

Council on Homelessness

2005 Report



**Lucy Hadi
Secretary**

**Jeb Bush
Governor**

Council on Homelessness

2005 Report



**Submitted in December 2005
to
Governor Jeb Bush
Senate President Tom Lee
House Speaker Allen Bense
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CONTENTS

2005 Report and Recommendations.....	1
Appendix 1 - Homeless Population by County.....	10
Appendix 2 - Budget Recommendations for FY 2006-07.....	11
Appendix 3 - 2004 Council Legislative Recommendations.....	14
Appendix 4 - Council Members for 2005.....	18

Council on Homelessness 2005 Report and Recommendations

I. Overview

The Council on Homelessness continues to work on enhancing the state's partnership in the local homeless assistance and service networks. As a result of the continued state funding for targeted homeless services and housing programs, Florida's homeless providers succeeded in receiving over \$59 million in competitive homeless housing grants, the highest awards ever. Such aid is essential, especially given the impacts of the 2004 and 2005 hurricanes upon our state. Last year's storms reduced our supply of housing, creating new homeless households. Florida has also received evacuees from our neighboring states, which were impacted by Hurricanes Katrina and Rita, adding to the issue of homelessness in Florida. Wilma continued to add to the need.

The Council continues to focus on key areas of interagency coordination, improving access for the homeless to all state resources, strengthening state-local partnership, and developing proposals for state action to help reduce homelessness.

II. Florida's Homeless Situation

According to the 29 local homeless coalitions in Florida, it is estimated that 83,391 persons are homeless on any given night. This figure was impacted by the 2004 hurricanes that hit Florida, which destroyed over 20,000 homes, and caused major damage to another 45,000 homes. In hard hit areas of West Florida the homeless population was up by nearly 15,000, while the Charlotte County area reported an increase of over 2,800 persons homeless.

Florida's Homeless 2005	
Households with Children	38% of total homeless
Adult households	62% of total homeless
Children under age 18	25% of all homeless persons
Homeless for first time	45% of all homeless
Homeless less than 3 months	46% of all homeless

The 2005 hurricane season is adding to homelessness in Florida. Evacuees from hurricanes Katrina and Rita have taken up residence in Florida. Based on the data for the state's food stamp program in September, the number of homeless households was up by 2,610 over August recipients. For all food stamp recipients, the increase was over 23,640 households. Hurricane Wilma's impact on housing in South Florida is also taking its toll. With thousands of homes destroyed, and many more damaged so as to be uninhabitable, there will be new households facing homelessness.

Overall, the state's housing supply has taken a significant loss of stock, especially in the units at the lower end of the market in price and rent. The

cost of housing has risen with land, materials and labor all rising. Florida's affordable housing programs are impacted. Financial assistance programs that produced 15,000 units a year, are now able to only create 7,000 units with the same level of funding.

Today's housing markets are experiencing low vacancy rates. Rents have risen accordingly. Households that cannot keep current with rent or mortgage payments are facing quicker actions to evict or foreclose. Demand for emergency financial assistance to help avoid eviction is way up. Since July 1, 5,284 families had applied for state aid to help address their housing emergencies. The average monthly applications since July (1,321 families) is double the average number that applied in the first 6 months of 2005 (664 families per month). At these rates, the state's assistance budgeted to help these families will be expended by January 2006.

Homelessness is the result of the inability of the person or family to be able to afford a place to live. The loss of homes to the storms of the last two years has added to homelessness. The increased cost of housing continues to place more households in financial crisis, and at-risk of becoming homeless. Too often this impacts families with children.

Families with minor children make up over 38% of the total homeless population, with minor children representing 25% of the total number of persons experiencing homelessness.

For most experiencing homelessness, this was the first time that they were without a place to stay (45%). A similar percentage, 46% were homeless for less than three months. On the other hand, nearly one quarter of our homeless individuals have been on the streets or in shelters for over a year.

Florida's community based partners continue to plan, build and operate housing facilities to address this need. According to the local homeless assistance plans, a total of 40,906 housing units are in place or under development. These plans also project the need for another 33,443 housing units or beds for Florida.

<u>Types of Housing</u>	<u>Current Inventory</u>	<u>Under Development</u>	<u>Unmet Need</u>
Emergency Shelter	17,693	603	9,889
Transitional Housing	12,423	1,002	9,883
Permanent Housing	<u>7,592</u>	<u>1,593</u>	<u>13,671</u>
TOTALS	37,708	3,198	33,443

III. Council's Activities for 2005

During this year, the Council has focused its efforts in four primary areas.

- Inter-Agency Coordination
- Access to Mainstream Programs for the Homeless.
- State-Local Partnerships
- Guidance on Targeted Homeless Resources

Inter-Agency Coordination

Cooperative work agreements with the state agencies on the Council continue to be finalized. Joining Workforce Florida with a fully executed agreement was the Department of Community Affairs. Two more memoranda of understanding are pending signature with the Department of Corrections and the Florida Housing Finance Corporation. These agreements outline the commitments made to help improve how each agency can serve Florida's homelessness issues.

The Council has also provided input to other state task forces and commissions, to ensure that common issues are addressed. This has included the work of the Hurricane Housing Work Group, chaired by Lt. Governor Jennings, and the Governor's Ex-Offender Task Force. The Council recommended to the Hurricane Housing Work Group that the housing recovery effort focus on three needs. First was the need for rental subsidies to help households maintain their current housing where the person may have lost a job. Second is the need for up-front assistance to enable households to access housing by covering first and last month's rent, security deposits and utility connection fees. Finally, housing production programs to replace destroyed rental units is needed. The recommendations of the Work Group were responsive to these needs.

Members of the Council participated in the Strategic Planning workshop for the Department of Children and Families. Along with other statewide stakeholders, the Council was able to help guide and set priorities with Secretary Hadi for the upcoming fiscal year, and beyond.

Coordination with our federal partners was also addressed. The Council participated in a southeastern regional meeting with the U.S. Interagency Council on Homelessness. This session provided an opportunity to share best practices with other state councils, and to receive training on national models that are producing results in reducing homelessness.

Improving Access to Mainstream Programs

Again this year, a significant amount of time has been devoted to improving access to state and federal programs that can help serve the needs of persons experiencing homelessness. This has included the benefits available under the Social Security Administration for persons with disabilities, the state's emergency aid for families facing eviction, and the state's modernization of the eligibility determination process for food stamps, cash assistance and Medicaid.

With respect to the Social Security Administration programs, the state successfully competed to secure federal training and technical assistance on improving applications for disability determinations for the homeless. A two-day training and technical assistance session was held in November for a team of state and local agency representatives. The state will also receive train the trainer assistance, to enable on-going training across the state on

improving the disability application and the documentation needed to substantiate the disability conditions. Obtaining a quicker determination of disability will provide timely access to the SSI and SSDI benefits from Social Security, and access to Medicaid assistance.

The Council has continued to monitor and provide suggestions for enhanced operation of the Emergency Financial Assistance for Housing Program at the Department of Children and Families. This program helps families facing eviction, or who can no longer live in their home due to a disaster. The program was moved to the Office on Homelessness, and the program made full use of all FY 04/05 spending authority for families, while improving the timely decision on applications.

A third program focus has been the state's modernization of the eligibility determination for food stamps, cash assistance to needy families, and Medicaid. The Council continues to monitor the process to ensure that homeless persons are not disadvantaged in applying, and to promote the involvement of local homeless coalitions and service providers as community partners under the ACCESS system for on-line applications.

State-Local Partnerships

The enhanced capacity of the local partners to plan for and deliver services to the homeless is critical to the state's success in reducing homelessness. With the enhanced funding from the state, particularly in the Challenge and Homeless Housing Assistance grants, Florida's continuum of care planning areas have significantly improved their success in federal grant competitions. In January 2005, over \$59 million in federal homeless housing grants were awarded to Florida. This is the most funding in any given year that Florida has received. Having state funds available to match federal grants, as well as to build local capacity, contributed to this success.

In an on-going effort to build capacity, the Council has followed up on its participation in federal Homeless Policy Academies, to secure new training services for local homeless coalitions. The latest training will be provided on how to study and document the costs of homelessness to the community, and the benefits of homeless services.

Further, the Council has worked with Florida Coalition for the Homeless to improve the local data collection tool to enumerate the homeless population, and its characteristics. The revised short form core survey instrument was used in the January 2005 counts statewide. The resulting data collected met the required federal information, and assured more uniform reporting to the state across all coalitions.

Advice on Targeted Homeless Programs

Consistent with its legislative charge, the Council continues to work with the Office on Homelessness, providing advice and guidance on homeless programs. The Council has assisted in the following issues:

- Process by which to recognize local homeless coalitions
- Allocation process for coalition staffing grants
- State grant application instructions
- Grant award levels for the Challenge Grant

IV. Council's 2005 Recommendations

Budget for FY 2006/2007

The Council has reviewed the FY 05/06 budget adopted for the primary homeless assistance programs, and recommends the following programs for budget adjustments.

Agency	Program	Budget FY 05/06	Proposed FY 06/07
DCF	Homeless Challenge Grant	\$2,116,025	\$3,838,799
DCF	Homeless Housing Assistance Grant*	\$5,000,000	\$6,250,000
DCF	Emergency Financial Assistance for Housing	\$1,800,000	\$2,250,000
DOC	Transition Planning Specialist (52 FTE)	\$0.00	\$3,200,000

*Change from Special Category, Grant and Aid, to Fixed Capital Outlay.

These budget recommendations are detailed in Appendix 2 of this report.

Agency Program Improvements

In addition to the budget review, the Council also has recommendations to improve state agency service to address homelessness.

1. Department of Corrections.

Agreement with Social Security Administration to Assist Inmates in Applying for SSI/SSDI Benefits.

The Council recommends that the Department enter into an agreement with the Social Security Administration, and permit the medical staff at the correctional facilities to assist inmates in applying for disability income and insurance benefits. This would include doing the medical evaluation of the inmate, and providing that documentation needed to establish disability for these federal benefits. This effort, prior to the release of the inmate, will enhance the likelihood of the inmate having the assistance available upon his/her release.

The biggest barrier to a successful application for a disability determination is the lack of medical documentation of the disabling condition, and the person's ability to be employed given that disability. A typical application for a disability determination takes 18 months for an initial decision. If denied, appeals may take years. By improving the application at original submission with good medical evaluations and

documentation, the review process can be reduced by months. Having the disability determination approved prior to release enables the offender to receive the federal benefits immediately upon release, which can help make re-entry to the community successful.

2. Florida Housing Finance Corporation.

Targeting Special Needs Populations in the Universal Cycle, State Apartment Incentive Loan.

The Council proposes that the Florida Housing Finance Corporation award additional points, or otherwise give funding preference to projects that agree to set aside 15% of the project's units for special needs households with extremely low incomes (below 30% of area median income).

To qualify for one of the setaside units, a household would need to be a client in a local system of care, and be referred by a community service provider to the project, certifying that the household meets the special need category. The service provider would also enter into a memorandum of understanding with the housing property manager, agreeing to provide assistance to the household, if supportive services are needed.

Special needs households would include households with a member that has a long-term disability or impairment, as well as youth exiting foster care who are 18 to 23 years old at the time of initial occupancy. Both of these groups pose a high risk of becoming homeless.

Further, the Florida Housing Finance Corporation should establish a supportive housing coordinator to provide a single point of contact for landlords who agree to set aside units for special needs populations. This position could assist in helping ensure the community service provider supports the special need household during its tenancy at the project.

3. Department of Children and Families

Emergency Financial Assistance for Housing Program

The Council proposes that the agency initiate a rule change to increase the maximum level of assistance to a family in a housing crisis. The rule currently sets the maximum payment of \$400. This level is the maximum allowed to cover one month's rent or mortgage payment, or to cover a security deposit. The rule amendment should increase the maximum payment to a level that reflects current fair market rent levels in Florida. Further, the maximum assistance level should be indexed to increase by the change in the Consumer Price Index each year.

This proposal would improve the program's effectiveness in helping to resolve the family's housing crisis. The current \$400 limit would not

cover one month's rent for a family behind in their payment. As such, the program only can address a portion of a family's financial emergency, and the family must find other aid to avoid being evicted.

V. Legislative Proposal
Council on Homelessness Membership

The Council proposes that the enabling legislation in section 420.622, F.S. specifying the makeup and membership categories for the statewide Council be amended to:

- 1) Delete membership for the Florida State Rural Development Council, as this entity is no longer in existence.
- 2) Add a fifth member appointed by the Governor.
- 3) Add the Agency for Health Care Administration to the Council as the state agency administering the Medicaid program.
- 4) Add a qualification requirement to appointees of the Governor, to ensure such members have significant professional or volunteer experience related to homeless service or prevention.

These changes are proposed to improve the membership base on the Council, broaden areas of expertise, and remove a membership category that cannot be filled.

Appendix 3 details the Council's legislative proposal submitted in 2004. The Council reaffirms these recommendations for consideration in the 2006 session of the Legislature.

VI. Evaluation of the Office on Homelessness Executive Director

Mr. Pierce has done a very commendable job this year 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 nationwide.

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 won national recognition as a best practice last year.

A major notable challenge and achievement in the past year was the transfer of administrative responsibility for the EFAHP (Emergency Financial Assistance for Housing Program). The EFAHP program had been the object of widespread and sustained complaints for several years due to slow processing of applications, ineffective communications, declining applications due to frustration, under-expenditures despite unmet needs, and a general reputation for bureaucratic ineffectiveness. In January 2005 responsibility for operating the program was transferred by DCF leadership from another operational unit to the Office of Homelessness, headed by Tom Pierce. With the help of dedicated staff and energetic leadership, performance for the program turned around in months, eliminating the backlog, decreasing turn-around time, improving interactive communications with applicants/helpers, and ending the year "on the money" with all available funds distributed to those with emergency housing needs. Simultaneously the improved performance reputation of the program has generated a resurgence of applications, and the improved rate of utilization will provide a documented case of unmet needs justifying additional appropriations for the program.

Appendices

Appendix 1	Homeless Population by County
Appendix 2	Budget Recommendations for FY 2006-2007
Appendix 3	2004 Council Legislative Recommendations
Appendix 4	Council Members for 2005

Appendix 1
Homeless Population by County
 January 2005

<u>DCF District</u>	<u>Counties</u>	<u>Homeless Population</u>	<u>DCF District</u>	<u>Counties</u>	<u>Homeless Population</u>
1	Escambia	9100	8	DeSoto	136
	Santa Rosa	7363		Glades	7
	Okaloosa	1755		Hendry	218
	Walton	140		Lee	2056
2	Franklin	30	9	Charlotte	4793
	Gadsden	135		Collier	418
	Jefferson	42		Palm Beach	2697
	Leon	739		Broward	2286
	Liberty	22		Miami-Dade	5160
	Madison	56		Monroe	981
	Gulf	0		Flagler	181
	Holmes	0		Volusia	2486
	Jackson	0		Citrus	461
	Washington	6		Hernando	409
	Taylor	58		Lake	331
	Wakulla	78		Sumter	66
	Bay	1051		Marion	1954
Calhoun	0	14	Hardee	24	
3	Alachua		733	Highlands	508
	Bradford		133	Polk	749
	Dixie		70	15	Indian River
	Gilchrist	75	Martin		495
	Levy	380	Okeechobee		28
	Putnam	170	St. Lucie	676	
	Union	64	Suncoast	Hillsborough	8598
	Columbia	77		Manatee	1419
	Hamilton	18		Pinellas	3786
	Lafayette	10		Pasco	4194
Suwannee	47	Sarasota		431	
4	Duval	2911	<u>TOTAL HOMELESS</u>	<u>83,391</u>	
	Baker	0			
	Clay	78			
	Nassau	0			
	St. Johns	1000			
7	Orange	6500			
	Osceola	1000			
	Seminole	1300			
	Brevard	2300			

Source: Annual Report on Homeless Conditions in Florida 2005,
 Department of Children and Families, June 2005

Appendix 2
Council on Homelessness
Budget Recommendations for FY 2006-2007

Recommendation 1

Restore the Challenge Grant spending authority to its original FY 2001-2002 budget level of \$3,838,799.

<u>FY 05/06 Budget</u>	<u>Recommend FY 06/07</u>	<u>Increase</u>
\$2,116,025	\$3,838,799	\$1,722,774 (General Revenue)

Rationale

This program was reduced in spending authority in FY 03/04 due to budget constraints experienced across the state budget in General Revenue. The Challenge Grant is used to fund the homeless services prescribed in the local homeless continuum of care plans. Since 2001, the number of these local continuum of care plans has increased, and the coverage of the planning efforts has nearly doubled from 31 to 61 counties. The level of services needed to help Florida's homeless population, which is now estimated at 83,300 persons on daily basis, has risen as well.

In the four years of the program, the local homeless provider agencies have served over 90,000 persons. The Challenge Grant has helped implement 26 of Florida's 27 continuum of care plans for homeless services.

The increased funding will allow for more services to be provided at the local level. The result would be to increase the number of homeless persons served by 13,000 to 15,000 persons per year. A broader range of services could be supported, including homeless prevention aid and street outreach.

Recommendation 2

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

<u>Program</u>	<u>FY05/06</u>	<u>25% Increase</u>	<u>FY06/07 Recommended</u>
Homeless Housing	\$5,000,000	\$1,250,000	\$6,250,000 (Local Housing Trust Fund)
EFAHP	\$1,800,000	\$ 450,000	\$2,250,000 (Local Housing Trust Fund and TANF)

Rationale

Homeless Housing Assistance Grant. The Council proposes that the funding to build housing units for occupancy by homeless persons be increased by \$1,250,000. The grant program is funded by a transfer of funds from the Local Government Housing Trust Fund at the Florida Housing Finance Corporation to the Department of Children and Families. The increased funding is expected to support the construction of an estimated 85 to 100 units of housing.

In four years, the program has funded the development of 1,382 units of housing. Demand for the housing grants has exceeded over \$41 million in four years, with \$20 million available for grants. The grant funding provided has been leveraged by other federal grant and private financing at a ratio of two dollars of other funds to every dollar of state grant assistance.

Based upon the local homeless continuum of care plans in Florida, in 2004 there was an unmet need for transitional and permanent housing estimated at 33,698 beds.

Given the impacts of the 2004 hurricane season on Florida, where over 29,000 homes were destroyed, the demand for housing to serve the homeless has increased beyond the numbers estimated in 2004.

Emergency Financial Assistance for Housing. This program provides limited financial help to families with minor children, who are experiencing a housing crisis that could make the family homeless. In FY 2004/2005 the program exhausted its financial aid in 11 months. The program averaged aid to 450 families per month in FY 04/05.

The program is funded jointly from a transfer of Local Government Housing Trust Fund and Temporary Assistance for Needy Family sources. The increase in funding of \$450,000 will assist an additional 1,170 families. Given the unmet demand in FY 04/05 of between 500 and 600 applicants that were unable to be assisted in June 2005, plus the increased demand for assistance resulting from tighter housing markets due to hurricane damaged and destroyed housing statewide, the 25 percent increase in assistance is recommended.

Recommendation 3

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 400 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 keep 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 4

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 to 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
June 6, 2005

Appendix 3
Council's 2004
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 these 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 and chronic homelessness.

The Council proposes the following legislative proposals 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 contains provision for funding 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 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 to generate operating income that can 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 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 taxing initiatives, with the revenue generated targeted to and restricted to fund local mental health and homeless services, in addition to and above existing revenue sources.

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 (new), to require 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 the local continuum of care plans, created pursuant to section 420.624, Florida Statutes

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 provider assist and work collaboratively with law enforcement agencies in providing appropriate housing and other needed services to avoid application of criminal enforcement

Appendix 4
2005 Council Participants

<u>Council Member Organization</u>	<u>Represented by:</u>
Department of Children and Families	Steve Holmes Sylvia Bouton Kara Jenkins
Department of Community Affairs	Sean Lewis
Department of Health	Richard Polangin
Department of Corrections	Mark Lazarus
Department of Veteran's Affairs	Barbara Harker
Workforce Florida, Inc	Mike Switzer
Florida Housing Finance Corporation	Steve Auger
Florida Coalition for the Homeless	Greg Mellowe Rayme Nuckles
Florida Supportive Housing Coalition	Maria Barcus
Florida Association of Counties	Karen Hawes
Florida Rural Development Council	VACANT
Governor's Appointees	Lisa DeVitto Bob Rodgers Dr. Angie Su Sherry Burns