



Jeb Bush
Governor

Lucy D. Hadi
Interim Secretary

December 16, 2004

The Honorable Jeb Bush
Governor
The Capitol
Tallahassee, Florida 32399-0001

Dear Governor Bush:

It is my pleasure to transmit to you the Council on Homelessness' 2004 report, outlining our recommendations to enhance the state's partnership with local service providers. As a result of the initiatives authorized in 2001, Florida is making positive strides in addressing homelessness. The state's homeless assistance Challenge Grant has been recognized as a model program for state partnerships with the local network of service providers. The local planning for homeless services has expanded to cover 61 of our 67 counties. More supportive housing opportunities exist to house the homeless, and access to our mainstream state aid programs is being improved for homeless persons.

More remains to be accomplished to reduce homelessness in Florida. Continued state support and funding of its partnerships is essential to reach our goal.

Your support for the Council's budget and legislative proposals is urged, so that we can continue to build on our successes.

Sincerely,

A handwritten signature in cursive script that reads "Michael M. Switzer".

Michael M. Switzer
Chairperson

cc: Lucy Hadi, Secretary, Department of Children and Families
Mike Hansen, Office of Planning and Budgeting

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

The Department of Children and Families is committed to working in partnership with local communities to ensure safety, well-being and self-sufficiency for the people we serve.

Council on Homelessness

2004 Report



Artwork by Amanda Parrish



Lucy Hadi
Secretary

Jeb Bush
Governor

Cover artwork by:
Amanda Parrish, 5th Grade, Polk County Florida,
winner of the
1999 "Overall Homeless Awareness" Poster Contest.

Council on Homelessness

2004 Report



**Submitted in December 2004 to
Governor Jeb Bush
Senate President Tom Lee
House Speaker Allan Bense
DCF Secretary Lucy Hadi**

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Council on Homelessness 2004 Report and Recommendations

SUMMARY

Since the creation of the Council on Homelessness and the enhanced state role and partnerships with the local homeless service providers began in 2001, real success is taking place in the lives of Floridians facing homelessness. As a result of increased services funded by state Challenge Grants, episodes of homelessness have ended for thousands of people. With more state and federal housing grants being accessed, a substantial number of new housing units are under development to make real progress toward the Council's goal for 12,000 new homeless housing units in ten years. Access to the wide range of other mainstream assistance programs is being improved, as the Council works to identify and remove the barriers, which hinder the ability of the homeless person to apply, receive and maintain benefits.

The enhanced state partnership role in the homeless service network is achieving results at both the local and state levels. However, much remains to be done. The Council remains strongly committed to its charge of developing policies and proposals to reduce homelessness in Florida.

Florida's Homeless Population

Based on the estimates and counts of persons who are homeless by the 29 local homeless coalitions, the daily homeless population in Florida was 76,675 in 2003 [source: Annual Report on Homeless Conditions in Florida, June 2004]. A breakdown of the homeless populations by county is included in Appendix 1.

According to the 2004 continuum of care plans covering 61 of our 67 counties, over 41 percent of the state's homeless population are persons in homeless families. The balance are individual adults who are homeless. According to data reported by the coalitions, 20 percent of the homeless population are children under the age 18.

Based on a limited data sample from our coalitions, 43 percent of the homeless in 2003 experienced an episode of homelessness for the first time. The 2004 Continuum of Care plans estimate that 21 percent of the homeless meet the federal definition of being chronically homeless. This means an unaccompanied homeless individual with a disabling condition who has either been homeless continuously for a year or more, or who has experienced at least four episodes of homelessness in the past three years.

According to the 2004 Continuum plans, there is a supply of 28,261 beds for the homeless, with another 2,791 beds under development. There is, however, a demand for another 47,901 beds in emergency shelters (14,153 beds), transitional housing (16,033 beds) and permanent supportive housing (17,665 beds).

Florida's Challenge Grant – A National Best Practice

The results accomplished by Florida's local continuums of care to effectively utilize the state's homeless assistance Challenge Grant gained national recognition in 2004. With the three years of assistance, the number of local continuum of care planning efforts to deliver coordinated services has grown significantly. The number of plans has increased from 23 to 27, with the counties covered by the plans rising from 31 to

54 in the three years. The Challenge Grant helps fund the services to the homeless as set forth in the community's plan. Over 63,170 persons have been served, as a result of the Challenge Grants. Episodes of homelessness have ended for thousands of people.

The Challenge Grant has strengthened our local partners, and enhanced their ability to attract federal funds. In 2003, Florida's continuums of care were successful in winning over \$51 million in federal housing grants for the homeless. This was an increase of \$10 million over the 2002 award level, and almost \$14 million more than the states pro rata need allocation.

This state-local partnership has been recognized for its demonstrated results, and is a best practice that other state's can replicate.

Creating a Pipeline of Supportive Housing

The Council on Homelessness has established a goal to identify and assemble the resources to create a supportive housing pipeline to produce and operate 12,000 housing units by 2012. These new supportive housing units would provide the homeless with transitional and permanent housing, linked with services for the clients in health, education, employment and case management to enable the individual or family to stay housed.

As a result of efforts to promote and build local capacity to be successful in competing for affordable housing grants, Florida's continuums of care are reporting significant progress in developing new housing opportunities for the homeless. In the 2003 Continuum of Care plans for Florida, 2,295 housing units were under development. In 2004, our continuums reported 2,127 units of transitional and permanent housing units under development.

These numbers reflect improved utilization and access to the federal homeless housing development grants, as well as targeted state homeless housing resources. The Homeless Housing Assistance Grant, created in 2001, has assisted 1,188 units of housing in the past three years. With enhanced training, education and promotion of the homeless housing setasides in the State Apartment Incentive Loan (SAIL) program, nearly 400 units of housing for the homeless have been approved in the past two years.

Florida's local partners are making progress in attaining the state Council's objective to create 12,000 units of housing for the homeless. Continued state support of the partnership grants is crucial to achieving this goal.

Improving Access for Homeless Persons to Mainstream Programs

Since its creation, the Council on Homelessness has focused its efforts to look at how well persons who may be homeless or facing homelessness can access the wide array of programs, services or benefits that may not be specifically targeted or directed to the homeless. These "mainstream" programs far exceed the funding available for homeless programs. The Council has focused its attention on these mainstream resources:

- Food Stamps
- Temporary Assistance for Needy Families
- Medicaid Insurance
- Social Security Disability Benefits
- Emergency Financial Assistance for Housing

The Council has established a working relationship with the Agency for Health Care Administration to ensure that persons who are homeless can access Medicaid insurance coverage for which they qualify. Working with the agency, the Council has been able to include provisions in the request for proposals for the Medicaid Prepaid Mental Health Plan. The provisions include outreach efforts to the homeless by the Medicaid contractors, as well as working agreements between the Medicaid provider and the local homeless continuums of care to ensure service coordination and avoid duplication. The working relationships at the state level will create new working relationships within communities to help ensure access to benefits for everyone.

The Council has also been working with the Department of Children and Families on the efforts to modernize the client eligibility determination process for TANF, Food Stamps and Medicaid. The Council provided specific suggestions, and identified concerns with possible barriers to access for homeless persons that the modernization process may create. The Council was able to review and provide input to a draft procurement instrument, resulting in specific language that would ensure access for under-served groups, especially the homeless. This would include efforts by the selected vendor to train community service providers on the use of new technologies, continued access for consumers to trained customer service representatives to work through problems, and special vendor efforts to ensure clients with limited access to technology, or with lower literacy levels, can meet face to face with staff determining eligibility. The ability to influence the procurement instrument to ensure that homeless access issues are incorporated attests to the success of the Council to work across departments, and ensure that barriers do not arise.

Efforts continue to work with the Social Security Administration, and the Disability Determination Division at the Department of Health, to improve the processing of disability claims by persons who are homeless. The Council has a strong interest in promoting the use of the procedure by which clients can be granted presumptive disability status given easily determined disabling conditions. The presumptive disability determination allows for disability income benefits to start while the formal determination process is underway. The Council is closely monitoring the efforts of Broward County to work with the Social Security Administration on presumptive disability benefits for the chronic homeless population being served in the Chronic Homeless Initiative Grant. The Broward experience may generate a model best practice that can be replicated in all of Florida's continuum of care plans and services.

More effective utilization of the assistance for families facing a housing emergency or eviction remains a central focus of the Council. Over the last two years, the Emergency Financial Assistance for Housing Program has made full use of the budgeted dollars to serve families with limited cash assistance. While this is an improvement, other effectiveness issues remain. More timely determinations and processing of the aid, and better linkage of the state assistance to community resources available to the family in crisis remain. The Council has begun to work with the Department of Children and Families to revise the program's operating procedures and rules. Alternative models to administer this program are also being considered by the Council.

The state is also developing plans to conduct a series of meetings with the continuums of care lead agencies to address key mainstream programs within state agencies. The purpose will be for these meetings to identify specific problems the homeless experience in accessing program benefits. The intent will be to have state agency officials work with the local homeless continuums to find solutions to the barriers, and make the necessary changes to improve program access for homeless persons and families. These state-local policy sessions are planned to begin in 2005.

COUNCIL'S RECOMMENDATIONS

To continue the successful state-local partnership and build on the results achieved to date, the Council recommends that the state continue to fund its targeted homeless assistance programs at current or increased spending levels. Three specific budget recommendations are submitted for action.

Recommendation 1

Increase the Challenge, Homeless Housing Assistance and the Emergency Financial Assistance for Housing Program (EFAHP) grants by 25% over the current year spending levels.

<u>Program</u>	<u>FY 2004/2005</u>	<u>25% Increase</u>	<u>FY 2005/2005</u>
Challenge	\$2,116,025	\$529,006	\$2,645,031
Homeless Housing	\$5,000,000	\$1,250,000	\$6,250,000
EFAHP	\$1,800,000	\$450,000	\$2,250,000

Continue the remaining homeless grants at their current spending levels.

<u>Program</u>	<u>FY 2004/2005</u>	<u>FY 2005/2006</u>
Homeless Grant and Aid	\$1,185,990	\$1,185,990
Homeless Coalition Grants	\$343,750	\$343,750
Emergency Shelter Grants	\$3,034,474	\$3,034,474

Recommendation 2

Restore the Transition Planning Specialist positions (52 FTEs) to the Department of Corrections, providing a staff position at each of the department's facilities to develop discharge or re-entry plans for all inmates being released.

Estimated Budget Request	52 FTEs	\$3,200,000
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Recommendation 3

The Homeless Housing Assistance Grant appropriation category should be changed to a "Fixed Capital Outlay" category from the current "Special Assistance, Grants and Aid" category. This will allow more time to use the grant to construct housing, and to use the state grant commitment to leverage additional federal and private financing.

More detailed justifications for these three budgetary recommendations can be found in Appendix 2.

In addition to these budgetary recommendations, the Council has three legislative actions to submit for consideration for adoption in the 2005 session. The proposals are intended to further the ability of local partners to create supportive housing units to serve the homeless.

Recommendation 4

Amend the enabling statute for the State Apartment Incentive Loan program in section 420.5087, F.S., to provide that projects which reserve 50% of the units for occupancy by homeless persons qualify for a loan with an interest rate of zero percent (0%).

Recommendation 5

Amend the enabling statute for the State Apartment Incentive Loan program in section 420.5087, F.S., to provide flexibility to the Florida Housing Finance Corporation to structure the loans for projects serving persons who are homeless, which are owned by non-profit organizations, as forgivable loans, starting in year 16 of the loan term. Alternatively, authorize the Corporation to require repayment only if the non-profit organization disposes of the property, or ceases to operate it for occupancy by persons who are homeless.

Recommendation 6

Adopt state legislation, replicating the federal McKinney-Vento Act provisions regarding surplus property, to provide for preference in the disposition of state surplus lands to organizations that commit to reuse the property as a homeless housing site.

The Council reaffirms and recommends the following legislative proposals, as were submitted for consideration in our 2003 report.

Authorize New Local Funding Option for Homeless Services

The Council supports authorizing legislation to give all counties more authority to create local funding initiatives to generate revenue that would be restricted to support mental health and homeless services.

Enact Technical Revisions to Existing Homeless Statutes

The Council recommends a series of technical amendments to the current authorizing statutes in sections 420.621, F.S., to 420.626, F.S. to accomplish:

- 1) Authorizing the Office on Homelessness to accept and administer federal grants.
- 2) Clarify the eligible construction costs allowed under the Homeless Housing Assistance grant.
- 3) Ensure that the homeless grant in aid funding is spent consistent with local continuum of care plans.
- 4) Correct the legal name of a Council member.
- 5) Change the date for submission of the annual report on homeless conditions in Florida to December 31 to coincide with the Council's report submission.

Housing Status Information

The Council recommends that the Office on Homelessness be authorized to collect information from state agencies, which would be required to collect information on the housing status of all persons at the time they access state resources or benefits. This data would enable the Office to assess whether persons who may be homeless are able to access specific state programs or benefits.

Guiding Principles on Criminal Law Application to Homelessness

The Council developed a series of policy recommendations to guide local and state government in considering criminal law proposals to respond to conditions of homelessness. Central to these principles is the belief that no person should be subject to arrest or punishment for performing normal and necessary daily living activities in public places, if that person has no other safe and appropriate personal space to carry out those activities.

The details outlining these legislative proposals are found in Appendix 3.

Federal Homeless Policy Advocacy

The Council has also taken an active role in advocating for changes in federal homeless and mainstream programs that will help the local provider networks serve those in need more effectively. The Council has advocated for specific changes in the federal homeless continuum of care grant awards process. Specific concerns were raised about the methods for capturing homeless need data, and to ensure such data is consistent with the statutory definition of homeless.

A number of specific federal action items were recommended as a result of Florida's participation in a federal policy academy focusing on homeless families with children. These recommendations have been provided to the federal agencies.

- Need a clear and consistent operational definition of homeless to be applied and used by all federal agencies.
- Need Congress to authorize more rent subsidies, and preserve existing tenant-based vouchers.
- Need for other federal agencies, such as Health and Human Services, to fund supportive services, given the emphasis in the Housing and Urban Development homeless housing programs to only fund housing cost.
- Create a federal policy to set a maximum time period for receiving a Section 8 rental assistance voucher to promote steps to housing independence for the tenant.
- Housing and Urban Development regulations should mandate structural linkages between the local public housing authorities and the states, to coordinate priorities for utilization of this housing stock.
- Federal agencies need to assess all mainstream programs to promote the eligible use for client case management services.
- The Federal Interagency Council on Homelessness should take a more active role to assist in removing barriers in federal programs for integration of housing and services.
- Broaden opportunities for homeless families to access McKinney-Vento funded permanent housing grants.
- Promote greater utilization of the Earned Income Tax Credit, as a resource to help reduce homelessness.
- Housing and Urban Development should enact policies to improve how all of its publicly assisted housing and community development programs can be used to address homelessness, as a priority.
- Retain the present funding structure of the Section 8 rental assistance program, and not move toward block granting this program.

PERFORMANCE OF THE EXECUTIVE DIRECTOR, OFFICE ON HOMELESSNESS

Statute's Requirements for Evaluation

Florida Statutes direct the Council on Homelessness to conduct an annual evaluation of the performance of the Executive Director of the State Office on Homelessness for transmittal to the Governor, Legislature, and Secretary of the Department of Children and Families. Section 420,622, Florida Statutes, requires "an evaluation of the executive director's performance in fulfilling the statutory duties of the office." The statutory duties comprise approximately sixteen separate responsibilities involving planning, coordination, and grant program administration, compiling of information, and provision of technical assistance. The Office is to carry out these duties pursuant to the policies set by the Council and within available funding.

Council's Evaluation Methodology

Each member in 2003 and 2004 had an opportunity to submit an evaluation form, to provide a numerical rating of 1-5 using the scale provided for State Selected Exempted staff, and also to provide written comments. Based on these responses, the Chairperson has drafted the following evaluation summary.

A total of eight written evaluations were received in 2003 and three in 2004, with more Council members providing generally positive verbal comments both years. This summary is based on comments from both years due to the relative few received in 2004 alone. Most members responding gave a positive assessment, mostly ranging from "achieves expectations" to "far exceeds expectations." The comments primarily focused on how well Mr. Pierce performs his responsibilities from the perspective of his interactions with the Council, rather than a comprehensive overall assessment of his accomplishment of the responsibilities of the Office. All verbal and written comments received were generally positive and complimentary, but some areas were noted as needing improvement as noted below. It should also be noted that this position essentially "wears 3 hats," having responsibilities and accountability as an executive employed by the Department of Children and Families, also as staff lead providing support to the Council in its policy/oversight roles, and finally as Director the Office that has direct statutory responsibilities that are not derived from Department and Council directions. This multiplicity of responsibilities and sources of evaluation/accountability has been noted by several members as representing a potential source of confusion and conflict in responsibilities.

Evaluation of Tom Pierce, Executive Director

Mr. Pierce has done a commendable job in 2003 and 2004 in fulfilling the statutory duties of the Office on Homelessness, according to the policies set by the Council, and within available resources. Mr. Pierce is an accomplished, talented administrator. He diligently and efficiently administers the grant programs assigned to the Office, possibly the most important function of the office in term of external impact. The Office serves as a statewide resource and one-stop source of information and assistance on homelessness, and is regarded as an authority and depository of homelessness programmatic expertise nation-wide.

The Office on Homelessness provides technical assistance to the continuums of care, and serves as an advocate for issues relating to homelessness at all levels of government. The Office coordinates with state, local, private agencies, and providers to produce a consolidated and financial plan for the state's system of homeless programs. The Office provides information gathering and dissemination that assist local continuums, other state agencies, private providers, and volunteers, with respect to resources and services. The Office provides technical assistance at all levels and convenes meetings and workshops accessible throughout the state. The Office develops accountability measures and makes recommendations for improving current practices. The Office promotes a federal policy agenda to improve

conditions in the State of Florida and also formulates policies and proposals to more effectively meet the needs of the homeless in Florida. The Office explores funding sources at all levels and develops policies directed at improving discharge planning. The Office provides effective guidance and assistance to the Council in enabling it to set policies.

Specific written comments from members include compliments on his demonstrated ability to balance the many stakeholder interests involved in the homelessness services system, including very diverse local interests passionately expressed by local advocates, planners and service providers. He is regarded as extremely knowledgeable and helpful to the Council membership in fulfilling its duties, as well as serving as a key source of information for local partners. He was the staff lead for implementing and continuing to manage Florida's Challenge Grant program that recently won national recognition as a best practice. Several members expressly note that the Office and Council have limited resources and influence in the context of state government priorities and visibility. Some areas noted in individual member comments for recommended attention/improvement include improved follow-up on tasks and information requests from the Council, better prioritization among statutory duties, avoiding appearance of advocacy for the Department at the expense of homelessness issue or the Council, and avoiding any appearance of reversed policy/administrative roles which might relegate the Council to "rubber stamp" status. Council members have also agreed on the need to provide more guidance on prioritizing the multiplicity of statutory tasks to minimize any confusion and make the Office on Homelessness more effective.

**Appendix 1
Homeless Population by County
FY 2002-2003**

<u>DCF DISTRICT</u>	<u>COUNTIES</u>	<u>ESTIMATED DAILY HOMELESS POPULATION</u>	<u>DCF DISTRICT</u>	<u>COUNTIES</u>	<u>ESTIMATED DAILY HOMELESS POPULATION</u>			
1	Escambia	1,850	7	Orange	4,137			
	Santa Rosa	891		Osceola	890			
	Okaloosa	703		Seminole	1,233			
	Walton	136		Brevard	1,715			
2	Franklin	33	8	DeSoto	145			
	Gadsden	135		Glades	46			
	Jefferson	39		Hendry	166			
	Leon	703		Lee	2,012			
	Liberty	21		Charlotte	1,992			
	Madison	56		Collier	685			
	Gulf	240		9	Palm Beach	3,922		
	Holmes	300	10		Broward	10,000		
	Jackson	260			11	Miami-Dade	7,627	
	Washington	210				Monroe	1,746	
	Taylor	58				12	Flagler	137
	Wakulla	69					Volusia	2,273
	Bay	1,550				13	Citrus	159
	Calhoun	220		Hernando			550	
3	Alachua	1,364	Lake	900				
	Bradford	133	Sumter	200				
	Dixie	70	Marion	1478				
	Gilchrist	75	14	Hardee	12			
	Levy	170		Highlands	1,147			
	Putnam	380		Polk	1,000			
	Union	64		15	Indian River	457		
	Columbia	87			Martin	593		
	Hamilton	32	Okeechobee		N/A			
	Lafayette	9	St. Lucie		525			
Suwannee	60	Suncoast	Hillsborough		8,000			
4	Duval	2,122	Manatee	2,047				
	Baker	N/A	Pinellas	3,700				
	Clay	N/A	Pasco	2,886				
	Nassau	N/A	Sarasota	1,264				
	St. Johns	991						

TOTAL HOMELESS.....76,675

Source: *Annual Report on Homeless Conditions in Florida, FY 2002-2003*
Department of Children and Families, June 2004.

Appendix 2

Council on Homelessness Budget Recommendations for FY 2005/2006

Recommendation 1

Increase the Challenge, Homeless Housing Assistance, and the Emergency Financial Assistance for Housing Program grants by 25% over the current year spending levels.

<u>Program</u>	<u>FY2004/2005</u>	<u>25% Increase</u>	<u>FY2005/2006</u>
Challenge Grant	\$2,116,025	\$529,006	\$2,645,031
Homeless Housing	\$5,000,000	\$1,250,000	\$6,250,000
EFAHP	\$1,800,000	\$450,000	\$2,250,000

Rationale

Challenge Grant. The recommendation seeks an increase in General Revenue dollars of \$529,006 to support these grants to implement the local homeless assistance service continuum of care plans. The designated lead agencies of the continuum planning efforts are the eligible applicants.

In the first three years of this program, the lead agencies have requested \$14.96 million in Challenge Grants in the competition for \$9.7 million in funds available. Grants have been awarded to help carry out services to implement 21 of the 25 recognized continuums of care. Two new continuums have been recognized in 2004/2005, and are expected to compete for Challenge Grant awards.

In 2003/2004, the Challenge Grant supported local services and activities designed to serve an estimated 20,534 persons. Based on the 25 continuum of care plans, the total homeless population of individuals and persons in families with children is 65,429. Last year, the Challenge Grant was able to serve just 30% of the total homeless persons.

The 25 percent increase is needed to support services to more homeless persons, and to implement more of the unmet needs in the 27 local homeless assistance plans.

Homeless Housing Assistance Grant The Council recommends that the funding be increased by \$1,250,000 for these grants to build or repair housing for the homeless. The grant is funded by transfers from the Local Government Housing Trust Fund at the Florida Housing Finance Corporation. Projects to build housing for the homeless shall be consistent with the local homeless continuum of care plan. The additional funding should support the creation of 85 to 100 new units of housing for the homeless.

In the first three years of the grant competition, applications for the homeless housing grants exceeded \$32.9 million. Funding totaled \$15.0 million in the grants over 3 years. Projects assisted in this period have provided 1,188 units of housing.

According to the 25 Continuum of Care plans filed in 2003, there is a total unmet need of 31,008 units or beds in Florida. This reflects the need for both transitional and permanent housing. Clearly the demand far exceeds the supply being assisted by the Homeless Housing Assistance grant.

Projects being assisted by the program are leveraging other federal grants and private sector financing at a rate of 2:1. The increased state grant can be expected to generate an additional \$2.5 million in other grant and private financing.

With an unmet demand for housing the homeless at over 31,000 units in Florida, the recommended 25 percent increase in this housing assistance grant is warranted for a program that successfully leverages other financing to build housing for the homeless.

Emergency Financial Assistance for Housing Program. The Council proposes to increase this grant by 25 percent to help families with minor children who are facing the loss of their housing due to financial emergencies or natural disaster events making their homes uninhabitable. The program is jointly funded by transfers from the federal welfare trust fund (TANF) and the Local Government Housing Trust Fund. The increase would require an additional \$225,000 from each source. Under current rules setting forth the limit on the emergency assistance, another 1,125 families could be assisted annually to help them stay housed.

Demand for the emergency assistance exceeds the available cash. For example, in 2002/2003, the program received 8,130 applications. With the funds available, only 3,841 families could be assisted.

The Council supports a stronger commitment to homeless prevention assistance. With almost 30 percent of the state's homeless population experiencing homelessness for the first time, increased spending authority for programs to help keep people housed are a cost-effective approach to reducing the scope of homelessness in Florida.

Recommendation 2

Restore the Transition Planning Specialist positions (52 FTEs) to the Department of Corrections, providing a staff position at each of the DOC facilities to develop discharge or re-entry plans for all inmates being released.

	<u>FTE's</u>	<u>Estimated Budget</u>	<u>Source</u>
Transition Planning Specialist	52	\$3,200,000	General Revenue

Rationale

The state releases approximately 26,000 men and women from the Department of Correction facilities each year. Currently, the Department's classification release officer at each institution is responsible for transition planning for inmates released. A formal discharge plan is prepared for each inmate being released. Prior to release, the inmate completes a 100-hour comprehensive transition course, covering job readiness and life management skills. Further, funding has been available to support up to 800 transitional housing beds for inmates to access after release.

In 2001/2002, the additional transition planning specialist positions were funded in the budget. Continued funding for the positions will help to improve the pre-release planning to help ensure the inmate can successful re-enter community life. A successful discharge plan needs to ensure that the men and women have stable housing to go to on release, and can avoid being discharged to the street and homelessness.

The re-establishment of the transition planning program at Corrections may position Florida to compete well for the \$300 million Prisoner Re-Entry Initiative being developed by the Employment and Training

Administration at the U.S. Department of Labor. This initiative will help ex-offenders find jobs and stay employed, obtain transitional housing, receive mentoring and referrals to other supportive services. This federal initiative involves Labor, Justice, Housing and Urban Development, and Health and Human Services.

Recommendation 3

The Homeless Housing Assistance Grant appropriation category should be changed to a “Fixed Capital Outlay” category from the current “Special Assistance, Grants and Aid” category.

Rationale

The purpose of the Homeless Housing Assistance grant is to construct housing for persons who are homeless. As a construction activity, the purpose meets the intent for a fixed capital budget appropriation. The program is budgeted as a Special Category: Grant and Aid line item. This allows the grant to be obligated and expended in the 12 months of the state fiscal year. The fixed Capital budget provides more time to obligate and expend the appropriation.

The additional time allowed to complete the project construction under a fixed capital appropriation will provide more flexibility to the local project sponsor to physically complete the construction. Given the lead time needed to competitively award the grants and execute grant agreements, no more than six months is left for actual construction. Additional time would enable the project sponsor to also more effectively leverage the state grant as match for federal sources, increasing leverage ratios for the program.

The Council has made this recommendation each year since the program’s inception to maximize the program flexibility with the local project sponsors.

**Adopted by Council on Homelessness
July 29, 2004**

Appendix 3

Proposed Legislative Initiatives

The Council on Homelessness has developed a strategic plan to reduce homelessness in Florida, and to guide the work of the Council. The plan includes an objective to increase the supply of housing available to serve the homeless, and those who are at risk of becoming homeless. This objective mirrors the federal government's goal to create 150,000 units of housing to serve the chronically homeless population by 2012, to effectively end chronic homelessness.

The Council proposes the following legislative actions for adoption to enhance the state's existing affordable housing program's ability to serve homeless tenants, and provide a new state resource to promote housing for the homeless. The State Apartment Incentive Loan program provides for funding to be reserved for housing proposals that target persons who are homeless as a tenant group. The following two proposals are intended to enhance the effectiveness of the program in financing such homeless housing projects.

1. Amend the enabling statute in section 420.5087, F.S, for the State Apartment Incentive Loan program to provide that projects which reserve 50% of the units for occupancy by homeless persons qualify for a loan with an interest rate of 0%.

Homeless tenants typically have very low levels of income by which to pay rent. Some have rental assistance subsidies to help cover rent or utilities. Projects which primarily serve this tenant group have limited income capacity to cover operating cost. A favorable loan rate will reduce the debt service costs of operating the apartments, which will enhance the viability of housing for the homeless.

2. Amend the enabling statute for the State Apartment Incentive Loan program to provide flexibility to the Florida Housing Finance Corporation to structure the loan terms for housing projects targeted to serve the homeless.

Specifically, the Corporation should be given the ability to structure the loans for homeless projects owned by non-profit organizations as forgivable in year 16 of the loan term, as it is unrealistic to expect such homeless housing projects can generate operating income to repay the loan. Alternatively, the Corporation could require repayment of the loan only if the non-profit entity sells the property, or if it ceases to operate the project to serve the persons who are homeless.

Land is becoming increasingly more difficult and expensive to obtain to support housing for the homeless population. Land costs can be a significant barrier to developing new housing supply units for this extremely low income tenant group. A new state partnership role in helping address the land component of homeless housing is proposed.

3. Adopt state legislation, replicating the federal McKinney-Vento Act provisions regarding surplus property, to provide for preference in the disposition of state surplus lands to organizations that commit to reuse the property as a homeless housing site.

4. Local Funding Option for Homeless Services

The Council supports authorizing legislation that would give all counties more authority to create local funding initiatives, with the revenue generated targeted to and restricted to fund local mental health and homeless services.

The Council supports such optional revenue sources to help support critical services for the homeless.

5. Technical Amendment Package to Homeless Statutes.

A series of technical corrections and clarifications to the current authorizing statutes for homeless programs is recommended. These issues are cost neutral. The package addresses five issues.

- a) Amend section 420.622(2), Florida Statutes, creating the Council on Homelessness to change the name a statewide organization member to properly cite their legal name as the Florida Supportive Housing Coalition.
- b) Amend section 420.622(3), Florida Statutes to add the authorization for the Office on Homelessness to administer federal homeless assistance grants.
- c) Amend section 420.622(5), Florida Statutes, to clarify the allowable construction costs under the Homeless Housing Assistance Grant.
- d) Amend section 420.623(4), Florida Statutes, to change the date that the Department of Children and Families shall submit its annual report on homeless conditions in Florida from June 30 to December 31. The December date coincides with the date of the Council's report to the Governor and Legislature and a coordinated submission should enhance the usefulness of the two reports.
- e) Amend section 420.625(5), Florida Statutes, to require that the spending plans for the homeless grant-in-aid program are consistent with the local continuum of care plans, created pursuant to section 420.624, Florida Statutes.

6. Housing Status Information

In 2002, the Council identified the lack of service data on the extent to which benefits are being provided to homeless clients within state programs. Without this data, the Council is unable to assess how well existing state resources are being used by the homeless. The Council recommends adding authorizing language in section 420.627, F.S. (new), to require that state agencies collect homeless service information and submit that information to the Office on Homelessness. Specifically, the data sought is the housing status of the person(s) that applies for or receives state benefits at the point that person enters the state program.

7. Guiding Principles on Criminal Law Applications to Homelessness

The Florida Council on Homelessness is established by state law to develop policy and provide advice on serving the needs of the homeless, eliminating chronic homelessness, and offering guidance to agencies and organizations in dealing with issues related to homelessness. The Council recognizes abundant research and direct Florida experience indicating that the causes of homelessness are based on some complex economic factors including a lack of available supportive housing, treatment, outreach, adequate employment, and income supports needed to address personal financial, psychological, medical and other basic human needs. The Council also recognizes that none of these needs are directly resolved by criminal law responses, yet a growing number of local communities and

proposals to the Florida Legislature seemingly are attempting to create and/or enforce criminal law responses to essentially social/economic problems.

While not undertaking to analyze and offer recommendations/positions on any or all specific legislative proposals, the Council instead offers the following guiding principles for use by legislators, local elected officials, other policy-makers and law enforcement agencies in considering and applying criminal law in responding to homelessness:

1. No one should be cited, arrested, jailed or otherwise punished for performing actions in public that are normal and necessary to daily living and life sustaining activities, such as eating, sitting, standing, personal hygiene, sleeping or similar activities if he or she has no other safe and appropriate personal space to perform such activities.
2. Absent a clearly articulated compelling public health and safety purpose, life sustaining activities should not be criminalized. If a criminal sanction must be considered to regulate certain behavior for such compelling reasons:
 - a) the initiative should be viewed as a last resort to be considered only after all other potential non-punitive remedies have failed;
 - b) the initiative should be very narrowly tailored to fulfill the compelling public purpose and not target a broader set of persons, locations, times or actions;
 - c) the initiative should be reviewed for facial constitutionality by reference to governing court decisions prior to enactment;
 - d) the cost of implementation and enforcement should be calculated and thoroughly compared with the cost of implementing alternatives.
 - e) the criminal sanction should not be drafted or selectively enforced so as to particularly target the homeless while permitting similar behavior by others, or be invoked only in connection with civic/commercial events, "sweeps" or other arbitrary criteria unrelated to the compelling public health and safety purpose.
3. Prior to any citation, arrest or incarceration for life-sustaining actions, law enforcement officers should first offer homeless persons meaningful access to appropriate housing and/or services as an alternative to any such punitive measure. In the event that an arrest is made, any personal property and documents seized as part of the arrest must be safeguarded and returned to the owner upon release and not discarded or forced to be abandoned when taken into custody.
4. All law enforcement officers should receive periodic training about the causes and effects of homelessness, appropriate responses to homelessness, and available services and resources in the community to serve homeless people. State and local homelessness services organizations, including faith-based and community-based organizations can and should be called upon to assist with such training, information-sharing and cooperative ongoing liaison with law enforcement agencies.

5. Law enforcement agencies should work closely with local homeless coalitions and other local entities coordinating the provision of housing and services to optimize the use of existing diversionary strategies as well as to develop and implement new strategies. Local homeless coalitions and other service providers assist and work collaboratively with law enforcement agencies in providing appropriate housing and other needed services to avoid application of criminal enforcement

Appendix 4

2004 Council Participants

Department of Children and Families

Cathleen Newbanks (Jan-Sept)
Steve Holmes (October)
Sylvia Bouton (Nov-Dec)

Department of Community Affairs

Marcus Hepburn
Sean Lewis

Department of Health

Richard Polangin
Kathy Winn

Department of Corrections

Mark Lazarus

Department of Veteran's Affairs

Barbara Harker

Florida Housing Finance Corporation

Steve Auger

Governor's Appointees

Bob Rogers
Lisa Kane DeVitto
Ju'Coby Pittman (Jan-Oct)
Bishop Thomas Wenski (Jan-Oct)
Sherry Burns (Nov-Dec)
Dr. Angie Su (Nov-Dec)

Florida Coalition for the Homeless

Greg Mellowe

Florida Supportive Housing Coalition

Maria Pellerin Barcus

Florida Rural Development Council

Nan Wheeler Brown (Jan-Oct)

Florida Association of Counties

Joyce Johnson-Carlson (Jan-Oct)
Karen Hawes (Nov-Dec)

Workforce Florida, Inc.

Mike Switzer