

Date of Hearing: April 16, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 1818 (Jackson) – As Introduced January 11, 2024

SUBJECT: Public postsecondary education: homeless students: parking

SUMMARY: Requires each campus of the California State University (CSU) and the California Community Colleges (CCC), and would request the University of California (UC), to allow overnight parking by a student attending its campus if the student uses the vehicle as housing, the student has a valid parking permit issued by the campus, and the vehicle is parked in or on a campus-owned and controlled parking lot or parking structure. Specifically, **this bill:**

- 1) Specifies that each campus of the CSU and the CCC must, and each campus of the UC is requested to, allow overnight parking by a student attending its campus if all of the following circumstances apply:
 - a) The student uses the vehicle as housing;
 - b) The student has a valid parking permit issued by the campus; and,
 - c) The vehicle is parked in or on a campus-owned and controlled parking lot or parking structure.
- 2) Requires that campus of the CSU and the CCC will not, and each campus UC is requested to not, cite or otherwise penalize a student attending its campus for using a vehicle as housing if both of the following circumstances apply:
 - a) The student has a valid parking permit issued by the campus; and,
 - b) The vehicle is parked in or on a campus-owned and controlled parking lot or parking structure.
- 3) Specifies that if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs will be issues.

EXISTING LAW:

- 1) Establishes the Federal McKinney-Vento Homeless Assistance Act, which defines homeless youths as “individuals who lack a fixed, regular, and adequate nighttime residence” who:
 - a) Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b) May be living in motels, hotels, trailer parks, or shelters;
 - c) Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

- d) Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
- e) Are migratory children who qualify as homeless because they are children who are living in similar circumstances listed above. (42 U.S.C. Section 11434a(2).)

Existing state law:

- 2) Requires that CSU and the UCs, and requests that the CCC, in order to ensure current and former homeless youth and current and former foster youth have stable housing, give priority for housing these students. (Education Code (EDC) Sections 76010, 90001.5 and 92660)
- 3) Requires campuses of the CSU and UC, and requests campuses of the CCC, that maintain student housing facilities open for occupation during school breaks, or on a year-round basis, to give first priority to current and former foster and homeless youth for residence in the housing facilities that are open for uninterrupted year-round occupation. (EDC Sections 76010, 90001.5, and 92660)
- 4) Extends priority for housing at the UC, the CSU, and the CCCs to homeless youth, and requests campuses to develop plans to ensure that homeless and foster youth have housing during breaks. (EDC Sections 76010, 90001.5, and 92660)
- 5) Defines “homeless youth” as a student under 25 years of age, who has been verified as a homeless child or youth (as defined by Federal law). Provides that a student who is verified as a former homeless youth retains that status for a period of six years from the date of admission. (EDC Sections 76010, 90001.5, and 92660)
- 6) Requires a community college campus that has shower facilities for student use on campus to grant access to those facilities to any homeless student who is enrolled in coursework, has paid enrollment fees, and is in good standing with the community college district without requiring the student to enroll in additional courses. (EDC Sections 76011)
- 7) Provides that no community college district, or any officer or employee of such district or board is responsible or in any way liable for the conduct or safety of any student of the public schools at any time when such student is not on school property, unless such district has provided transportation for such student to and from the school premises, has undertaken a school-sponsored activity off the premises of such school, has otherwise specifically assumed such responsibility or liability or has failed to exercise reasonable care under the circumstances. In the event of such a specific undertaking, the district is liable or responsible for the conduct or safety of any student only while such student is or should be under the immediate and direct supervision of an employee of such district or board. (EDC Section 87706)
- 8) Requires the governing board of a community college district to procure insurance against liability of the district for damages for death, injury to person, or damage or loss or property, including such liability arising from officers or employees of the district acting within the scope of their employment. (EDC Section 72506(a))

FISCAL EFFECT: Unknown

COMMENTS: *Purpose.* According to information provided by the author, AB 1818 seeks to provide a backstop and an alternative for emergency shelter, by allowing California college students to stay overnight in their personal vehicles while parked on the campus of their college or university where they are a registered student. According to the author, “while emergency shelter in a vehicle is not ideal, it seems just a student knowing they may have a place to shelter, will go a long way to stabilizing their health and providing additional time to find a long term housing solution.”

Background. Housing and food insecurity, also known as basic needs insecurity, among college students is a harsh reality that only recently has been brought to light.

Basic needs insecurity has a direct impact on student academic success. These students are much more likely not to buy textbooks, to miss, drop, or fail classes, and to withdraw from school entirely. In addition, these students consistently report high levels of stress and other mental health issues, which negatively impact academic performance and health in general.

California’s housing crisis has left hundreds of thousands of community college students either homeless or facing the threat of being homeless. In spring 2023, The Research and Planning Group for CCC partnered with the CEO Affordability, Food & Housing Access Taskforce of the Community College League of California to assist in survey data collection efforts and provide updated data trends regarding CCC students’ food and housing security. They released a report titled *Real College California: Basic Needs Among California Community College Students*.

Over 66,000 students from 88 California Community Colleges responded to the survey, revealing that two out of every three CCC students grapple with at least one basic needs insecurity. Nearly half of CCC students are food insecure, almost 3 out of 5 are housing insecure, and about 1 in 4 are homeless - up from 19% in 2019.

Additionally, the report noted students African American/Black and American Indian/Alaskan Native students are more likely to report basic needs insecurities than students of other races/ethnicities. LGBTQ+ students are much more likely to report basic needs insecurities than non-LGBTQ+ students. Students aged 21-30 experienced the highest rates of basic needs insecurities relative to younger and older students. Food insecurity, housing insecurity, and homelessness rates were substantially higher among transgender students in 2023 compared to 2019. Homelessness rates were higher across students of all demographics in 2023 than in 2019. However, the most significant increases were seen among transgender students (+27 % points), gay and lesbian students (+9 % points), American Indian/Alaskan Native students (+14), Middle Eastern/North African students (+11 % points), and Pacific Islander students (+11 % points).

The report also found that who have been in foster care, in the military, and have been convicted of a crime are much more likely to report basic needs insecurities, as are students whose parents/guardians do not claim them as dependents. Additionally, while not assessed in prior years, in 2023, students identifying as single parents were much more likely to report basic needs insecurities than non-single parents (and the population as a whole), with nearly 9 in 10 single parents reporting housing insecurity.

While federal Pell grants can be used for non-tuition expenses, a July 2018 report from the Assembly Speaker's Office of Research and Floor Analysis titled *College Ready, Hungry, and Homeless* found that federal Pell grants cover "less than a third of average non-tuition costs, leaving a sizable gap that these students must fill."

The report also noted that housing accounts for 43% of the cost of being a CCC student, and 30% of students are solely responsible for their housing costs. Grant aid at CCCs covers a third of the total cost of attendance, and relatively few students have access to loans. In recent years, about 40% of students had very low food security, and a quarter of students experienced homelessness.

Recent aid and housing policies. As noted in the Legislative Analyst's Office 2022-2023 budget briefing on student housing, for many decades, the state's primary strategy for promoting college affordability was to keep student tuition charges low across the public higher education segments, while also providing full tuition coverage for students with financial need through the Cal Grant program.

Over the past several years, the state has begun providing more financial aid coverage for non-tuition costs, including housing, food, and transportation costs. Specifically, for university students, the state recently revamped the Middle Class Scholarship (MCS) program to be based on total cost of attendance. As a result of the expansion, many more CSU and UC students are now receiving MCS awards to cover a portion of their living costs. For community college students, the state created the Student Success Completion Grant program in 2018-19 (building off a predecessor program). This program covers \$8,000 of living costs annually for students with financial need who are enrolled in 15 or more units per term and \$2,596 annually for students taking between 12 and 14 units per term.

Rapid Rehousing & Housing Grants. In 2019-20, the state provided all three segments with ongoing General Fund augmentations to create rapid rehousing programs in partnership with community organizations. These programs provide students who are homeless or at risk of homelessness with various services, including case management, emergency housing, and emergency grants.

Beyond rapid rehousing programs, all three public segments also have received ongoing state funds in recent years to address students' basic needs, including food and housing insecurity. Basic needs assistance provided on each campus varies but can include on-campus food pantries, meal vouchers, hotel vouchers for short-term housing needs, on-campus emergency housing, security deposit assistance, rental subsidies, and a case manager to help students secure long-term housing.

In addition to these ongoing program expansions, the state provided a substantial amount of one-time funding for the Higher Education Student Housing Grant program. As part of the 2022-23 budget agreement, the state provided a total of \$1.5 billion one-time non-Proposition 98 General Fund for the first round of student housing grants.

Possible reductions. Several housing programs contain proposed reductions in order to help address California's budget deficit. To begin aligning available funding with overall state costs, the Governor proposes budget solutions involving one-time spending reductions, reserve withdrawals, fund shifts, cost shifts, revenue increases, and funding delays.

The largest of the non-Proposition 98 proposals is removing one-time funding for a recently created higher education housing revolving loan program. This budget proposal achieves one-time General Fund savings of nearly \$1.7 billion.

The 2023-24 budget agreement included \$61.5 million ongoing non-Proposition 98 General Fund to debt finance 16 CCC student housing projects. Though the administration is committed to using a state lease revenue bond to finance 13 of these projects, the associated state program has not yet been established. The Governor intends to submit a proposal designing the new program at the May Revision. Until the new lease revenue bond program is enacted and housing projects have been completed, the state would incur no associated borrowing costs. The Governor therefore proposes to remove the entire \$61.5 million in associated funding in 2024-25. In examining the standard criteria for qualifying for state lease revenue bonds, the administration also has determined that three of the CCC projects (in the Napa, Santa Rosa, and Imperial Valley areas) are not good candidates for this type of financing. The Governor proposes to fund these three projects up-front with cash. Specifically, the Governor proposes using \$50.6 million of the \$61.5 million provided in 2023-24 for debt service for these three projects, generating \$10.9 million in 2023-24 savings.

Arguments in support. According to the University of California Student Association, AB 1818 is an "...essential piece of legislation aims to require campuses to allow their students who are experiencing homelessness overnight parking. This allowance will only be if the student uses their vehicle as housing, they have a valid parking permit that had been issued by the campus, and if the vehicle is parked in or on a campus-owned and controlled parking lot or parking structure. Currently, all UC students are experiencing a major housing crisis due to over enrollment, lack of affordable housing, and scarce housing options."

"As the official voice of students on behalf of their rights and basic needs, UCSA takes the problem of housing insecurity very seriously. It is our mission to advocate on behalf of current and future students for the accessibility, affordability, and quality of the University of California system. However, this is not just a problem for UC's system of campuses. In 2021, a memo presented by the state legislature found that almost 20% of students in California community colleges reported experiencing homelessness. Additionally, 10% of students attending CSU's and 5% of students attending UC's reported experiencing homelessness too. These are just the numbers that have been reported in 2021, not taking into account those who do not report their situation and those who have experienced homelessness since major inflation over the past couple years."

"Housing insecurity can be caused by a variety of factors including, but not limited to, poor finances, interpersonal violence, discrimination, and immigration status. On top of their studies, jobs, and personal lives, students experiencing homelessness have minimal options as they must stay in the vicinity of the campus. Currently, 8% of UC undergraduates are houseless, and far more are experiencing immense housing insecurity. Sleeping in one's vehicle on the street has been an option that many students have had to result to because of this unfortunate situation."

Arguments in opposition. The Association of California Community College Administrators (ACCCA) wrote in opposition, noting that, "While we appreciate the bill's intent to provide support to one of our most vulnerable student populations, AB 1818 does not fix the real housing and affordability challenges that our students face. Our colleges are already launching programs to assist homeless students, and a "one size fits all" mandate does not make sense for the diverse

community college system and would result in significant incurred costs and increased liability implications.”

“We believe a safer and more feasible approach is for the state to invest another round of funding into the Affordable Student Housing Construction Grant Program. While we understand that the current State Budget deficit will not allow for another investment into the program this year, we believe a more prudent approach in the short term is for the Legislature to work with the Newsom Administration on developing a statewide lease revenue bond or other statewide financing or fiscal approach to support affordable student housing projects.”

“ACCCA opposes AB 1818 because it is not a feasible solution for our homeless students, would increase liability for community college districts, and would create a new costly mandate while our districts are already facing tightening budgets and increased operating costs.”

Proposed amendments. To address prior policy concerns, the author has proposed amendments to AB 1818 that will make the program a pilot, and will include 10 CSU campuses and one campus per community college district. Specifically, the amendments:

- 1) Requires the Chancellor of the CSU to create a pilot program to allow overnight parking by a student attending a participating campus, provided that the student is enrolled in coursework, has paid enrollment fees if not waived, and is in good standing with the participating campus without requiring the student to enroll in additional courses.
 - a) Requires, no later than July 1, 2025, that 10 campuses be selected using criteria established by the Chancellor of the CSU;
 - b) Requires the Chancellor of the CSU, with the participation of student representatives, to determine a plan of action to implement subdivision a) above that includes, but is not limited to, all of the following:
 - i) Overnight parking facilities monitoring and a procedure for reporting and responding to threats to the safety of a student participating in overnight parking;
 - ii) An overnight parking form that must be completed by any eligible student seeking to access the overnight parking facilities. The form shall clearly and conspicuously indicate on the form that the campus cannot ensure the safety of a student who participates in overnight parking;
 - iii) Designation of a specific parking area or areas on each campus for overnight parking;
 - iv) Overnight parking rules that a participating student shall follow when using the overnight parking facilities, including a zero tolerance policy for the use of drugs or alcohol;
 - v) A procedure for identifying a participating student who has engaged in behavior that poses a substantial threat to the physical safety of other participating students and, as necessary, warning the identified student to correct their behavior or revoking the student’s eligibility to participate in overnight parking on a temporary or permanent basis; and,

- vi) A procedure for registering and verifying the identity of an eligible student and the student's vehicle through the issuance of an overnight parking permit. This information shall be used exclusively for the purpose of implementing overnight parking, and shall not be disclosed for any other purpose, except pursuant to a particularized court-issued warrant.
 - c) Requires that, upon establishing a plan of action pursuant to subdivision b), the Chancellor of the CSU will develop a document that clearly and concisely describes the rules and procedures established pursuant to b) above. This document will be provided to participating students. This document will be available at the overnight parking facility in paper form, or posted conspicuously on the internet website of the community college campus in which the facility is located; and,
 - d) Specifies that a campus that implements overnight parking that complies with the requirements of b) and c) is not civilly liable for a campus employee's good faith act or omission that fails to prevent an injury to a participating student that occurs in, or in close proximity to, and during the hours of operation of, overnight parking. This immunity does not apply to gross negligence, intentional misconduct, or violations of other provisions of law.
- 2) Requires the Chancellor of the CCC to create a pilot program to allow overnight parking by a student attending a participating campus, provided that the student is enrolled in coursework, has paid enrollment fees if not waived, and is in good standing with the participating campus without requiring the student to enroll in additional courses.
- a) Requires, no later than July 1, 2025, each community college district to select a pilot campus using criteria established by the Chancellor of the CCC;
 - b) Requires the Chancellor of the CCC, with the participation of community college district leaders and student representatives, to determine a plan of action to implement a) that includes, but is not limited to, all of the following:
 - i) Overnight parking facilities monitoring and a procedure for reporting and responding to threats to the safety of a student participating in overnight parking;
 - ii) An overnight parking form that must be completed by any eligible student seeking to access the overnight parking facilities. The form shall clearly and conspicuously indicate on the form that the campus cannot ensure the safety of a student who participates in overnight parking;
 - iii) Designation of a specific parking area or areas on each campus for overnight parking;
 - iv) Authorization that allows a student from any campus in a community campus district to use the parking area of the pilot campus, provided they participate in the pilot by applying for an overnight parking permit.

- v) Overnight parking rules that a participating student shall follow when using the overnight parking facilities, including a zero tolerance policy for the use of drugs or alcohol;
 - vi) A procedure for identifying a participating student who has engaged in behavior that poses a substantial threat to the physical safety of other participating students and, as necessary, warning the identified student to correct their behavior or revoking the student's eligibility to participate in overnight parking on a temporary or permanent basis; and,
 - vii) A procedure for registering and verifying the identity of an eligible student and the student's vehicle through the issuance of an overnight parking permit. This information shall be used exclusively for the purpose of implementing overnight parking, and shall not be disclosed for any other purpose, except pursuant to a particularized court-issued warrant;
- c) Requires that, upon establishing a plan of action pursuant to subdivision b), the Chancellor of the CCC will develop a document that clearly and concisely describes the rules and procedures established pursuant to b). This document will be provided to participating students. This document will be available at the overnight parking facility in paper form, or posted conspicuously on the internet website of the community college campus in which the facility is located; and,
 - d) Specifies that a campus that implements overnight parking that complies with the requirements of b) and c) is not civilly liable for a campus employee's good faith act or omission that fails to prevent an injury to a participating student that occurs in, or in close proximity to, and during the hours of operation of, overnight parking. This immunity does not apply to gross negligence, intentional misconduct, or violations of other provisions of law.
- 3) Requires that participants in both pilot programs be granted access to overnight parking until students are provided access with a suitable alternative, including but not limited to:
 - a) Grants that are necessary to secure, or prevent, the imminent loss of housing;
 - b) Hotel vouchers through a public agency or community organization; and;
 - c) Rapid Rehousing referral services and placement.
 - 4) Requires, commencing on or before August 1, 2025, the Chancellor of the CSU and the Chancellor of the CCC will implement 1) and 2) above, respectively.
 - 5) Requires, on or before 1 July 2027, participating campuses to report to their respective Chancellor's Offices on the use of the overnight parking facilities by its students, the number of students served by the overnight parking facilities, the socioeconomic and demographic backgrounds of these students, other housing services offered to its students, challenges and best practices in the operation of the overnight parking facilities, and whether students who used the overnight parking facilities remained enrolled or graduated from a campus maintained by the district.

- 6) On or before January 31, 2028, the CCC and CSU chancellors' offices shall develop and submit to the Governor and the Legislature, pursuant to Section 9795 of the Government Code, report based on the data and information reported by districts pursuant to 5) above.
- 7) Specified that the provisions remain in effect only until January 1, 2029, and as of that date is repealed.

Prior legislation. AB 806 (Bloom), Chapter 163, Statutes of 2019, removes the January 1, 2020 sunset, whereby current and former homeless youth are eligible for priority enrollment at campuses of the CCC, CSU, and the UC; aligns the definition of "homeless youth" to other provisions of existing law; specifies that current or former homeless youth are eligible for the CCC fee waiver; and, makes technical and clarifying changes to existing law.

AB 2416 (Gabriel), Chapter 285, Statutes of 2020, requires institutions of higher education to allow students to appeal their loss of student financial aid if they fail to meet "satisfactory academic progress" due to homelessness.

AB 302 (Berman, 2019), would have required a CCC campus that has parking facilities on campus to grant overnight access to those facilities, on or before July 1, 2020, to any homeless student who is enrolled in coursework, has paid any enrollment fees that have not been waived, and is in good standing with the community college for the purpose of sleeping in the student's vehicle overnight. This bill was moved to the inactive file on the Senate Floor.

AB 2784 (Caballero, 2018) would have established a program to provide loans for housing expenses to students experiencing homelessness at three California State University campuses. AB 2784 was held in the Assembly Appropriations Committee.

AB 1228 (Gipson, Atkins), Chapter 571, Statutes of 2015, extended priority for housing at the UC, the CSU, and the CCC to homeless youth, and requests campuses to develop plans to ensure that homeless and foster youth have housing during breaks.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Children's Rights
 California Faculty Association
 Disability Rights California
 Glide
 Individual
 Power CA Action
 Power California
 University of California Student Association

Oppose

Association of California Community College Administrators
California Association of Joint Powers Authorities
Community College League of California

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