



EAST BAY
COMMUNITY
LAW CENTER



May 8, 2020

By email: lovemi@acgov.org

Michelle Love, Director of Children & Family Services
Alameda County Social Services
24100 Amador Street
Hayward, CA 94544

Re: Preventing Homelessness by Increasing Flexibility and Support for Transitional Housing Program-Plus (THP-Plus) Participants During COVID-19

Dear Director Love:

We are writing to you as legal services providers and advocates who serve former foster youth, including THP-Plus participants in Alameda County. We understand that this has been an exceptionally challenging time not only for youth and their loved ones, but also for the providers and child welfare agencies that serve them. We are grateful for your work on behalf of our clients. We also recognize Alameda County's efforts to prevent youth homelessness, including its leadership in developing a robust array of THP-Plus housing for former foster youth.

We are deeply concerned about the impact of COVID-19 on former foster youth and are appreciative of the steps that Children & Family Services and the Alameda County Probation Department have already taken to increase supports and adjust practices for non-minor dependents. However, while Governor Newsom's April 17, 2020 Executive Order (N-53-20) increased flexibility and extended eligibility timelines for youth in extended foster care, the Order overlooked former foster youth participants in THP-Plus programs—nearly all of whom are over 21 years old and are therefore ineligible to re-enter foster care and be covered by the Executive Order.¹

¹ See "2018-19 THP-NMD & THP-Plus Annual Report," John Burton Advocates for Youth (JBAY), at p.13, available on the JBAY website: <https://www.ibaforyouth.org/wp-content/uploads/2020/04/V8-THP-NMD-THP-PLUS-Annual-Report-2019.pdf>.

We are writing to respectfully request that Alameda County create a plan to mitigate the heightened risk of homelessness that THP-Plus participants face during the pandemic, particularly youth who are scheduled to exit THP-Plus during the state of emergency. We urge you to consider taking the steps enumerated in the attached resource, “Six Immediate Steps Counties Can Take to Ensure Housing Stability and Maximize Participation in Transitional Housing Program-Plus (THP-Plus) During COVID-19.” We understand that the resource will be distributed to counties by the California Department of Social Services (CDSS) TAY Policy Unit.

Officials at the County and State levels have strongly emphasized the importance of maintaining housing during COVID-19 and for a reasonable period of time after emergency orders are lifted. The Alameda County Public Health Department’s current COVID-19 public health order (Order No. 20-10) requires county residents to remain in their homes until at least May 31, 2020.² The primary intent of the Order is to ensure that residents “shelter in their places of residence to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services.”³ Failure to comply with any provisions of the Order constitutes “an imminent threat and menace to public health,” and is punishable by fine, imprisonment, or both.⁴ Similarly, the Judicial Council of California’s April 6, 2020 Emergency Rules suspended evictions until 90 days after the Governor lifts the COVID-19 state of emergency, reasoning that residential evictions are problematic because “they threaten to remove people from the very homes they have been instructed to remain in.”⁵ It is widely expected that shelter in place orders could continue beyond May, in light of increased confirmed COVID-19 cases and deaths in Alameda County.⁶

At the same time, former foster youth in THP-Plus programs are being held to strict program eligibility criteria requiring them to exit THP-Plus housing after 24 months, or

² Alameda County Public Health Department (ACPHD) Order No. 20-10 (April 29, 2020), available at: https://docs.google.com/forms/d/1UdZwZ0Xa9_IsLdDNGDm3GYh47kOQVVDU8MGA6U1Cpf7s/viewform?edit_requested=true.

³ ACPHD Order No. 20-10, at p. 2, available at: https://docs.google.com/forms/d/1UdZwZ0Xa9_IsLdDNGDm3GYh47kOQVVDU8MGA6U1Cpf7s/viewform?edit_requested=true.

⁴ ACPHD Order No. 20-10, at p. 2, available at: https://docs.google.com/forms/d/1UdZwZ0Xa9_IsLdDNGDm3GYh47kOQVVDU8MGA6U1Cpf7s/viewform?edit_requested=true.

⁵ Judicial Council of California, “Emergency Rules in Response to the COVID-19 Pandemic,” Executive Summary (effective date April 6, 2020), at p. 7, available at: <https://caanet.org/app/uploads/2020/04/20-141-Adoption-of-Emergency-Rules-FINAL.pdf>.

⁶ Castaneda, Leonardo and Salonga, Robert, “Coronavirus: Alameda County leads Bay Area with 4.2% Increase; 177 new cases in the region.” *San Jose Mercury News*, 6 May 2020, available at: <https://www.mercurynews.com/2020/05/02/coronavirus-new-deaths-in-santa-clara-and-sf-more-than-100-new-bay-area-cases/> (updated May 4, 2020 at 4:06am).

when they turn 24 years old, whichever comes first. Advocates are hearing from Alameda County THP-Plus participants that they are at extreme risk of becoming homeless on their impending program exit dates and that they have been unable to access resources from their programs or from the County to mitigate these risks.

For example, Adam⁷ is a 23-year-old former foster youth who entered foster care in early childhood, lived in dozens of foster family and group homes, and was intermittently homeless as a minor. He chose to participate in extended foster care after turning 18 and lived in THP-NMD housing in Alameda County. Adam was exited from THP-NMD directly into homelessness just before his 21st birthday, and remained homeless until January 2020, when he obtained a THP-Plus unit. Adam has learning disabilities and a profoundly disrupted educational history because of frequent placement changes. However, after securing stable THP-Plus housing, he enrolled in community college to complete his GED and obtain trade certifications and job training. Adam is extremely anxious that he will become homeless again when he turns 24 in less than two months. He has attempted to reach out to his THP-Plus provider, Alameda County Independent Living Program, and THP-Plus providers in other Bay Area counties for help, but has gotten little response.

As you know, THP-Plus youth are especially vulnerable under normal circumstances. Statewide, more than one-third of participants experienced homelessness between exiting foster care and entering THP-Plus.⁸ Participants are disproportionately likely to be women and people of color, and nearly one-third are parents of young children by the time they exit.⁹ Participants are often in financially precarious situations. While many earn income from working, their average wages are at or just above minimum wage, and parenting youth are especially financially stretched.¹⁰

Because of COVID-19 and related emergency orders, THP-Plus participants who are approaching their scheduled exit dates have little ability to engage in transition planning or secure stable housing. They are experiencing loss of income, physical separation from educational and family supports, and decreased access to social services.

In 2018-19, more than 75% of THP-Plus participants across the state exited into rental units (alone or with roommates) or moved in with relatives and others who would permit

⁷ Name has been changed for confidentiality.

⁸ JBAY 2018-19 THP-NMD & THP-Plus Annual Report, at p. 31, available at: <https://www.jbaforyouth.org/wp-content/uploads/2020/04/V8-THP-NMD-THP-PLUS-Annual-Report-2019.pdf>.

⁹ JBAY 2018-19 THP-NMD & THP-Plus Annual Report, at p. 9, 29-30, available at: <https://www.jbaforyouth.org/wp-content/uploads/2020/04/V8-THP-NMD-THP-PLUS-Annual-Report-2019.pdf>.

¹⁰ JBAY 2018-19 THP-NMD & THP-Plus Annual Report, at p. 25-16, 33, available at: <https://www.jbaforyouth.org/wp-content/uploads/2020/04/V8-THP-NMD-THP-PLUS-Annual-Report-2019.pdf>.

them to stay rent-free.¹¹ Due to COVID-19, the availability of rental units in the Bay Area is reduced beyond its usual scarcity, and youths' families and friends will have decreased financial resources to support them moving in for reduced or no rent. These circumstances have stacked up to create a dangerous situation in which many former foster youth may exit THP-Plus into homelessness, absent urgent preventive action and leadership from counties. Even after shelter in place orders are lifted, participants will encounter unprecedented challenges to obtaining stable housing and financial security because of widespread unemployment and economic downturn.

Expecting participants to leave their homes to search for housing, and/or to move in with friends or relatives, contravenes public health efforts to contain the spread of COVID-19 and unnecessarily puts the health of youth and their communities at risk. This avoidable risk would likely disproportionately impact African Americans, who are both overrepresented in California's foster care system and experience death rates from COVID-19 that are twice as high as the county-wide average.¹²

Accordingly, we urge Alameda County to consider taking the following steps:

1. Opt-in to the SB 1252 (2014) THP-Plus Extension.

Alameda County is among the minority of California counties that have not yet opted in to the SB 1252 THP-Plus extension, which allows students to remain in THP-Plus for up to 36 months or until they turn 25 years old, whichever is earlier. We are aware of multiple former foster youth facing homelessness who would be eligible for additional time in THP-Plus housing if Alameda County were to opt in to the extension. At least one Alameda County THP-Plus provider has indicated willingness to continue housing students who are eligible for the THP-Plus extension if the County were to opt in to the extension.

In addition, we recommend that Alameda County increase transparency and inter-county coordination around the process of transferring between counties' THP-Plus programs, and identify a point-person for youth to contact if they need support with that process. Some youth who would be eligible for an additional year of housing with the THP-Plus extension have reached out to other Bay Area counties that have the

¹¹ JBAY 2018-19 THP-NMD & THP-Plus Annual Report, at p. 20, available at: <https://www.jbaforyouth.org/wp-content/uploads/2020/04/V8-THP-NMD-THP-PLUS-Annual-Report-2019.pdf>.

¹² See JBAY, "Risk Factors for Youth Experiencing Homelessness During COVID-19," available at: <https://www.jbaforyouth.org/wp-content/uploads/2020/04/Risk-Factors-for-Youth-Experiencing-Homelessness-During-COVID-19-Crisis-April-2020.pdf>; see also ACPHD COVID-19 Dashboard (updated May 5, 2020) (death rate among African Americans 8.1%, compared with 3.9% death rate overall), available at: <https://ac-hcsa.maps.arcgis.com/apps/opsdashboard/index.html#/332a092bbc3641bd9ec8373e7c7b5b3d>.

extension, to inquire about transferring into their THP-Plus programs. However, youth have encountered a lack of information about who to speak with in order to be accepted into other counties' programs, and have struggled to navigate counties' various processes for making eligibility and placement determinations.

The process for opting in to the SB 1252 THP-Plus Extension is straightforward. The appropriate county contact should email the CDSS TAY Policy Unit at TAYPolicy@dss.ca.gov. The TAY Policy Unit will work with counties to exercise the option as quickly as possible.

2. Maintain THP-Plus participants in their units during COVID-19 and for a reasonable period of time after emergency orders are lifted.

It is imperative for public health and safety that THP-Plus participants remain in their current housing until it is safe for them to move and they have a place to go. Given the state-wide moratorium on evictions, landlords whose tenants are participating in the THP-Plus program are prohibited from evicting THP-Plus participants, absent public health or safety concerns, until 90 days after the Governor's state of emergency order is lifted.¹³ At least one Alameda County housing provider has indicated willingness to maintain youth in their units beyond statutory age and duration maximums, but noted that they do not have independent funding to do so and need resources and guidance from the County to move forward.

Alameda County may creatively utilize state and federal funding sources to support THP-Plus providers in maintaining youths' housing and services beyond the statutory age and duration limits. The attached resource, "Six Immediate Steps Counties Can Take to Ensure Housing Stability and Maximize Participation in Transitional Housing Program-Plus (THP-Plus) During COVID-19," lays out a number of strategies that were identified in discussions between advocates and CDSS to assist counties as they think through which approaches will work best for them.

3. Rapidly expand alternative housing options for youth exiting THP-Plus when it becomes safe for them to do so.

When it becomes safe for former foster youth to leave their THP-Plus units, Alameda County may collaborate with Public Housing Authorities (PHAs) to match youth with

¹³ Judicial Council of California, "Emergency Rules in Response to the COVID-19 Pandemic," available at: <https://caanet.org/app/uploads/2020/04/20-141-Adoption-of-Emergency-Rules-FINAL.pdf>; see also Manual of Policies and Procedures 30-920.1(p) (THP-Plus agencies shall comply with California landlord-tenant law and/or the Transitional Housing Misconduct Act).

federal subsidized housing vouchers, and/or use state and federal funding streams to expand Rapid Rehousing programs for former foster youth. In addition, Alameda County may coordinate regionally with other counties to evaluate demand for THP-Plus housing and available units, and loosen requirements for inter-county referrals.

Again, we encourage Alameda County to use the attached resource to think through potential solutions to proactively prevent homelessness among former foster youth during and after the COVID-19 crisis. Individual counties will be best positioned to rapidly evaluate the available options and create a plan.

4. Involve THP-Plus participants, youth providers, and community-based organizations in the solution by clearly communicating the County's plans to preserve housing and services.

We respectfully request that the County update us about its plan, including responses to the attached 6 recommendations, by next Friday, May 15th, with biweekly updates thereafter. We also request that the County designate a point-person to whom advocates may direct their concerns and questions surrounding THP-Plus.

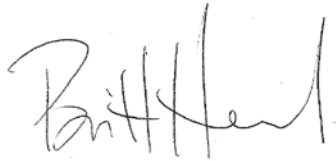
Most importantly, we hope that the County will prioritize communicating with THP-Plus participants about the resources and housing options that are available to them. It can be difficult for THP-Plus participants—who are no longer in care, and therefore may be less connected to service providers outside their program—to learn about available resources and housing. We request that the County make available via public platforms and social media all plans and efforts to ensure that no youth leaves THP-Plus without a transition plan and stable housing.

Thank you in advance for your consideration of these requests.

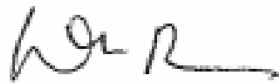
Please contact Britt Harwood, Senior Attorney at Bay Area Legal Aid, at bharwood@baylegal.org, to arrange a video or telephone call.

The attached resource, "Six Immediate Steps Counties Can Take to Ensure Housing Stability and Maximize Participation in Transitional Housing Program-Plus (THP-Plus) During COVID-19," follows on page 8 of this document.

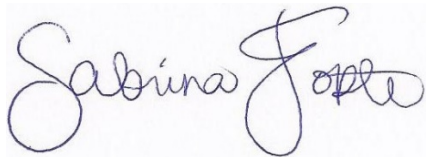
Sincerely,



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Six Immediate Steps Counties Can Take to Ensure Housing Stability and Maximize Participation in Transitional Housing Program-Plus (THP-Plus) During COVID-19

The Transitional Housing Program-Plus (THP-Plus) program provides transitional housing and supportive services for former foster youth who exited foster care after age 18, a population that is particularly vulnerable during a crisis. Youth who are facing exit from THP-Plus programs during the current public health crisis are at increased risk of homelessness because of the scarcity of other housing resources and transitional planning supports. Any period of homelessness or housing instability will compromise their health and the health of others, and will frustrate public health efforts to control the spread of COVID-19.

It is imperative for counties to take the lead in ensuring that THP-Plus providers have the technical assistance and resources needed to maintain youth in housing while emergency orders are in place and for a reasonable period of time after those orders are lifted. Counties can take immediate action, utilizing a number of strategies, to extend THP-Plus housing and services, or access alternative housing resources, so that youth participants do not have to exit the program at risk of homelessness and without a safe place to shelter in place and practice social distancing.

The six strategies described below are intended to assist counties in their efforts to:

- Maintain youth in THP-Plus housing, avoiding exits whenever possible and creatively braiding funding streams to help youth stay put beyond their scheduled exit date.
- Quickly expand county housing options for transition age youth so that youth in THP-Plus can seamlessly transition to another supportive housing setting and so that THP-Plus-eligible youth have newly available housing options.
- Communicate a clear, county-wide strategy for ensuring stability in transitional housing to reduce uncertainty and anxiety among youth who, absent a county plan, would be scheduled to exit their programs without a safe transition plan.

1) Expand THP-Plus eligibility by extending the age and duration requirements for students.

In 19 of California's 47 counties with THP-Plus programs, eligible youth can participate in the program for a total of 24 months or until they turn 24 years old, whichever is earlier.¹ The remaining 28 counties have opted in to an extension, authorized by SB 1252 (2014), that allows students to participate in THP-Plus for a total of 36 months or until they turn 25 years old, whichever is earlier.² The purpose of the extension is to allow former foster youth to stay in THP-Plus while they complete their education (diploma, GED, college, or vocational certificate). Opting into the extension now can help students stay housed for an additional year, giving them time to develop a transition plan.

¹ Cal. Welf. & Inst. Code § 11403.2(a)(2).

² Cal. Welf. & Inst. Code § 11403.2(a)(2)(B); All-County Information Notice (ACIN) I-40-15 (May 27, 2015), p. 2, available at https://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acin/2015/I-40_15.pdf. A list of counties that offer the extension can be found on the JBAY website: <https://www.jbaforyouth.org/thp-plus-extension/>.

Counties can opt into the THP-Plus extension to extend THP-Plus eligibility for all participants who are students. Counties can contact TAYPolicy@dss.ca.gov for steps on how to exercise the option as quickly as possible. Once a county opts in to the age and time extension, they must apply the extension to all participants (not on a case-by-case basis).³ Counties must also notify child welfare and probation departments, and notify THP-Plus providers in their county, after they have opted in to the extension.

2) Supplement THP-Plus funds with new money available through the Transitional Housing Program.

Counties seeking additional funds to maintain THP-Plus participants in housing past the statutory age and duration requirements may utilize the new Transitional Housing Program (THP), administered by the California Department of Housing and Community Development (HCD).⁴ THP is meant to serve young adults up to age 25, with priority to former foster or probation youth. Unlike THP-Plus, there is no maximum duration, and the maximum age is 25 for all counties. Counties can use THP funds to extend or expand their THP-Plus services, especially for youth currently residing in THP-Plus.

County child welfare agencies were required to accept their THP allocations by April 15, 2020, and over May and June HCD will be executing standard agreements and disbursing funding.⁵ Note that some counties may have submitted an application without the required Board of Supervisors resolution and will be asked to obtain this resolution before HCD can execute a standard agreement and disburse funds. THP is an annual allocation, subject to budget appropriation.

3) Modify out-of-county eligibility policies and coordinate regionally to streamline referrals.

Counties with THP-Plus programs may accept former foster or probation youth who currently live in the county, but who emancipated from a different county.⁶ Youth experiencing homelessness during the current public health crisis may have exited care in a county with no available THP-Plus units, or they may have moved since exiting care.

Counties should take immediate steps to coordinate regionally, assess THP-Plus capacity across multiple counties, and develop expedited inter-county referral processes, in order to match former foster youth who are homeless or at risk of homelessness with available THP-Plus housing in other counties. This coordination also allows counties to share promising strategies they have already implemented to keep participants housed.

³ ACIN I-40-15, pp. 1-2.

⁴ Detailed information about THP can be found on the HCD website: <https://www.hcd.ca.gov/grants-funding/active-funding/thp.shtml>.

⁵ The list of counties that accepted their THP allocations and allocation amounts can be found on the JBAY website: <https://www.jbaforyouth.org/sb-80-implementation/>.

⁶ Cal. Welf. & Inst. Code §§ 11400(s), 11403.2(a)(2); Manual of Policies and Procedures § 30-913.1. Each county's out-of-county policy can be found on the JBAY website: <https://www.jbaforyouth.org/out-of-county-youth-thp-plus/>.

4) Utilize new state funding allocated to counties through the Homeless Housing, Assistance, and Prevention (HHAP) Program to establish additional supportive housing for former foster youth at risk of or experiencing homelessness.

In the Fiscal Year 2019-20 state budget, the Homeless Housing, Assistance, and Prevention (HHAP) Program was established with a one-time investment of \$650 million to address homelessness.⁷ Of this \$650 million, at least eight percent (\$52 million) is required to be dedicated to addressing homelessness among youth.⁸

In February, local homeless Continuums of Care, counties, and the state's 13 largest cities were allocated HHAP funds by the Homeless Coordinating and Financing Council (HCFC) within the California Business, Consumer Services and Housing Agency.⁹ The HCFC will be executing standard agreements and disbursing funding to local jurisdictions in the spring and summer of 2020.

Counties may consider utilizing their local HHAP funding to establish or expand Rapid Rehousing for youth, which is a very similar program model to THP-Plus and is one of the eligible uses of HHAP funds. The department or agency within each county receiving these funds varies across the state; it is most often the health and human services agency.¹⁰

5) Collaborate with the local Public Housing Authority to provide subsidized housing and supportive services to the THP-Plus-eligible population using Family Unification Program Vouchers or Tenant Protection Vouchers.

Former foster youth may be eligible for one of two population-specific subsidized housing vouchers made available by the U.S. Department of Housing and Urban Development (HUD).

First, former foster youth age 18 and up to 24 are eligible for a Housing Choice Voucher (HCV) coupled with supportive services for up to 18 months through the Family Unification Program (FUP) awarded to Public Housing Authorities (PHAs) by HUD.¹¹ PHAs administer FUP vouchers in partnership with county child welfare agencies, who are responsible for referring youth and providing supportive services. In April 2020, HUD awarded 12 California PHAs 558 new FUP vouchers (\$10.36 million).¹²

Second, PHAs that administer traditional HCVs *not through FUP* may administer Tenant Protection Vouchers (TPVs) through HUD's Foster Youth to Independence initiative. These

⁷ Information about HHAP can be found on the BCSH website:

https://www.bcsch.ca.gov/hcfc/hhap_program.html.

⁸ More information about the 8% youth set-aside in HHAP can be found on the JBAY website:

<https://www.jbaforyouth.org/hhapp/>

⁹ Allocation amounts for each Continuum of Care, city and county can be found on the BCSH website:

https://www.bcsch.ca.gov/hcfc/documents/hhap_allocations.pdf

¹⁰ Contact information for each county's agency or department receiving HHAP funds can be found on the

JBAY website: <https://www.jbaforyouth.org/hhap-county-contacts/>

¹¹ Information about FUP Vouchers can be found on HUD's website:

https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/family.

¹² The list of 12 PHAs awarded new FUP Vouchers can be found on HUD's website:

https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_046. The list of PHAs awarded FUP Vouchers in previous years can be found on HUD's website:

https://www.hud.gov/sites/dfiles/PIH/documents/Copyof_FUP_Awards_All%20Years_.pdf.

vouchers provide the same combination of housing and services to eligible former foster youth as FUP for up to 36 months.¹³

In counties with greater demand for THP-Plus than can be provided, FUP Vouchers or TPVs can be used to offset this need and offer a similar combination of housing and services as THP-Plus. Vouchers may also be used to secure housing for eligible youth who are scheduled to exit THP-Plus housing because they have reached the statutory maximum time limits.

6) Alleviate THP-Plus participants' anxiety by clearly communicating county and program plans to preserve housing and services.

Even when counties and programs do exercise flexibility and creativity to keep THP-Plus participants in housing past the age and duration of eligibility, THP-Plus participants often are not aware that their counties or programs have developed such a plan. Faced with the possibility of homelessness, these youth expend needless time, energy, and fear trying to develop an emergency transition plan for themselves. Some participants have put their own health at risk by leaving home to seek resources.

Counties should make available through all of the channels commonly accessed by youth—online webpages, social media, phone calls, text messages, and written notices—all of their plans and efforts to ensure that no youth will leave THP-Plus without a transition plan due to their age or eligibility status. This should be part of a county strategy to talk with all youth in their county regularly to communicate new resources and updates and to gather feedback about service needs and challenges. For example, counties could host a “virtual drop-in center” for youth to bring problems or questions since physical drop-in spaces are not accessible. The county strategy should also include targeted communications for youth who are approaching a scheduled exit or transition from their THP-Plus program.

For more information about this resource, or to share additional strategies, please contact:

Sabrina Forte, Staff Attorney, Youth Law Center (sforte@ylc.org)

Simone Tureck Lee, Director of Housing and Health, John Burton Advocates for Youth (simone@jbay.org)

Britt Harwood, Senior Attorney, Bay Area Legal Aid (bharwood@baylegal.org)

For resources and technical assistance, please contact:

California Department of Social Services TAY Policy Unit, TAYPolicy@dss.ca.gov

California Department of Housing and Community Development, THP@hcd.ca.gov

¹³ Information about TPVs for former foster youth can be found on HUD's website: https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/fyi_tpv. For a list of PHAs eligible to apply for TPVs for former foster youth, visit: https://www.hud.gov/sites/dfiles/PIH/documents/PHAs_with_an_ACC_with_HUD_for_HCVs_that_do_not_administer_FUP_080919.pdf.