

## Assembly Bill No. 2972

### CHAPTER 1074

An act to add Section 11139.3 to the Government Code, and to amend Section 50801.5 of the Health and Safety Code, relating to discrimination.

[Approved by Governor September 29, 2002. Filed with Secretary of State September 29, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2972, Aroner. Discrimination: homeless youth.

(1) Existing law prohibits discrimination on the basis of age under any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

This bill would specify that the provision of housing for homeless youth, as defined, is authorized by the state, and shall not be considered age discrimination, notwithstanding any provision of state law or of local ordinances.

(2) Existing law establishes the Emergency Housing and Assistance Program and prohibits the program from conflicting with the federal Steward B. McKinney Homeless Assistance Act. It also requires the Department of Housing and Community Development to adopt regulations regarding the administration of the program and prohibits these provisions from being construed to preclude a provider of emergency shelter or transitional housing from restricting occupancy on the basis of sex or, in the case of an emergency shelter or transitional housing offered exclusively to persons 24 years of age or younger, on the basis of age.

The bill would make a conforming change.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Many runaway and homeless youth are living in the streets of the major urban centers of this state without adequate food, shelter, health care, or financial support. Many other youth are at risk of homelessness.

(b) Homeless youth, runaway youth, and youth at risk of homelessness often have a history of physical or sexual abuse at home, and of having been rejected or forced out of the parental home.



(c) There are many youth who have been emancipated from the foster care system who have neither the support of a family system nor a permanent living situation to support them as they transition into adulthood.

(d) The lack of affordable and available housing in this state is the primary barrier to these youth in completing an education, securing and maintaining employment, accessing health care, and making a successful transition to adulthood.

(e) While California has adopted legislation to assist youth under the age of 18 years, young adults are among the state's most underserved population.

(f) These youth urgently need specialized services to locate them, to assist them with their immediate survival needs, and to address their long-term need to reunite with their family or find a suitable home.

(g) Because many homeless youth have suffered from abuse by adults, these youth require housing and shelters separate from older adults.

(h) Due to the possibility that homeless youth will not seek housing, shelter, or assistance if they must share shelter space with older adults, and due to the difficulty of assessing potential abuse by adults, it will be impractical for providers to meet the objective of this act by interviewing applicants on an individual basis, and instead, age must be used as a criterion.

(i) This act establishes age as a criterion for participation in, and admission to, supportive housing for homeless youth and is intended to meet the exception set forth in paragraph (2) of subsection (b) of Section 6103 of Title 42 of the United States Code.

(j) This act will assist in implementing the Foster Care Independence Act of 1999 (Public Law 106-169), the Missing, Exploited, and Runaway Children Protection Act of 1999 (Public Law 106-71), and the Runaway and Homeless Youth Act (42 U.S.C. Sec. 5701 and following); and it will further the goals of the Independent Living Program described in Section 10609.4 of the Welfare and Institutions Code.

SEC. 2. Section 11139.3 is added to the Government Code, to read:

11139.3. (a) It is the policy of this state and the purpose of this section to facilitate and support the development and operation of housing for homeless youth.

(b) The provision of housing for homeless youth is hereby authorized and shall not be considered unlawful age discrimination, notwithstanding any other provision of law, including, but not limited to, Sections 51, 51.2, and 51.10 of the Civil Code, Sections 11135, 12920, and 12955 of this code, Chapter 11.5 (commencing with Section



50800) of Part 2 of Division 31 of the Health and Safety Code, and local housing or age discrimination ordinances.

(c) This section shall not be construed to permit discrimination against families with children.

(d) This section shall occupy the field of regulation of housing for homeless youth by any local public entity, including, but not limited to, a city, county, and city and county.

(e) For purposes of this section, the following definitions shall apply:

(1) “At risk of becoming homeless” means facing eviction or termination of one’s current housing situation.

(2) “Homeless youth” means either of the following:

(A) A person who is at least 18 years of age, but not older than 24 years of age, and meets one of the following conditions:

(i) Is homeless or at risk of becoming homeless.

(ii) Is no longer eligible for foster care on the basis of age.

(iii) Has run away from home.

(B) A person who is less than 18 years of age who is emancipated pursuant to Part 6 (commencing with Section 7000) of Division 1 of the Family Code and who is homeless or at risk of becoming homeless.

(3) “Housing for homeless youth” means emergency, transitional, or permanent housing tied to supportive services that assist homeless youth in stabilizing their lives and developing the skills and resources they need to make a successful transition to independent, self-sufficient adulthood.

SEC. 3. Section 50801.5 of the Health and Safety Code is amended to read:

50801.5. (a) The department shall adopt regulations for the administration of the Emergency Housing and Assistance Program. The regulations shall govern the equitable distribution of funds in accordance with the intent and provisions of this chapter, and shall ensure that the program is administered in an effective and efficient manner. The regulations shall provide for reasonable delegation of authority to designated local boards, ensure that local priorities and criteria are reasonably designed to address the needs of homeless people, and ensure that designated local boards meet reasonable standards of inclusiveness, accountability, nondiscrimination, and integrity.

(b) The regulations adopted pursuant to this section shall ensure that emergency shelter and services will be provided on a first-come-first-served basis for whatever time periods are established by the shelter. No individual or household may be denied shelter or services because of an inability to pay. Nothing in this provision shall be construed to preclude a shelter from accepting payment vouchers provided through any other public or private program so long as no



shelter beds are reserved beyond sundown for that purpose. Notwithstanding Section 11135 of the Government Code or any other provision of law, nothing in this section shall be construed to preclude a provider of emergency shelter or transitional housing from restricting occupancy on the basis of sex or, in the case of an emergency shelter or transitional housing offered exclusively to persons 24 years of age or younger pursuant to Section 11139.3 of the Government Code, on the basis of age. However, in the case of families, providers of emergency shelter or transitional housing shall provide, to the greatest extent feasible, adequate facilities within their range of services so that all members of a family may be housed together, regardless of age and gender.

