



## **Transitional Housing Program-Plus (THP-Plus) A Fact Sheet Prepared by the Youth Law Center**

### **What is THP-Plus?**

Transitional Housing Program-Plus (THP-Plus) is a transitional housing program designed to provide housing and supportive transitional services to **former foster youth** who are 18 to 24 years of age (or up to age 25 in some cases), including youth who were placed in foster care by juvenile probation.<sup>1</sup> The dual components of THP-Plus include (1) the housing subsidy and services facilitated by the county and (2) youth's possession of the housing unit "that was secured by, but may not be owned by, the THP-Plus housing agency."<sup>2</sup> The purpose of THP-Plus is to assist youth as they move from dependency to self-sufficiency.<sup>3</sup>

THP-Plus programs are different from THP-M, transitional housing for **minor foster youth** ages 16 to 18 and THP-NMD, transitional housing for **nonminor dependents** ages 18 to 21. For more information about these programs, see Youth Law Center's Fact Sheets: [THP-M](#) and [THP-NMD](#).

### **Who is eligible for THP-Plus? How long can a former foster youth participate in THP-Plus?**

Youth are eligible for THP-Plus if they emancipated out of foster care (whether supervised by child welfare or probation) on or after their 18<sup>th</sup> birthdays, from a county that has elected to participate in the program.<sup>4</sup> A county may also choose to include former foster or probation youth who currently live in the county, but who emancipated from a different county.<sup>5</sup> Youth in THP-Plus are called THP-Plus tenants.<sup>6</sup> A tenant must be pursuing county-approved goals as documented in a Supportive Transition Emancipation Program (STEP)/THP-Plus Transitional Independent Living Plan (TILP).<sup>7</sup>

Tenants can stay in THP-Plus for a maximum of 24 cumulative months, and the maximum age for THP-Plus is 24 years old.<sup>8</sup> A county may choose to extend THP-Plus services to former

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<sup>1</sup> Cal. Welf. & Inst. Code § 11403.2(a)(2)(A).

<sup>2</sup> For a more in depth discussion about how these distinct components work together, see Youth Law Center, Preventing Involuntary Exits from THP-Plus *available at* [https://ylc.org/wp-content/uploads/2020/11/Preventing-Involuntary-Exits-from-THP-Plus\\_Final.pdf](https://ylc.org/wp-content/uploads/2020/11/Preventing-Involuntary-Exits-from-THP-Plus_Final.pdf) [as of July 2, 2021].

<sup>3</sup> California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) 30-912.1, *available at* <http://www.cdss.ca.gov/ord/entres/getinfo/pdf/ssman4.pdf>.

<sup>4</sup> Cal. Welf. & Inst. Code §§ 11400(s), 11403.2(a)(2)(A); All County Information Notice I-40-09 (August 10, 2009), *available at* [https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acin/2009/I-40\\_09.pdf](https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acin/2009/I-40_09.pdf).

<sup>5</sup> Cal. Welf. & Inst. Code § 11403.2(a)(2); MPP 30-913.1.

<sup>6</sup> MPP 30-901(t)(1).

<sup>7</sup> Cal. Welf. & Inst. Code § 11403.2(a)(2)(A); MPP 30-913.1.

<sup>8</sup> Cal. Welf. & Inst. Code § 11403.2(a)(2)(A).

foster youth until age 25 and for a total of 36 cumulative months if the former foster youth meets one of the following criteria, in addition to the ordinary requirements of THP-Plus tenants.<sup>9</sup>

1. The former foster youth is completing secondary education or a program leading to an equivalent credential.
2. The former foster youth is enrolled in an institution that provides postsecondary education, including an accredited vocational institution.

A county that chooses to extend THP-Plus services for former foster youth who meet these criteria must apply the extension to all participants, and not on a case-by-case basis.<sup>10</sup> A list of counties who have opted in to the extension can be found [here](#).<sup>11</sup>

### What are STEP and THP-Plus TILP?

A STEP/THP-Plus TILP (Supportive Transition Emancipation Program (STEP)/THP-Plus Transitional Independent Living Plan (TILP)) is a document that describes a tenant's current level of functioning, emancipation goals, and skills needed to facilitate a successful transition to adulthood.<sup>12</sup> The county must ensure that each tenant has a STEP/THP-Plus TILP mutually agreed upon, reviewed, and updated by the tenant and the county designee and other appropriate individuals at least annually or more often as needed to reflect necessary changes.<sup>13</sup> Some goals of the STEP/THP-Plus TILP are education, gainful employment, development of daily living skills, acquisition of safe and affordable housing, personal responsibility skills, mental health counseling, receipt of vital documents (birth certificate, social security card, bank account, etc.), completion of application for Special Immigrant Juvenile Status (SIJ) or other naturalization process for undocumented individuals, application for Medi-Cal, and so on.<sup>14</sup>

A link to the STEP/THP-Plus TILP form is available in the **Resources** section below.

### What are the responsibilities of THP-Plus tenants?

Tenants must actively pursue the goals of their STEPs/THP-Plus TILPs as a condition of participation, and must inform the county when changes need to be made on the TILPs that affect payment of aid, including changes in address, living circumstances, education, career, and training programs.<sup>15</sup>

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<sup>9</sup> 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](https://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acin/2015/I-40_15.pdf).

<sup>10</sup> ACIN I-40-15, pp. 1-2.

<sup>11</sup> This information can be found on Page 10, at footnote 9 of John Burton Advocates for Youth's *THP-NMD & THP-PLUS Annual Report 2019-20*.

<sup>12</sup> MPP 30-901(s)(2).

<sup>13</sup> MPP 30-915.13.

<sup>14</sup> MPP 30-918.11.

<sup>15</sup> MPP 30-917.1.

### **What kind of housing does THP-Plus provide?**

Certified programs must provide safe and adequate residences and allow participants the maximum amount of independence.<sup>16</sup> Residential units can be apartments, single-family dwellings, condominiums, college dormitories, and host family models, but no more than two tenants may share a bedroom.<sup>17</sup>

Public or private shelters, temporary living situations with family or friends, or places not ordinarily used for sleeping do not qualify as THP-Plus housing.<sup>18</sup> Likewise, group homes and other types of licensed residential facilities may not be used as THP-Plus placements.<sup>19</sup>

### **How does an agency become a THP-Plus provider? What is required from a THP-Plus provider?**

Unlike other transitional housing program providers, THP-Plus providers are not subject to licensure by the California Department of Social Services, as long as they are certified by the county to provide transitional housing and supportive services, as needed, and have obtained a local fire clearance.<sup>20</sup>

As a condition of certification, a THP-Plus agency's program must, at a minimum, ensure that:<sup>21</sup>

1. A description of the tenant application process and selection criteria are included.<sup>22</sup>
2. The program must not discriminate on the basis of race, national origin, gender, sexual orientation, or disability. The program must agree that youth who were wards of the court and youth receiving psychotropic medications are eligible for consideration in the program and not automatically excluded due to these factors.<sup>23</sup>
3. The agency must assist each tenant to complete the STEP/THP-Plus TILP form.<sup>24</sup>
4. The program describes how it will assist tenants to live independently and to accomplish the goals described in their STEP/THP-Plus TILP.<sup>25</sup>
5. Where the agency owns 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, the functions of property management and service provider must not be blended. The program plan must clearly define the roles and responsibilities of each part of the organization.<sup>26</sup>

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<sup>16</sup> MPP 30-916.1.

<sup>17</sup> MPP 30-916.11; MPP 30-920.1(k)

<sup>18</sup> MPP 30-916.12, 916.13.

<sup>19</sup> MPP 30-916.14.

<sup>20</sup> Cal. Welf. & Inst. Code § 16522(b); 22 Cal. Code Regs. § 86001(t)(4).

<sup>21</sup> MPP 30-920.1.

<sup>22</sup> MPP 30-920.1(u).

<sup>23</sup> MPP 30-920.1(b).

<sup>24</sup> MPP 30-920.1(c)

<sup>25</sup> MPP 30-920.1(d).

<sup>26</sup> MPP 30-920.1(o).

6. Criminal record clearances must be required for all agency employees. All agencies must provide employees training and ensure that all agency employees are trained and capable of working with former foster youth.<sup>27</sup>
7. Tenants must be allowed the greatest amount of freedom possible in order to prepare them for self-sufficiency.<sup>28</sup>
8. Tenants are given a choice regarding what services to access and the location of the services (on-site or off-site), as long as the goals of the STEP/THP-Plus TILP are being met.<sup>29</sup>
9. The program has reasonable transportation access to schools, employment appropriate supportive services, shopping and medical care.<sup>30</sup>
10. Tenants have the right to be free from arbitrary or capricious rules; the right to understand all rules **in writing** and in appropriate languages and formats, the right to appeal any loss of benefits or services before they are suspended (unless imminent physical harm to someone would result); and the right to a grievance procedure.<sup>31</sup>
11. Tenants' right to confidentiality is respected. This right applies to the dissemination, storage, retrieval and acquisition of identifiable information. The agency must not release information about a tenant's receipt of services without a written release from the tenant.<sup>32</sup>
12. Tenants' right to privacy is respected. Information must be requested from the tenant only when the information is specifically necessary for the provision of services. Tenants must not be required to supply information as a condition of obtaining services without written documentation verifying the necessity of the information.<sup>33</sup>
13. If medical services are needed by tenants, these services must be provided by a medical professional or an appropriately licensed clinic or adult day health center that may offer services off-site or through a home visit program, including services which are made available on a regularly scheduled basis on-site.<sup>34</sup>
14. Any tenant funds retained by the provider on behalf of the tenant shall be deposited in an interest bearing savings account, and the principal and interest shall be distributed to the tenant when they leave the program.<sup>35</sup>

Additional requirements for certification can be found in the THP-Plus program's contract with the county, or in the program plan that the THP-Plus agency must submit to the county. The THP-Plus agency and/or the county agency that administers THP-Plus (often the county child welfare agency) can provide these documents, or they can be obtained by making a California Public Records Act Request.<sup>36</sup> A statewide list of county THP-Plus representatives can be found [here](#).

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<sup>27</sup> MPP 30-920.1(h)-(i).

<sup>28</sup> MPP 30-920.1(f).

<sup>29</sup> MPP 30-920.1(r).

<sup>30</sup> MPP 30-920.1(g).

<sup>31</sup> MPP 30-920.1(l).

<sup>32</sup> MPP 30-920.1(m).

<sup>33</sup> MPP 30-920.1(n).

<sup>34</sup> MPP 30-920.1(q).

<sup>35</sup> MPP 30-920.1(v).

<sup>36</sup> Cal. Gov. Code § 6250 *et seq.*

### Can a provider remove a youth from the THP-Plus Program?

State law contains procedural safeguards for youth participants in THP-Plus programming who are facing an exit from their THP-Plus program. (1) The grievance procedure and (2) state fair hearing are two processes designed to prevent the loss of THP-Plus funding and services. THP-Plus participants are entitled to a grievance procedure to challenge a program policy or practice.<sup>37</sup> Additionally, because THP-Plus is a public social services program funded by the California Department of Social Services, THP-Plus participants are entitled to a notice of termination of the THP-Plus benefit and right to appeal that termination through a state fair hearing.<sup>38</sup> For more information on Grievance Procedures and State Fair Hearings, please see the **Youth Law Center's** Advocacy Guide: *Preventing Involuntary Exits from THP-Plus*.<sup>39</sup>

### Can a provider remove tenants from THP-Plus Housing?

Yes, a provider may remove tenants from THP-Plus Housing, provided they follow all applicable laws and procedures. There are a number of laws and requirements in place that landlords and tenants must abide by including State and Local Landlord-Tenant Law, Federal and State Fair Housing Laws and Reasonable Accommodation Requirements, and the Transitional Housing Participant and Misconduct Act (THPMA) before a youth can be removed from THP-Plus Housing.

Note: A Tenant's loss of a housing unit through lawful termination of a lease or eviction should **never** automatically mean they are also terminated from the THP-Plus services and subsidy.<sup>40</sup>

#### *State and Local Landlord-Tenant Law*

Youth in THP-Plus housing are tenants who are protected by both state and local landlord-tenant law.<sup>41</sup> State law outlines the reasons landlords can evict someone, the process the landlord must follow, and the rights of tenants in the eviction process.<sup>42</sup> A landlord cannot interfere in any way with a youth-tenant's ability to use their housing instead of engaging in the formal court process; this includes ejecting a tenant, changing the locks, or moving their belongings out of the unit. Landlords may not file formal court proceedings to evict a tenant until they have provided proper written notice of eviction and said notice has expired.<sup>43</sup> The duration of and allowable reasons for giving the notice are dictated by local and state law. Further, certain rights, protections, and

<sup>37</sup> MPP § 30-920.1(l). *See also, e.g.*, Request for Proposals, THP-Plus Services, County of Los Angeles Department of Children and Family Services, March 1, 2018, Appendix B, THP-Plus Statement of Work (explaining the requirement that THP-Plus agencies create a grievance and appeals process), available at: [http://contracts.dcsf.lacounty.gov/Uploads/100\\_THP-Plus\\_RFP.pdf](http://contracts.dcsf.lacounty.gov/Uploads/100_THP-Plus_RFP.pdf).

<sup>38</sup> MPP § 22-071.1; MPP § 22-001(a)(3)(A). *See generally* *Goldberg v. Kelly*, 397 U.S. 254, 275 (1970) (holding that “to cut off a welfare recipient in the face of ‘brutal need’ without a prior hearing of some sort is unconscionable, and therefore, unconstitutional.”)

<sup>39</sup> [https://ylc.org/wp-content/uploads/2020/11/Preventing-Involuntary-Exits-from-THP-Plus\\_Final.pdf](https://ylc.org/wp-content/uploads/2020/11/Preventing-Involuntary-Exits-from-THP-Plus_Final.pdf).

<sup>40</sup> *Id.*

<sup>41</sup> MPP §§ 30-901(t)(1), 30-920.1(j), (p).

<sup>42</sup> Cal. Code Civ. Proc. § 1161 *et seq.*

<sup>43</sup> *Grand Central Pub. Market, Inc. v. Kojima*, 11 Cal. App. 2d 712, 717 (1936); *see also* Cal. Code Civ. Proc. §§ 1159, 1160; *Spinks*, 171 Cal. App. 4th at 1038; *Glass v. Najafi*, 78 Cal. App. 4th 45, 48-49 (2000).

timelines may vary at the local level, depending on the city or county the youth resides in, the type of building their residence is in, and whether or not the landlord also resides there. A housing attorney can expertly apply these varying rights, protections, and timelines. You can find a local housing attorney [here](#), and some jurisdictions have rules that give tenants the right to counsel.<sup>44</sup>

Whether a landlord can legally evict someone depends on the circumstances in each case. However, it is important to know that there are certain instances where a landlord is prohibited from evicting a tenant, including when the eviction is based on acts of domestic violence,<sup>45</sup> sexual assault, or stalking committed against a tenant or a tenant’s household member.<sup>46</sup> In addition, state law outlines the rules that landlords must follow to keep housing units safe and habitable and to protect tenants’ privacy and free expression.<sup>47</sup>

### *Federal and State Fair Housing Laws & Reasonable Accommodation Requirements*

The federal Fair Housing Act (FHA), California’s Fair Employment and Housing Act (FEHA), and the Unruh Act prevent discrimination in housing, including most forms of THP-Plus housing.<sup>48</sup> These laws protect certain groups of people, including groups based on race, color, national origin, religion, sex, familial status, and disability. Youth and their advocates can make a complaint at any time if the youth experiences discrimination in their THP-Plus program. A link to detailed instructions for how to file a complaint through the California Department of Fair Employment and Housing website is available in the **Resources** Section below.<sup>49</sup>

A THP-Plus tenant with a disability is entitled to a reasonable accommodation at any time during their participation in THP-Plus, including when facing an involuntary exit. It may be appropriate to request a reasonable accommodation when an involuntary exit is based on a failure to comply with a condition of eligibility such as the pursuit of education or employment, and the tenant is unable to comply because of a disability. The reasonable accommodation may include making an exception for certain “rules, policies, practices, or services” or permitting modifications of

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<sup>44</sup> For example, San Francisco approved Proposition F in 2018, granting the right to counsel for all tenants. J.K. Dineen, SF’s Measure F Wins, Will Give Tax-Funded Legal Help to Tenants Facing Eviction, SAN FRANCISCO CHRONICLE, June 5, 2018, available at <https://www.sfchronicle.com/politics/article/SF-Measure-F-to-give-tax-funded-legal-help-to-12970924.php>. Los Angeles County also has made efforts to provide legal services to tenants. Nadra Nittle, Free Legal Help for Tenants Who Get Eviction Notices? LA Poised to Budget \$3M for It, LOS ANGELES CURBED, May 16, 2019, available at <https://la.curbed.com/2019/5/16/18623160/right-to-counsel-los-angeles-evictions-free-attorney>.

<sup>45</sup> See Cal. Fam. Code § 6211 for the statutory definition of “domestic violence.”

<sup>46</sup> Cal. Code Civ. Proc. § 1161.3(a).

<sup>47</sup> See generally Cal. Civ. Code § 1940 *et seq.*

<sup>48</sup> Fair housing law applies to an even broader population than landlord-tenant law. 2 Cal. Code Regs. § 12005(b)(1) & (o) (applying state fair housing protections to a broad range of dwellings and accommodations, including transitional housing). See also 42 U.S.C. 42 U.S.C. § 3603(a)(1)-(2); 29 U.S.C. § 794 (applicability of federal Fair Housing Act).

<sup>49</sup> In addition to the administrative complaint process through DFEH, a THP-Plus youth participant with a disability may bring an affirmative claim under fair housing law and may recover damages and obtain injunctive and declaratory relief; or the youth may raise failure to provide a reasonable accommodation as an affirmative defense to an unlawful detainer action.” 2 Cal. Code Regs. § 12176(c)(8)(A); but see *Vella v. Hudgins*, 20 Cal.3d 251 (discussing possible collateral estoppel issues for future affirmative claims).

existing premises when the accommodation is necessary to afford the tenant the equal opportunity to use and enjoy their dwelling unit as well as public and common use areas.<sup>50</sup> A youth or their representative must affirmatively request an accommodation and, while it is not required to be in writing, should be written down for the sake of tracking the youth's requests.

*THPMA Temporary Restraining Order*

Under the THMPA, a THP-Plus provider may seek a temporary restraining order and an injunction prohibiting abuse or program misconduct.<sup>51</sup> "Abuse" is defined as intentionally or recklessly causing or attempting to cause bodily injury, or sexual assault or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another, where the injured person is another participant, provider's staff, or a person residing within 100 feet of the site.<sup>52</sup> "Program misconduct" is defined as any intentional violation of the transitional housing program rules and regulations which:<sup>53</sup>

1. Substantially interferes with the orderly operation of the program, **and**
2. Relates to drunkenness on site, unlawful use or sale of controlled substances, theft, arson, or destruction of the property of the provider, persons living within 100 feet of the site, program employees, or other participants, **or**
3. Relates to violence or threats of violence, and harassment of persons living within 100 feet of the program site, program employees, or of other participants.

A provider may *not* seek a temporary restraining order against a participant after the participant has been under contract with the provider for at least six months, except when an action is pending against the participant or a temporary restraining order is in effect and subject to further orders.<sup>54</sup>

After filing a petition for an injunction, the provider may obtain a temporary restraining order. The provider needs to give the participant notice, unless it appears from the facts shown by the affidavit that great or irreparable harm would result to the provider, a program participant, or an individual residing within 100 feet of the program site before the matter can be heard on notice.<sup>55</sup>

A temporary restraining order may be granted if there is reasonable proof of program misconduct or abuse by the participant, and great or irreparable harm would result. A temporary restraining order cannot exceed five days, unless otherwise modified, extended, or terminated by the court.<sup>56</sup>

An order excluding the participant from the program site may be included in the temporary restraining order only in an emergency where it is necessary to protect another participant, a

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<sup>50</sup> 42 U.S.C. §3604(f)(3)(B); 24 C.F.R. § 100.204.

<sup>51</sup> Cal. Civ. Code § 1954.13(a); *see also* Judicial Council of California, Transitional Housing Misconduct mandatory forms, available at <https://www.courts.ca.gov/forms.htm?filter=TH>.

<sup>52</sup> Cal. Civ. Code § 1954.12(a).

<sup>53</sup> Cal. Civ. Code § 1954.12(d).

<sup>54</sup> Cal. Civ. Code § 1954.13(a).

<sup>55</sup> Cal. Civ. Code § 1954.13(b).

<sup>56</sup> *Id.*

project employee, or an individual who lives within 100 feet of the project site from imminent serious bodily injury.<sup>57</sup>

### *THPMA Injunction*

At a hearing, the judge must receive any testimony or evidence that is relevant, and may make an independent inquiry. If the judge finds by clear and convincing evidence that program misconduct or abuse exists, the judge can issue an injunction, for up to one year, prohibiting that conduct. Within the three months before the expiration of the injunction, the program operator may apply for renewal of the injunction.<sup>58</sup>

The court can also issue an order excluding the participant from the program site or restraining the participant from coming within 200 feet of the program site, upon an affidavit that shows the following:<sup>59</sup>

1. Clear and convincing evidence of abuse of a program employee, another participant, or a person who resides within 100 feet of the program site, by the participant **and**
2. Great or irreparable injury would result to one of these individuals if the order is not issued.

If an order excluding the participant from the program site is issued, the program operator may take possession of the participant's dwelling unit on the program site without further notice. Other participants residing in the unit, including the defendant participant's family members, maintain their rights to the unit.<sup>60</sup>

Note again that a Tenant's loss of a housing unit through lawful termination of a lease or eviction should **never** automatically mean they are also terminated from the THP-Plus services and subsidy.

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<sup>57</sup> Cal. Civ. Code § 1954.13(d).

<sup>58</sup> Cal. Civ. Code § 1954.13(c).

<sup>59</sup> Cal. Civ. Code § 1954.13(d).

<sup>60</sup> Cal. Civ. Code § 1954.17.

## Resources

California Department of Social Services (CDSS), MANUAL OF POLICIES AND PROCEDURES (MPP)  
<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/Adult-Services-Regulations>

California Department of Social Services, ALL COUNTY LETTERS  
<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Letters-and-Notices/All-County-Letters>

California Department of Social Services, TRANSITIONAL HOUSING PROGRAMS FOR CURRENT AND FORMER FOSTER YOUTH  
<http://www.cdss.ca.gov/inforesources/Foster-Care/Transitional-Housing-Programs>

California Department of Social Services, ON-LINE FORMS AND PUBLICATIONS (STEP 8 Form – Supportive Transitional Emancipation Program/Transitional Independent Living Plan)  
<https://www.cdss.ca.gov/cdssweb/entres/forms/english/step8.pdf>

California Department of Social Services, STATE HEARING REQUESTS  
<https://www.cdss.ca.gov/hearing-requests>

John Burton Advocates for Youth, THP-PLUS STATEWIDE IMPLEMENTATION PROJECT (includes a roster of THP-Plus providers)  
<https://jbay.org/resources/roster-of-thp-plus-county-representatives/>

California Office of the Attorney General, LANDLORD-TENANT DISPUTES,  
<https://oag.ca.gov/consumers/general/landlord>

California Department of Fair Employment and Housing, FHA, FEHA, & UNRUH ACT COMPLAINT INSTRUCTIONS  
<https://www.dfeh.ca.gov/complaintprocess/>