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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 HOUSING AND HOME FINANCE [50000 - 54913] (*Division 31 repealed and added by Stats. 1977, Ch. 610.)*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 2. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT [50400 - 50899.7] (*Heading of Part 2 amended by Stats. 1981, Ch. 996.)*

CHAPTER 19. California Emergency Solutions Grants Program [50899.1 - 50899.7] (*Chapter 19 added by Stats. 2016, Ch. 32, Sec. 72.)*

50899.1. This chapter may be cited as the California Emergency Solutions Grants Program and the Federal Emergency Solutions Grants Program.

(Amended by Stats. 2022, Ch. 70, Sec. 36. (SB 197) Effective June 30, 2022.)

50899.2. The California Emergency Solutions Grants Program and the Federal Emergency Solutions Grants Program shall be administered by the California Department of Housing and Community Development.

(Amended by Stats. 2022, Ch. 70, Sec. 37. (SB 197) Effective June 30, 2022.)

50899.3. The following definitions shall apply to all activities conducted pursuant to this chapter:

- (a) "Department" means the California Department of Housing and Community Development.
- (b) "Homelessness" means the same as defined by the United States Department of Housing and Urban Development in the federal Emergency Solutions Grants Program at Section 576.2 of Title 24 of the Code of Federal Regulations.
- (c) "Continuum of care" means the same as defined by the United States Department of Housing and Urban Development at Section 586.2 of Title 24 of the Code of Federal Regulations.
- (d) "Continuum of care service area" means the entire geographic area within the boundaries of a continuum of care.
- (e) "Subrecipient" means an entity that enters into a written agreement with the department to implement activities pursuant to this chapter.
- (f) "California ESG Regulations" means the regulations set forth in Section 8400 and following of Title 25 of the California Code of Regulations, pertaining to the administration of the Federal Emergency Shelter Grants Program.
- (g) "Federal ESG Program" means collectively the California ESG Regulations, or the California ESG Guidelines adopted pursuant to this chapter, or both, and the federal laws in connection with which the California ESG Regulations were adopted, including Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. Secs. 11371-11378, incl.), and any amendments thereto, the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 (42 U.S.C. Secs. 11302-11304, incl. and 11360-11378, incl.), and any amendments and any implementing federal regulations thereto.

(Amended by Stats. 2022, Ch. 70, Sec. 38. (SB 197) Effective June 30, 2022.)

50899.4. Funding for the California Emergency Solutions Grants Program and the Federal Emergency Solutions Grants Program shall be made available upon appropriation to the department for the purpose of addressing the crisis of homelessness in California. In furtherance of this purpose, the department shall make grants to qualifying subrecipients throughout the state to implement activities that address the needs of homeless individuals and families and assist them to regain stability in permanent housing as quickly as possible. Funded activities may include without limitation activities eligible under the Federal ESG Program, including (a) engaging homeless individuals and families living on the street; (b) operating homeless shelters and providing essential services to shelter residents; (c) rapidly rehousing homeless individuals and families; and (d) preventing families and individuals from becoming homeless. In addition, the California Emergency Solutions Grants Program and the Federal Emergency Solutions Grants Program may facilitate technical assistance activities to improve the capacity of subrecipients and the continuum of care to end

homelessness. The department may accept funding for the Federal ESG Program made available by the United States Department of Housing and Urban Development pursuant to federal regulations and California guidelines.

(Amended by Stats. 2022, Ch. 70, Sec. 39. (SB 197) Effective June 30, 2022.)

50899.5. Any moneys appropriated and made available for the purposes of this chapter, and all moneys received by the department pursuant to this chapter, shall be used for the purposes of this chapter, including the administration of the California Emergency Solutions Grants Program and the Federal Emergency Solutions Grants Program. The administrative expenses of the department in administering the California Emergency Solutions Grants Program and the Federal Emergency Solutions Grants Program shall not exceed 5 percent of the funds appropriated for the purposes of this chapter. Notwithstanding any other provision of law, the department may provide an additional amount, not to exceed 5 percent of the moneys appropriated and made available for the purposes of this chapter, for technical assistance to subrecipients and continuums of care to develop, implement, carry out, or improve implementation of activities pursuant to this chapter. Notwithstanding any other provision of law, the department may also allocate an amount, not to exceed 5 percent of the funding provided to a subrecipient, for the general administration costs of those subrecipients that are cities, counties, or other political subdivisions of the State of California, in furthering the purposes of this chapter. Administrative funding for the Federal ESG Program shall be in accordance with federal regulations.

(Amended by Stats. 2022, Ch. 70, Sec. 40. (SB 197) Effective June 30, 2022.)

50899.6. The California Emergency Solutions Grants Program and the Federal Emergency Solutions Grants Program generally will be administered by the department in a manner consistent with the Federal ESG Program. However, the department may administer the California Emergency Solutions Grants Program differently from the Federal ESG Program, and include such modifications as the department may determine are necessary to address the purposes of this chapter or to improve the effectiveness or efficiency of the California Emergency Solutions Grants Program and the Federal Emergency Solutions Grants Program, including but not limited to:

(a) The participation of all continuum of care service areas within California, using a formula distribution that reflects the entire continuum of care service area.

(b) The modification of formula factors in the Federal ESG Program for use in the California Emergency Solutions Grants Program.

(Amended by Stats. 2022, Ch. 70, Sec. 41. (SB 197) Effective June 30, 2022.)

50899.7. (a) The department shall review, adopt, amend, and repeal guidelines to implement this chapter. Any guidelines adopted to implement this chapter shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. In the event of any inconsistency between such guidelines or terms and the Federal ESG Program, the guidelines shall prevail for the purposes of this chapter.

(b) Notwithstanding any other law, in order to implement this chapter, the department may adopt guidelines to replace the California ESG Regulations set forth in Subchapter 20 of Chapter 7 of Division 1 of Title 25 of the California Code of Regulations. Any guideline, rule, policy, or standard of general application employed by the department in implementing this chapter shall not be subject to the requirements of 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). The department shall convene a stakeholder process to inform the development of guidelines for the implementation of the program pursuant to this chapter no later than September 1, 2023. Until guidelines are adopted, the department shall administer the program pursuant to adopted regulations.

(c) Upon adoption of guidelines, previously adopted regulations are repealed. The repeal of previously adopted regulations pursuant to this section shall not be subject to the requirements of 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).

(Amended by Stats. 2022, Ch. 70, Sec. 42. (SB 197) Effective June 30, 2022.)