

2017 California State Legislation: Submitted and Signed

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SB 2, Atkins. Building Homes and Jobs Act.

SUMMARY: This bill would enact the Building Homes and Jobs Act. The bill would make legislative findings and declarations relating to the need to establish permanent, ongoing sources of funding dedicated to affordable housing development. The bill would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. The bill would require that a county recorder quarterly send revenues from this fee, after deduction of any actual and necessary administrative costs incurred by the county recorder, to the Controller for deposit in the Building Homes and Jobs Fund, which the bill would create within the State Treasury.

SB 3, Beall. Veterans and Affordable Housing Bond Act of 2018.

SUMMARY: Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and down payment assistance for first-time home buyers. This bill would enact the Veterans and Affordable Housing Bond Act of 2018, which, if adopted, would authorize the issuance of bonds in the amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law. Of the proceeds from the sale of these bonds, \$3,000,000,000 would be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs, as provided, and \$1,000,000,000 would be used to provide additional funding for the above-described program for farm, home, and mobile home purchase assistance for veterans, as provided. This bill would provide for submission of the bond act to the voters at the November 6, 2018, statewide general election in accordance with specified law. This bill would declare that it is to take effect immediately as an urgency statute.

SB 35, Wiener. Planning and zoning: affordable housing: streamlined approval process.

SUMMARY: This bill would require the housing element portion of the annual report to be prepared through the use of standards, forms, and definitions adopted by the department. The bill would eliminate the requirement that the forms and definitions be adopted by the department pursuant to the Administrative Procedure Act and would instead authorize the department to review, adopt, amend, and repeal the standards, forms, or definitions, as provided. The bill would also require the planning agency to

include in its annual report specified information regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy. The bill would also require the Department of Housing and Community Development to post an annual report submitted pursuant to the requirement described above on its Internet Web site, as provided.

SB 54, De León. Law enforcement: sharing data.

SUMMARY: Sanctuary State: This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies.

SB 147, Dodd. Mobile home parks: residency.

SUMMARY: This bill would authorize any homeowner who lives alone to designate one other person per calendar year to share his or her mobile home on an ongoing basis, except as specified, and would prohibit the imposition of a fee by management for that person. This bill would permit park management to require written confirmation from a licensed health care professional of the homeowner's need for the care or supervision, if the need is not readily apparent or already known to management.

AB 210, Santiago. Homeless multidisciplinary personnel team.

SUMMARY: Existing law authorizes counties to establish a child abuse multidisciplinary personnel team, as defined, to allow provider agencies to share confidential information in order to investigate reports of suspected child abuse or neglect or for the purpose of child welfare agencies making detention determinations, as specified. This bill would authorize counties to also establish a homeless adult and family multidisciplinary personnel team, as defined, with the goal of facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within that county and to allow provider agencies to share confidential information, as specified, for the purpose of coordinating housing and supportive services to ensure continuity of care. The bill would require the sharing of information permitted under these provisions to be governed by protocols developed in each county, as specified, and would require each county to provide a copy of its protocols to the State Department of Social Services.

SB 219, Wiener. Long-term care facilities: rights of residents.

SUMMARY: This bill would enact the Lesbian, Gay, Bisexual, and Transgender Long-Term Care Facility Residents' Bill of Rights. Among other things, the bill would make it unlawful, except as specified, for any long-term care facility to take specified actions

wholly or partially on the basis of a person’s actual or perceived sexual orientation, gender identity, gender expression, or human immunodeficiency virus (HIV) status, including, among others, willfully and repeatedly failing to use a resident’s preferred name or pronouns after being clearly informed of the preferred name or pronouns, or denying admission to a long-term care facility, transferring or refusing to transfer a resident within a facility or to another facility, or discharging or evicting a resident from a facility. The bill would also provide certain protections to all residents of long-term care facilities during, among other things, physical examinations or treatments, relating to bodily privacy. The bill would define long-term care facility for purposes of these provisions to include skilled nursing facilities, intermediate care facilities, and residential care facilities for the elderly. The bill would also, among other things, require each facility to post a specified notice regarding discrimination alongside its current nondiscrimination policy in all places and on all materials where the nondiscrimination policy is posted. The bill would require a violation of these provisions to be treated as a violation under the Long-Term Care, Health, Safety, and Security Act of 1973, the California Residential Care Facilities for the Elderly Act, or specified provisions providing for the licensure and regulation of health facilities, which may include the imposition of civil penalties. By expanding the definition of existing crimes, the bill would impose a state-mandated local program.

SB 222, as introduced, Hernandez. Inmates: health care enrollment.

SUMMARY: This bill instead would require the suspension of Medi-Cal benefits to end on the date he or she is no longer an inmate of a public institution or is no longer otherwise eligible for benefits under the Medi-Cal program. The bill would require the department, in consultation with specified stakeholders, to develop and implement a simplified annual renewal process for individuals in a suspended eligibility status, and would require the department to seek any necessary federal approvals or waivers to implement this provision.

AB 275, Wood. Long-term care facilities: requirements for changes resulting in the inability of the facility to care for its residents.

SUMMARY: This bill would expand the notice and planning requirements that a long-term health care facility provides before any change in the status of the license or in the operation of the facility that results in its inability to care for its residents. The bill would require a facility to provide 60 days’ notice to the affected residents or their guardians and 60-day written notice to the State Long-Term Care Ombudsman. The bill would also require the facility to give written notification to the State Department of Health Care Services and any health plan of an affected resident of the change in the status of the license or the operation of the facility at least 60 days prior to any change in the status of the license or the operation of the facility. The bill would modify who may perform the required assessments of the affected residents. The bill would authorize the State Department of Public Health to require the facility, as part of the proposed relocation plan required when 10 or more residents are likely to be transferred, to provide

additional information, including information on the number of residents affected by the proposed closure and an attestation that each resident will undergo a medical assessment, as specified, before being relocated.

SB 282, Wiener. CalFresh and CalWORKs.

SUMMARY: Would require the State Department of Social Services to issue an annual all-county letter providing guidance that lists which counties or regions are eligible to participate in the Restaurant Meals Program and the instructions for how a county may choose to participate in RMP or appeal a non-eligible determination by the department.

AB 326, Salas. State Board of Barbering and Cosmetology: physical and sexual abuse awareness training.

SUMMARY: This bill, commencing July 1, 2019, would require the health and safety course to additionally cover physical and sexual abuse awareness. This bill, commencing July 1, 2019, would require the Health and Safety Advisory Committee's advice and recommendation to additionally include how to ensure licensees have awareness about physical and sexual abuse, as specified, their clients may be experiencing. This bill, commencing July 1, 2019, would specify that licensed barbers, cosmetologists, estheticians, manicurists, electrologists, and applicants for licensure who complete the physical and sexual abuse awareness training covered by the health and safety course, and their employers, are not required to act on information obtained during the course of employment concerning potential physical and sexual abuse unless otherwise required by law.

AB 519, Levine. Personal income tax: California Senior Citizen Advocacy Voluntary Tax Contribution Fund.

SUMMARY: This bill would allow a taxpayer to designate an amount in excess of personal income tax liability to be deposited into the California Senior Citizen Advocacy Voluntary Tax Contribution Fund, which the bill would create.

AB 563, Arambula. CalFresh Employment and Training program.

SUMMARY: Existing law, for a county that elects to participate in the CalFresh E&T, requires an individual to be deferred from a mandatory placement in CalFresh E&T if he or she satisfies any of various criteria, including, among others, residing in a federally determined work surplus area. Existing federal law limits a participant who is an able-bodied adult without dependents (ABAWD) to 3 months of CalFresh benefits in a 3-year period unless that participant has met specified work participation requirements or is otherwise exempt. Existing law directs the State Department of Social Services to annually seek a federal waiver of this limitation, and provides that an eligible county is included in this waiver. This bill, for a county that elects to participate in CalFresh E&T, would prohibit a person who is subject to the able-bodied adult without dependents (ABAWD) time limit described above from mandatory placement in CalFresh E&T.

SB 570, Newman. CalWORKs.

SUMMARY: This bill would exempt benefits and related allowances received through the United States Department of Veterans Affairs for education, training, vocation, or rehabilitation from consideration as income for purposes of determining eligibility for CalWORKs program benefits and calculating grant amounts for veterans and their spouses and dependents, under specified circumstances. By imposing additional duties on counties, this bill would impose a state-mandated local program.

AB 611, Dababneh. Mandated reporters of suspected financial abuse of an elder or dependent adult: powers of attorney.

SUMMARY: Existing law requires a mandated reporter of suspected financial abuse of an elder or dependent adult, as defined, to report financial abuse in a specified manner. Existing law provides for the creation and effect of powers of attorney. This bill would authorize a mandated reporter of suspected financial abuse of an elder or dependent adult to not honor a power of attorney as to an attorney-in-fact about whom he or she made a report to an adult protective services agency or a local law enforcement agency of any state that the natural person who executed the power of attorney may be an elder or dependent adult subject to financial abuse by that attorney-in-fact.

SB 708, as amended, Skinner. Supplemental Security Income and CalFresh: pre-enrollment.

SUMMARY: This bill would require the State Department of Social Services, on or before March 31, 2018, to request a waiver to allow for the pre-enrollment of otherwise eligible applicants to the CalFresh program up to one month prior to the applicants' reentry into the community from a county jail or the state prison. To the extent that any federally necessary waiver is obtained, the bill would authorize a county board of supervisors or the Department of Corrections and Rehabilitation to establish a policy to facilitate applications for the CalFresh program for prisoners prior to their release from a county jail or the state prison, respectively.

AB 713, Chu. Continuing care retirement facilities: transfers of residents.

SUMMARY: The bill would authorize a continuing care retirement community to transfer a resident if he or she develops a physical or mental condition that is detrimental to the health, safety, or well-being of the resident or another person, without being a danger. With regard to the assessment process, this bill would require a continuing care retirement community to use specified assessment tools during that process, and would require that a provider share copies of the completed assessment with the resident or the resident's responsible person. For disputed transfer decisions, the bill would require the provider to provide documentation of the resident's medical reports, other documents showing the resident's current mental and physical function, the prognosis, and the expected duration of relevant conditions, if applicable, and to make copies of the report to share with the resident or the resident's responsible person. In a transfer dispute, the bill would require the branch of the department to

provide a description of the steps a provider took and the factors a provider considered in deciding to transfer a resident, as prescribed. The bill would require the branch of the department, in its decision, to also specify whether the transfer is appropriate and necessary.

AB 727, Nazarian. Mental Health Services Act: housing assistance.

SUMMARY: The Mental Health Services Act (MHSA), an initiative statute enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, imposes a 1% tax on that portion of a taxpayer's taxable annual income that exceeds \$1,000,000 and requires that the revenue from that tax be deposited in the Mental Health Services Fund. Existing law specifies the manner in which counties are to use the funds distributed from the Mental Health Services Fund, including using the majority of the funds for services provided by county mental health programs. Existing law specifies a target population for these programs, including seriously emotionally disturbed children or adolescents and adults or older adults who have a serious mental disorder. This bill would clarify that counties may spend MHSA moneys on housing assistance, as defined, for people in the target population.

AB 940, Weber. Long-term health care facilities: notice.

SUMMARY: Existing law provides for the licensure and regulation of long-term health care facilities by the State Department of Public Health. Existing law authorizes the department to issue citations for violations of those provisions that are classified according to the nature of the violation. Existing law authorizes a licensee to contest a citation or proposed assessment of a civil penalty under specified provisions. This bill would require a long-term health care facility to notify the local long-term care ombudsman if a resident is notified in writing of a facility-initiated transfer or discharge from the facility, as specified. The bill would provide that a failure to timely provide a copy of that notice would constitute a class B violation for purposes of a department-issued citation.

AB 1200, Cervantes. Aging and Disability Resource Connection program.

SUMMARY: This bill would, contingent upon the appropriation of funds for that purpose by the Legislature, establish the Aging and Disability Resource Connection (ADRC) program, to be administered by the California Department of Aging, to provide information to consumers and their families on available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing LTSS programs at the local level. The bill would specify the services offered by, and responsibilities of, an ADRC program, including providing short-term service coordination and transition services, as specified.

AB 1398, Kalra. Annuities: cash surrender benefits.

SUMMARY: This bill, among other things, would require the insurer, for an individual annuity contract issued on or after January 1, 2019, to return to the owner all moneys due for annuity contracts that are surrendered by the contract owner as expeditiously as possible after the request for surrender is received, as defined, but no later than 45 days from the date of surrender, as specified.

Vetoed Legislation

AB 859, Eggman. Elders and dependent adults: abuse or neglect.

SUMMARY: This bill lowers the standard of proof for claims of elder physical abuse or neglect made against a skilled nursing facility or residential care facility for the elderly when a judge has found intentional destruction of evidence.

AB 1513, Kalra. Registered home care aides: disclosure of contact information.

SUMMARY: Home care aides have placed their names and personal contact information on the Registry for the purpose of allowing consumers and their families to determine whether an aide has undergone a criminal background check and received training. I am concerned about now releasing the personal information of these home care aides, who joined the registry without knowing that their information would be disclosed as prescribed by this bill.