

FINDING OF EMERGENCY

The California Health Facilities Financing Authority (the "Authority") intends to implement Title 4, Division 10, Chapter 6, Peer Respite Care Grant Program on an emergency basis for the immediate preservation of the public peace, health, safety, or general welfare, within the meaning of Government Code Section 11346.1. Senate Bill 75, (Stats. 2015. CH. 18, Sec. 55 subdivision (d)) provides that these regulations shall "be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare."

Government Code Section 11346.1(a)(2) requires that at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. To this end, the Authority posts the proposed emergency regulations on its website and simultaneously disseminates notice of the proposed emergency action to all persons who have filed a request for notice.

After submission of the proposed emergency regulations to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code Section 11349.6. To determine the Office of Administrative Law five day comment period, please check <http://www.oal.ca.gov/> often.

The Authority has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Authority has concluded that these are the only regulations that concern the Peer Respite Care Grant Program in California.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

The Legislature has deemed the adoption of these regulations to be an emergency. Senate Bill 75, (Stats. 2015. CH. 18, Sec. 55 subdivision (d)) provides: "CHFFA may adopt emergency regulations relating to grants for peer respite sites, including emergency regulations that define eligible costs, and determine minimum and maximum grant amounts. The adoption, amendments, or repeal of these regulations shall be in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare."

INFORMATIVE DIGEST

The Authority was established in 1979 and operates pursuant to the California Health Facilities Financing Authority Act under Government Code Section 15430 et seq. Senate Bill 75 (Stats. 2015. CH. 18, Sec. 55 subdivisions (a) - (d)) authorizes the Authority to appropriate up to three million dollars in unencumbered funds, as appropriated in Item 0977-101-0001 for Mental Health Wellness Grants, of Section 2.00 of the Budget Act of 2013, to develop peer respite sites. The Authority is further authorized to award grants to expand local resources for the development, capital, equipment, acquisition, and applicable program startup or expansion costs to increase bed capacity for peer respite support services.

These proposed emergency regulations will allow counties, Counties Applying Jointly, private non-profit corporations and public agencies to apply for Grant funds specifically for the purpose of providing an additional continuum of care to those experiencing or at risk of experiencing a mental health crisis.

Peer respite programs are voluntary, short-term residential programs. They are evidence-based programs premised on the assumption that traditional crisis services delivered in psychiatric emergency rooms are not desirable and often not the most effective alternative for people experiencing a psychiatric crisis. Peer respite programs provide an alternative to psychiatric emergency services by offering a less coercive or intrusive supporting environment for individual experiencing a mental health crisis, but who are not deemed dangerous to others. Peer respite programs are generally staffed and operated by trained peers with lived experience of the mental health system and are usually located in a home in a residential neighborhood. They provide a safe, homelike environment for people to overcome crisis and build mutual trusting relationships.

These regulations provide the guidelines necessary in order to apply for funding of a Peer Respite Care Program including, but not limited to:

- a. Entities eligible to apply for a Grant
- b. Eligible Project Costs.
- c. Grant Application.
- d. Evaluation Criteria.
- e. Initial Allocations.
- f. Appeals
- g. Final Allocation
- h. Use of the Grant.
- i. Grant Agreement.
- j. Release of Grant Funds.
- k. Recovery of Funds for Non-Performance
- l. Reporting Requirements
- m. Record Retention, Inspection and Audits

The Authority finds that these proposed emergency regulations are compatible and consistent with the intent of the Legislature as codified in Senate Bill 75 (Stats. 2015. CH. 18, Sec. 55 subdivision (d))

COST ESTIMATE

1. Costs or Savings to State Agencies: No Impact
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500-17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: No Impact
4. Federal Funding to State Agencies: No Impact

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or school districts. There are no “state-mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

DOCUMENTS INCORPORATED BY REFERENCE

1. Peer Respite Care Grant Program Application Form No. CHFFA 7 PR-01 (01/2016)
2. Request for Disbursement Form No. CHFFA 7 PR-02 (01/2016)
3. Actual Expenditures Report Form No. CHFFA 7 PR-03 (01/2016)
4. Certificate of Completion and Final Report Form No. CHFFA 7 PR-04 (01/2016)

AUTHORITY AND REFERENCE CITATIONS

The Authority adopts these regulations under the authority granted in Senate Bill 75 (Stats. 2015. CH. 18, Sec. 55 subdivision (d))