

An act to add and repeal Chapter 5.7 (commencing with Section 13400) of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

SECURED  
COPY



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares that critical humanitarian assistance, including shelter, food, and emergency medical care, is often unavailable for some immigrants and immigrant families in California during emergent situations, creating a need to provide temporary assistance through qualified and culturally competent entities that provide support to these immigrants.

SEC. 2. Chapter 5.7 (commencing with Section 13400) is added to Part 3 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 5.7. RAPID RESPONSE PROGRAM

13400. (a) The sum of twelve million six hundred ninety-two thousand dollars (\$12,692,000) is hereby appropriated from the General Fund to the Rapid Response Reserve Fund established pursuant to Section 8 of Chapter 1 of the Statutes of 2019.

(b) Notwithstanding any other law, the Department of Finance may increase any General Fund item of appropriation contained in Section 2.00 of the Budget Act of 2019, 2020, or 2021 with funding from the Rapid Response Reserve Fund. Funds allocated to a state entity pursuant to this subdivision shall be used by the state entity to provide grants or contracts to entities that provide critical assistance to immigrants during emergent situations when federal funding is not available. Funds may also be used to fund state-level staff who directly assist in response efforts.

(c) Within 30 days of making any increase to a General Fund item of appropriation pursuant to this section, the Department of Finance shall report the increase in writing to the Joint Legislative Budget Committee.

(d) Notwithstanding any other law, the Controller may use funds in the Rapid Response Reserve Fund for cashflow loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code.

13401. (a) Grants or contracts awarded by a state entity pursuant to this chapter shall comply with all of the following:

(1) May be executed with entities, including, but not limited to, nonprofit entities that meet the requirements set forth in either Section 501(c)(3) or 501(c)(5) of the Internal Revenue Code. An entity may partner with another entity to meet the requirements of this paragraph.

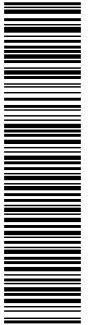
(2) Shall require reporting, monitoring, or audits of assistance provided, as determined by the state entity administering the funding.

(3) Shall be used to deliver the following critical assistance to immigrants during emergent situations, as determined necessary by the state entity administering the funding:

(A) Medical screening and treatment needs identified by that screening.

(B) (i) Temporary shelter that meets minimum habitability standards, including access to a bathroom, shower, and safe sleeping space. The entity may provide this assistance through temporary direct housing support, rental of physical space or hotel rooms, or by operating a shelter.

(ii) For purposes of this paragraph, shelter operations include, but are not limited to, any of the following:



(I) Securing physical space and making any necessary modifications to that space as required by a fire marshal or other legal authority.

(II) Personnel to oversee the shelter, including security officers.

(III) Janitorial services.

(IV) Laundry services.

(V) Insurance.

(VI) Any other associated and necessary costs of operating a shelter.

(C) Food.

(D) Clothing and other essential supplies.

(E) Transportation.

(F) Communications, including telephone and internet access, and translation services.

(G) Outreach and case management to support the delivery of the services listed in this paragraph.

(4) An entity that is awarded a grant or contract to provide medical screening shall have at least three years of experience providing medical screenings or other equivalent health care-related services.

(5) An entity that is awarded a grant or contract to provide assistance other than medical services shall have at least three years of experience providing the assistance for which the entity seeks funding or shall subcontract with another entity that has at least three years of experience providing those services.

(6) An entity that is awarded a grant or contract pursuant to paragraph (5) to provide medical screenings may subcontract with another entity that has at least three years of experience providing medical screenings or other equivalent health care-related services.

(7) An entity that is awarded a grant or contract pursuant to subparagraph (B) of paragraph (3) shall not subcontract sheltering services.

(b) Not more than 40 percent of each grant or contract awarded to an entity shall be advanced to that entity.

(c) Funding pursuant to this chapter shall be coordinated with any other funds available to support immigrants with critical assistance, and shall supplement and not supplant those funds.

13402. (a) A state entity receiving funds from the Rapid Response Reserve Fund shall, within 30 days of receiving the funds, submit a report to the Legislature that contains all of the following information:

(1) The name of the entity or entities that will be awarded a grant or contract.

(2) The timeline for implementation of the services.

(3) The approximate number of persons that will be served per month by the grant or contract funds.

(4) The type of assistance that will be provided to immigrants.

(5) Identification of any additional barriers and challenges to assist immigrants.

(b) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

13403. The Legislature finds and declares that this chapter is a state law that provides assistance and services for undocumented persons within the meaning of Section 1621(d) of Title 8 of the United States Code.



13404. (a) Notwithstanding any other law, funding awarded pursuant to this chapter shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

(b) Notwithstanding any other law, funding awarded pursuant to this chapter shall be exempt from the Public Contract Code and the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.

13405. Notwithstanding any other law, any personally identifiable information, including name, birth date, and destination address, as well as shelter location, shall be subject to the requirements of Section 10850 and shall be exempt from inspection under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

13406. The state shall be immune from any liability resulting from the implementation of this chapter.

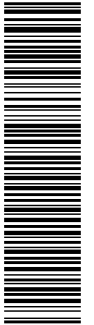
13407. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the state entity administering the grants may implement, interpret, or make specific this chapter without taking any regulatory action.

13408. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

13409. This chapter shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 13405 to the Welfare and Institutions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy and safety interests of immigrants in California who will be served by this act, it is essential to maintain the confidentiality of information that may affect their immigration court proceedings and any records that eventually may be subject to attorney-client privilege.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.  
as introduced, \_\_\_\_\_.  
General Subject: Rapid Response Reserve Fund.

Existing law delegates authority to various state agencies to oversee programs aimed at providing services for needy individuals, including providing medical services, shelter, and legal services for immigrants. Existing law establishes the Rapid Response Reserve Fund in the State Treasury to address costs, such as shelter and transportation, arising from immigration and other specified situations.

This bill would appropriate \$12,692,000 from the General Fund to be deposited in the Rapid Response Reserve Fund for allocation by the Department of Finance to a state entity by increasing a General Fund item of appropriation contained in the Budget Act of 2019, 2020, or 2021. The bill would require funds allocated to a state entity to be used to provide grants or contracts to entities that provide critical assistance to immigrants during emergent situations when federal funding is not available.

The bill would prescribe requirements for the grants or contracts, including that the grants or contracts provide critical funding for immigrants during emergent situations, including medical treatment, temporary shelter, food, and clothing. The bill would require a state entity, within 30 days of receiving funds, to submit a report to the Legislature containing specified information, including the name of the entity or entities that will receive the funding, a timeline for implementation of the services, and the approximate number of persons that will be served per month by the funds. The bill's provisions would be inoperative on July 1, 2022, and would be repealed on January 1, 2023.

The bill would state that its provisions are severable.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

