively establish plans, metrics, accountability and enforcement of progress towards plans. By holding all governments levels accountable

based on benchmarks, AB 816 would move California towards finally addressing the moral crisis of our day.

SUPPORT

Corporation for Supportive Housing (sponsor)
Housing California (sponsor)
Sacramento Mayor Darrell Steinberg, Co-chair of
Governor's Council of Regional Homeless Advisors
(sponsor)
Steinberg Institute (sponsor)

FOR MORE INFORMATION

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