



Legislative Update ■ October 2, 2020

Newsom Administration Releases New Details on Equity Metric

The Newsom Administration released [details](#) on the equity metric they have previously referenced numerous times and have been developing since the Blueprint for a Safer Economy was unveiled in August. Concerned that certain low-income, disadvantaged communities have higher test positivity rates, the Administration is seeking to curb disease transmission by focusing on reducing positivity in these communities. Starting October 6, in order to advance to the next less restrictive tier, counties with populations over 106,000 will need to meet an equity metric and demonstrate targeted investments to eliminate disparities in levels of transmission. The rule relies on test positivity rate — the percentage of positive test results divided by the number of test-takers.

Additionally, the California Department of Public Health is assembling a Health Equity Technical Assistance Team to develop best practices, resources, and vendors with an equity focus to share and provide resources to counties. CDPH is also coordinating regional hubs to provide resources.

Application of New Metric on 35 Targeted Counties (Population > 106,000)

For a county with a population of greater than 106,000 (which includes the 35 most populous counties), the county must:

- **Equity Metric.** Ensure that the test positivity rates in its most disadvantaged neighborhoods, as defined as being in the lowest quartile of the Healthy Places Index (HPI) census tracts, do not significantly lag behind its overall county test positivity rate.
- **Targeted Investments.** Submit a plan that (1) defines its disproportionately impacted populations, (2) specifies the percent of its COVID-19 cases in these populations, and (3) shows that it plans to invest Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (Strategy 5: Use Laboratory Data to Enhance Investigation, Response, and Prevention) grant funds at least at that percentage to interrupt

disease transmission in these populations. The targeted investments can include spending on augmenting testing, disease investigation, contact tracing, isolation/quarantine support, and education and outreach efforts for workers. Effective for the October 13 tier assignment, this plan must be submitted before a county may progress to a less restrictive tier.

How Equity Metric Affects Movement Between Tiers

In order to move to a less restrictive tier, a county must meet the case rate and test positivity thresholds for that tier for the prior two consecutive weeks. In addition, the county's lowest quartile Healthy Places Index census tracts must also meet the specified test positivity threshold, as described below, for the less restrictive tier during those same weeks.

- For counties entering the red tier, their lowest quartile HPI census tracts' test positivity must also be $\leq 8\%$.
- For counties entering the orange tier, their lowest quartile HPI census tracts' test positivity must be within 5% of the orange tier threshold, or $\leq 5.2\%$.
- For counties entering the yellow tier, their lowest quartile HPI census tracts must be within 10% of the yellow tier threshold, or $\leq 2.1\%$.

Attending to the lowest quartile HPI test positivity rate can also accelerate a county's progression to a less restrictive tier.

- For counties in purple or red tiers, if the county's case rate is declining but has not met threshold for the next less restrictive tier, the county can still progress to the next less restrictive tier if both the countywide and the county's lowest quartile HPI census tracts' test positivity rate meets the threshold for the tier that is two tiers less restrictive than the current tier for two consecutive weeks. For example, if a county is currently in the purple tier, with a case rate that is declining but still > 7 , but both county wide and lowest quartile HPI census tracts' test positivity rate is $< 5\%$ for two consecutive weeks, it can progress to the red tier.
- For counties that are in the orange tier, if both the countywide and the county's lowest quartile census tracts' test positivity rate is $< 2\%$ and the case rate is ≤ 2 per 100,000 for two consecutive weeks, the county can move to the yellow tier.

The equity metric will not be considered as a factor in whether a county needs to move to a more restrictive tier.

Requirements for Counties with Populations Under 106,000

Due to data limitations in small populations, the equity metric described above cannot be reliably applied to smaller counties. For a county with a population of 106,000 or fewer (includes the 23 least populated counties), the county must submit a plan that:

- Defines its disproportionately impacted populations,

- Specifies the percent of its COVID-19 cases in these populations, and
- Shows that it plans to invest Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (Strategy 5: Use Laboratory Data to Enhance Investigation, Response, and Prevention) grant funds at least at that percentage to interrupt disease transmission in these populations. The targeted investments can include spending on augmenting testing, disease investigation, contact tracing, isolation/quarantine support, and education and outreach efforts for workers. Effective for the October 13th tier assignment, this plan must be submitted before a county may progress to a less restrictive tier.

Governor Wraps Up Bill Signing and Vetoes

Governor Gavin Newsom took his final actions on 2020 legislative measures when his 30-day signing period closed on Wednesday of this week. He left for the very last day most of his decisions involving public safety issues, including his signing of SB 823, the measure that carries out the closure of the Division of Juvenile Justice (DJJ) and the transfer of associated service responsibilities to county governments. In the broader context of public safety and policing reforms, the Governor signaled that the work in this area will continue next year, which will include efforts to revisit the matter of decertification.

As for the health policy world, the Governor showed a willingness this year to allow nurse practitioners and nurse midwives to practice independently, to tackle behavioral health parity laws, and to rethink components of the Mental Health Services Act. The Governor indicated an ongoing interest in mental health issues; we may know more about the Administration's behavioral health goals in 2021 when the Administration revisits its CalAIM proposal next year.

The Governor's veto messages indicate that he is hesitant to make permanent health and human services flexibilities temporarily granted during the pandemic. He vetoed several telehealth bills, suggesting that they are premature in the context of the comprehensive review the Department of Health Care Services is conducting of telehealth use during the pandemic. He also vetoed some human services bills that attempted to codify executive orders or other flexibilities granted during the emergency. Not surprisingly, the Governor vetoed several bills due to cost concerns.

HBE has prepared a summary of the Governor's actions on measures of interest. Given the length of the bill update, we have included those details in a separate document, which is organized by policy area. Please let us know if you have questions on these or any other bills.

Gubernatorial Appointment of Note

The Governor announced this week that Stephanie Welch has been appointed Deputy Secretary of Behavioral Health at the California Health and Human Services Agency. Ms. Welch served as Executive Officer for the Council on Criminal Justice and Behavioral Health since 2015. Prior to that, she was Senior Program Manager for the California Mental Health Services Authority from 2011 to 2015. Ms. Welch was an Associate Policy Director of at the County Behavioral Health

Directors Association from 2007 to 2011. She is replacing John Connolly who held the position since June 2019.

Anderson Economic Forecast Predicts Two-Year Recovery

The UCLA Anderson Forecast released its quarterly economic [forecast](#) this week, noting a cautiously optimistic recovery nationally and a two-year recovery timeframe for California. While federal unemployment benefits and business loans and reopening of some workplaces helped the state's economic bounce back, a full economic recovery will take two years. The forecast notes that the pandemic-induced recession has impacted industries unevenly; California's leisure and hospitality industry payrolls are anticipated to drop 25 percent, while the housing market is anticipated to return to pre-recession levels quickly. The forecast presumes widespread availability and usage of an effective COVID vaccine by early 2021 and assumes that Congress approves a \$1 trillion federal stimulus before the end of the year. Should either or both assumptions fail to materialize, the economic predictions are overly optimistic. Finally, the authors note that unemployment is the major challenge to economic recovery, in California and nationally, particularly for people of color and women.

November Election Voting Processes Are Changing... Here's the Scoop

Vote-by-mail ballots are scheduled to be mailed by October 5 and a number of counties have already sent out ballots, so we thought it would be helpful to share information about the changes to the November election for voters.

From the Secretary of State's office, Californians should take the following steps to prepare for the General Election:

- Check your voter registration at <https://voterstatus.sos.ca.gov/>.
- Update your voter registration if you've moved or changed your name at <https://registertovote.ca.gov/>.
- Sign-up for "Where's My Ballot?" for automatic updates on the status of your vote-by-mail ballot at <https://california.ballottrax.net/voter/>.

Voters who sign up for "Where's My Ballot?" will receive automatic updates when the county elections office:

1. Mails their ballot.
2. Receives their ballot.
3. Counts their ballot.
4. Has any issues with their ballot.

The three major changes for all counties is that they can consolidate their precincts into vote centers as long as they have at least one location for every 10,000 voters, which must be open for four days (Saturday, 10/31 through Tuesday, 10/3). All counties must implement social distancing, meaning larger locations and fewer voting machines.

For in-person voting, voters will experience five different kinds of in-person systems being used by counties:

1) *Traditional Polling Place*: These are counties in which the voters are assigned a precinct and they must have one precinct for every 2,000 voters. There is ballot drop-off available at all, but if a voter wants to relinquish their ballot to get a replacement, or do a Same Day Registration they should use their local polling place in order to have all the correct contests on their ballot. Early voting is not required in these counties – but many are doing it. The largest of these is Contra Costa, but the list also includes Colusa, Del Norte, Imperial, Inyo, Kern, Lake, Mendocino, Mono, Monterey, San Francisco, Shasta, Siskiyou, Solano, Tehama and Yuba Counties.

2) *Consolidated Polling Places – Voters Assigned*: These are large vote centers with some additional features, but voters must go to their own assigned vote centers if they want to relinquish their ballot and get a replacement that has all the correct contests on it. If they go to the wrong polling location, they can still vote in person, but their ballot will not have all the contests that are specific to where they live. These counties include San Bernardino, Santa Barbara, Humboldt, Marin, Modoc, Trinity, and Tulare.

3) *All Mail Ballot*: These are small counties that have traditionally had only vote by mail, with some in-person options available at the county registrar or satellite offices. These counties are Alpine, Sierra, and Plumas. Voters in these counties should be very familiar with the system as the voting process for them has not changed.

4) *Consolidated Polling Places – Countywide Voting*: These are larger in-person voting locations. Similar to what we have seen in the Voters Choice Act Counties in 2018 and 2020, these voting locations have more services and can produce a replacement ballot on-demand with all the contests that the voter is eligible to vote in (their local city council race, for example.) With these systems a voter can select any in-person center that is convenient to them. Voters who are needing to take advantage of Same Day Registration can also go to any of these facilities. These counties include Glenn, Kings, Lassen, Merced, Placer, Riverside, San Benito, San Diego, San Joaquin, San Luis Obispo, Santa Cruz, Sonoma, Stanislaus, Sutter, Ventura, and Yolo.

5) *Voters Choice Act*: These are counties with full-service vote centers and voters can go to any vote center in their county if they want to get an in-person ballot, do a same-day registration, or drop-off. These counties include Amador, Butte, Calaveras, El Dorado, Fresno, Los Angeles, Madera, Mariposa, Napa, Nevada, Orange, Sacramento, San Mateo, Santa Clara, and Tuolumne.

These counties are following the same rules they had in the primary, with the exception of Los Angeles which had implemented vote centers in this year's primary election, but did not mail all voters a ballot countywide.

Of course, ballots may be returned via the United States Postal Service (no postage required) or dropped off at a drop-off location.

HBE Prepares Brief Primer on November 2020 Ballot Measures

Your Hurst Brooks Espinosa Team has prepared a brief summary of each of the 12 ballot measures that voters will consider on the November 2020 ballot. Organized in a table format, the summary offers a brief description of each measure along with the major policy consideration(s) associated with each proposal.

DOF Releases CRF Quarterly Report

The Department of Finance (DOF) released its first quarterly [report](#) of Coronavirus Relief Fund (CRF) expenditures, as required by the federal government. The state of California received \$9.5 billion, allocated by the Legislature in the 2020-21 budget act to counties, cities, colleges, and local education agencies, as well as certain state expenditures, including the Homekey program. The first quarterly report includes expenditures from March 1, 2020 through June 30, 2020. Expenditures by category and by recipient are available in the report for review.

Third Round of Homekey Awards Announced

Governor Gavin Newsom [announced](#) another round of Homekey awards this week reflecting an investment of \$137 million for 19 projects in 15 communities, totaling 938 units. These awards bring the total awarded under Homekey to \$449.9 million for 33 successful applicants and 49 awards totaling 3,351 units. The Governor also announced he has asked the Joint Legislative Budget Committee (JLBC) to approve his request for an additional \$200 million in Coronavirus Relief Funding for Homekey. If approved, the Department of Housing and Community Development (HCD) will provide funding for approximately 20 more Homekey projects now on a waitlist pending additional funds.

HCD Updates Housing Accountability Act Technical Assistance Advisory Memo

HCD also announced a recent update to their Housing Accountability Act (HAA) Technical Assistance Advisory [Technical Assistance Advisory Memo](#). The HAA establishes limitations to a local government's ability to deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards and contribute to meeting housing need. The HAA also imposes a \$10,000 per unit penalty on cities/counties that, for unjustified reasons, deny approval of new homes Californians. The memo was updated due to statutory changes made during the 2017, 2018, and 2019 legislative session.

Emergency Declaration for Napa, Shasta, and Sonoma Counties

This week, Governor Gavin Newsom issued an emergency [proclamation](#) for the counties of Napa, Sonoma and Shasta due to the Glass and Zogg fires. The Governor also announced he has sent a [letter](#) to the President requesting a Presidential Major Disaster Declaration to assist state

and local wildfire response and recovery efforts in the counties of Fresno, Los Angeles, Madera, Mendocino, San Bernardino, San Diego and Siskiyou.