



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 placement program designed to provide housing and supportive services to former foster youth who are 18 to 24 years of age; former foster youth include youth previously supervised by child welfare or probation.¹ The purpose of THP-Plus is to assist youth as they move from dependency to self-sufficiency.²

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 18th birthdays, from a county that has elected to participate in the program; 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.³ Youth in THP-Plus are called THP-Plus tenants. A tenant must be pursuing county-approved goals by using Supportive Transition Emancipation Program (STEP) or THP-Plus Transitional Independent Living Plan (TILP).⁴

Tenants can stay in THP-Plus for a maximum of 24 cumulative months, and the maximum age for THP-Plus is 24 years old.⁵ A county may choose to extend THP-Plus services to former 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:⁶

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.

¹ 22 Cal. Code Regs. § 86001(t)(2).

² 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>.

³ Cal. Welf. & Inst. Code § 11400(s); MPP 30-913.1.

⁴ Cal. Welf. & Inst. Code § 11403.2(a)(2)(A); MPP 30-913.1.

⁵ Cal. Welf. & Inst. Code § 11403.2(a)(2)(A).

⁶ Cal. Welf. & Inst. Code § 11403.2(a)(2)(B).

What are STEP and THP-Plus TILP?

STEP/THP-Plus 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.⁷ 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.⁸ 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 and so on.⁹

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

What are the responsibilities of 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.¹⁰

What kind of housing does THP-Plus provide?

Certified programs must provide safe and adequate residences and allow participants the maximum amount of independence.¹¹ Residential units can be apartments, single-family dwellings, condominiums, college dormitories, and host family models.¹²

No more than two tenants may share a bedroom.¹³ THP-Plus housing does not include public or private shelters, temporary living situations with family or friends, or places not ordinarily used for sleeping.¹⁴ Group homes and other types of licensed residential facilities may not be used as THP-Plus placements.¹⁵

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

THP-Plus providers are not subject to licensure by the California Department of Social Services if they are certified by the county to provide transitional housing and have obtained a local fire clearance.¹⁶

⁷ MPP 30-901(s)(2).

⁸ MPP 30-915.13.

⁹ MPP 30-918.11.

¹⁰ MPP 30-917.1.

¹¹ MPP 30-916.1.

¹² MPP 30-916.11.

¹³ MPP 30-920(k).

¹⁴ MPP 30-916.12, 916.13.

¹⁵ MPP 30-916.14.

¹⁶ 22 Cal. Code Regs. 86001(t)(2); Cal. Welf. & Inst. Code § 16522(c)(1).

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Each THP-Plus agency's program must provide for the following:¹⁷

1. A description of the tenant application process and selection criteria are included.¹⁸
2. The program must not discriminate on the basis of race, national origin, gender, sexual orientation, or disability and that youth who were wards of the court and youth receiving psychotropic medications must be eligible and not automatically excluded due to these factors.¹⁹
3. The agency must assist each tenant to complete the STEP/THP-Plus TILP form.
4. The program describes how it will assist tenants to live independently and to accomplish the goals described in their STEP/THP-Plus TILP.²⁰
5. 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.²¹
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.²²
7. Tenants must be allowed the greatest amount of freedom possible in order to prepare them for self-sufficiency.²³
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.²⁴
9. The housing has reasonable transportation access to schools, employment appropriate supportive services, shopping and medical care.²⁵
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.²⁶
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.²⁷
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

¹⁷ MPP 30-920.1.

¹⁸ MPP 30-920.1(u).

¹⁹ MPP 30-920.1(c).

²⁰ MPP 30-920.1(d).

²¹ MPP 30-920.1(o).

²² MPP 30-920.1(i)-(h).

²³ MPP 30-920.1(f).

²⁴ MPP 30-920.1(r).

²⁵ MPP 30-920.1(g).

²⁶ MPP 30-920.1(l).

²⁷ MPP 30-920.1(m).

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obtaining services without written documentation verifying the necessity of the information.²⁸

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.²⁹

There must be different rules and program designs for youth in and out of foster care if the same provider is serving both; youth who have exited the foster care system should be subject to fewer restrictions.³⁰ The staffing ratio of case manager to client must not exceed 1 to 12.³¹

For more information on transitional housing for **youth in foster care**, see the Youth Law Center's Fact Sheet: **THPP and THP+FC**.

Can a provider evict youth from THP-Plus Housing?

THP-Plus tenants are subject to the Transitional Housing Participant Misconduct Act (THPMA) and/or California landlord-tenant law.³²

Under the THMPA, a THP-Plus provider may seek a temporary restraining order and an injunction prohibiting abuse or program misconduct.³³

"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.³⁴

"Program misconduct" is defined as any intentional violation of the transitional housing program rules and regulations which³⁵

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.

²⁸ MPP 30-920.1(n).

²⁹ MPP 30-920.1(q).

³⁰ Cal. Welf. & Inst. Code § 16522(e).

³¹ Cal. Welf. & Inst. Code § 16522(e)(3).

³² MPP 30-920.1(p).

³³ Cal. Civ. Code § 1954.13(a).

³⁴ Cal. Civ. Code § 1954.12(a).

³⁵ Cal. Civ. Code § 1954.12(d).

THPMA Temporary Restraining Order

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.³⁶

After filing a petition for an injunction, the provider may obtain a temporary restraining order. The provider needs to give the opposite party notice, unless 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.³⁷

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 5 days, unless otherwise modified, extended, or terminated by the court.³⁸

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 project employee, or an individual who lives within 100 feet of the project site from imminent serious bodily injury.³⁹

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.⁴⁰

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:⁴¹

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.

³⁶ Cal. Civ. Code § 1954.13(a).

³⁷ Cal. Civ. Code § 1954.13(b).

³⁸ *Id.*

³⁹ Cal. Civ. Code § 1954.13(d).

⁴⁰ Cal. Civ. Code § 1954.13(c).

⁴¹ Cal. Civ. Code § 1954.13(d).

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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.⁴²

California Landlord-Tenant Law

Youth in THP-Plus housing are tenants who have the same rights as everyone else who rents housing. State law outlines the reasons landlords can evict someone, the process the landlord must follow, and the rights of tenants in the eviction process. Whether a landlord can legally evict someone depends on the circumstances in each case. A link to information for tenants in California is available in the Resources section below.

⁴² 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, 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)

<http://www.cdss.ca.gov/inforesources/Forms-Brochures/Forms-Alphabetic-List/Q-T - soc>

John Burton Advocates for Youth, THP-PLUS STATEWIDE IMPLEMENTATION PROJECT (includes a roster of THP-Plus providers)

<http://thplusplus.org/>

United States Department of Housing and Urban Development, TENANT RIGHTS, LAWS AND PROTECTIONS: CALIFORNIA

<https://portal.hud.gov/hudportal/HUD?src=/states/california/renting/tenantrights>