

Date of Hearing: April 2, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 302 (Berman) – As Amended March 25, 2019

SUBJECT: Parking: homeless students

SUMMARY: Requires a community college 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. The bill would require the governing board of the community college district to determine a plan of action to implement this requirement. Specifically, **this bill:**

- 1) Specifies that if a community college campus has parking facilities on campus, the governing board of the community college district (CCD) shall grant overnight access to those facilities to any homeless student for the purpose of parking the student's vehicle overnight, provided the student:
 - a) Is enrolled in coursework;
 - b) Has paid enrollment fees, if not waived; and,
 - c) Is in good standing with the CCD without requiring the student to enroll in additional courses.
- 2) Requires the governing board to create a plan of action, in order to have homeless students access and use the shower facilities, that includes, but is not limited to, all of the following:
 - a) A definition of homeless student that is based on the definition of homeless youth specified in the McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), and reflects the age of the homeless student population at the community college campus;
 - b) Overnight parking facilities monitoring;
 - c) Establishing an overnight parking form and liability waiver that must be completed by any student seeking to access the overnight parking facilities;
 - d) Designation of a specific parking area or areas for overnight parking;
 - e) Accessible bathroom facilities that are in reasonable proximity to the parking area or areas designated, as prescribed;
 - f) A waiver of parking assessment fees for the overnight parking facilities;
 - g) Overnight parking rules that eligible homeless students shall follow when using the overnight parking facilities such as no use of drugs or alcohol; and,

- h) Hours of operation for the overnight parking facilities.
- 3) Expresses the intent of the Legislature that homeless students who use the overnight parking facilities will be connected to available state, county, community college district, and community-based housing, food, and financial assistance resources.
- 4) Requires the governing board of the CCD to implement the provisions of this bill no later than July 1, 2020.

EXISTING LAW:

- 1) Establishes in federal law the McKinney-Vento Homeless Education Assistance Improvements Act of 2001 to ensure educational rights and protections for youth experiencing homelessness. (42 United States Code (U.S.C.) 11431, et seq.)
- 2) Defines in federal law "homeless children and youth" to mean individuals who lack a fixed, regular and adequate nighttime residence, as specified, including children and youth who are:
 - a) Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;
 - b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
 - c) Living in emergency or transitional shelters;
 - d) Abandoned in hospitals;
 - e) Inhabiting a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation, as specified;
 - f) Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and,
 - g) Migratory, as defined, and who otherwise qualify as homeless per this definition. (42 U.S.C. 11434(a)(2))
- 3) Establishes the Community College Student Financial Aid Outreach Program and requires the California Student Aid Commission (CSAC) to develop and administer this program for the purpose of providing financial aid training to high school and community college counselors and advisors, as specified. Further requires the program to:
 - a) Include training to address the specific needs of community college students intending to transfer to a four-year institution of higher education, foster youth, and students with disabilities;
 - b) Provide specialized information on financial aid opportunities available to community college students, as specified; and

- c) Concentrate its efforts on high schools and community colleges that are located in geographic areas with a high percentage of low-income families. (Education Code (EDC) 69514.5)
- 4) Permits CSAC to, via the Student Opportunity and Access Program, apportion funds on a progress payment schedule for the support of projects designed to increase the accessibility of postsecondary educational opportunities for any elementary and secondary school pupils who are: from low-income families, will be the first in their families to attend college, or are from schools or geographic regions with documented low eligibility or college participation rates. (EDC 69561)
- 5) Requires a community college campus that has shower facilities for student use to grant access, as specified, 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, and requires the community college to determine a plan of action to implement this requirement. (EDC 76011)

FISCAL EFFECT: Unknown

COMMENTS: *Need for the bill.* According to the author, “California’s housing crisis has left hundreds of thousands of community college students either homeless or facing the threat of being homeless. Surveys of the state’s community college students have found that about one in five have been homeless during the previous 12 months. Students shared the challenges of their non-tuition costs and how little financial aid is available to help cover living costs.”

“The deficiency in current law is that there is no existing requirement for community colleges to provide their homeless students with a safe place to sleep at night. This bill does not set new precedent since AB 1995 (Williams, 2016), already requires community college districts to provide access to shower facilities for their homeless students.”

“As Chair of the Assembly Select Committee on the Master Plan for Higher Education in California, I have held five informational hearings throughout California over the last two years - from Sacramento to San Jose, Fresno to Riverside - and heard too many stories from students who found themselves sleeping in their cars because they could not afford the cost of housing. California is currently experiencing a housing crisis and our students are facing it as well. Hearing from students made it clear that legislation is needed now to meet the immediate needs of our homeless students.”

“AB 302 would allow homeless community college students to sleep in their vehicles overnight in campus parking facilities. Specifically, the bill would require community colleges to grant overnight access to campus parking facilities to any homeless student that is enrolled in coursework, has paid enrollment fees if applicable, and is in good standing with the community college without requiring the student to enroll in additional courses. The governing board of each community college would then be required to determine a plan of action to implement AB 302.

“The harsh reality is that students are already sleeping in their vehicles. When we do not provide a safe place for students to sleep, we force them into the shadows where they are most vulnerable. The long term solution is to build more housing, but while we work to make that a

reality, AB 302 is a step that we can take now to ensure that homeless students have a safe place to sleep at night.”

Background. California’s housing crisis has left hundreds of thousands of community college students either homeless or facing the threat of being homeless. Surveys of the state’s community college students have found that about one in five have been homeless during the previous 12 months. Students shared the challenges of their non-tuition costs and how little financial aid is available to help cover living costs.

Basic needs insecurity. 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.

A report was released in March of 2019 The Hope Center for College, Community, and Justice, in collaboration with the California Community Colleges Chancellor’s Office and The Institute for College Access and Success, titled the *California Community Colleges #RealCollege Survey*. This survey included nearly 40,000 students at 57 community colleges, and found that:

- 1) 19% of respondents experienced homelessness in the previous year.
- 2) 60% of respondents were housing insecure in the previous year.
- 3) 50% of respondents were food insecure in the prior 30 days.

Additionally, the report noted that rates of basic needs insecurity are higher for marginalized students, including African Americans, students identifying as LGBTQ, and students considered independent from their parents or guardians for financial aid purposes. Students who have served in the military, former foster youth, and formerly incarcerated students are all at greater risk of basic needs insecurity. Working during college is not associated with a lower risk of basic needs insecurity, and neither is receiving the federal Pell Grant; the latter is associated with higher rates of basic needs insecurity.

Students who lack resources for housing often also lack resources for food. In addition, basic needs insecurity varies over time, such that a student might experience housing insecurity during one semester and food insecurity the next. Some students are housing insecure during the summer and homeless during the winter. Seven in 10 students responding to the survey experienced food insecurity or housing insecurity or homelessness during the previous year. In addition, 40% of respondents were both food and housing insecure in the past year, and 17% experienced both housing insecurity and homelessness during that time. Many of the latter group were also food insecure. Finally, 14% were both food insecure and homeless in the previous year.

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.

Community College District numbers. The Los Angeles Community College District (LACCD) and Peralta Community College District have their own local data.

LACCD has nine campuses and a 2016-17 total enrollment of 237,868 students, representing 10% of total CCC enrollment. The district’s fall 2016 survey of basic needs found that almost three in four LACCD students reported food insecurity in the past 30 days, and 38% reported very low food security. One in five students were homeless, and 55% were housing insecure. Scaled to total enrollment, this represents 47,500 homeless students and 130,000 housing insecure students. Similar to national data, around 30% of basic needs insecure students in LACCD received CalFresh, 16% received housing assistance, and about 9% received CalWORKs or WIC (Women, Infants, and Children) assistance.

At Peralta Community College District in northern Alameda County, a spring 2017 survey found that 84% of students, approximately 41,858 individuals, experienced housing insecurity or homelessness, and 30% of students reported experiencing homelessness in the past year. One in five reported not knowing where they were going to sleep and not having a home in the past year, while one in seven slept in an abandoned building, car, or other place not meant as housing. The highest prevalence of student homelessness was at Berkeley City College, with 32.4% of its students reporting homelessness. Across PCCD, almost half of students reported being severely rent burdened—spending 50% or more of their monthly income toward rent.

Arguments in support. The Student Senate for California Community Colleges, the Sponsors of the legislation, write that “According to a survey conducted by the California Community College Chancellor's Office in the Fall of 2017, 25% of students in the community college system face housing insecurity. The study further reported that 14% of students were completely homeless.”

“According to research conducted by the De Anza Associated Student Body Senate and the Student Senate for California Community Colleges Region IV, 43 of California's community colleges did not have policies on overnight parking, where an additional 26 community colleges do not allow any overnight parking and an additional 35 allow overnight parking only in special circumstances.”

“With the passage of AB 302, homeless students at community college campuses will be able to park overnight in a safe area. Providing this resource will enable our students to get some rest without having to constantly fear for their safety.”

The Alliance for Children’s Rights notes that, “...the State’s public college and university systems are recognizing that growing housing insecurity among college students poses serious barriers to educational achievement. According to a 2018 report by the Los Angeles Community

College District, one in five students experienced an episode of homelessness within the last 12 months. A study of California State University (CSU) students found that 11% of students reported being homeless one or more times in the last year. Homelessness also disproportionately impacts particular student subgroups. This same research found that African American and Native American students as well as those with experience in foster care or who were veterans experienced significantly higher rates of homelessness than their peers.”

“Homelessness impacts a student’s ability to remain in school and be successful. Despite this reality, California lacks any targeted intervention to prevent and end homelessness among college students. California can take interim steps to address the mounting crisis of homelessness among community college students by allowing enrolled students to safely park overnight on campuses.”

Arguments in opposition. Though no groups have taken formal positions of opposition, several have written to express concerns. The Los Rios Community College District noted that “our Colleges already launching initiatives to help homeless students and a “one size fits all” mandate may not make sense for the diverse community college system. There will be significant costs incurred. Some of the increased costs for our Colleges include:”

- 1) “Security: increased workload to protect students and facilities after classes have concluded. We are not staffed to provide 24/7 security on our college campuses to persons sleeping in cars.”
- 2) “Verification: verifying who are students and who are not students will require the Colleges to pay for the additional time absorbed by this task.”
- 3) “Custodial: there will be increased costs to hire cleaning crews to clean the parking lot and remove trash before students enter the lot for morning classes.”
- 4) “Restrooms: the bill requires accessible restrooms. The colleges will incur additional utility, maintenance and monitoring costs for these facilities.”
- 5) “Liability: who is responsible for crimes, injury to homeless students, and medical emergencies? Even with a waiver, colleges will face the threat of lawsuits for persons injured in their parking lots during the evening hours.”
- 6) “Mandate cost claims are never fully reimbursed: Mandates are reimbursed only after costs are incurred and often times do not reflect the actual costs incurred in these activities.”
- 7) “Diversion of Proposition 98 funds from education: The increased costs and insufficient reimbursement of mandated claims means that Proposition 98 funds are being diverted from instruction and the classroom. This non-education program should not be funded by Proposition 98 funds.”

The Community College League of California expressed similar functional concerns to those raised by Los Rios Community College District, but also noted that “...AB 302 does not include a provision to report back to the Legislature about the implementation and status of this measure. Given the magnitude of the tasks required by AB 302, provisions such as a sunset and analysis should be seriously considered.”

“Additionally, AB 302 does not take into account the needs of the communities where our colleges are located. AB 302 risks collaboration with local government entities and community members, both of which colleges depend on for workforce collaboration, facilities, and public safety partnerships. Our colleges strive to be good neighbors. We also want to emphasize that many cities and non-profit organizations are already doing safe parking programs, so keeping this a permissive legislation is key. For our colleges, the resources expended to provide ongoing security monitoring and sanitation facilities are resources that could be utilized to support housing partnerships or emergency grants to students.”

“Finally, AB 302 does not fix the real housing and affordability challenges that our students face. The League strongly supports any measure that increases financial support for these students either through the state’s system of financial aid, grants for community-based organizations to connect our homeless students to housing services or increasing access to the Supplemental Nutrition Assistance Program. We respectfully urge our state leaders to focus on long-term solutions that address the true challenges face, not temporary fixes.”

Prior legislation. AB 1995 (Williams), Chapter 407, Statutes of 2016, requires a community college campus that has shower facilities for student use to grant access, as specified, 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, and requires the community college to determine a plan of action to implement this requirement.

AB 801 (Bloom), Chapter 432, Statutes of 2016, extended priority enrollment to homeless youth, as defined, at the CCC and CSU, and requested that the UC make this same extension; requires designation of a Homeless and Foster Student Liaison at each postsecondary educational institution participating in the Cal Grant program; and adds homeless youth to the categories of youth to be served under existing financial aid programs and services.

AB 1228 (Gipson), Chapter 571, Statutes of 2015, extends priority for housing at the University of California, the California State University, and the CCC, to homeless youth, and requests campuses to develop plans to ensure that homeless and foster youth have housing during school breaks.

REGISTERED SUPPORT / OPPOSITION:

Support

Faculty Association of California Community Colleges
LifeMoves
National Association of Social Workers, California Chapter
NextGen California
Student Senate for California Community Colleges

Opposition

None on file.

Analysis Prepared by: Kevin J. Powers / HIGHER ED. / (916) 319-3960