



June 8, 2020

By email: kmarsh@ehsd.cccounty.us; castila@ehsd.cccounty.us

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

Dear Director Marsh:

We are writing to you as legal services providers and advocates who serve former foster youth, including THP-Plus participants in Contra Costa 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 appreciate the steps that Children & Family Services has already taken to increase supports and adjust practices for non-minor dependents.

We are deeply concerned about the impact of COVID-19 on former foster youth—particularly THP-Plus participants. We note that 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

We are writing to respectfully request that Contra Costa 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 was 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. Contra Costa County Health Service's current COVID-19 shelter-in-place public health order (Order No. HO-COVID19-17) requires county residents to remain in their homes indefinitely.² The primary intent of the Order is to ensure that County 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 In addition, the Order urges government agencies to provide shelter to homeless individuals.⁵

Relatedly, as part of the statewide effort to keep residents in their current homes during the pandemic, 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

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

² Contra Costa County Health Services Order No. HO-COVID19-17 (June 5, 2020), available at: https://813dcad3-2b07-4f3f-a25e-23c48c566922.filesusr.com/ugd/84606e_0d165c6667bc44eaadf56ccb76aa7f12.pdf.

³ Contra Costa County Health Services Order No. HO-COVID19-17 (June 5, 2020), at p. 2, available at: https://813dcad3-2b07-4f3f-a25e-23c48c566922.filesusr.com/ugd/84606e_0d165c6667bc44eaadf56ccb76aa7f12.pdf.

⁴ Contra Costa County Health Services Order No. HO-COVID19-17 (June 5, 2020), at p. 2, available at: https://813dcad3-2b07-4f3f-a25e-23c48c566922.filesusr.com/ugd/84606e_0d165c6667bc44eaadf56ccb76aa7f12.pdf.

⁵ Contra Costa County Health Services Order No. HO-COVID19-17 (June 5, 2020), at p. 2, available at: https://813dcad3-2b07-4f3f-a25e-23c48c566922.filesusr.com/ugd/84606e_0d165c6667bc44eaadf56ccb76aa7f12.pdf.

emergency, reasoning that residential evictions are problematic because “they threaten to remove people from the very homes they have been instructed to remain in.”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 when they turn 24 years old, whichever comes first. We are aware of youth in Contra Costa County who are being exited from the THP-Plus housing and services while shelter-in-place remains in effect, without any transition plan for alternative housing in place. These young people are at extreme risk of homelessness and have been unable to access resources from their programs or from the County to mitigate these risks.

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.⁷ 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.⁸ 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.⁹

COVID-19 and related emergency orders have exacerbated these vulnerabilities. Because of shelter-in-place 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 addition, the housing options that THP-Plus participants typically transition into when they exit have become less available because of COVID-19. 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 them to stay rent-

⁶ 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>.

⁷ 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>.

⁸ 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>.

⁹ 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>.

free.¹⁰ Now, due to COVID-19, the availability of rental units in the Bay Area is reduced beyond its usual scarcity, young people have lost essential income from work and are less able to afford rent, and youths' families and friends have fewer 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. Loss of housing, in turn, is itself a risk factor for COVID-19, and leads to well-documented employment and mental health harms.¹¹

Further, preserving THP-Plus participants' housing is a matter of racial justice. Failing to keep THP-Plus participants who are approaching their exit dates in their current homes will have a disproportionate impact on Black and African American youth. We know that COVID-19 is disproportionately harming the Black community in the Bay Area.¹² At the same time, Black and African American children and youth are dramatically overrepresented in foster care in Contra Costa County¹³ and in THP-Plus statewide.¹⁴

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. 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. To protect the health of young people and the

¹⁰ 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>.

¹¹ California Department of Housing and Community Development, *California's Housing Future: Challenges and Opportunities, Final Statewide Housing Assessment 2025*, (February 2018), at pp. 48-50, available at: http://www.hcd.ca.gov/policy-research/plans-reports/docs/SHA_Final_Combined.pdf; see also 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>.

¹² The Mercury News, "African-American COVID-19 deaths 'disproportionately high' in California," April 16, 2020, available at <https://www.mercurynews.com/2020/04/16/coronavirus-african-american-covid-19-deaths-disproportionately-high-in-california/>.

¹³ In Contra Costa County, almost half of all children and youth in foster care are African American or Black, while only 9.5% of Contra Costa County's population is African American or Black. See Kidsdata.org, A Program of Lucile Packard Foundation for Children's Health, "Children in Foster Care, by Race/Ethnicity," available at <https://www.kidsdata.org/topic/22/foster-in-care-race/table#fmt=2495&loc=2,127,171,321,345,357,332,324,369,358,362,360,337,327,364,356,217,353,328,354,323,352,320,339,334,365,343,330,367,344,355,366,368,265,349,361,4,273,59,370,326,333,322,341,338,350,342,329,325,359,351,363,340,335&tf=108&ch=7,11,8,10,9,44&sortColumnId=0&sortType=asc>; United State Census Bureau, "Quick Facts: Contra Costa County, California," available at <https://www.census.gov/quickfacts/contracostacountycalifornia> (last visited May 31, 2020).

¹⁴ JBAY 2018-19 THP-NMD & THP-Plus Annual Report, at p. 14, available at:

<https://www.jbaforyouth.org/wp-content/uploads/2020/04/V8-THP-NMD-THP-PLUS-Annual-Report-2019.pdf>.

community at large, counties can maintain THP-Plus participants in their current housing during shelter-in-place, and rapidly expand alternative housing placements for youth to move into once it becomes safe to do so.

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

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

Contra Costa 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 understand that housing providers are continuing to exit former foster youth who would be able to stay housed if Contra Costa County adopted the THP-Plus extension. At least one Contra Costa County THP-Plus provider has expressed that with resources from the County, it would continue to house students who are eligible for the THP-Plus extension.

We are aware of one other Bay Area county that has already chosen to opt in to the THP-Plus extension for the remainder of the calendar year as a targeted strategy for preventing homelessness during COVID-19.

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 available housing. 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.¹⁵ At least one Contra Costa County THP-Plus provider has indicated willingness to maintain youth in their units beyond statutory age and duration maximums, but noted

¹⁵ 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).

that they do not have independent funding to do so and need resources and guidance from the County to move forward.

Contra Costa 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, Contra Costa County may collaborate with Public Housing Authorities (PHAs) to match youth with federal subsidized housing vouchers, and/or use state and federal funding streams to expand Rapid Rehousing programs for former foster youth. In addition, Contra Costa 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 Contra Costa 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 appreciate that Lori L. Castillo, Resource Division Manager, reached out to Bay Area Legal Aid over email last week to begin a collaborative conversation around these issues. In light of the numerous strategies for preventing youth homelessness that are suggested in the attached resource, we respectfully request a meeting with you so that we can talk about Contra Costa County's plans. We also request that the County identify a point-person to whom advocates may direct their concerns and questions surrounding THP-Plus.

Please let us know by Monday, June 15 when you are available to meet.

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 Alexandria Sadler, Staff Attorney at Bay Area Legal Aid, at asadler@baylegal.org, to arrange a video or telephone call.

The resource, "Six Immediate Steps Counties Can Take to Ensure Housing Stability and Maximize Participation in Transitional Housing Program-Plus (THP-Plus) During COVID-19," is attached.

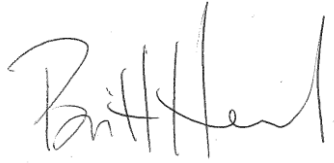
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