
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 673 **Hearing Date:** June 22, 2021
Author: Salas
Version: June 10, 2021
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Domestic violence*

HISTORY

Source: Author

Prior Legislation: SB 1276 (Rubio), Ch. 249, Stats. 2020
SB 1062 (Bowen), Ch. 639, Stats. 2006
AB 225 (La Follette), Ch.705, Stats. 1985
SB 91 (Presley), Ch.892, Stats. 1977

Support: California Partnership to End Domestic Violence; Little Hoover Commission

Opposition: None known

Assembly Floor Vote: 77 - 0

PURPOSE

The purpose of this bill is to require the portion of any grant funding awarded to a domestic violence shelter service provider that is funded by the state to be distributed to the recipient in a single disbursement at the beginning of the grant period.

Existing law establishes the Comprehensive Statewide Domestic Violence Program (CSDVP) within Cal OES. (Pen. Code, § 13823.15, subd. (b).)

Existing law states that the goals of the CSDVP are to provide local assistance to existing providers, to maintain and expand services based on the needs of the population, and to establish a directed program for the development of domestic violence services in underserved areas. Requires Cal OES to provide financial and technical assistance to local domestic violence centers implementing all of the following services: 24 hour crisis hotlines, counseling, business centers, emergency safe homes/shelters for victims and families, emergency food and clothing, emergency response to calls from law enforcement, hospital emergency room protocol, emergency transportation, supportive peer counseling, counseling for children, court and social service advocacy, legal assistance with restraining orders, devices, and custody disputes, community resource and referral, and household establishment assistance. Requires that priority for financial and technical assistance be given to emergency shelter programs and safe homes for victims of domestic violence and their children. (Pen. Code § 13823.15, subd. (b).)

Existing law requires Cal OES and the advisory committee to collaboratively administer the CSDVP and allocate funds to local centers who meet the funding criteria. Provides that the centers may seek, receive, and make use of any funds which may be available from all public and private sources to augment state funds received. (Pen. Code § 13823.15, subs. (c)(1) & (c)(2).)

Existing law establishes the process for distributing grant awards to DVSSPs. (Pen. Code § 13823.15, subd. (f).)

Existing law requires Cal OES establish each of the following:

- The process and standards for determining whether to grant, renew, or deny funding to any DVSSP applying or reapplying for funding under the terms of the program.
- For DVSSPs applying for grants under the request for proposal process, a system for grading grant applications in relation to the standards established, and an appeal process for applications that are denied.
- For DVSSPs reapplying for funding under the request for application process, a system for grading the performance of DVSSPs in relation to the standards established and an appeal process for decisions to deny or reduce funding. (Pen. Code, § 13823.15, subd. (f)(1).)

Existing law requires grants for shelters that were not funded in the previous cycle be awarded as a result of a competitive request for proposal (RFP) process. (Pen. Code, § 13823.15, subd. (f)(2).)

Existing law requires that grants be awarded to DVSSPs that propose to maintain shelters or services previously granted funding pursuant to this section, to expand existing services or create new services, or to establish new domestic violence shelters in underserved or unserved areas. Provides that each grant be awarded for a three-year term. (Pen. Code, § 13823.15, subd. (f)(3).)

Existing law provides that DVSSPs reapplying for grants are not be subject to a competitive grant process, but are subject to a request for application (RFA) process. (Pen. Code, § 13823.15, subd. (f)(4).)

Existing law requires that a DVSSP funded through this program in the previous grant cycle be funded upon reapplication, unless, pursuant to the assessment required under the RFA process, its past performance history fails to meet the standards established by Cal OES. (Pen. Code, § 13823.15, subd. (f)(5).)

Existing law requires Cal OES to conduct a minimum of one site visit every three years for each DVSSP funded for the purpose of conducting a performance assessment of, and to provide subsequent technical assistance for, each shelter visited. Outlines what must be included in the performance assessment. (Pen. Code, § 13823.15, subd. (f)(6).)

This bill requires the portion of any grant funding awarded to a DVSSP that is funded by the state to be distributed to the recipient in a single disbursement at the beginning of the grant period.

COMMENTS

1. Need for This Bill

According to the author:

To provide support to domestic violence shelter service providers (DVSSPs), the California Governor's Office of Emergency Services (Cal OES) administers the Domestic Violence Assistance Program (DVAP). Cal OES distributes \$20.6 million in state funds for services that target IPV survivors. DVAP also receives \$33 million in federal funding, and in total distributes \$53 million to 102 shelter-based providers throughout California.

While working through COVID-19, DVSSPs have also had to deal with delays in receiving reimbursement from Cal OES due to issues with its reimbursement system. At best, DVAP recipients have to wait two or three months to receive funding. Some service providers are forced to take out loans in order to keep their doors open, and then spend some of the funding they receive on paying off those loans. Other service providers worry that they can't survive the gap between providing services and being reimbursed, and so forgo providing a service and leave grant funding unspent and unused. For smaller providers, the risk of being left waiting months to get their reimbursements is so great that they don't apply for grants at all.

2. Domestic Violence Funding

With respect to state and federal funding for domestic violence services, the federal government provides most of the funding awarded to domestic violence providers and creates rules regarding how the state may allocate those funds. The state then decides which programs and services will receive federal funding. Cal OES administers federal funding for victim services in consultation with three advisory committees. Cal OES currently administers about \$84 million in federal funds for programs focused on domestic violence, and another \$5 million in federal funds for programs focused on domestic and sexual violence.

Penal Code section 13823.15 establishes the Comprehensive Statewide Domestic Violence Program within Cal OES. In creating this program, the Legislature delineated three goals: (1) to provide local assistance to existing service providers; (2) to maintain and expand services based on a demonstrated need; and (3) to establish a targeted or directed program for the development and establishment of domestic violence services in currently unserved and underserved areas. The statute outlines 14 services deemed necessary to accomplish those goals and directs Cal OES to provide financial and technical assistance to domestic violence centers providing those services. Cal OES fulfills its obligations through the Domestic Violence Assistance Program (DVAP) which is the state's primary domestic violence program. State domestic violence-related general funds only go to DVAP. DVAP grants are noncompetitive for DVSSPs that are reapplying for grants (i.e., a DVAP recipient's reapplication for grant funding must be accepted by the state barring severe performance failures). Approximately \$53 million is distributed to 102 shelter-based providers through this program, with about 60 percent of the funding coming from the federal government and the remaining funding coming from the state.

3. Little Hoover Commission Report

In the fall of 2019, the Little Hoover Commission began an assessment of the state's response to domestic violence. In its report published in April 2020, the Commission found that organizations funded through DVAP face severe financial challenges as they wait to be reimbursed for services provided. (Little Hoover Commission, *Intimate Partner Violence: Getting the Money to Those on the Front Line*, Report 249 <https://lhc.ca.gov/sites/lhc.ca.gov/files/Report%20249_1.pdf>.) The report laid out the problem as follows:

If service providers immediately and accurately complete their reimbursement request, and the state meets all of its statutory timelines in processing reimbursements, then service providers wait about 79 days from Day 1 of providing the service until receiving reimbursement. This assumes service providers complete their paperwork immediately after the 30-day reporting period ends and pay for overnight delivery to Cal OES. If service providers need more than a day to complete their request, the wait can be up to around 109 days between Day 1 of providing services and reimbursement – providing everything runs smoothly.

Not everything runs smoothly, of course. For instance, sometimes recipients fill out forms incorrectly, emergencies pull Cal OES staff away from grants management and recipients sometimes receive conflicting instructions, to their detriment. One member of the Commission's advisory committee recounted that Cal OES instructed her to submit invoices one way, which she did, only to have them bounced back to her with instructions to submit them completely differently. New state IT ventures, such as Fi\$Cal, outside of Cal OES' control can interrupt prompt processing of payments. As a result, service providers wait even longer for payment. At the Commission's October 2019 hearing, Beth Hassett, Executive Director for WEAVE, reported her organization was waiting on a million dollars in reimbursements from Cal OES. Some invoices had been submitted roughly four months earlier. For small organizations, long delays for such large amounts are a grave burden. (*Id.* at pp. 7-8.)

Because most domestic violence service providers are small organizations that lack reserves to cover expenses until reimbursement checks arrive, these organizations are forced to make difficult decisions including taking out lines of credit, leaving grant money unspent, or not applying for grants in the first place. (*Id.* at p. 8.) Although organizations may request up to a 25 percent advance of state grant funding, the Commission did not find that this adequately addressed the challenges and needs of domestic violence service providers. Instead, the Commission recommended that the Legislature enact, and the Governor sign into law, a mechanism through which recipients of DVAP funding, or any future program implementing California Penal Code section 13823.15, receive the entirety of the state's portion of the grant funding at the beginning of the grant period. (*Id.* at p. 10.)

This bill adopts the Commission's recommendation and requires Cal OES to provide the full amount of a grant award to a DVSSP at the beginning of a grant period. This Committee passed a bill nearly identical to this one, SB 720 (Ochoa Bogh), on April 13, 2021.