



# 2020

# LEGISLATIVE SCORECARD





Disability Rights California's mission is to advocate, educate, investigate, and litigate to advance the rights, dignity, equal opportunities, and choices for all people with disabilities.

# Introduction

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**D**isability Rights California (DRC) is the largest disability rights organization in the nation. For more than 40 years we have fought against discrimination, promoted the inclusion of people with disabilities into communities of their choice, and advocated for the services and supports that they need. Legislative advocacy and ensuring that California's policymakers are fully informed of these needs is critical to advancing the rights of persons with disabilities.

DRC advocates for persons with disabilities in the legislature on critical issues such as accessibility, education, physical and mental health, housing, transportation, public benefits, voting and the state budget. We serve as one of the leading voices on these issues in the legislature and bring with us the policy and advocacy experience of hundreds of DRC lawyers and advocates working in every county in the state. Our collective knowledge and representation of clients in facilities and institutions, state and local agencies and courts informs our legislative advocacy work and brings real and practical experiences to bear on significant policy issues. Each year DRC sponsors legislation and analyzes and advocates on hundreds of bills that impact the lives of persons with disabilities.



This year the COVID-19 pandemic radically changed our lives. It also dramatically changed the work of the Legislature and the Executive Branch for the 2020 legislative year. The Legislature was forced to take several extended recesses and its work was primarily done remotely. Legislative priorities were shifted, the number of introduced bills was significantly reduced, hearings on bills and the budget were abbreviated, and the budget was developed under a cloud of the pandemic-caused deficits. Many of the DRC-sponsored and supported bills and budget proposals did not move forward for these reasons.

Nevertheless, we believe that it is important that people with disabilities and the public know where their elected officials stand on legislation critical to the disability community during this challenging time.

# The 2020 Legislative Scorecard

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We hope that this scorecard will provide useful information to the public, legislators, and the Governor.

The bills included in the scorecard represent a cross-section of policy areas and includes some of the DRC sponsored and supported bills. We entered the legislative year sponsoring twelve bills. All but one was held in committees due to the pandemic and one made it to the Governor and was signed (SB 214 (Dodd)). We hope to bring some of those bills back in the upcoming legislative session. Otherwise, the scorecard bills reflect important policies impacting persons with disabilities and recognize the recent demands caused by the pandemic, the economic downturn, and social unrest around racial injustice.

While not scored in the scorecard this year, one of the major issues impacting persons with disabilities was the Governor's proposed May Revision to the budget that included massive cuts to, and elimination of, crucial home and community-based services, health services and program supports. The May Revision proposed eliminating the Community-Based Adults Services (CBAS) program, the Multi-purpose Senior Services (MSSP) program, optional Medi-Cal benefits, the Medi-Cal eligibility expansion for Aged, Blind and Disabled adults, the augmentation to the Senior Nutrition program and Caregiver Resource Centers, and Aging and Disability Resource Centers.

The partial reductions also included reducing funding for Independent Living Centers, the Ombudsman program, In-Home Supportive Services (IHSS), and the Supplemental Security Income/State Supplementary Payment (SSI/SSP) cost-of-living adjustment. All told, the reductions totaled over an estimated 2.3 billion dollars. The cuts were effective unless Congress appropriated additional funds to the states, the so-called trigger.

In a bold bipartisan stand, the legislative leadership, budget committees and legislators rejected the proposed May Revision reduction proposals to these critical programs. The cuts and reductions were not made and were not tied to any trigger conditioned on federal COVID funding. While not scored here, this was one of the most significant victories in the legislative year for persons with disabilities. **We commend the Legislature for ensuring that the proposed budget reductions did not disproportionately impose more harm on the most vulnerable individuals who have borne the impact of the pandemic on their health and lives.**

We hope that this scorecard will provide useful information to the public, legislators, and the Governor on the variety of disability-rights issues and DRC's advocacy position on them. It is designed to serve as both an educational tool for the public to provide feedback to the state's policymakers and for those policymakers to use as they develop their positions.

# Scorecard Methodology

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The scorecard compares member votes to DRC positions, creating an overall ranking.

The bills included in the scorecard are some of the most important to the disability community that emerged from the legislative process in critical policy areas such as criminal justice, public benefits, budget, housing, health and mental health, voting and criminal justice. The scorecard compares member votes to DRC positions, creating an overall ranking of legislators based on those votes. Our scorecard methodology:

1. Considers the percentage of votes cast on floor votes in the second house and on concurrence (if required) consistent with DRC's position each time the member voted; and
2. Ignores a legislator's failure to vote on a bill attributable to an excused absence, as verified in the Daily Journal. We count a failure to vote, where there was no excused absence, as a vote against the DRC position.

We believe this methodology provides a useful record of which legislators supported DRC positions on issues critical to the unique rights and needs of people with disabilities.

# Looking Forward

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**T**he pandemic has highlighted structural problems in our healthcare, housing, and justice systems that have led to disproportionate harm to California's Black, Latino, Native American, and Asian Pacific Islander communities. DRC is committed to addressing systemic racism, ableism, homophobia, sexism, and structural barriers that deny us equal access to services, systems, and legal protections that all people deserve and require. Moving forward in this moment, DRC will be proactive in ensuring that our advocacy seeks out and responds to the voices of people of color with disabilities and members of the LGBTQIA2S+ community with disabilities. We will work toward addressing:

- Unsafe, segregated, institutional care for older adults and disabled people;
- High rates of unemployment and underemployment among people with disabilities;
- Long standing inequities in healthcare, mental health services, housing and education for disabled people, especially those who are part of the Black, Latino, Native American, Asian Pacific Islander, immigrant, and LGBTQIA2S+ communities;
- Government programs and private businesses that discriminate against disabled people and refuse to ensure physical and communication accessibility for all;
- A lack of affordable, accessible, healthy, and stable housing that is integrated into all communities; and
- An underpaid direct support workforce, a digital divide, and a growing wealth gap.

DRC will hold itself accountable for bold, progressive advocacy that pushes society toward more inclusion, equality and full participation for all people and push for equal opportunities, physical and communication access in housing, physical and mental healthcare, education, voting, and employment for ALL people with disabilities.



# The 2020 Scorecard Bills

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## **AB 79 (Committee on Budget) - Expanding Criminal Diversions for People with Intellectual and Developmental Disabilities (IDD)**

Conforms the criteria for IDD diversion to the current behavioral health diversion provisions by including specified felonies.

**DRC Support. Signed.**

## **AB 860 (Berman) – Safe Voting for All**

Requires county elections officials to mail a ballot to every registered voter for the November 3, 2020, statewide general election. The COVID-19 pandemic has a particularly detrimental impact on people with compromised immune systems and others with disabilities. Mail-in voting for every registered voter protects many voters with disabilities by allowing them to vote from home.

**DRC Support. Signed.**

## **AB 1286 (Muratsuchi) – Regulation of Shared Mobility Devices (scooters)**

Requires shared mobility service providers, such as scooter operators, to enter into an agreement with, or obtain a permit from, the city or county where they will be used, specifying operation, parking, and maintenance rules, and include commercial general liability insurance. Persons with disabilities, in the unregulated scooter market, are hindered and inhibited from using the sidewalks and other public rights of way because they have become so dangerous and inaccessible through the uncurbed growth of the scooter market.

**DRC Support. Signed.**

## **AB 1993 (Kamlager) - Unemployment and Disability Insurance for In Home Supportive Services Providers**

Expand eligibility for Unemployment Insurance (UI) to include providers of In-Home Supportive Services (IHSS) and Waiver Personal Care Services (WPCS) who care for a spouse or a child. As California faces a profound homecare workforce shortage, our state must do everything it can to support family caregivers.

**DRC Support. Vetoed.**



**AB 2213 (Limón) - Using Volunteers in Disasters Assistance**

Requires the OES in coordination with volunteer organizations to develop planning guidance to identify volunteers and donation management resources that could assist in responding to or recovering from disasters. It also requires a city to enter into an agreement to access the contact information of resident account holders through the records of a public utility. The effective use of volunteers and donations augments the services nonprofits and government agencies provide during disasters.

**DRC Support. Signed.**

**AB 2512 (Stone) – Protecting People with Intellectual Disabilities from Death Sentences**

Changes the definition of intellectual disability to include conditions that manifest before the end of the developmental period, as defined by clinical standards and prohibits the results of a test measuring intellectual functioning to be changed or adjusted based on race, ethnicity, national origin, or socioeconomic status.

**DRC Support. Signed.**

**AB 2542 (Kalra) – Bars Discrimination in the Criminal Justice System**

Bars state prosecutors and court officers from using discriminating means to seek or to obtain a conviction or criminal sentence and provides procedures for challenging discrimination in proceedings. Persons with disabilities, and particularly those who intersect with race and color are disproportionately represented in the criminal justice system. They bear the brunt of bigotry in a biased system.

**DRC Support. Signed.**

## Emergency Preparedness

The Legislature did not address in 2020 the dangers of Public Safety Power Shutoffs (PSPS) and natural disaster impacts, both of which have particularly acute impacts on persons with disabilities especially when overlaid by the pandemic. Over 40 disaster and PSPS bills were introduced this year yet only six made it to the Governor and he signed four (AB 2213 (Limón), AB 2421 (Quirk); AB 2968 (Rodriguez) and SB 596 (Stern)) and vetoed two (AB 2054 (Kamlager) and SB 1207 (Jackson)). Most were held in the Assembly with the majority held in the Assembly Utilities and Energy Committee. The Legislature failed to move important bills that would protect the public and those individuals with disabilities and others with functional needs during any PSPS event and natural disasters, including SB 862 (Dodd), cosponsored by DRC, which would have required an electrical corporation, as part of its public safety mitigation protocols, to include specifics for individuals with access and functional needs. **Despite other important competing issues the Legislature was confronting, failure to pass protective utility legislation was a major misstep this year.**



## Tenant Protections

AB 3088 provides valuable short-term tenant protections and ensures folks can remain in their homes during the COVID-19 pandemic. However, DRC urges the legislature to provide long term tenant protections including payment assistance and forgiveness, extended eviction moratoria, and protections for mobile home residents. Many tenants with disabilities live on low or fixed incomes, and the prospect of an eviction or an insurmountable rent bill will acutely devastate these individuals.

### **AB 2782 (Stone) – Protecting Residents of Mobilehome Parks**

Clarifies a local jurisdiction’s power to prevent the loss of low-income affordable housing by requiring an owner obtain approval for the conversion of parks containing low-income affordable mobile homes so that the conversion will not result in the loss of housing for low- and moderate-income households. It also requires the management of a mobilehome park to give homeowners at least 60 days notice if the management intends to change of use of the mobilehome park.

**DRC Support. Signed.**

### **AB 3088 (Chu) – Protecting Tenants from Evictions Due to COVID**

Protects many tenants, including mobile home park tenants, from evictions in cases of non-payment of rent due to COVID until February 1, 2021 if the

tenant pays 25 percent of the owed rent. It also provides assistance to small landlords through notices of forbearance during the pandemic. More work needs to be done in the upcoming session to extend the protections.

**DRC Support. Signed.**

### **AB 3228 (Bonta) – Safer Private Detention Facilities**

Requires any private detention facility operator to comply with, and adhere to, the detention standards of care and confinement agreed upon in the facility’s contract for operations and provides for civil causes of action and penalties. Facilities that do not comply with contractual standards of care pose significant risks to the detainees. When conditions in a detention facility fall below prevailing legal and other standards, it is people with disabilities who are among the most likely to suffer the harms.

**DRC Support. Signed.**

### **AB 3234 (Ting) – Expanding Criminal Diversions**

Authorizes a judge in the Superior Court in which a misdemeanor is being prosecuted to offer misdemeanor diversion to a defendant over the objection of a prosecuting attorney and requires the judge, at the end of the diversion period, and if the defendant complies with all required terms, to dismiss the action against the defendant. Providing judges with the authority to use diversion that does not otherwise fit within current statutory requirements allows individuals accused of misdemeanor crimes the opportunity to participate and benefit from tailored diversion approach.

**DRC Support. Signed.**

**SB 214 (Dodd) – Expanding the Medi-Cal California Community Transitions Program to Promote More Transitions from Institutions**

Allows the State Department of Health Care Services to provide services consistent with the Money Follows the Person Rebalancing Demonstration for transitioning eligible individuals out of an inpatient facility who have not resided in the facility for at least ninety consecutive days.

**DRC Sponsored. Signed.**

**SB 803 (Beall) – Developing Statewide Requirements for Certifying Peer Support Specialists**

Requires the state to establish statewide requirements for certifying peer support specialists helping expand the workforce of people who can respond to the state's mental health crisis.

**DRC Support. Signed.**

**SB 823 (Senate Budget & Fiscal Review Committee) – Realigning Juvenile Justice Realignment from the State to Counties**

Establishes a Juvenile Justice Realignment Block Grant program to provide county-based custody, care, and supervision of youth who are realigned from the Division of Juvenile Justice and would have otherwise been eligible for commitment to the Division.

**DRC Support. Signed.**

**SB 855 (Wiener) – Expanding Parity in Mental Health Plans**

Requires commercial health insurers to pay for medically necessary treatment of any behavioral health or substance use disorder listed in the DSM-5, the American Psychiatric Association manual that defines mental health conditions.

**DRC Support. Signed.**

## Mental Health Services

Important progress was made when the Governor signed SB 803 (Beall) – peer support certification - and SB 855 (Wiener) – mental health parity - to improve the delivery of mental health services in California. Timely and thorough implementation of those bills by the Administration will be critical to ensuring that progress in these two areas will continue after being stalled for so long.

## The Assembly

Assembly Member	Party	Votes Cast with DRC	% Cast with DRC
Arambula	D	15 out of 15	100%
Bauer-Kahan	D	15 out of 15	100%
Berman	D	15 out of 15	100%
Bloom	D	15 out of 15	100%
Bonta	D	15 out of 15	100%
Burke	D	15 out of 15	100%
Carrillo	D	15 out of 15	100%
Chiu	D	15 out of 15	100%
Chu	D	15 out of 15	100%
Frazier	D	2 out of 2	100%
Friedman	D	15 out of 15	100%
Garcia, C	D	15 out of 15	100%
Garcia, E	D	15 out of 15	100%
Gipson	D	15 out of 15	100%
Gonzalez	D	14 out of 14	100%
Holden	D	15 out of 15	100%
Jones-Sawyer	D	15 out of 15	100%
Kalra	D	15 out of 15	100%
Límon	D	15 out of 15	100%
Low	D	15 out of 15	100%
Medina	D	15 out of 15	100%
Nazarian	D	15 out of 15	100%
O'Donnell	D	15 out of 15	100%
Quirk	D	15 out of 15	100%
Rendon	D	15 out of 15	100%
Reyes	D	15 out of 15	100%
Rivas, L	D	15 out of 15	100%
Rivas, R	D	15 out of 15	100%
Rubio	D	15 out of 15	100%
Santiago	D	15 out of 15	100%
Stone	D	15 out of 15	100%

Assembly Member	Party	Votes Cast with DRC	% Cast with DRC
Ting	D	15 out of 15	100%
Weber	D	15 out of 15	100%
Wicks	D	8 out of 8	100%
Calderon	D	14 out of 15	93%
Gabriel	D	14 out of 15	93%
Gloria	D	14 out of 15	93%
Grayson	D	14 out of 15	93%
Levine	D	14 out of 15	93%
Aguiar-Curry	D	14 out of 15	93%
Chau	D	14 out of 15	93%
McCarty	D	14 out of 15	93%
Mullin	D	14 out of 15	93%
Wood	D	14 out of 15	93%
Boerner-Horvath	D	13 out of 15	87%
Cervantes	D	13 out of 15	87%
Muratsuchi	D	13 out of 15	87%
Quirk-Silva	D	13 out of 15	87%
Smith	D	13 out of 15	87%
Cooley	D	12 out of 14	86%
Daly	D	12 out of 15	80%
Gray	D	12 out of 15	80%
Maienschein	D	12 out of 15	80%
Salas	D	12 out of 15	80%
Irwin	D	12 out of 15	80%
Eggman	D	3 out of 4	75%
Rodriguez	D	11 out of 15	73%
Petrie-Norris	D	11 out of 15	73%
Ramos	D	9 out of 14	64%
Cooper	D	9 out of 15	60%
Cunningham	R	9 out of 15	60%
Waldron	R	9 out of 15	60%

## The Assembly (continued)

Assembly Member	Party	Votes Cast with DRC	% Cast with DRC
Lackey	R	8 out of 15	53%
Chen	R	7 out of 15	47%
Mayes	R	7 out of 15	47%
Gallagher	R	6 out of 14	43%
Kiley	R	6 out of 14	43%
Obernolte	R	6 out of 14	43%
Diep	R	5 out of 12	42%
Choi	R	6 out of 15	40%
Flora	R	6 out of 15	40%
Bigelow	R	5 out of 14	36%
Brough	R	5 out of 15	33%
Fong	R	5 out of 15	33%
Mathis	R	5 out of 15	33%
Patterson	R	5 out of 15	33%
Voepel	R	1 out of 4	25%

*\*DRC did not develop a score for Assembly Member Sydney Kamlager pursuant to the Political Reform Act (Cal. Gov. Code § 82025) in regard to an upcoming special election.*

## The Senate

Senator	Party	Votes Cast with DRC	% Cast with DRC
Allen	D	15 out of 15	100%
Archuleta	D	15 out of 15	100%
Atkins	D	15 out of 15	100%
Beall	D	15 out of 15	100%
Bradford	D	15 out of 15	100%
Gonzalez	D	15 out of 15	100%
Hertzberg	D	15 out of 15	100%
Leyva	D	15 out of 15	100%
Mitchell	D	15 out of 15	100%

Senator	Party	Votes Cast with DRC	% Cast with DRC
Monning	D	15 out of 15	100%
Pan	D	15 out of 15	100%
Portantino	D	15 out of 15	100%
Roth	D	15 out of 15	100%
Rubio	D	15 out of 15	100%
Skinner	D	15 out of 15	100%
Stern	D	15 out of 15	100%
Umberg	D	15 out of 15	100%
Wieckowski	D	15 out of 15	100%
Wiener	D	15 out of 15	100%
Dodd	D	14 out of 15	93%
Durazo	D	14 out of 15	93%
Hill	D	14 out of 15	93%
Hueso	D	14 out of 15	93%
Jackson	D	14 out of 15	93%
McGuire	D	14 out of 15	93%
Caballero	D	13 out of 15	87%
Galgiani	D	13 out of 15	87%
Glazer	D	12 out of 15	80%
Hurtado	D	11 out of 14	79%
Chang	R	7 out of 13	54%
Wilk	R	8 out of 14	57%
Moorlach	R	4 out of 10	40%
Nielsen	R	5 out of 15	33%
Borgeas	R	4 out of 12	33%
Bates	R	3 out of 12	25%
Dahle	R	3 out of 11	27%
Grove	R	3 out of 12	25%
Melendez	R	3 out of 12	25%
Morrell	R	2 out of 13	15%
Jones	R	0 out of 3	0%

# The Governor

## Gavin Newsom

Bill	Governor's Action	Aligned with DRC's position
AB 79	Signed	Yes
AB 860	Signed	Yes
AB 1286	Signed	Yes
AB 1993	Vetoed	No
AB 2213	Signed	Yes
AB 2512	Signed	Yes
AB 2542	Signed	Yes
AB 2782	Signed	Yes
AB 3088	Signed	Yes
AB 3228	Signed	Yes
AB 3234	Signed	Yes
SB 214	Signed	Yes
SB 803	Signed	Yes
SB 823	Signed	Yes
SB 855	Signed	Yes

Total	
Yes	14
No	1
Votes Cast with DRC	14 out of 15
% Cast with DRC	93%




The Governor's score improved significantly over last year when he vetoed two-thirds of the disability related bills that were sent to his desk. This year he only used his veto pen on one out of fifteen bills that DRC scored.

However, as we noted above, the Governor proposed in the May Revision massive program eliminations and cuts for persons with disabilities and older Californians that would have been devastating. Those cuts would have included significant reductions in IHSS, not passing through the federal SSI COLA, and Medi-Cal benefits for Aged, Blind and Disabled adults. He proposed to eliminate both the Community-Based Adults Services (CBAS) and the Multi-purpose Senior Services (MSSP) programs. We commend the Legislature for rejecting those proposals and we support the Governor's ultimate agreement to not make the program reductions he proposed in the midst of the pandemic. **We call upon the Governor, as he proposes his 2021-2022 budget, that he not look to budget solutions that ask the most vulnerable Californians who have borne some of the most devastating impacts of the pandemic on their health and lives to take the brunt of the economic challenges.**



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