

C Silva BOS 2/25/2025 Open Forum

My name is **Chris Silva**, spokesperson for **Rescue Deer Valley (RDV)**, representing **100+ neighbors** opposing the **HomeCA and Native Directions** substance use disorder facilities proposed for **Deer Valley Road in District 4**.

Since our first appearance before this board on **Jan 31, 2024**, we have provided substantial arguments against these projects and do not intend to rehash that comprehensive list today, but rather introduce ourselves to our two new Supervisors. We have worked with **Supervisor Parlin** and appreciate her transparency. We invite you to review our full documentation at **rescuedeervalley.com**.

We recognize the need for **substance use disorder treatment** but insist that facilities be placed in **appropriate locations** with:

1. **Proximity to resources** – These sites **lack critical services and emergency access**, putting **public and patient safety at risk**.
2. **Serving the right population** – Facilities should be **close to the communities they serve**, not in remote areas, isolating patients from families and support systems.
3. **Community compatibility** – These projects **don't fit Rescue's infrastructure**, particularly **blind, one-lane road access, located in High Fire Severity Zones** and the many environmental issues caused by this density on these parcels.

I want to caution the board that HomeCA & Native Directions have **misled the public and county officials**. A few examples include:

1. **False claims of county collaboration** – They **never worked with El Dorado County when considering location and developing these proposals**, despite claiming otherwise in grant applications.
2. **Facility classification issues** – They claim these are **not commercial facilities** while **seeking commercial permits** and planning to **generate income**.
3. **Sovereignty misrepresentation** – Native Directions is **not a federally recognized tribe** but rather an **Urban Indian Organization (UIO)**, which does **not** provide legal exemptions from zoning laws or independent governance. Let me Add that there is a **Lack of Local Tribal Support** - As **Senator McClintock** stated, the **Shingle Springs Band of Miwok Indians**, our county's **federally recognized tribe**, **strongly opposes these projects**.

Our Call to Action to this board is simple: Deny These Permits

County Counsel's **June 7, 2024** response to HomeCA confirmed that El Dorado County has a **duty to uphold zoning laws and protect public safety**. The State agencies funding these projects have explicitly stated they **must meet county zoning requirements**.

You have the **power and responsibility to deny these commercial building permits** for **2761 Sands Rd and 3480 Deer Valley Ct**. The community has made it clear: **These facilities are not suitable for Rescue and will severely detriment community and patient safety**. We will hold the county accountable for its decision.

Please deny these permits. Thank you

Native Directions Inc. – Care Provider

Native Directions Inc – Substance Abuse Operator/Manager – what we know

The care provider, Native Directions, Inc (NDI) ([website](#)) is an Urban Indian Organization that runs a 3-acre Substance Disorder (SUD) facility for male Native Americans in Manteca, located at 13505 S Union Rd, Manteca, CA 95336. The facility is called the “Three Rivers Indian Lodge.” We understand they take non-Native American patients as well. They provide a 90-120 day inpatient recovery program and provide other community services for the Native American Community. According to their website, NDI was established in 1972 and is led by Ramona Valdez.

“Urban Indian” Designated Health Service Provider

NDI is recognized by the federal Indian Health Service as an “Urban Indian Health Organization” (UIO). (UIOs) are independent, nonprofit, Indian-controlled organizations that contract with the Indian Health Service (IHS) to provide direct health care, referral/access services, inpatient and outpatient substance abuse treatment, and social service programs. UIOs are focused on providing urban health care for indigenous populations throughout California. UIOs are authorized to provide services to “urban Indians residing in the urban centers in which such organizations are situated” ([link](#)). The UIO designation supports State and Federal funding opportunities and does not provide any change in legal status for the UIO. NDI is NOT a Federally Recognized Tribal organization and as such must follow all the same laws as any other commercial operation. In El Dorado County we have an active federally recognized Indian Tribe, the Shingle Springs Band of Miwok Indians. This tribe does not support NDI proposed developments in Rescue as noted in a [letter](#) sent by Senator McClintock to DHCSS/CDSS Directors – “*The El Dorado County Board of Supervisors have unanimously opposed this proposal and the Shingle Springs Band of Miwok Indians have also strongly opposed it. So, I hope that you will recognize the importance of local consent for these types of decisions and relocate these treatment centers to a more suitable location.*”

NDI Operates Three Rivers Lodge – Manteca, CA

Their current facility is on 3 acres and was last sold in 2006 and is zone AG-40, which permits some non-agricultural uses such as public facilities. Up until recently the dense suburban area to the west was undeveloped.

NDI offers public participation for Native American ceremonies on weekends and holidays. According to this July 2013 [article](#), over 2000 people attended their 2-day July 4th weekend event in 2012! I can imagine parking was interesting for this event. Press releases have noted that NDI plans to offer public events at their facilities in El Dorado County. This impact should be considered as part of the Environmental Impact Reports we are requesting prior to granting any permits.

Based on our research, we are not aware of NDI having any other operations outside of that one facility. We don't believe they have any experience in El Dorado County, nor do we see any previous experience with female patients, or pregnancy care facilities.

From <<https://rescuedeervalley.com/native-directions-inc-care-provider/>>

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June 7, 2024

Patrick Prado, Chief Operating Officer
HomeCA Inc.
13505 Union Road
Manteca, CA 95336
patrickprado1@homeca.org

Re: Grading Permit #0372970

Dear Mr. Prado:

I am in receipt of your May 17, 2024, letter. Due to the legal issues addressed by your attorney, Ms. Garner requested that I respond on her behalf. I appreciate your efforts to respond to the questions raised by the County in Ms. Garner's May 3, 2024, letter. However, some of the County's questions were not answered or not answered sufficiently. I will address them in the order originally presented in Ms. Garner's letter.

Compliance with Local Zoning

After noting the apparent inconsistency between your proposed project and the County's Zoning Ordinance, the County sought clarification as to how your proposed project complies with the statement from the Directors of DHCS and CDSS that the project must "meet relevant zoning requirements." While we appreciate your citation to Welfare & Institutions Code § 5960.3(a), we are already aware of that section. The County's question to you was intended to assist us in reconciling that section with the statement from the Directors of DHCS and CDSS that the project must "meet relevant zoning requirements." Your response appears to imply that the Directors were simply incorrect in their understanding of the programs they administer. Unless you have further information to offer, the County will likely need to seek clarification directly from the Directors of DHCS and CDSS.

California Environmental Quality Act ("CEQA")

The County sought clarification from you to determine whether your project satisfies the requirements for the qualified CEQA exemption expressed in Welfare & Institutions Code § 5960.3(b). In particular, the County raised concerns regarding your project's ability to satisfy the conditions stated in § 5960.3(b)(5) and (9).

Subsection (b)(5) requires that the project applicant submit a letter of support to the lead agency (the County in this case) from "a county, city, or other local public entity." Your response states that Native Directions' letter of support for its own project satisfies this requirement because, in your opinion, Native Directions is a "local public entity." We disagree. First it must be noted that a letter of support is generally understood to be offered by a third party, not the subject of the letter. Setting that aside, while the BHCIP statutes do not define the term "local public entity," the term is defined in the Government Code as follows: "'Local public entity' includes a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State, but does not include the State." (Gov. Code, § 900.4.) Native Directions and HomeCA are none of those things.

According to the California Secretary of State's records, Native Directions is a nonprofit mutual benefit corporation and HomeCA is a nonprofit public benefit corporation. However, such nonprofit corporations are not the type of "public corporation" described in the Government Code's definition of a "local public entity." (*Hagman v. Meher Mount Corp.* (2013) 215 Cal. App. 4th 82, 87 ["public benefit corporations are not public corporations"].) More to the point, a nonprofit public benefit corporation is not a public entity at all. (*Id.*, at p. 88 ["public benefit corporations are not public entities"].) Accordingly, Native Directions is not a "local public entity" so its letter of support for its own project cannot satisfy the requirement of Welfare & Institutions Code § 5960.3(b)(5).

Turning now to Welfare & Institutions Code § 5960.3(b)(9), this requires that the project "not result in any increase in the existing onsite development footprint of structures or improvements." Your response contends that this requirement is not applicable to projects on vacant land, but there is no support for such an interpretation which runs counter to general CEQA principles for protection of the environment. The environmental baseline of the parcel is vacant land, and there is no basis to claim new development, where none previously existed, does not increase the onsite footprint. Indeed, such a reading would lead to illogical results that could not have been intended by the Legislature. For instance, under your proffered interpretation, a project proposing a nominal expansion of an existing facility would be ineligible for the exemption when it is unlikely that such a project would have any potential effect on the environment while an expansive new project on undisturbed land with obvious potential impacts would be exempt. Therefore, it remains the County's position that since the site on which you propose to construct your project is raw land, any new construction will necessarily result in an "increase in the existing onsite development footprint," making your project ineligible for the CEQA exemption expressed in Welfare & Institutions Code § 5960.3.

As noted in Ms. Garner's letter, the County is the lead agency for the project. As such, Welfare & Institutions Code § 5960.3(c) requires the County to publicly concur in any determination that the project is exempt from CEQA before a notice of exemption can be filed. Based on the foregoing analysis, the County cannot concur that the project is exempt from CEQA.

Letter of Support

The County sought clarification as to how your funding application met the requirements of the Request for Applications, which is incorporated by reference into your Program Funding Agreement. Despite your response, the County remains concerned about the potential Medi-Cal

June 7, 2024

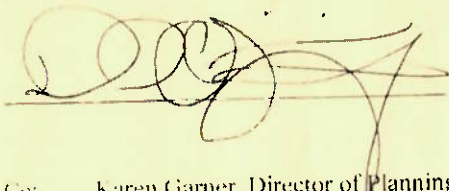
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related financial impacts to the County, particularly since there has been no meaningful consultation concerning this issue.

In closing, although we appreciate your efforts to address the County's questions and concerns, those questions and concerns remain. As the lead agency for CEQA, the County is required to ensure compliance with CEQA prior to issuance of any permits or other entitlements for your project. Based on the information presented to date, the County is currently unable to do so. Unless you have additional information for the County to consider, Planning & Building Department staff are ready to assist you with initiating the CEQA review process.

Very truly yours,

DAVID A. LIVINGSTON
County Counsel

A handwritten signature in dark ink, appearing to be "D. Livingston", written over a horizontal line.

Cc: Karen Garner, Director of Planning & Building (email only)
Michelle Baass, Director of DHCS (email only -- Michelle.Baass@dhs.ca.gov)
Kim Johnson, Director of CDSS (email only -- Kim.Johnson@dss.ca.gov)

TOM McCLINTOCK
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House of Representatives
Washington, DC 20515-0504

COMMITTEE ON THE JUDICIARY
CHAIRMAN OF SUBCOMMITTEE ON
IMMIGRATION INTEGRITY, SECURITY, AND
ENFORCEMENT

SUBCOMMITTEE ON
CONSTITUTION AND LIMITED GOVERNMENT

COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON
FEDERAL LANDS

SUBCOMMITTEE ON
WATER, WILDLIFE, AND FISHERIES

COMMITTEE ON THE BUDGET

May 21, 2024

Ms. Michelle Baass
Director
California Department of Health Care Services
Mail Stop 4100
P.O. Box 997413
Sacramento, CA 95899-7413

Ms. Kim Johnson
Director
California Department of Social Services
744 P Street
Sacramento, CA 95814

Dear Director Baass and Director Johnson,

I write to express my concerns with the proposed Native Directions and HomesCA Substance Treatment Centers that are planned to be developed in El Dorado County. The El Dorado County Board of Supervisors have unanimously opposed this proposal and the Shingle Springs Band of Miwok Indians have also strongly opposed it. So, I hope that you will recognize the importance of local consent for these types of decisions and relocate these treatment centers to a more suitable location.

It is my understanding that after the State Legislature passed AB 172, which made changes to treatment center programs, these proposed facilities can bypass the regulations which normally provide improved quality of life, public health, and public safety for the community.

I have heard from the community, and they are greatly concerned about the consequences of bypassing these regulations. For example, there is a reasonable anxiety with placing substance abuse patients in an area with a large fire risk without the in-depth fire plan that would normally be required of this type of facility. Additionally, some individuals are concerned that the inadequate roads for commercial activity will create hazardous conditions and that Medi-Cal dependent treatment centers will increase the burden on an already fragile and underfunded system. The water availability is also a concern since the current infrastructure is intended to support single family rural homes and will not be able to sustain a facility with a high usage of water.

I look forward to working with you to address these concerns, and I appreciate your engagement on these issues.

Sincerely,

Tom McClintock



Gay Clayson <gayclayson@gmail.com>

BOS

1 message

Gay Clayson <gayclayson@gmail.com>
To: Gay Clayson <gayclayson@gmail.com>

Mon, Feb 24, 2025 at 5:12 PM

El Dorado - BOS - 2/25/25

- We as the Rescue community are disappointed that these developments have not been declined by the county - disregard for zoning and fire risk are some of the main concerns but there are many other issues
- Home California the developer and purchaser of these properties did not do the due diligence required for the scale of these facilities prior to purchase ... rather they thought a low cost property could benefit them financially - we as a community should not be made to pay the price of their error
- As we have researched the developer, contractor and associates aligned with this project we have found many conflicts of interest ... while they may not rise to the level of criminal intent they are at minimum suspect
- We encourage this board of supervisors and the county officials to do their due diligence to ensure that safety for our residents is a priority and county resources are used most efficiently and effectively
- We appreciate the county resources that have continued to review these proposed projects and specifically Lori Parlin who has been transparent in keeping our team informed
- Thank you - Gay Clayson

Sent from my iPad

Hello, my name is David I live less than a mile from the proposed developments. I am gratefully the Board of Supervisors for their previous actions in relation to this proposed development.

I would like to stress the need for a full **ENVITOMENTAL REVIEW**

DENSITY ³⁴⁸⁰

The site at ~~3335~~ Deer Valley Ct will have 40 beds which at capacity should yield about **40 total patients and family** plus an additional approximate **20 staff** for a total of 60 full time persons. The most recent US census has the average El Dorado County household at 2.51 and at 60 person this development is 24 times the average home in the area.

That means there will be **24 TIMES** the amount of cooking, cleaning, washing of linens, showering and sewage than the average household.

WASTEWATER

In rural Resue there is no current EID services for drinking water nor wastewater, and thus well water is used for drinking and septic systems are used for wastewater.

According to EPA.gov article titled *septic/septic-systems-and-surface-water* a drain field "partially treated wastewater from the septic tank flows out through the drain field, filters down through the soil and **enters the groundwater**"

DRUGS & CHEMICALS

Because the site will be a **SUBSTANCE USE DISORDER FACILITY** it can be reasonably inferred patients will be given DRUG TREATEMENTS such as methadone or other similar opioids. Thus these drugs will make their way into the onsite wastewater system.

MARTEL CREEK

³⁴⁸⁰
Located about 1,000 feet from ~~3335~~ Deer Valley Ct is **MARTEL CREEK** a stream which runs through a section of the federally protected **PINE HILL ECOLOGICAL RESERVE** which is the neighboring property to ~~3335~~ Deer Valley Ct.

³⁴⁸⁰
In sum, this development proposes DENSITY which exceeds the area, causing much WASTEWATER which will include PHARMACUTICAL DRUG CHEMICALS entering the water and RUN DOWNHILL into PINE HILL RESERVE which is why an ENVIROMENTAL IMPACT REPORT is needed.

Thank you

Dear El Dorado County Board of Supervisors:

We stand before you today to voice concerns about the proposed drug rehabilitation facilities in our rural community

If Native Directions and Home CA are receiving money for the beds in the facility does this make it a commercial business? Do these facilities have a responsibility to protect both their residents and the local community, which includes ensuring proper safety measures and integration plans, like sidewalks?

Our rural roads lack sidewalks, creating a dangerous situation for pedestrians. The absence of pedestrian infrastructure on Deer Valley Road puts lives at risk, especially for vulnerable individuals like mothers and children.

With the nearest amenities 3.6 miles away, this distance not only limits access but could potentially hinder the rehabilitation process and community integration for facility residents.

We're also concerned about the impact on Rescue's residents, particularly our vulnerable populations. There are fears about potential criminal activities such as car thefts, break-ins, or worse.

If the county approves these facilities, it shares in the responsibility for ensuring the safety and well-being of everyone in the community.

While we recognize the vital role these facilities play in addressing substance abuse, we must ensure the safety of everyone involved. We urge the Board to carefully consider these concerns and work towards solutions that address the needs of both the proposed facilities and our existing community.

Thank you

The Morrison Family

- ◆ *Good afternoon, Board Members. My name is John Figueiredo, and I live in this community with my 18-month-old child, my wife, and another baby on the way. We chose this area for its safe, rural environment—not for high-density commercial developments.*
 - ◆ *I'm here today because this proposed project does not comply with local zoning laws and presents serious fire hazards, particularly given the high smoking rates among individuals in substance use treatment facilities. The County has both the right and the responsibility to deny this permit.*
-

Zoning Laws – The Clear Legal Basis for Denial

✦ *This project does not align with El Dorado County's zoning regulations.*

- *This land is designated for single-family homes, not a commercial facility serving over 80 individuals daily.*
- *State funding does not override local zoning laws. The County retains full authority to deny this permit.*
- *The Department of Health Care Services and the Department of Social Services in an exhibit I'll provide explicitly state:
"Awardees are required to work within their local jurisdiction to obtain necessary permits through local Planning and Building Departments and meet relevant zoning requirements."*
- *Approving this project could set a precedent allowing developers to bypass zoning laws in the future*

🗣️ *And if approved, how would we prevent future projects from violating zoning laws in the future?*

✅ *We request an official legal opinion from County Counsel confirming this project violates zoning requirements.*

Fire Risk & Public Safety – A Critical Concern

✦ *This project significantly increases fire risks in a Cal-Fire designated High Severity Fire Zone.*

- *Only one road in and out makes evacuation dangerous in an emergency.*
- *Studies show 65%–87% of individuals in addiction treatment are smokers which dramatically increases fire risk*
- *The facility is over 20 minutes from the nearest hospital which put patients of a parental facility or drug treatment facility at risk.*

🗣️ *If a fire occurs or a medical emergency is delayed, the County will be responsible for approving a project that puts lives at risk. Are you prepared for that liability?*

✅ *We demand a full fire and emergency risk assessment from Cal-Fire and local law enforcement before any permits are granted.*

Urging the Board to Deny the Permit

✦ *This is about more than one project—it's about protecting zoning integrity, ensuring public safety, and making responsible decisions for the future of our community.*

🔥 *What legally defensible reason does the Board have for approving a commercial facility in a rural residential zone that violates zoning laws, heightens fire risk, and exposes the County to liability?*

🗣️ *We all want responsible development, but this project contradicts the very principles that make our community a safe and desirable place to live. I urge the Board to uphold the law, prioritize public safety, and deny this permit.*



February 15, 2024

THIS LETTER SENT VIA EMAIL

Senator Marie Alvarado-Gil
1021 O Street, Suite 7240
Sacramento, California, 95814

RE: RESPONSE TO QUESTIONS/CONCERNS RELATED TO DEPARTMENT OF HEALTH CARE SERVICES BEHAVIORAL HEALTH CONTINUUM INFRASTRUCTURE PROGRAM (BHCIP) / DEPARTMENT OF SOCIAL SERVICES COMMUNITY CARE EXPANSION (CCE) PROJECTS PROPOSED BY NATIVE DIRECTIONS/HOMECA FOR BEHAVIORAL HEALTH TREATMENT SERVICES IN EL DORADO COUNTY

Dear Senator Marie Alvarado-Gil:

Thank you for your letter dated January 29, 2024, regarding substance abuse treatment center projects proposed by HomeCA and Native Directions Inc. AB 133 (Committee on Budget, Chapter 143, Statutes of 2021) authorized the California Department of Health Care Services (DHCS) to establish the BHCIP and award \$2.2 billion to construct, acquire, and expand properties and invest in mobile crisis infrastructure related to behavioral health. DHCS is releasing these funds in six individual rounds to target various gaps in the state's behavioral health facility infrastructure. In addition, AB 172 (Committee on Budget, Chapter 696, Statutes of 2021) authorized the California Department of Social Services (CDSS) to establish CCE and award \$805 million for the acquisition, construction, and/or rehabilitation of adult and senior care facilities that serve applicants and recipients of Supplemental Security Income/State Supplementary Payment (SSI/SSP) or Cash Assistance Program for Immigrants (CAPI), who are at risk of or experiencing homelessness.

DHCS and CDSS launched the BHCIP and the CCE Programs to address historic gaps in the behavioral health and long-term care continuum and meet the growing demand for services and support across the life span. To date, five rounds of BHCIP funding and funding for 48 CCE projects have been released/awarded on a competitive basis.

Priorities for BHCIP and CCE include:

- Invest in behavioral health and community care options that advance racial equity.
- Seek geographic equity of behavioral health and community care options.
- Address urgent gaps in the care continuum for people with behavioral health conditions, including seniors, adults with disabilities, and children and youth.
- Increase options across the life span that serve as an alternative to incarceration, hospitalization, homelessness, and institutionalization.

- Meet the needs of vulnerable populations with the greatest barriers to access, including people experiencing homelessness and justice involvement.
- Ensure care can be provided in the least restrictive settings to support community integration, choice, and autonomy.
- Leverage county and Medi-Cal investments to support ongoing sustainability.
- Leverage the historic state investments in housing and homelessness.

Eligible entities to apply for this funding include counties, cities, tribal entities (including Tribal 638 facilities and urban clinics), nonprofit organizations, and for-profit organizations whose projects reflect the State's priorities.

The following stipulations and specifications apply to both BHCIP and CCE:

- For-profit organizations, including private real estate developers, with related prior development experience who are collaborating with nonprofit organizations, tribal entities, or counties may apply, but will be required to demonstrate a legal agreement (e.g., memorandum of understanding) with the county, tribe, city, for-profit, or nonprofit organization to confirm the organization's role in the project, including that they are working on behalf of the service provider.

The following stipulations and specifications apply to BHCIP:

- Proposed projects must meet the focus specified for each round.
- Projects must make a commitment to serve Medi-Cal beneficiaries.

The following stipulations and specifications apply to CCE:

- Funds to preserve existing licensed facilities that currently serve the CCE target population were made available through the CCE Preservation Program by a direct-to-county allocation process and announced separately from the BHCIP/CCE project Request for Application (RFA).
- CCE funding being awarded to a provider was not and is not predicated on the relevant county participating in the CCE Preservation Program.

Native Directions/HomeCA were awarded conditional funding grants for BHCIP Round 3: Launch Ready, BHCIP Round 4: Children and Youth, and CCE based on their application and demonstration of meeting state priorities. DHCS and CDSS released a joint BHCIP/CCE project Request for Application (RFA) during the Round 3 timeframe; however, BHCIP and CCE are separate programs. The application review process and subsequent awards for these programs follow separate tracks.

Applicants receiving BHCIP and CCE conditional awards have demonstrated they meet the minimum threshold requirements as specified in the RFA for each round/source of funding.

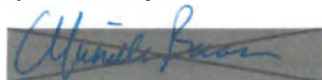
However, for BHCIP and CCE projects to progress, awardees are required to work within their local jurisdiction to obtain necessary permits through local Planning and Building Departments and meet relevant zoning requirements to ensure programmatic and local requirements are met. This includes ensuring construction work complies with the minimum standards of safety, and protecting public and program participant health, safety, and welfare.

February 15, 2024

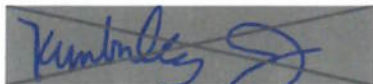
DHCS and CDSS are moving forward expeditiously with these funds with the understanding that the need for access to behavioral health services across the state is at an all-time high. Coupled with the opioid epidemic, there is no greater time to leverage the available funding to expand California's behavioral health infrastructure. According to a statewide needs assessment conducted in 2021, "Assessing the Continuum of Care for Behavioral Health Services in California," the mental health and well-being of California's children and youth (25 years and younger) are a rising concern. Amid rising rates of children and youth experiencing behavioral health conditions, youth emergency department visits for mental health concerns, and youth suicides, there are limited treatment options available to children with significant mental health and substance use disorders (SUDs). Moreover, in California, rates of serious mental illness and SUDs are highest for individuals ages 18 to 25.

The Administration has committed to, and wholeheartedly supports, the expansion of the state's behavioral health and community care infrastructure. DHCS and its BHCIP administrative entity, Advocates for Human Potential, as well as CDSS and its CCE administrative entity, HORNE, will continue to work with Native Directions/HomeCA as they proceed through the process of obtaining required permits for construction to commence. DHCS and CDSS appreciate your support and interest in our BHCIP and CCE work.

In partnership,



MICHELLE BAASS, Director
Department of Health Care Services



KIM JOHNSON, Director
Department of Social Services