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## AB-2802 Transitional housing placement providers. (2023-2024)

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### Assembly Bill No. 2802

#### CHAPTER 245

An act to amend Section 1559.110 of the Health and Safety Code, relating to foster youth.

[ Approved by Governor September 14, 2024. Filed with Secretary of State September 14, 2024. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2802, Maienschein. Transitional housing placement providers.

Existing law, the California Community Care Facilities Act, requires the State Department of Social Services to license and regulate transitional housing placement providers pursuant to the act. Under existing law, a transitional housing placement provider is an organization licensed by the department to provide transitional housing to foster children at least 16 years of age and not more than 18 years of age and to nonminor dependents to promote their transition to adulthood. Existing law requires a transitional housing unit to include, among other things, a host family certified by a transitional housing placement provider or other designated entity, as prescribed. Existing law requires the department to adopt regulations governing transitional housing placement living arrangements requirements for minors and nonminor dependents, as prescribed. Under existing law, a violation of the act is a misdemeanor.

This bill would require those regulations to include allowing a minor or nonminor dependent participant to share a bedroom or unit in a transitional housing placement with a nonparticipant roommate, sibling, or coparent, as specified. The bill would also require the regulations to allow a minor or nonminor dependent participant to share their living arrangement with another participant, including a participant sibling or coparent, as specified. The bill would require the regulations to require counties and program contracts to allow individual program participants and individuals sharing their living arrangements to share bedrooms, bathrooms, and units together, regardless of gender identity and would require county program contracts to allow providers and participants to make best matches to allow for gender flexibility. The bill would authorize the department to implement, interpret, or make specific the requirements of the bill by means of all-county letters or similar instructions from the department until regulations are adopted. By changing requirements for transitional housing placement program providers, a violation of which would be a crime, and by increasing related county duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 1559.110 of the Health and Safety Code is amended to read:

**1559.110.** (a) (1) The State Department of Social Services shall license transitional housing placement providers pursuant to this chapter.

(2) A transitional housing placement provider may operate either of the following programs, as described in Section 16522.1 of the Welfare and Institutions Code:

(A) A Transitional Housing Placement program for participants who are minor foster children.

(B) A Transitional Housing Placement program for participants who are nonminor dependents.

(3) Before licensure, a transitional housing placement provider shall obtain program certification from the applicable county, in accordance with Section 16522.1 of the Welfare and Institutions Code. For purposes of this paragraph, "applicable county" means the county in which the administrative office or subadministrative office of a transitional housing placement provider is located, or a primary placing county.

(b) Transitional housing placement providers shall provide supervised transitional housing services to foster children who are at least 16 years of age.

(c) Transitional housing placement providers shall certify that housing units are adequate, safe, and sanitary.

(d) Transitional housing units shall include any of the following:

(1) A host family with whom a participant lives in an apartment, single-family dwelling, or condominium owned, rented, or leased by the host family, with supervised transitional housing services provided by the licensed transitional housing placement provider.

(A) For a transitional housing placement program serving minor foster children, the host family shall be certified by a transitional housing placement provider.

(B) (i) For a transitional housing placement program serving nonminor dependents, the host family may be a certified family home approved by a foster family agency and concurrently certified pursuant to subparagraph (A) of paragraph (4) of subdivision (a) of Section 1506, a resource family approved by a foster family agency pursuant to Section 16519.5 of the Welfare and Institutions Code and concurrently certified pursuant to subparagraph (A) of paragraph (4) of subdivision (a) of Section 1506, a resource family approved by a county pursuant to Section 16519.5 of the Welfare and Institutions Code, a licensed foster family home, an approved relative caregiver, or a nonrelative extended family member of a participant.

(ii) A resource family, licensed foster family home, certified foster home, approved relative caregiver, or nonrelative extended family member operating as a host family pursuant to clause (i) does not require additional certification by the transitional housing placement provider pursuant to subdivision (c).

(2) A staffed site in which a participant lives in an apartment, single-family dwelling, or condominium owned, rented, or leased by a transitional housing placement provider either with an adult employee of the provider who provides supervision or in a building in which one or more adult employees of the provider reside and provide supervision.

(3) A remote site in which a participant lives independently in an apartment, single-family dwelling, or condominium owned, rented, or leased by a transitional housing placement provider under the supervision of the provider if the department provides approval. The remote site shall only be available to nonminor dependents.

(e) (1) A transitional housing placement provider may cosign a lease with a nonminor dependent as specified by the department.

(2) A participant shall not be permitted to solely sign a rental or lease agreement.

(f) A transitional housing placement provider's plan of operation shall include a program statement. The program statement shall contain a description of the core services and supports, as set forth in paragraph (5) of subdivision (b) of Section 11463 of the Welfare and Institutions Code, and as prescribed by the department, to be offered to participants, as appropriate or as necessary.

(g) (1) The department shall adopt regulations to govern transitional housing placement providers licensed pursuant to this section.

(2) The regulations shall be age appropriate and recognize that nonminor dependents who are about to exit from the foster care system should be subject to fewer restrictions than those who are foster children. At a minimum, the regulations shall provide for all of the following:

(A) Require programs that serve both minor foster children and nonminor dependents to have separate rules and program design, as appropriate, for these two groups of youth.

(B) Allow nonminor dependents to have the greatest amount of freedom possible in order to prepare them for their transition to adulthood, in accordance with paragraph (1) of subdivision (b) of Section 1502.7.

(C) Maintain a program staffing ratio for minor foster children of case manager to participant not to exceed 1 to 12, inclusive.

(D) Maintain a program staffing ratio for nonminor dependents of case manager to participant not to exceed a shared average caseload of 1 to 12, inclusive, with a designated lead case manager assigned to each youth.

(E) Allow a nonminor dependent participant to share a bedroom or unit in a transitional housing program with any of the following persons:

(i) Another participant, including a participant sibling or coparent, as approved by the provider.

(ii) A participant in Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, as approved by the provider.

(iii) A nonparticipant roommate, sibling, or coparent, as approved by the provider on a case-by-case basis, as specified by the department.

(I) A provider shall give priority to program participants.

(II) A provider shall allow a current program participant residing within a unit to reject inclusion of a nonparticipant into their existing unit.

(iv) The participant's children.

(v) Any other person as specified by the department.

(F) Allow a minor participant to share a bedroom or unit in a transitional housing placement with any of the following persons:

(i) Another participant, including a participant sibling or coparent, as approved by the provider.

(ii) A participant in Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, as approved by the provider.

(iii) The participant's children.

(iv) A nonparticipant roommate, sibling, or coparent, as approved by the provider on a case-by-case basis, as specified by the department.

(I) A provider shall give priority to program participants.

(II) A provider shall allow a current program participant residing within a unit to reject inclusion of a nonparticipant into their existing unit.

(v) Any other person as specified by the department.

(G) Any adult who is not a participant, including participants in Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, and who resides with a participant shall obtain a criminal record clearance or exemption in accordance with Section 1522.

(H) All counties and program contracts shall allow individual program participants and individuals described in subparagraphs (E) and (F) to share bedrooms, bathrooms, and units together, regardless of gender identity. County program contracts shall allow providers and participants to make best matches to allow for gender flexibility.

(h) (1) A program manager for a Transitional Housing Placement program for nonminor dependents shall have a master's degree or higher from an accredited or state-approved graduate school, or equivalent education and experience, as determined by the department.

(2) A person who possesses a master's degree or higher from an accredited or state-approved graduate school in any of the following areas, or equivalent education and experience, as determined by the department, shall be considered to be qualified to perform program manager activities in a Transitional Housing Placement program for nonminor dependents:

(A) Marriage, family, and child counseling.

(B) Child psychology.

(C) Child development.

(D) Counseling psychology.

(E) Social psychology.

(F) Clinical psychology.

(G) Educational psychology.

(H) Education, with emphasis on counseling.

(I) Social work or social welfare.

(J) An area that includes the counseling or psychotherapy content required for licensure as a Licensed Professional Clinical Counselor, as specified in Sections 4999.32 and 4999.33 of the Business and Professions Code.

(K) A subject area that is functionally equivalent to those listed in subparagraphs (A) to (J), inclusive, as set forth by the department.

(i) (1) (A) In addition to the degree specifications in subdivision (h), a program manager for a Transitional Housing Placement program for nonminor dependents shall have a minimum of two years' experience in a public or private child welfare social services setting or specific experience working with transition age youth who are 16 to 24 years of age, inclusive.

(B) Documentation of the completed education and experience requirements shall be maintained in the personnel file.

(C) A transitional housing placement provider may request an exception, as specified in subdivision (j), for a person who does not meet the requirements specified in this subdivision or subdivision (h).

(D) Persons who were hired as program managers before January 1, 2018, are not required to meet the requirements of this subdivision in order to remain employed as program managers.

(j) (1) A transitional housing placement provider shall apply to the department, using the process established by the department, to request an exception to the requirements of subdivision (h) or (i) based on completion of equivalent education and experience.

(2) The department may grant exceptions to the requirements described in subdivisions (h) and (i) if the person to whom the exception would apply has a baccalaureate degree from an accredited or state-approved college or university.

(3) The department shall approve or deny exceptions to the requirements described in subdivisions (h) and (i) within 30 days of receiving the exception request from the provider.

(k) (1) A case manager for a Transitional Housing Placement program for nonminor dependents shall meet either of the following requirements:

(A) A minimum of a baccalaureate degree in any of the areas specified in paragraph (2) of subdivision (h).

(B) A minimum of a baccalaureate degree in an area not specified in paragraph (2) of subdivision (h) and a minimum of two years' experience in a public or private child welfare social services setting, or specific experience working with transition age youth who are 16 to 24 years of age, inclusive.

(2) Documentation of the completed education and experience requirements shall be maintained in the personnel file.

(3) Persons who were hired as case managers before January 1, 2018, are not required to meet the requirements of this subdivision in order to remain employed as a case manager.

(4) A transitional housing placement provider shall apply to the department, using the process established by the department, to request an exception to the requirements of subparagraph (A) or (B) of paragraph (1) based on completion of equivalent education and experience shall apply to the department using the process established by the department.

(l) Notwithstanding 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 may implement, interpret, or make specific the changes made by the act that added this subdivision by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

**SEC. 2.** To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California

Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.