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HEALTH AND SAFETY CODE - HSC

DIVISION 31. HOUSING AND HOME FINANCE [50000 - 54913] (*Division 31 repealed and added by Stats. 1977, Ch. 610.*)

PART 1. STATE HOUSING POLICY AND GENERAL PROVISIONS [50000 - 50300] (*Part 1 added by Stats. 1977, Ch. 610.*)

CHAPTER 5. Homeless Emergency Aid Program [50210 - 50215] (*Chapter 5 added by Stats. 2018, Ch. 48, Sec. 2.*)

50210. For purposes of this chapter, the following definitions shall apply:

- (a) "Administrative entity" means a unit of general purpose local government or a nonprofit organization that has previously administered federal Department of Housing and Urban Development Continuum of Care funds as the collaborative applicant pursuant to Section 578.3 of Title 24 of the Code of Federal Regulations that has been designated by the continuum of care to administer program funds.
- (b) "Agency" means the Business, Consumer Services and Housing Agency.
- (c) "Council" means the California Interagency Council on Homelessness, formerly known as the Homeless Coordinating and Financing Council created pursuant to Section 8257 of the Welfare and Institutions Code.
- (d) "County" includes, but is not limited to, a city and county.
- (e) "Homeless" has the same meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations, as that section read on May 1, 2018.
- (f) "Homeless point-in-time count" means the 2017 homeless point-in-time counts pursuant to Section 578.3 of Title 24 of the Code of Federal Regulations.
- (g) "Program" means the Homeless Emergency Aid program established pursuant to this chapter.

(Amended by Stats. 2021, Ch. 398, Sec. 1. (AB 1220) Effective January 1, 2022.)

50211. (a) The Homeless Emergency Aid program is hereby established for the purpose of providing localities with one-time flexible block grant funds to address their immediate homelessness challenges.

(b) The agency, in consultation with the council, shall administer the program, which shall provide block grant funds.

(c) The agency's decision to approve or deny an application and the determination of the amount of funding to be provided shall be final.

(d) The agency shall maintain records of the following:

- (1) The number of applications for program funding received by the agency.
- (2) The number of applications for program funding denied by the agency.
- (3) The name of each recipient of program funds.

(e) In administering this chapter, the agency shall not be subject to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(Added by Stats. 2018, Ch. 48, Sec. 2. (SB 850) Effective June 27, 2018.)

50212. (a) In order to be eligible for program funds, an administrative entity shall demonstrate the following:

- (1) Except as otherwise provided in subdivision (b), the jurisdiction or jurisdictions that the administrative entity represents for which funding is requested have, at the time of the award, declared a shelter crisis pursuant to Chapter 7.8 (commencing with Section 8698) of Division 1 of Title 2 of the Government Code.

(2) The applicants within the administrative entity have collaborated in its application, and have committed to future collaboration, with other city, county, or nonprofit partners. Recipients may submit a regional plan.

(b) Notwithstanding subdivision (a), an administrative entity representing cities and counties included in the three groupings with the lowest three homeless point-in-time count thresholds pursuant to Section 50213 may submit a waiver for the requirement for a declaration of a shelter crisis, as required by paragraph (1) of subdivision (a). Upon approval by the agency during a given round of awards, a city, county, or city that is also a county shall be eligible to receive program funds through the administrative entity.

(Added by Stats. 2018, Ch. 48, Sec. 2. (SB 850) Effective June 27, 2018.)

50213. (a) (1) Upon appropriation by the Legislature, two hundred fifty million dollars (\$250,000,000) shall be distributed in accordance with this subdivision.

(2) The agency shall allocate the following amounts to administrative entities according to the following groupings based on homeless population:

(A) To administrative entities with a homeless point-in-time count of over 20,000 persons, forty million dollars (\$40,000,000).

(B) To administrative entities with a homeless point-in-time count between 4,000 and 19,999 persons, sixty million dollars (\$60,000,000).

(C) To administrative entities with a homeless point-in-time count between 2,500 and 3,999 persons, thirty million dollars (\$30,000,000).

(D) To administrative entities with a homeless point-in-time count between 1,800 and 2,499 persons, forty-eight million dollars (\$48,000,000).

(E) To administrative entities with a homeless point-in-time count between 1,500 and 1,799 persons, eighteen million dollars (\$18,000,000).

(F) To administrative entities with a homeless point-in-time count between 1,000 and 1,499 persons, thirty-two million dollars (\$32,000,000).

(G) To administrative entities with a homeless point-in-time count between 750 and 999 persons, twelve million dollars (\$12,000,000).

(H) To administrative entities with a homeless point-in-time count between 250 and 749 persons, seven million dollars (\$7,000,000).

(I) To administrative entities with a homeless point-in-time count of less than 250 persons, two million dollars (\$2,000,000).

(J) The agency shall set aside funds for each administrative entity grouping with the funds available for each grouping to be divided equally among administrative entities within that grouping.

(K) Up to one million dollars (\$1,000,000) shall be available for the agency to administer the program.

(b) Upon appropriation by the Legislature, the agency shall allocate one hundred million dollars (\$100,000,000) in program funding to each administrative entity in an amount calculated based on the administrative entity's proportionate share of total homeless population based on the 2017 homeless point-in-time count.

(c) (1) Upon appropriation by the Legislature, the agency shall proportionately allocate one hundred fifty million dollars (\$150,000,000) in program funding to each city or city that is also a county that meets both of the following requirements:

(A) Has a population as of January 1, 2018, of 330,000 or more, according to the data published on the Department of Finance's Internet Web site.

(B) Has, at the time of the award, declared a shelter crisis pursuant to Chapter 7.8 (commencing with Section 8698) of Division 1 of Title 2 of the Government Code.

(2) Any allocations pursuant to this subdivision shall be in an amount calculated based on the proportionate share of the total homeless population of the administrative entities, in which a recipient city or city that is also a county is included, based on the

2017 homeless point-in-time count. If more than one recipient within the administrative entity meets the requirements of paragraph (1), the proportionate share of funds shall be equally allocated to those jurisdictions.

(d) Applications for the first round of awards shall be submitted to the agency on or before December 31, 2018. The agency shall verify whether each funding request meets the minimum criteria established by this chapter and make awards on a continuous basis based on that criteria, but no later than January 31, 2019.

(e) (1) If, after the first round of awards pursuant to this section, not all funds have been claimed by all administrative entities, the agency shall set aside any remaining funds for a second round of awards.

(2) Applications for the second round of awards shall be submitted to the agency on or before April 30, 2019. The agency shall verify whether each funding request meets the minimum criteria established by this chapter and make awards on a continuous basis based on that criteria, but no later than May 31, 2019. Any qualifying administrative entity may apply for funds available in the second round of awards.

(f) If, after the second round of awards pursuant to subdivision (d), not all funds have been claimed by all administrative entities, the agency shall, no later than June 15, 2019, work with the Department of Finance to identify an appropriate allocation methodology for a third round of awards, or determine if any unallocated funds should revert to the General Fund. The allocation methodology or reversion to the General Fund shall be approved by the Department of Finance with notification provided to the Joint Legislative Budget Committee.

(Added by Stats. 2018, Ch. 48, Sec. 2. (SB 850) Effective June 27, 2018.)

50214. (a) Program funds shall be expended on one-time uses that address homelessness, including, but not limited to, prevention, criminal justice diversion programs to homeless individuals with mental health needs, and emergency aid.

(b) No more than 5 percent of programs funds may be used for administrative costs related to the execution of eligible activities. For purposes of this subdivision, "administrative costs" does not include staff costs directly related to carrying out the eligible activities pursuant to subdivision (a). Program funds shall not be used for overhead or planning activities.

(c) An administrative entity shall use no less than 5 percent of its total allocation to establish or expand services meeting the needs of homeless youth or youth at risk of homelessness.

(Amended by Stats. 2019, Ch. 497, Sec. 168. (AB 991) Effective January 1, 2020.)

50215. (a) (1) No later than January 1, 2020, each recipient of program funds shall submit to the agency a report, on a form provided by the agency, pertaining to contract expenditures, the number of homeless individuals served by program funds, and progress toward state and local homelessness goals.

(2) The agency may request additional information, as needed, to meet other applicable reporting or audit requirements.

(b) (1) Not less than 50 percent of program funds shall be contractually obligated by January 1, 2020.

(2) One hundred percent of program funds shall be contractually obligated by June 30, 2021. Any funds not expended by that date shall be returned to the agency and revert to the General Fund.

(c) The agency may monitor expenditures and activities of an administrative entity, as the agency deems necessary, to ensure compliance with program requirements.

(d) The agency may, as it deems appropriate or necessary, request the repayment of funds from an administrative entity, or pursue any other remedies available to it by law for failure to comply with program requirements.

(Added by Stats. 2018, Ch. 48, Sec. 2. (SB 850) Effective June 27, 2018.)