
ENSURING STABILITY AND SUCCESS FOR YOUTH TENANTS IN THP-PLUS

2021

Introduction

Youth Law Center and Bay Area Legal Aid developed this tool for civil legal advocates to initiate capacity-building conversations about transition planning with THP-Plus providers and the county agencies that oversee them.

The Transitional Housing Program Plus (THP-Plus) provides affordable housing and comprehensive supportive services for former foster youth. Transition planning and securing long-term stable housing are core to the purpose of the THP-Plus program: to help former foster youth achieve self-sufficiency. Yet, THP-Plus participants report that THP-Plus agencies do not always engage participants in meaningful transition planning or proactively help them meet their goals, including seeking out and securing stable housing where they can live after completing the THP-Plus program. THP-Plus agencies are required under state regulations to provide transition planning in order to be certified by counties, but it is not clear to what extent counties oversee THP-Plus agencies' performance of those transition planning duties.

This tool helps build shared language and knowledge around THP-Plus agencies' transition planning duties under state regulations and state and federal housing and antidiscrimination law. It also makes recommendations for how THP-Plus agencies can establish strong working relationships with THP-Plus participants, to further support them in achieving their goals.

For more information about youth tenants' rights in THP-Plus, the Youth Law Center's publication "Preventing Involuntary Exits from THP-Plus: An Advocacy Guide" is available here:

https://ylc.org/wp-content/uploads/2020/11/Preventing-Involuntary-Exits-from-THP-Plus_Final.pdf

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I. Definitions

THP-Plus:

A county program intended to help former foster youth achieve self-sufficiency through a combination of supportive services, funding, and transitional housing.

Tenant:

A former foster youth living in a THP-Plus program. To be eligible for THP-Plus, youth must have exited foster care on or after their 18th birthday. Eligible youth can stay in THP-Plus for a maximum of 24 cumulative months, and the maximum age for THP-Plus is 24 years old (or more—see below). In this guide, “Tenant” and “THP-Plus participant” are used interchangeably.

Agency:

The organization that has contracted with the County to assist the Tenant with accomplishing their TILP goals and provide the Tenant with funds for a housing unit.

TILP:

A contract between a Tenant and an Agency that describes the Tenant’s current level of functioning and sets forth the goals the Tenant intends to pursue. The Tenant must actively pursue these goals to remain eligible for THP-Plus services, and the Agency must specifically articulate in the TILP how it will assist the Tenant in accomplishing their goals.

Landlord:

The person or entity that rents a housing unit to the Tenant. In some cases, the Agency may own the housing unit and serve a dual role as the Landlord in addition to providing services and funding to the Tenant. The Agency also serves a Landlord function when it is the master tenant on a lease and sublets to youth Tenants. In other instances, the Landlord may be a third party that holds an agreement with the Agency to rent a unit to the Tenant.

Did you know?

State regulations use the word “tenant” to refer to youth in THP-Plus, and they are considered tenants under the law.

Eligibility Plus!

The majority of CA counties have opted into the SB 1252 THP-Plus Extension, which allows eligible tenants to remain in THP-Plus until age 25, or up to 36 months. During the 2020-21 Fiscal Year, counties can opt in to extend THP-Plus to all tenants due to COVID-19.

II. The Two Roles of the THP-Plus Agency

This resource is an overview of Agencies' duties to help Tenants meet the goals that are laid out in their TILPs, with helpful tips for navigating common obstacles that Tenants may face in their THP-Plus program.

It is important to note that there are two distinct but overlapping components of THP-Plus:

1. The housing subsidy and supportive services facilitated by the County through a contract with the Agency.

All Agencies are required to provide certain case planning services and funding for housing to THP-Plus participants to support their transition to adulthood, consistent with state law and county certification requirements.

2. The Tenant's actual possession of a housing unit that was secured by, but may not be owned by, the Agency.

Some Agencies own the housing units that THP-Plus participants live in and rent the units directly to the Tenants, or are the master tenant and sublet the units to youth Tenants. Those Agencies will therefore also be Landlords who must follow landlord-tenant law on any matters related to Tenants' possession of housing units, in addition to providing supportive services.

Tenants should be able to clearly identify which Agency staff are support service providers and which staff serves a property-management or landlord role.

In order to be certified as THP-Plus providers, Agencies must clearly define the roles and responsibilities of each part of the organization and must not blend the functions of property management and service provider.

Practice Tip:

Agency service providers' ability to establish trusting relationships with Tenants is essential for helping Tenants achieve their TILP goals. However, that trust can be challenging if Tenants fear that information they share with their service providers, about challenges they are encountering or support they need, may end up compromising their housing.

To demonstrate that they are not blending their service provider and property management functions, Agencies should consider limiting information sharing and establishing clear confidentiality rules within the Agency between service provider staff and property management staff. These safeguards ensure that the Agency complies with certification requirements and can strengthen trust and relationship-building between Tenants and their service providers.

Even if an Agency assumes the role of service provider only (because a third-party Landlord, not the Agency, owns the housing units where Tenants reside), that too should be clearly explained to Tenants. However the Agency is organized, a Tenant should be able to identify who makes decisions about their TILP goals and progress in the THP-Plus program (the Agency) and who makes decisions about the Tenants' continued occupancy of the housing unit (the Landlord).

III. What is a TILP and Why Does It Matter?

The Transitional Independent Living Plan (TILP) is both a legal requirement and an essential document for facilitating a successful transition to adulthood. Agencies must co-create TILPs with Tenants and actively support Tenants in achieving their TILP goals in order to maintain county certification as THP-Plus providers. All THP-Plus participants must pursue county-approved goals documented in a TILP.

The TILP must describe the Tenant's current level of functioning, emancipation goals, and skills needed to facilitate successful transition to adulthood. The TILP must be reviewed at least annually by the Tenant, Agency, and other appropriate individuals, and as needed on an ongoing basis to make necessary changes. Agencies must specifically articulate in the TILP document what services they will provide in order to support Tenants in achieving their goals. Agencies must also give tenants choices regarding which services to access and the location of the services, and must provide reasonable transportation access to schools, employment, appropriate supportive services, shopping, and medical care.

TILP Goals Can Include Pursuits In:

- Acquiring safe and affordable long-term housing
- Education and vocational training
- Gainful employment
- Developing daily living skills
- Developing personal responsibility skills
- Attaining mental health counseling
- Finding vital documents (birth certificate, social security card, bank account, etc.)
- Developing mentorship relationships with adults
- Securing access to sources of financial support, such as public benefits and scholarships
- ...and much more!

The California Department of Social Services' model TILP form can be found here:

<https://www.cdss.ca.gov/cdssweb/entres/forms/english/step8.pdf>.

(It is different from the TILP that nonminor dependents complete while in extended foster care.)

IV. Helping THP-Plus Participants Meet Their TILP Goals

Agency staff's supportive relationships with participants are critical for participants' success in THP-Plus and their progress toward achieving TILP goals. Training on trauma-informed practices is key for any staff working with former foster youth, as these youth disproportionately experience complex trauma that creates obstacles to navigating stressful situations. Trauma-informed practices and de-escalation techniques are crucial for making sure that youth are appropriately supported in making progress toward their TILP goals, and are especially important during crisis moments, when youths' fear of losing funding, services, and/or housing can manifest in a stress response.

Research suggests that trauma-informed care leads to positive outcomes for youth, including housing stability, improved relationships, and increased safety. In THP-Plus, trauma-informed care means that Agency staff:

- Build relationships! Youth who trust their providers will be more open and honest about their needs, more comfortable asking for help, and more likely to comply with program expectations.
- Build awareness! Learn about how a youth's culture affects the way they perceive trauma, safety, and privacy, and pursue opportunities to increase cultural awareness and reduce bias.
- Be dependable! Keep appointment times and respond timely to youths' communications. Provide youth with their case manager's phone number and email address, and an emergency contact from the THP-Plus program for times when the case manager is not available.
- Check for understanding! Make sure the youth fully understand and retain the goals written in their TILP, and work with them to revise the goals in their TILP to ensure that they can meet them. Ask youth if they would like you to remind them of their goals through, for example, text messages at set intervals of their choice. Ask if they want to opt-in to more frequent check-ins.

- Facilitate open communication that is respectful and compassionate.
- Maintain healthy interpersonal boundaries.
- Be flexible and take a strengths-based approach when addressing challenges with youth. Convene multidisciplinary team meetings with the young person's support system, and make revisions to TILPs instead of threatening the high-stakes last resort of program exit.
- Allow youth to make mistakes and learn without immediate consequences such as program exit. Mistakes are developmentally expected and appropriate for young people.
- De-escalate and mediate conflict between staff and participants, and among participants, to promote the development of conflict resolution and emotional regulation skills.
- Give the youth a "directory assistance" phone number that can easily connect them to other resources, such as the THP-Plus Agency, doctor's office, and mental health providers.
- Identify when youth need a higher level of support and make appropriate linkages to mental health and clinical case management services.
- Recognize that personal and external emergencies are bound to come up, and give room for youth to balance their responsibilities without worrying about losing access to THP-Plus.
- Create individualized transition plans. Each youth has individual strengths and areas for growth. Help them improve their specific growth areas before they exit to self-sufficiency.

Did you know?

Among transition age youth, youth who have been in foster care experience post-traumatic stress disorder (PTSD) at approximately twice the rate of their peers who have not experienced foster care. In turn, trauma increases the risk of homelessness, substance abuse, health problems, and behavioral issues.

Focus on: Reasonable Accommodations



Former foster youth experience a high incidence of disability, including mental health conditions such as trauma. Under federal and state law, people with disabilities are protected from discrimination in housing and all state-funded programs.

A disability is a medical condition, physical impairment, or mental impairment that limits activity. THP-Plus participants are entitled to request reasonable accommodations at any time while in THP-Plus, from the Agency, the Landlord, or both. Reasonable accommodations can be changes to rules, policies, practices, or services that ensure equal opportunity to use and enjoy a dwelling and/or equal access to government services. There must be a relationship between the youth's disability and the requested accommodation.

Youth often do not know that they have a right to request reasonable accommodations, and may need help requesting them. Agencies can support youth with disabilities in a variety of ways, including (but not limited to):

- Inform youth when they are entering THP-Plus that they have a right to request reasonable accommodations from the Agency and/or the Landlord if they have disabilities;
- Help youth brainstorm what accommodations would allow them equal access to, and participation in, THP-Plus housing and programming (changing the time or cadence of meetings, providing information in a format that is easy for the youth to understand, etc.);
- Assist youth with requesting reasonable accommodations from Landlords when necessary, and connect youth with appropriate legal aid supports or other resources if they feel they are experiencing disability-based discrimination;
- Remember that reasonable accommodations may help avoid unnecessary termination of housing and/or services when youth are struggling in the program;
- Engage in proactive transition planning with youth who have disabilities, and who may need to request reasonable accommodations in order to be successful in the housing that they move into upon exit from THP-Plus.

To learn more about reasonable accommodations, Agencies should consult Disability Rights California: <https://www.disabilityrightscalifornia.org/>.

V. Working Toward Long-Term Housing Stability

The THP-Plus program exists because stable housing is an essential part of achieving independence, and former foster youth are especially vulnerable to homelessness. Many Tenants will have endured homelessness in their past and may experience trauma associated with the loss of housing. It is important for Agencies to place special focus on supporting Tenants in achieving long-term housing stability.

When Agencies are Landlords

Agencies who serve a dual role as Landlords must treat THP-Plus participants as “tenants” subject to state and local landlord-tenant law. California law extends tenant protections to THP-Plus participants and specifically states that Agencies must follow landlord-tenant law. This means that Tenants cannot be forced to leave their housing unit without proper written notice and, upon expiration of that notice, formal eviction proceedings. This California court resource provides an overview of the eviction process: <https://www.courts.ca.gov/27701.htm>. Agencies interested in learning more about their duties as Landlords can access resources from their local law library, court self-help center, or property owners’ association, and they can contact their local bar association for free or low-cost legal consultation.

When Agencies are Providing Supportive Services and Funding

Agencies have an important role to play in helping Tenants achieve housing stability, even when they are not Landlords. Regulations identify “acquiring safe and affordable long-term housing” as a primary TILP goal, and suggest that Agencies should develop Tenants’ knowledge of “landlord/tenant issues” and their “self-advocacy skills.” Building Tenants’ knowledge of landlord/tenant issues may include:

- Hosting presentations from housing attorneys on topics like leases, security deposits, notices and evictions, habitability, and fair housing;
- Facilitating opportunities for Tenants to meet and build relationships with their Landlords;
- Supporting Tenants in making requests to the Landlord so that issues (and tensions) do not build up;
- Helping Tenants to make reasonable accommodations requests;
- Connecting Tenants to the appropriate advocacy organization or agency if the Landlord pursues eviction. The appropriate organization may include a legal services organization, a court self-help center, or a nonprofit like SEEDS that offers mediation services;
- Educating Landlords when property conditions and/or policies do not comply with state or local law. Agencies are key liaisons between THP-Plus Tenants and Landlords, but they should not help to carry out any unlawful Landlord actions or policies that violate the law, such as illegal lockouts that do not follow the appropriate eviction process (sometimes referred to as “involuntary exits”);
- Maintaining emergency housing units for Tenants to move into if they are forced to leave their existing unit due to an eviction or other reason. As long as the Tenant remains eligible for THP-Plus funding and services, the THP-Plus funding and services can carry over to another housing unit.

Did you know?

"Nearly one in four (23%) youth experienced homelessness while in foster care prior to entering THP-NMD, and one in three (33%) youth experienced homelessness between leaving foster care and entering THP-Plus." (John Burton Advocates for Youth, November 2020)

VI. Safeguards for THP-Plus Program Participation

Remember, there are two distinct components of THP-Plus: (1) the housing subsidy and supportive services provided by the Agency, and (2) the Tenant's actual possession of a housing unit. A Tenant's loss of a housing unit (through lawful termination of a lease or eviction) should never automatically mean that they are terminated from THP-Plus services and subsidy.

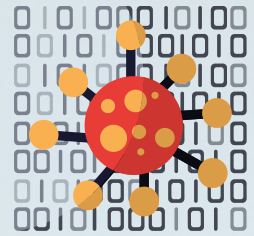
State law provides procedural safeguards for Tenants when they are facing termination of THP-Plus programming and/or funding. Agencies should convey to Tenants that they can expect to:

- Have access to a usable, accessible, and consistent grievance procedure. The Agency should develop and distribute written internal grievance procedures, inform Tenants about these procedures when they enter the program, and include an explanation of grievance procedures in any notice of termination from the program.
- Receive advance written notice of the proposed termination of any benefits or services, and have the right to a state fair hearing to appeal that termination. Because THP-Plus is a public social services program funded by the California Department of Social Services, participants are entitled to these notice and hearing protections.
- Written notices must be provided to tenants at least 10 days before the proposed termination, must utilize a standardized CDSS or county-developed form written in clear language, and must inform the participant of which information or action, if any, is needed to reestablish eligibility. The notice also must specify the benefits to be terminated, date of termination, reason for termination, and appeal rights.
- State fair hearings can be requested by Tenants through the Department of Social Services State Hearings Division. Tenants may request to continue receiving services and funding while their appeal is pending adjudication.

For more information, the THP-Plus program regulations are in the CDSS Manual of Policies and Procedures, Section 30-900, available here:

<https://www.cdss.ca.gov/ord/entres/getinfo/pdf/ssman4.pdf>. State hearing regulations are available in the Manual of Policies and Procedures, Section 22-000, available here: <https://www.cdss.ca.gov/Portals/9/Regs/4CFCMAN.pdf>.

Focus on: COVID-19 Considerations



- It is more important than ever, during the COVID-19 public health emergency and economic downturn, that Agencies work with Tenants to secure stable housing before they leave THP-Plus. Obtaining stable and secure housing is an integral part of the transition process.
- Recognize that meeting TILP goals during COVID-19 is especially difficult and sometimes impossible, especially if the goals were pursued in person before the pandemic. Change TILP goals to ones that are attainable given the circumstances surrounding the pandemic.
- Revise TILPs more often than the “at least annually” requirement. Remember that things are changing weekly during COVID-19!
- Provide information to Tenants about how to navigate common challenges arising for young people during COVID-19 (for example, updating their financial aid to reflect remote college instruction).
- Internet access is more crucial than ever! Help the youth transition to actively pursuing their goals remotely. Make sure they have internet connection and electronic devices.
- Communicate any changes to program timelines. For example, many counties have extended the maximum age and duration of THP-Plus program participation during COVID-19. Don’t assume that a Tenant has heard anything through the grapevine. Communicate any and all changes with them directly.
- Follow up in writing! Every Tenant has a different learning/communication style. Make sure you ask Tenants which ways they like to be communicated with and receive information. For example, sending an email or text message detailing your phone discussion can help the youth retain new information.
- Be mindful of exacerbations of mental health issues due to COVID-19 stressors.
- Ask Tenants what you can do to support them during this unprecedented and challenging time.