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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 5. COMMUNITY MENTAL HEALTH SERVICES [5000 - 5987] (*Division 5 repealed and added by Stats. 1967, Ch. 1667.*)

PART 7. Behavioral Health Services and Supports [5960 - 5967.01] (*Part 7 added by Stats. 2021, Ch. 143, Sec. 355.*)

CHAPTER 1. Behavioral health continuum infrastructure program [5960 - 5960.4] (*Chapter 1 added by Stats. 2021, Ch. 143, Sec. 355.*)

5960. The department may establish the Behavioral Health Continuum Infrastructure Program pursuant to this chapter if the Legislature appropriates funds for this purpose.

(*Added by Stats. 2021, Ch. 143, Sec. 355. (AB 133) Effective July 27, 2021. Repealed as of January 1, 2027, pursuant to Section 5960.45.*)

5960.05. If the department establishes the program pursuant to this chapter, the department may award competitive grants to qualified entities to construct, acquire, and rehabilitate real estate assets or to invest in needed mobile crisis infrastructure to expand the community continuum of behavioral health treatment resources to build new capacity or expand existing capacity for short-term crisis stabilization, acute and subacute care, crisis residential, community-based mental health residential, substance use disorder residential, peer respite, mobile crisis, community and outpatient behavioral health services, and other clinically enriched longer term treatment and rehabilitation options for persons with behavioral health disorders in the least restrictive and least costly setting.

(*Added by Stats. 2021, Ch. 143, Sec. 355. (AB 133) Effective July 27, 2021. Repealed as of January 1, 2027, pursuant to Section 5960.45.*)

5960.1. Except as provided in Section 5960.15, the department shall determine the methodology and distribution of the grant funds appropriated for the program pursuant to Section 5960.05 to those entities it deems qualified.

(*Added by Stats. 2021, Ch. 143, Sec. 355. (AB 133) Effective July 27, 2021. Repealed as of January 1, 2027, pursuant to Section 5960.45.*)

5960.15. An entity shall meet all of the following conditions in order to receive grant funds pursuant to Section 5960.05, to the extent applicable and as required by the department:

- (a) Provide matching funds or real property.
- (b) Expend funds to supplement and not supplant existing funds to construct, acquire, and rehabilitate real estate assets.
- (c) Report data to the department within 90 days of the end of each quarter for the first five years.
- (d) Operate services in the financed facility for the intended purpose for a minimum of 30 years.

(*Added by Stats. 2021, Ch. 143, Sec. 355. (AB 133) Effective July 27, 2021. Repealed as of January 1, 2027, pursuant to Section 5960.45.*)

5960.2. (a) This chapter shall be implemented only if, and to the extent that, the department determines that federal financial participation under the Medi-Cal program, including but not limited to the increased federal funding available pursuant to Section 9813 of the federal American Rescue Plan Act of 2021 (Pub. Law 117-2), is not jeopardized.

(b) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific this chapter, in whole or in part, by means of information notices or other similar instructions, without taking any further regulatory action.

(*Added by Stats. 2021, Ch. 143, Sec. 355. (AB 133) Effective July 27, 2021. Repealed as of January 1, 2027, pursuant to Section 5960.45.*)

5960.25. For purposes of implementing this chapter, the department may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis. Contracts entered into or amended pursuant to this section shall be exempt from Chapter 6 (commencing with section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the

Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and the State Administrative Manual, and shall be exempt from the review or approval of any division of the Department of General Services.

(Added by Stats. 2021, Ch. 143, Sec. 355. (AB 133) Effective July 27, 2021. Repealed as of January 1, 2027, pursuant to Section 5960.45.)

5960.3. (a) Notwithstanding any other law, a facility project funded by a grant pursuant to this chapter shall be deemed consistent and in conformity with any applicable local plan, standard, or requirement, and allowed as a permitted use, within the zone in which the structure is located, and shall not be subject to a conditional use permit, discretionary permit, or to any other discretionary reviews or approvals.

(b) Notwithstanding any other law, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to a project, including a phased project, funded by a grant pursuant to this chapter if, where applicable, all of the following applicable requirements are satisfied:

(1) The project is not acquired by eminent domain.

(2) The project applicant demonstrates that the project is, and will continue to be, licensed by and in good standing with the department or other state licensing entity at the time of, and for the duration of, occupancy. The project shall be in decent, safe, and sanitary condition at the time of occupancy.

(3) The project applicant requires all contractors and subcontractors performing work on the facility project to pay prevailing wages for any proposed rehabilitation, construction, or major alterations in accordance with Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(4) The project applicant obtains an enforceable commitment that all contractors and subcontractors performing work on the project will use a skilled and trained workforce for any proposed rehabilitation, construction, or major alterations in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(5) The project applicant submits to the lead agency a letter of support, or other durable documentary proof for the project, from a county, city, or other local public entity for any new proposed construction, major alteration work, or rehabilitation.

(6) The project applicant demonstrates that not less than ninety-five percent of the total cost of any new construction, facility acquisition, or rehabilitation project is paid for with public funds, private non-profit funds, or philanthropic funds.

(7) The project applicant demonstrates that the project expands the availability of behavioral health treatment services in the subject jurisdiction.

(8) The project applicant demonstrates that there are long-term covenants and restrictions that require the project to be used to provide behavioral health treatment for no less than 30 years, and those covenants and restrictions may not be amended or extinguished by a subsequent title holder, owner, or operator.

(9) The project does not result in any increase in the existing onsite development footprint of structures or improvements.

(c) If a project applicant determines that a project is not subject to the California Environmental Quality Act pursuant to this section, and the lead agency for the project publicly concurs in that determination, the project applicant shall file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the project is located in the manner specified in subdivisions (b) and (c) of Section 21152 of the Public Resources Code.

(Added by Stats. 2021, Ch. 143, Sec. 355. (AB 133) Effective July 27, 2021. Repealed as of January 1, 2027, pursuant to Section 5960.45.)

5960.31. (a) Notwithstanding any other law, projects funded pursuant to paragraph (3) or (4) of subdivision (b) of Section 5965.04 shall be a use by right and shall be subject to the streamlined, ministerial review process and filing requirement, pursuant to subdivisions (b) and (d) of Section 50675.1.5 of the Health and Safety Code, and not subject to a conditional use permit, discretionary permit, or to any other discretionary reviews or approvals, if it meets the criteria of paragraph (1) or (2) and complies with subdivisions (b) and (c).

(1) The project is a behavioral health treatment and residential setting, including, but not limited to, children's residential crisis programs, peer respite, children's and adult substance use disorder residential programs, recovery housing, short-term residential therapeutic program, and social rehabilitation program, and shall be located in a zone where residential, office, retail, or parking are a principally permitted use.

(2) (A) The project is a real estate asset, as described in Section 5960.05, except for those described in paragraph (1), or in subparagraph (A) of paragraph (1) of subdivision (a) of Section 5831, that is funded pursuant to Section 5967.01, and shall be located in a zone where office, retail, or parking are a principally permitted use.

(B) This paragraph shall not be construed to limit the discretion of local jurisdictions to permit real estate assets in a zone not expressly provided in this paragraph.

(b) Projects, as applicable, pursuant to this section shall comply with the core components of Housing First, as defined under subdivision (b) of Section 8255, and may include recovery housing, as defined by the United States Department of Housing and Urban Development.

(c) Projects pursuant to this section shall meet the labor standards contained in Sections 65912.130 and 65912.131 of the Government Code.

(d) For purposes of this section, "use by right" means a development project that satisfies both of the following conditions:

(1) The development project does not require a conditional use permit, planned unit development permit, or other discretionary local government review.

(2) The development project is not a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(Added by Stats. 2023, Ch. 789, Sec. 2. (AB 531) Effective January 1, 2024.)

5960.35. (a) The following definitions shall apply to this chapter:

(1) "Department" means the State Department of Health Care Services.

(2) "Program" means the Behavioral Health Continuum Infrastructure Program authorized by this chapter.

(b) The following provisions shall apply to the implementation of this chapter:

(1) "Low-rent housing project," as defined in Section 1 of Article XXXIV of the California Constitution, does not apply to any facility project pursuant to this section that meets any one of the following criteria:

(A) The development is privately owned housing, receiving no ad valorem property tax exemption, other than exemptions granted pursuant to subdivision (f) or (g) of Section 214 of the Revenue and Taxation Code, not fully reimbursed to all taxing entities, and not more than 49 percent of the dwellings, apartments, or other living accommodations of the development may be occupied by persons of low income.

(B) The development is privately owned housing, is not exempt from ad valorem taxation by reason of any public ownership, and is not financed with direct long-term financing from a public body.

(C) The development is intended for owner-occupancy, which may include a limited-equity housing cooperative as defined in Section 50076.5 of the Health and Safety Code, or cooperative or condominium ownership, rather than for rental-occupancy.

(D) The development consists of newly constructed, privately owned, one-to-four family dwellings not located on adjoining sites.

(E) The development consists of existing dwelling units leased by the state public body from the private owner of these dwelling units.

(F) The development consists of the rehabilitation, reconstruction, improvement or addition to, or replacement of, dwelling units of a previously existing low-rent housing project, or a project previously or currently occupied by lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(G) The development consists of the acquisition, rehabilitation, reconstruction, improvement, or any combination thereof, of a development which, prior to the date of the transaction to acquire, rehabilitate, reconstruct, improve, or any combination thereof, was subject to a contract for federal or state public body assistance for the purpose of providing affordable housing for low-income households and maintains, or enters into, a contract for federal or state public body assistance for the purpose of providing affordable housing for low-income households.

(2) "Tribal entity" shall mean a federally recognized Indian tribe, tribal organization, or urban Indian organization, as defined in Section 1603 of Title 25 of the United States Code.

(Added by Stats. 2021, Ch. 143, Sec. 355. (AB 133) Effective July 27, 2021. Repealed as of January 1, 2027, pursuant to Section 5960.45.)

5960.4. 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.

(Added by Stats. 2021, Ch. 143, Sec. 355. (AB 133) Effective July 27, 2021. Repealed as of January 1, 2027, pursuant to Section 5960.45.)