



*Established in 1991, UCC serves as the representative voice for state legislative advocacy for high-population counties in California. Initially composed of seven counties, the association has grown to 14 today. Over 80 percent of the state's population reside in UCC counties. Consequently, urban counties carry out critical programs and services to the state's most vulnerable populations. For more information, including details on our Board of Directors, please visit [our website](#).*

## September 10, 2021

### 2021 Legislative Session Fizzles to a Close

There have been some strange endings to legislative sessions in recent memory, and this year was no exception. What was odd about this year, however, wasn't so much any single defining event or even the normal (obvious) bickering between the houses or across the sides of the aisle – but the relative lack of drama. The houses worked through their files and took quite a few breaks along the way before wrapping up at the relative early hour of 9 p.m.

As for the disposition of notable bills, we present to you the following measures of note organized by their status when the gavel dropped for the final time. Remember, of course, that any measure in the Governor's possession on or after today is subject to the 30-day signing period. Accordingly, Governor Newsom's signing and veto decisions must be made no later than October 10, 2021.

So that's a wrap! The Legislature is set to return to Sacramento on January 3, 2022 to begin the second year of the two-year session. Over the fall break, HBE will be publishing updates on an as-needed rather than weekly basis.

### To the Governor

*The following measures were approved by both houses in the closing days of the 2021 legislative year and now await the Governor's action.*

**AB 215 (Chiu) Planning and Zoning Law: housing element: violations**

AB 215 would increase the California Department of Housing and Community Development's (HCD) enforcement authority in relation to violations of state housing law. Of specific concern, the August 16 amendments would allow HCD to appoint or contract with other counsel to represent the department when the Attorney General declines to represent the Department.

**AB 339 (Lee) – Local government: open and public meetings**

AB 339 would amend the Brown Act to require city council and county boards of supervisors meetings in counties with a population of 250,000 or more to allow the public to attend and comment via telephone or internet.

**AB 361 (Rivas) – Open meetings: state and local agencies: teleconferences**

AB 361 would amend the Brown Act to provide, until January 1, 2024, an exemption for teleconferenced public meeting requirements for local legislative bodies during a public health emergency. The latest amendments to the bill include an urgency clause to ensure that the statute takes effect immediately upon the Governor's signature and provisions that would allow state boards and commissions, as well as the California State University, to continue to conduct meetings remotely through January 31, 2022.

**AB 369 (Kamlager) – Medi-Cal services: persons experiencing homelessness**

AB 369 would require the Department of Health Care Services (DHCS) to implement a presumptive eligibility program for persons experiencing homelessness and makes other changes to Medi-Cal for this same population.

**AB 523 (Nazarian) – Program of All-Inclusive Care for the Elderly**

AB 523 would require DHCS to make permanent specified changes in the Program of All-Inclusive Care for the Elderly (PACE) program that DHCS instituted, on or before January 1, 2021, in response to the COVID-19 public health emergency (PHE).

**AB 636 (Maienschein) – Financial abuse of elder or dependent adults**

AB 636 would make changes to current law regarding elder or dependent adult abuse. First, the bill would authorize information relevant to the incident of elder or dependent adult abuse to be given to a federal law enforcement agency charged with the investigation of elder or dependent adult abuse.

Additionally, the bill would authorize information relevant to the incident of elder or dependent adult abuse to be given to a local code enforcement agency for the sole purpose of investigating a property where the health and safety of an elder or dependent adult resident is at risk.

**AB 640 (Cooley) – Extended foster care: eligibility redetermination**

AB 640 is related to eligibility redeterminations for Extended Foster Care (EFC). The bill would allow a county to do eligibility redeterminations to establish Title IV-E eligibility for many of these youth as they enter EFC, without any disruption in services or supports to these youth.

**AB 674 (Bennett) – Dependent children: documents**

AB 674 would require a county welfare department to document in the report submitted at the last regularly scheduled review hearing before a dependent child attains 18 years of age that the individual has been provided written information notifying them that they may be eligible to receive CalFresh benefits and where they can apply for CalFresh benefits.

**AB 990 (Santiago) – Visitation in detention facilities**

AB 990 would, for all state prison inmates and felony jail inmates, establish a statutory right to personal visits, as defined.

**AB 1466 (McCarty) – Redaction of illegal restrictive covenants**

AB 1466 would revise and expand the existing process for seeking redaction of restrictive covenant language. Under current law, only a property owner may request a modification of restrictive covenant language; under AB 1466, any person would be permitted to make such a request. This measure also requires county recorders to prepare an implementation plan by July 1, 2022 for redacting unlawful covenant language and to submit regular reports to the Legislature. Finally, the measure authorizes county boards of supervisors to impose on a limited-term basis a recording fee of \$2 on specified property recordings in order to fund the program.

**SB 2 (Bradford) – Statewide decertification process for peace officers**

SB 2 would create a statewide decertification process for peace officers by granting new powers to the Commission on Peace Officers Standards and Training (POST). The measure establishes processes for investigating and determining the fitness of a person to be a peace officer as well as for

suspending or revoking the certification of officers found to have engaged in serious misconduct.

**SB 16 (Skinner) – Peace officer personnel records**

SB 16 would expand the categories of police personnel records subject to disclosure under Public Records Act and modify existing provisions regarding the release of records subject to disclosure. The final version of the measure that moved to the Governor earlier this week specifies that records related to use of excessive or unreasonable force must be sustained in order to be subject to disclosure and clarifies provisions around the attorney-client privilege.

**SB 65 (Skinner) – Maternal care and services**

SB 65 would: 1) require the Office of Statewide Health Planning and Development (OSHPD) to work to increase the number of students receiving training as certified nurse-midwives or licensed midwives, subject to an appropriation by the Legislature; 2) establish the California Pregnancy-Associated Review Committee (CPARC) effective August 1, 2022 to review all pregnancy-related deaths and severe maternal morbidity; 3) require counties to annually report infant deaths and to establish a Fetal and Infant Mortality Review (FIMR) committee, upon appropriation by the Legislature; 4) require DHCS to convene a workgroup to examine the implementation of the Medi-Cal doula benefit enacted pursuant to the Budget Act of 2021.

**SB 278 (Leyva) – Public Employee Retirement System: disallowed compensation: benefit adjustments**

SB 278 would require a public employee to cover the difference between a retiree's pension and any subsequent reduction in the person's post-retirement pay for circumstances in which CalPERS determines a portion of the compensation is "disallowed."

**SB 326 (Pan) – Health Care Coverage: Federal Health Care Reforms**

SB 326 would delete provisions in law that would make health plan and insurer preexisting condition protections, premium rating limitations and other antidiscrimination requirements inoperative if specified provisions of the Affordable Care Act are repealed or amended to no longer apply.

**SB 354 (Skinner) – Public social services**

SB 354 would allow DSS, as part of the resource family approval (RFA) process, to grant criminal records exemptions on a case-by-case basis for otherwise non-exemptible crimes to relatives or nonrelative extended family members (NREFM) of children placed in the child welfare system, under specified circumstances. This bill additionally permits the court to authorize placement of children with a relative and NREFM in certain circumstances, regardless of the status of any criminal records exemption or RFA, among other changes.

**SB 586 (Bradford) – Corrective Changes to SB 2 (Peace Officer Decertification)**

SB 586 would make a technical and corrective change to provisions connected to SB 2, the statewide decertification measure referenced above. (Note that the previous version of SB 586 would have eliminated an array of court-related fees. Changes to criminal justice administrative fees instead were instead approved in AB 177, the courts trailer bill referenced below.)

**SB 594 (Glazer) – Elections: redistricting**

SB 594 would make various changes to state law governing candidate filing for the 2022 statewide primary election, redistricting in special districts following the 2020 census, and districting and redistricting for local governments. These changes are necessary to accommodate the delayed receipt of data from the United States Census Bureau and subsequent redistricting processes leading up to the 2022 elections.

**SB 792 (Glazer) – Sales and use taxes: returns: online transactions: local jurisdiction schedule**

SB 792 would require any "qualified retailer" to report to the California Department of Tax and Fee Administration (CDTFA) for each "local jurisdiction" the gross receipts from the "qualified sale" of taxable property shipped or delivered to a purchaser in that jurisdiction. This measure is intended to assist in gathering data to identify the impact on allocation of local sales and use taxes of that result from tax-sharing agreements between local agencies and retailers.

**Two-Year Bills**

*The measures below were deliberately paused before the Legislature adjourned for the year.*

**AB 858 (Jones-Sawyer) – Employment: Health Information Technology: Clinical Practice Guidelines: Worker Rights**

AB 858 was moved to the inactive file this week. The bill would (1) prohibit a general acute care hospital from limiting a worker providing direct patient care from exercising independent clinical judgement, as specified; (2) authorize a worker who provides direct patient care at a general acute care hospital to override health information technology and clinical practice guidelines, as specified; and (3) prohibit a GACH from retaliating against a worker providing direct patient care for overriding health information technology and clinical practice guidelines.

**AB 988 (Bauer-Kahan) – Mental Health: 988 Crisis Hotline**

AB 988 is a two-year bill. The bill was intended to provide a framework in state law to implement the National Suicide Hotline Designation Act of 2020 (NSHD) by July 16, 2022, designating "988" as a three-digit number for the National Suicide Prevention Hotline.

In related news, DHCS announced last week that it will invest \$20 million in California's network of emergency call centers to support the launch of a new 988 hotline. This federal grant funding will bolster call centers that will support 988. Currently, 13 call centers in California, both public and private, take calls that come from the National Suicide Prevention Hotline. Those centers will start receiving calls to 988 when the service starts in July 2022.

The \$20 million investment is a first step toward building a robust statewide call center network to support 988. The Federal Communications Commission adopted rules to establish 988 as the new, nationwide 3-digit phone number for Americans in crisis to connect with suicide prevention and behavioral health crisis counselors.

**AB 989 (Gabriel) Housing Accountability Act: Office of Housing Appeals.**

AB 989 would create a costly and time-consuming appeals process with a new Office of Housing Appeals and authorize a developer to appeal a local agency's decision that resulted in the denial of a specified housing development project or subjected the project to conditions in violation of the Housing Accountability Act. The bill was moved to the Senate Inactive File today.

### **AB 1051 (Bennett) – Medi-Cal: Specialty Mental Health Services: Foster Youth**

AB 1051 was moved to the inactive file on the Senate floor. This bill would 1) prohibit presumptive transfer from applying to foster youth placed in a group home or a short-term residential therapeutic program outside of the county of original jurisdiction, unless an exception is invoked, as specified; 2) establishes contracting options and notification requirements for county mental health plans and specialty mental health services providers; and 3) requires the DHCS and the California Department of Social Services to collect and make available certain data related to the presumptive transfer of foster youth.

### **SB 262 (Hertzberg) – Bail Reform**

SB 262 would make various changes to the current cash bail system, including, among other provisions, requiring the Judicial Council to adopt a uniform statewide bail schedule. Although amendments to SB 262 were taken in the Assembly Appropriations Committee to eliminate zero-bail provisions, a recent murder in Sacramento involving a person previously released on zero bail was **referenced** by the author in his decision to set the bill aside for the year. Senator Hertzberg remains committed to bail reform and has **expressed** his clear intent to pursue this measure in 2022. The bill remained in the Assembly Inactive File when session ended.

### **SB 316 (Eggman) – Medi-Cal: Federally Qualified Health Centers and Rural Health Clinics**

SB 316 was moved to the inactive file this week, making it a two-year bill. The bill would require Medi-Cal reimbursement to Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) for two visits taking place on the same day at a single location when the patient suffers illness or injury requiring additional diagnosis or treatment after the first visit, or when the patient has a medical visit and another health visit with a mental health or dental provider. DHCS weighed in with opposition, expressing several concerns and citing work being done by the Department on the Alternative Payment Methodology (APM).

### **SB 637 (Newman) – Health Facility Reporting: Staffing**

SB 637 would have required hospitals to report detailed staffing information — staffing shortages, bed counts, patient census, and layoffs and furloughs — to the state. The reports were to be made weekly during a statewide public health

crisis and monthly at other times. The bill remains on the Assembly floor; it did not come up for a vote prior to the Legislature's adjournment.

### **Legislature Approves Final Round of Budget-Related Measures**

Yesterday, both houses considered and approved the 17-measure package of budget-related bills that represented their final set of actions on the 2021-22 state budget. A list of those bills is provided below, and HBE's summary of key provisions is available [here](#).

#### **Bill No. Subject**

[SB 155](#) - Resources

[SB 162](#) - Labor

[AB 163](#) - General Government

[SB 165](#) - State Employee MOUs

[SB 166](#) - Cannabis

[AB 167](#) - K-12 Education

[SB 168](#) - Child Care

[SB 169](#) - Higher Education

[SB 170](#) - Budget Bill, Jr. (No. 4)

[SB 171](#) - Health

[AB 172](#) - Human Services

[AB 173](#) - Public Safety

[AB 174](#) - Vehicles/transportation

[AB 175](#) - Housing-related issues

[AB 176](#) - Economic Development

[AB 177](#) - Courts

### **Governor Newsom Announces New Round of Homekey Funding**

This week, the Newsom Administration [announced](#) the next phase of the Homekey program with the release of \$1.45 billion in funding available. Another round will be announced next year bringing the total to \$2.75 billion. The Homekey [Notice of Funding Availability](#) is now available on the Department of Housing and Community Development (HCD) website for review. Local agencies may apply for funding beginning September 30, 2021 through May 2, 2022 until all funds are exhausted. HCD requires all applicants to engage in a Pre-application Consultation prior to applying to allow the prospective applicant to discuss the proposed project, along with other applicable programmatic considerations, including those related to site

acquisition, land use, Continuum of Care coordination and services partnerships, and long-term financing approaches.

Recall that Homekey grant funding is made available to cities and counties, public housing authorities, and Tribal Entities within California. Funding can be used to create a broad range of housing types, including but not limited to hotels, motels, single-family homes, multifamily apartments, manufactured housing, commercial properties, and other existing buildings, and to convert them to Permanent or Interim Housing for the Target Population.

### **Newsom Administration Announces New DHCS Director**

Governor Newsom today announced the appointment of Michelle Baass as Director of the California Department of Health Care Services (DHCS), filling the role held by outgoing Director William Lightbourne since June 2020.

Ms. Baass previously served as Undersecretary at the California Health and Human Services Agency (CHHS) since 2018. She was Deputy Secretary of the Office of Program and Fiscal Affairs at the California Health and Human Services Agency from 2017 to 2018 and Deputy Director and Principal Consultant at the Senate Committee on Budget and Fiscal Review Committee from 2012 to 2017. She was Deputy Director and Principal Consultant at the California State Senate Office of Research from 2008 to 2012. Ms. Baass was a Senior Fiscal and Policy Analyst at the California Legislative Analyst's Office from 2004 to 2008 and a Manager and Consultant for Accenture from 1996 to 2004.

Marko Mijic has been appointed to serve as Undersecretary of the Agency to replace Ms. Baass. Mr. Mijic previously served as the CHHS Deputy Secretary of Program and Fiscal Affairs since 2019. He has served in several positions at Agency since 2015, including Acting Deputy Secretary and Assistant Secretary of Program and Fiscal Affairs. Mr. Mijic also served as Acting Director of the Office of Statewide Health Planning and Development from 2020 to 2021. He held several positions at the U.S. Department of Health and Human Services, including Special Assistant from 2011 to 2013 and Senior Staff Assistant from 2009 to 2011.

### **President Biden Announces New Vaccine Mandate**

Yesterday, President Biden announced that he is directing the Department of Labor to develop an emergency rule to require all employers with 100 or more employees to ensure their workforces are fully vaccinated or show a negative test at least once a week. This directive is projected to impact 80 million workers. He also announced vaccination requirements for health care providers that accept Medicare and Medicaid; for all federal employees and contractors; and for the staffs of Head Start programs, Department of Defense Schools, and Bureau of Indian Education-operated schools.

Meanwhile, legislation in California to establish legal protections for employers who mandate the vaccine for their employees or require them to be regularly tested for COVID-19 failed to move forward this year. The clock ran out on negotiations earlier this week; AB 1102 (Low), the reported vehicle, was never amended.

### **State Incompetent to Stand Trial (IST) Solutions Workgroup**

CHHS and the Department of State Hospitals (DSH) are convening an Incompetent to Stand Trial Solution (IST) Solutions workgroup, per [AB 133](#), to identify actionable solutions to address the increasing number of individuals with serious mental health issues who become justice-involved and are subsequently deemed IST on felony charges.

The workgroup met a second time August 31, at which time DSH shared that the California Supreme Court refused to hear the *Stiavetti* case, which means that the lower court's 28-day timeline for an individual to be placed at state hospital after being found Incompetent to Stand Trial remains in effect. The lower court originally gave the DSH until October 2021 to come into compliance with the 28-day timeline. It is not clear yet if the lower court will revisit the October 2021 date in light of the pandemic. The state's data indicates that they were able to reduce the IST waitlist time to 75-80 days prior to the onset of the pandemic (February 2020). However, the IST waitlist time has increased exponentially over the last 18 months to 250 days at its peak. The state's [materials](#) from the August 31 meeting are worth exploring, including the five-year trends in IST referrals by county.

The workgroup will be dividing into three subgroups that will meet through the month of September, including: 1) early access to treatment and stabilization services, 2) diversion and community-based restoration, and 3) initial county

competency evaluations. The subgroup on initial county competency evaluations will meet on September 17. The early access to treatment and stabilization subgroup will meet on September 20.

### **Virtual Event on Resiliency Planned for September 30**

Ventura County would like to invite the membership of UCC to attend a virtual session on September 30 sponsored by the California Climate and Energy Collaborative ([CCEC](#)). The event will feature policy updates on energy and climate matters as well as facilitated discussions to share and exchange best practices for rebounding from the challenges over the last 18 months.

CCEC is an initiative implemented by the Local Government Commission and sponsored by the three Regional Energy Networks – BAYREN, Southern California Regional Energy Network, and [3C-REN](#), which is the tri-County (Ventura, Santa Barbara, and San Luis Obispo) Regional Energy Network. Ventura County is the lead agency for the tri-County REN and encourages all interest parties to participate in this event.

Meeting registration is [required](#). For more details, please see this [flyer](#).

### **Resources for Afghan Refugees Announced**

The Newsom Administration has taken a number of steps to bolster supports for the anticipated arrival of Afghan refugees to California. First, the September budget package includes \$16.7 million to expand the Trafficking and Crime Victim Assistance Program (TCVAP) eligibility to childless Afghan humanitarian parolees, which provides cash assistance benefits similar to those available to refugees with another immigration status.

The Department of Social Services (DSS) released \$20 million in awards for the California Newcomer Education and Well-Being (CalNEW) program and expanded the program from the current 12 to 17 school districts and lone local county office of education for a three-year term (July 1, 2021 through June 30, 2024). DSS also released \$1 million in federal funding awards for the Refugee School Impact (RSI) program and expand the program funding to 11 school districts through grant agreements with a three-year term (October 1, 2021 through December 31, 2024).

The Newsom Administration has also issued guidance to counties on eligibility of public benefits, including:

- Department of Health Care Services issued an Medi-Cal Eligibility Division Information Letter, [Eligibility for New Afghan Arrivals](#), related to eligibility for Medi-Cal health benefits for Afghan arrivals.
- Department of Social Services issued an All County Welfare Directors Letter, [Eligibility of Special Immigrant Parolees in SQ/SI Categories Under the Afghan Allies Protection Act of 2009 for Benefits and Services](#), related to eligibility for social services for Special Immigrant Parolees in SQ or SI.
- Department of Social Services issued an All County Welfare Directors Letter, [Eligibility of Humanitarian Parolees from Afghanistan](#), related to eligibility for social services for humanitarian parolees.

The Administration has also developed a [webpage](#) on the Health and Human Services Agency website to centralize resources from across state Departments.

### **Board of State and Community Corrections (BSCC) Meeting Set for Next Week**

On Thursday, September 16, the BSCC will meet via Zoom. Among the topics on the [agenda](#) is the establishment of an Executive Steering Committee that will be charged with developing an application for subsequently rating proposals for a new round of Proposition 47 recidivism reduction grants. The meeting will be livestreamed at this [link](#) beginning at 10 a.m. on September 16.