



*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. Nearly 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](#).*

**March 4, 2022**

### **Governor Newsom Announces CARE Court as New Framework to Provide Behavioral Health Treatment**

Governor Gavin Newsom unveiled a **new initiative** this week designed to identify individuals with untreated mental health and substance use disorders and connect them with a court-ordered care plan. The Community Assistance, Recovery, and Empowerment (CARE) Court aims to intervene with support and individualized care plans so that persons with untreated behavioral health needs do not end up homeless or incarcerated. The approach proposes to focus on people with schizophrenia spectrum and other psychotic disorders, those with untreated substance use disorders, as well as those who lack the capacity to make medical decisions. Persons leaving a short-term involuntary hospital hold or post-arrest have been identified as good candidates for this civil court-based approach.

Under the Governor's proposal, family members, first responders, and county and community-based service providers may make referrals to the CARE Court. Individuals in the CARE Court will be assisted by a public defender and a supporter. Each individualized plan would be managed by a community care team and could include prescribed interventions, supportive services, and a housing plan. Care plans can be ordered for 12 months but could be extended – based on periodic court reviews – an additional 12 months. While a person referred to the CARE Court will not be compelled to participate, the court will have the authority to order sanctions – to an appointing agent to ensure services are provided – if counties do not meet duties

specified in the individualized Care Plans. The CARE Court model would operate in all 58 counties.

At Thursday's press conference – which featured remarks by Senator Dave Cortese, two big city mayors, family members of those with behavioral health issues, and service providers, among others – the Governor asserted that if this program is approved, there will be 33,000 new beds and placements to meet the needs of CARE Court participants.

Following the Governor's announcement late yesterday morning, California Health and Human Services Agency (CalHHS) Secretary Mark Ghaly hosted a call with stakeholders to discuss the CARE Court proposal in more detail. The Secretary emphasized that this is the start of the process – the CARE Court proposal is a framework with considerable details that need to be further developed. "This is not a bill; this is not etched in stone."

Secretary Ghaly noted that the Administration plans to create multiple "tables" to discuss the framework in the weeks ahead, with the goal of starting meetings in the month of March. In addition to existing forums for discussing behavioral health issues, the Administration will be engaging with the courts, first responders, other social services providers, and housing providers not typically in behavioral health meetings.

When asked whether the Administration will be pursuing the proposal through trailer bill language or a policy bill, Secretary Ghaly responded that the Administration is still considering options and engaging legislative partners. He did not have an answer yet but noted some budgetary issues, including funding for courts and the Bridge Housing proposal.

The Administration was clear that new resources would be for limited aspects of their proposal, such as for the "supporter" role and courts. The Administration believes the resources are already available for behavioral health services and housing.

Key concerns highlighted by stakeholders on the call include: 1) the impact of workforce shortages on the capacity for service provision; 2) whether scope of practice changes should be contemplated; 3) that, from the behavioral health consumer perspective, the new approach is "being done to us without us" and that CARE Court will target communities of color; 4) the court process creates an incentive to go to court to access housing; 5) the criminalization aspect of the proposal and the

role of law enforcement; and 6) the lack of housing for existing consumers and how CARE Court will impact housing.

Some stakeholders suggested looking at other models, including assertive community treatment, the housing first model, and more accountability to ensure access voluntarily. Finally, stakeholders asked for more details on the Governor's assertion that his Administration is creating 33,000 new beds. Secretary Ghaly responded that the Administration is counting budget proposals from the last two to three years, as well as proposals in the January budget. Examples include the \$1.5 billion Bridge Housing proposal in the January budget and the Behavioral Health Continuum Infrastructure Program (BHCIP) funded in the 2021-22 state budget.

### **State Updates Mask Guidance at Schools and Workplaces**

On Monday, the Newsom Administration provided its much-anticipated update on school mask mandates, announcing that California will be lifting the statewide indoor mask mandates for K-12 classrooms at midnight on March 11. State officials continue to "strongly recommend" masking in schools, as well as for those who are unvaccinated. Counties and school districts can continue to impose their own mask rules.

The California Teachers Association issued a statement on Monday: "Simply put, while some students are ready to immediately remove their masks, others remain very afraid. We urge local school districts to continue to work with educators and families and to act cautiously while prioritizing the safety of students, educators, and their families."

Additionally, Governor Newsom signed **Executive Order N-5-22** this week, aligning the state's emergency workplace safety laws with guidance from the California Department of Public Health for the public. As a result, California workers who are unvaccinated no longer have to wear masks at their work. The California Occupational Safety and Health Administration (Cal/OSHA) standards board is not scheduled to meet until March 17.

The order clarifies that masks are still "strongly recommended" for all individuals in most indoor work settings, and that employers are still required to provide a mask to employees when requested.

The order also extends the current Emergency Temporary Standard (ETS) through May 5, 2022, to ensure that the Cal/OSHA standards board has time to review the new guidance in anticipation of the next re-adoption of the ETS.

California's new guidance aligns with the February 25 Centers for Disease Control and Prevention guidance that most U.S. masks can be worn optionally in most communities as COVID-19 cases plummet. For the first time, the CDC added classrooms to the list of safe settings.

### **This Week's State Budget Hearing Highlights**

#### **Assembly Discusses Youth Behavioral Health Budget Issues**

Assembly Budget Subcommittee No. 1 on health and human services, Assembly Budget Subcommittee No. 2 on education, and the Assembly Select Committee on Early Childhood Development met on February 28 to discuss children and youth behavioral health issues ([agenda](#)). The hearing was organized around panels primarily focused on children and youth by age: 0-5, 6-17, and 18-25.

The Administration provided an update on their Children and Youth Behavioral Health Initiative (CYBHI), which is focused on reimagining how behavioral health supports are provided to ALL children and youth ages 0-25. A summary of the CYBHI is available [here](#). CalHHS is the lead on implementing the initiative, with various components being worked by several state departments. The following [chart](#) details the components by department.

CalHHS is developing a project management plan and five-year milestones for the expansive initiative. The Agency is coordinating and integrating the work across departments and working on planning, design, implementation, and managing work streams. The Administration is planning to kick off a comprehensive stakeholder process in late March/Spring. More details will be available at the March 8 Behavioral Health Task Force meeting. The Administration is also planning to develop workgroups on cross-cutting issues.

In addition to its work on behavioral health infrastructure and developing the virtual platform, DHCS is working to bring a behavioral health think tank into the discussions. Assembly Member Arambula had several questions about the timelines related to implementation of various CYBHI components, including when students will be able to access the online platform and when services will be available at school sites for all managed care plans. The Administration described the initiative as containing short, medium, and long-term work. DHCS is in the process of finding a vendor for the

online platform. Services will be available at school sites for all managed care plans starting January 1, 2024.

### **Senate Hears Stakeholder HHS Requests**

In a marathon hearing, Senate Budget and Fiscal Review Subcommittee No. 3 on health and human services met on March 3 to hear stakeholder budget requests. The **agenda** included 144 budget requests worth billions of dollars. Some of the health-related requests included proposals for additional investments in health, public health, and behavioral health workforce; funding for hospitals, clinics, and counties; requests for further investments in public health and health equity; health information exchange; additional Medi-Cal benefits; updating California's maintenance need level; and restoration of remaining Medi-Cal provider cuts. On the human services side, proposals included disaster proposals; food and nutrition proposals; funding for food banks; CalFresh proposals; emergency child care bridge funding; funding for county CalFresh administration; funding to address gaps across the care continuum for foster children and families; funding for the Resource Family Approval program; and funding for local child support agencies.

### **Senate Explores Jail Oversight**

Senate Budget and Fiscal Review Subcommittee No. 5 that covers, among other issues, state corrections and public safety matters discussed on its Thursday **agenda** local detention facility standards and inspections. The conversation focused on county jails. In addition to comments from the Legislative Analyst's Office (see associated handout **here**; in 2021, the LAO put out a **report** on this same topic), the Board of State and Community Corrections, the State Auditor's Office, as well as the Prison Law Office – a public interest law firm that has filed numerous actions regarding conditions of confinement in state and local detention facilities – offered their perspectives. Committee members discussed a variety of related issues, including whether the BSCC should have more authority with respect to jail inspections, whether changes to the Board's composition are warranted; and what can be done about the increasingly high numbers of persons in custody with mental health issues. No action was proposed or taken.

### **PUC Releases Rulemaking for Middle-Mile Broadband Initiative Last-Mile Investments**

The Public Utilities Commission (PUC) **released a proposed decision** this week related to last-mile investments that are part of the Statewide Open-Access Middle-Mile Broadband Initiative (MMBI). The MMBI program is focused on building broadband

Internet infrastructure to communities without access to Internet service at sufficient and reliable speeds. The rules adopted in the decision include, among other items, the following matters: project eligibility, application objections, allocating funding between rural and urban counties, reimbursing grantees, a ministerial review process whereby PUC staff may approve certain projects, and minimum performance standards for grantees. This item may be heard, at the earliest, at the Commission's April 7, 2022, Business Meeting.

### **Clean California Local Grant Award Recipients Announced**

The California Department of Transportation (Caltrans) announced **105 Clean California Local Grant Program recipients** on March 1. In total, the Department received 329 applications seeking a total of \$758,485,147 in grant funding. The state estimates that the 105 projects will create 3,600 jobs and engage communities to transform public spaces throughout California. Projects include community enhancements such as litter removal, landscaping, and art installations, walking and bike paths, and other complete streets features that enhance safety and access to transportation. Key project award highlights include:

- 105 projects, or approximately 30% of the received applications, totaling \$295,993,146 in requested grant funds.
- 100% of funds going towards projects either located in underserved communities, or projects with at least 50% of the total grant request benefiting underserved communities.
- 6 projects awarded to Federally Recognized Tribal Governments.
- 14 projects within State Right of Way.

Grant recipients must complete their projects by June 30, 2024. The Governor's California Blueprint proposes an additional \$100 million to fund another round of Clean California local projects.

### **HCD Releases Newest Statewide Housing Plan**

The California Department of Housing and Community Development (HCD) released a new **Statewide Housing Plan** this week – a statutorily required report updated every four years to outline housing challenges and strategies to address them over the next 10 years. The updated plan states that California needs to build 2.5 million new homes annually over roughly eight years, with no less than 1 million of those homes targeted for lower-income households. This figure also represents the cumulative

number of homes that cities and counties across California must zone for through 2030, which is more than double than the last eight-year planning period.

New to the plan this year is a 10-year housing data strategy and dashboard. The data strategy recognizes the need for better data to be able to respond successfully to the housing crisis and lays out goals and data priorities to help target anti-displacement and homelessness prevention resources, preserve existing affordable housing, remove barriers to development, and support land use policies that promote housing for all Californians. The [data dashboard](#) provides users with detailed data on housing conditions and costs, households and their housing needs, and housing production at the state, county, and regional level – making the latest housing data available in an intuitive interface.

### **Governor to Give State of the State Address**

Governor Gavin Newsom is scheduled to deliver his annual State of the State address on Tuesday, March 8 at 5:00 p.m. in Sacramento. Livestreams will be available on the Governor's **Twitter**, **Facebook**, and **YouTube** pages.

### **US Treasury Releases Updated Reporting Guidance for SLFRF Program**

This week, the United States Department of the Treasury released [updated Compliance and Reporting Guidance](#) for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program. The Reporting Guidance includes updates to reporting requirements to reflect the final rule that Treasury adopted on January 6, 2022. The updates take effect for the next Project and Expenditure Report that all state, local, and tribal governments must submit by April 30, 2022.

### **HCD Releases NOFA for Pet Assistance and Support Program**

The California Department of Housing and Community Development (HCD) has announced the release of the [Notice of Funding Availability](#) (NOFA) for approximately \$10 million in the Pet Assistance and Support (PAS) Program funds. These grants allow homeless shelters to provide shelter, pet food and supplies, and basic veterinary services for pets owned by individuals experiencing homelessness, along with staffing and liability insurance related to providing these services.

The application can be found on the [PAS webpage](#). Applications are due **April 8, 2022, by 5:00 p.m.**

HCD is hosting a webinar for interested applicants on **March 8, 2022** from **10:00 a.m. to 11:30 a.m.** Register online [here](#).