

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1049 (Celeste Rodriguez) – As Introduced February 20, 2025

SUBJECT: California Food Assistance Program: sponsor deeming rules

SUMMARY: Explicitly specifies that federal sponsor-deeming rules and exemptions governing the Supplemental Nutrition Assistance Program (SNAP) do not apply to the California Food Assistance Program (CFAP); Repeals existing law which requires federal sponsor-deeming rules and exceptions governing the SNAP to also govern CFAP, and repeals existing law which permitted an exemption for victims of abuse.

EXISTING LAW:

State law:

- 1) Establishes the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting certain criteria. (Welfare and Institutions Code [WIC] § 18900 *et seq.*)
- 2) Requires the California Department of Social Services (CDSS) to establish CFAP to provide assistance for persons who are not eligible for federal SNAP benefits solely due to their immigration status. Requires, when possible, that the income, resources, and deductible expenses of those who receive CFAP benefits to be excluded when calculating CalFresh benefits. (WIC § 18930 *et seq.*)
- 3) Specifies that noncitizens of the United States (U.S.) are eligible for CFAP if the person's immigration status meets the SNAP eligibility criteria in effect on August 21, 1996, but is not eligible for SNAP benefits solely due to their immigration status. (WIC § 18930(c)(3))
- 4) Requires an applicant who is otherwise eligible for CFAP but who entered the U.S. on or after August 22, 1996, to be eligible for CFAP if the applicant is sponsored and one of the following apply: the sponsor has died; the sponsor is disabled; or, the applicant, after entry into the U.S., is a victim of abuse by the sponsor or the spouse of the sponsor if the spouse is living with the sponsor. (WIC § 18930(c)(4))
- 5) Provides that an applicant who is otherwise eligible for CFAP but who entered the U.S. on or after August 22, 1996, who does not meet one of the conditions of 4) above, to be eligible for CFAP beginning on October 1, 1999. (WIC § 18930(b)(5))
- 6) Requires CFAP to provide verification that one of the conditions of eligibility in 4) above, are met. (WIC § 18930(b)(6))
- 7) Requires the amount of nutrition benefits provided to each CFAP household to be identical to the amount that would otherwise be provided to a household eligible for CalFresh benefits. (WIC § 18930(d)(1))

- 8) Requires, except as otherwise provided, the federal and state laws and regulations governing the federal Food Stamp to also govern CFAP. (WIC § 18932(a))
- 9) Requires federal deeming rules and exemptions governing the federal Food Stamp Program to also govern CFAP, except that for immigrants with affidavits of support, pursuant to 14) below, who do not meet exemptions from deeming, the period of deeming of a sponsor's income and resource to be three years from the date of the sponsor's execution of the affidavit of support (WIC § 18932(b))
- 10) Exempts immigrants who are victims of abuse by their sponsor or sponsor's spouse from deeming. (WIC 18932(c))
- 11) Defines "abuse" to mean battering or subjecting a victim to extreme cruelty and outlines necessary documents and evidence to verify abuse as a condition of eligibility for CFAP. (WIC § 11495.12; WIC § 18932(c))

Federal law: Note: For the purposes of referring to federal law accurately, this section uses the term "alien" which is not a term used in the Committee or California, per AB 1096 (Luz Rivas), Chapter 296, Statutes of 2021.

- 12) Establishes the Immigration and Nationality Act, covering aspects related to immigration, naturalization, deportation, and citizenship. (8 United States Code [U.S.C.] § 1101 *et seq.*)
- 13) Establishes SNAP pursuant to the Food Stamp Act of 1964. (7 U.S.C. § 2011 *et seq.*)
- 14) Establishes requirements for sponsor's affidavit of support. (8 U.S.C. § 1183 *et seq.*; 7 Code of Federal Regulations [CFR] § 273.4(c)(1); Manual of Policies and Procedures [MPP] 63-102(s)(7)-(8))
- 15) Defines "sponsor" to mean an individual who executes an affidavit of support with respect to the sponsored alien and who is a citizen or national of the U.S. or an alien who is lawfully admitted to the U.S. for permanent residence; is at least 18 years of age; is domiciled in any of the several states of the U.S., the District of Columbia, or any territory or possession of the U.S.; is petitioning for the admission of the alien under; and, demonstrates the means to maintain an annual income equal to at least 125% of the federal poverty line. (8 U.S.C. § 1183(f)(1); 7 CFR § 273.4(c)(1); MPP § 63-102(s)(7)-(8))
- 16) Requires, for purposes of determining the eligibility and benefit level of a household of which an eligible sponsored alien is a member, the state agency to deem the income and resources of the sponsor and the sponsor's spouse, if they have executed an affidavit of support, as the unearned income and resources of the sponsored alien. (7 CFR § 273.4(c)(2); MPP 63-503.493)
- 17) Specifies that a demonstration of the means to maintain income shall include provision of a certified copy of the individual's federal income tax return for the individual's three most recent taxable years and a written statement, executed under oath or as permitted under penalty of perjury that the copies are certified copies of such returns. (8 U.S.C. § 1883(f)(6)(i))

- 18) Requires an affidavit of support include the social security account number of each sponsor.
(8 U.S.C. § 1183(i)(1))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Food Insecurity.* The U.S. Department of Agriculture (USDA), which monitors food insecurity and oversees the nation’s largest food aid programs, defines food security as “access by all people at all times to enough food for an active, healthy life.” It categorizes food security into four levels:

Ranges of Food Security

LEVEL OF SECURITY		DEFINITION
Food Secure	High Food Security	Households had no problems, or anxiety about, consistently accessing adequate food
	Marginal Food Security	Households had problems or anxiety at times about accessing adequate food, but the quality, variety and quantity of food were not substantially reduced
Food Insecure	Low Food Security	Households reduced the quality, variety and desirability of their diets, but the quantity of food intake and normal eating patterns were not substantially disrupted
	Very Low Food Security	At times during the year, eating patterns of one or more household members were disrupted and food intake reduced because the household lacked money or other resources for food

Sources: Feeding America, What is Food Insecurity? <https://hungerandhealth.feedingamerica.org/understand-food-insecurity/> (Accessed March 1, 2020)

While California declared food as a human right in 2023 and produces nearly half of the nation’s fruits and vegetables, data from the U.S. Census Household Pulse Survey shows that as of September 2024, 22% of California households are food insecure and 27% of households with children are food insecure, with deep disparities for Black, Latino, and Native households. Specifically, 33% of Hispanic/Latino and 43% Black households with children respectively are food insecure. According to a report by the Urban Institute, in the last 12 months an estimated 1 in 4 adults in mixed immigration-status families have reported food insecurity. During the COVID-19 pandemic, 72% of nearly 800,000 agricultural workers – mostly Latino and Indigenous Mexican and Central American immigrants – struggled to afford food, despite being essential to the state’s food production. Factors contributing to food insecurity include socioeconomic disparities and geographic barriers, among other factors.

A lack of adequate food can have long-term physical health consequences across the lifespan. During pregnancy, it can lead to poor birth outcomes, impacting a child’s physical and cognitive development. Young children with inadequate or interrupted food intake are at a higher risk of iron deficiency, respiratory illnesses, infections, and developmental delays. In school-aged children, food insecurity is associated with poor academic performance, attention difficulties, and behavioral issues. In adolescence, food insecurity is associated with having many sexual partners, drug and alcohol abuse, greater exposure to violence, high-risk pregnancy, and suicide ideation. Long-term, these disadvantages contribute to intergenerational cycles of poverty and food insecurity. In adulthood, food insecurity increases the risk of chronic, diet-related diseases such as diabetes, obesity, hypertension, cardiovascular disease, and certain cancers due to poor

nutrition and limited access to healthcare. Beyond physical health, the emotional and psychological stress of uncertain food access causes anxiety, depression, and social isolation.

CalFresh. SNAP (formerly known as the Food Stamp Program) is the largest federal food safety-net program that serves as the first line of defense against hunger and food insecurity for low-income households. In California, SNAP funds are administered through the CalFresh program. Overseen by CDSS and administered locally by county human services departments, CalFresh serves a large and diverse caseload, with substantial shares comprising low-income working families with children, elderly and disabled people, and very low-income individuals with substantial barriers to employment. Participants use electronic benefit transfer (EBT) cards to purchase eligible food items such as fruits and vegetables, meat, dairy products, and seeds and plants that produce food at authorized retailers, including grocery stores, supermarkets, and farmers' markets. Individuals can complete the CalFresh application online, over the phone, in-person at their county CalFresh office, or through the mail.

The USDA sets eligibility requirements for SNAP programs across the country, including gross and net income, household size, assets, and certain expenses. The basic rules to qualify are gross monthly income below 130% of the federal poverty line. Broad-based categorical eligibility gives states the option (that most states take, including California) to increase the gross income eligibility threshold up to 200% of the poverty line for SNAP recipients receiving support from other government programs. Effective October 1, 2024, through September 30, 2025, these gross income limits for a household of three in the U.S. is currently \$2,798 per month, or \$33,576 annually.

CalFresh plays a critical role in reducing poverty and food insecurity in California. In early 2023, participation in CalFresh helped keep approximately 1.1 million Californians out of poverty. Research also shows that SNAP reduces overall food insecurity by about 20% and reduces food insecurity among children by approximately 33%. According to the Legislative Analyst's Office, about 3.2 million households received a total of \$12.7 billion in CalFresh benefits, all of it federally funded, with an estimated average monthly benefit of about \$328 per household in 2024-25.

California Food Assistance Program. Prior to the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, most noncitizens lawfully residing in the U.S. were eligible for SNAP benefits on the same basis as citizens. With the enactment of PRWORA, lawfully present non-citizens (legal permanent residents (LPRs); green card holders) lost eligibility even if they had been in the country when the law was passed. The 2022 Farm Bill broadly restored SNAP eligibility to most lawfully present noncitizens, including individuals who resided in the U.S. for five years, children under 18 years of age, and individuals receiving disability-related assistance or benefits.

Despite this expansion, not all noncitizens were able to get access. States were granted the option to offer state-funded food assistance to these populations, resulting in the establishment of CFAP, which uses the same EBT and California Statewide Automated Welfare System as CalFresh to distribute benefits. Through the EBT system, the federal government directly deposits funds into the accounts of participating households, with the state later reimbursing the federal government for these expenditures.

According to CDSS, examples of individuals eligible for CFAP include noncitizens who are LPRs who have not met the five-year U.S. residency requirements or 40 qualifying work quarters

criteria; parolees; conditional entrants; or, battered or abused. Currently, certain noncitizens, such as undocumented individuals, are ineligible for CFAP based on their immigration status. However, under the 2024 Budget Act, the state plans to expand CFAP eligibility to include all adults 55 years of age and older, regardless of immigration status, starting in 2027. This expansion was delayed from its original timeline as part of budget negotiations.

CFAP benefits are equivalent to those provided by CalFresh and vary based on factors such as household size, income, and deductible expenses. In the 2024-25 fiscal year, CFAP benefits totaled approximately \$130 million from the General Fund for 28,900 households, with an estimated average monthly benefit of \$372 per household.

Sponsor-Deeming Rules. Federal sponsor-deeming rules are provisions established under the PRWORA of 1996, which require that an immigrant's eligibility for federal means-tested benefits, such as SNAP, be determined by including the income and resources of their sponsor. The purpose of these deeming rules is to ensure that sponsors who have committed to financially supporting a noncitizen, through an affidavit of support, uphold their obligations. An affidavit of support is a contract signed by the sponsor to demonstrate that the applicant of the green card will not become a public charge, dependent on government resources. The application of federal deeming rules to state-level programs like CFAP has historically been intended to maintain consistency with federal standards.

Sponsor-deeming rules do not apply to several groups of immigrants, including:

- *Immigrants who are not required to have sponsors.* Includes, but is not limited to, refugees, asylees, parolees, and individuals granted withholding of deportation;
- *Immigrants without Form I-864.* Applies to those who obtain green cards before December 19, 1997, or whose sponsors used other forms like Form I-134. Organizational sponsors are also exempt;
- *Immigrant children under 18 years of age.* Deeming applies once they turn 18 years of age, but counties may delay review until the next certification period;
- *Immigrants living with their sponsor;*
- *Victims of abuse.* Applies to immigrants or their children who have been abused by a sponsor or parent. Exemption lasts 12 months and can be extended with proof of continued abuse; and,
- *Indigence exception.* Applies if household income, including sponsor-provided in-kind income support, is below 130% of the federal poverty level. Verification of sponsor income or resources is not required, and immigrants can self-declare lack of support. This determination must be reassessed annually. If an immigrant receives CFAP benefits under the indigence exception, the county must report the names of the immigrant and their sponsor to the U.S. Attorney General. If the noncitizen refuses to consent this reporting, only the sponsored immigrant will be made ineligible for benefits, while other household members may still qualify.

In the federal SNAP program, sponsor-deeming ends when the sponsored LPR becomes a U.S. citizen; completes 40 work quarters; leaves the U.S.; meets an exception; or, or if either the sponsor or immigrant dies.

Sponsors' income and resources are "deemed" or attributed to the noncitizen, thereby limiting eligibility for public benefits based on the sponsor's financial capacity rather than the noncitizen's own resources. Only certain portions of a sponsor's income and resources are deemed, with deductions applied for earned income, federal poverty level allowances for the sponsor's family, and pro-rata adjustments when a sponsor supports multiple immigrants. The applicant is responsible for obtaining the income and resources from the sponsor by asking for these details and submitting required verification such as tax forms. Benefits cannot be approved until this information is provided, even if the sponsor is uncooperative or their whereabouts are unknown. To bypass this requirement, an immigrant must qualify for an exemption. However, if a noncitizen changes sponsors during the certification period, then deemed income and resources are required to be recalculated based on the required information of the new sponsor.

According to the Legal Services of Northern California (LSNC) Guide to CalFresh Benefits, "Sponsor deeming, if applied properly, should disqualify very few immigrants from receiving CalFresh benefits." This means that sponsor-deeming is theoretically designed to be applied in a way that only disqualifies a small number of immigrants from receiving CFAP benefits because there are multiple exceptions, deductions, and adjustments that reduce or eliminate the impact of sponsor deeming eligibility. However, sponsor-deeming rules create an unnecessary burden for low-income immigrant families.

Burdens of Sponsor-Deeming Rules. Proponents may argue that it ensures accountability by holding sponsors financially responsible if there is an over-issuance of benefits, much like a co-signer on a loan who is liable for repayment if the primary borrower cannot pay. However, it is important to note that there is no comparable mechanism for U.S. citizens applying for benefits. Sponsor-deeming rules create barriers for immigrants who are economically vulnerable, particularly when sponsors are unwilling or unable to provide the promised support. Sponsor-deeming assumes that sponsors are both financially capable and willing to fulfill their obligations, which is not always the case. It also creates a parallel system where immigrants are assessed not only based on their own financial circumstances, but also the income and resources of their sponsors, even if the sponsors are not contributing any actual support. This extra layer of scrutiny applies exclusively to noncitizens and reflects a fundamental difference in how eligibility is determined for immigrants versus citizens.

Moreover, the complexity of sponsor-deeming rules creates administrative challenges and adds complexity to the eligibility determination process, including verifying sponsor income, requiring additional paperwork, applying various deductions and exemptions, conducting annual reassessments for those qualifying under the indigence exception, and ensuring consistent enforcement across counties. For example, when sponsors are uncooperative or unavailable to provide financial information and an immigrant does not qualify for an exemption, applicants may miss much needed-benefits. When sponsors support multiple immigrants, caseworkers are required to calculate deemed income by dividing the sponsor's income and resources by the number of sponsored immigrants and deem only a proportional share to each sponsored immigrant, which is both time-consuming and may be prone to errors.

Logistically, communication barriers, such as language differences or lack of contact information can hinder the process of obtaining necessary sponsor information. Geographic challenges also arise when sponsors live out of state or in different counties, complicating verification efforts, especially if an applicant changes sponsors. Reporting requirements under the indigence exception require counties to report the names of sponsor's immigrants and their sponsors to the U.S. Attorney General, discouraging eligible individuals from seeking assistance out of fear of jeopardizing their legal status or their sponsor's legal status. A November 2023 report published by the Urban Institute found that an estimated one in six immigrant families with children avoided government benefits in the last year because of green card concerns. Delayed benefits due to these logistical hurdles can leave vulnerable immigrants without essential food assistance.

Additionally, not only does misinformation and confusion around the sponsor-deeming requirement deter immigrants and their sponsors from seeking critical food benefits, but many immigrants may not be aware of available exemptions, leading to incomplete or incorrect applications or wrongful denial of food benefits. On a county-level, inconsistent application of deeming rules across counties can also result in unequal access to benefits, undermining the purpose of CFAP. Overall, access to CFAP is a heavily reliant on sponsor cooperation.

This bill would eliminate sponsor-deeming requirements from CFAP. When CFAP expands eligibility in 2027-28 to include undocumented immigrants 55 years of age and older, sponsor-deeming rules would also not apply under this bill.

Author's Statement: According to the Author, "We must commit to making sure we streamline the processes to ensure families are able to access the resources they need, especially when it comes to food assistance. Currently, many eligible low-income immigrant families in California fear accessing public programs in our state because of concerns with the status of their green cards. [This bill] seeks to make a change to the California Food Assistance Program. Currently, the income and resources of an immigrant's sponsor are used when determining eligibility, even if the sponsor is not actively able to provide financial support to the sponsored immigrant. [This bill] would remove that requirement and allow eligible low-income immigrant families to gain access to food assistance without feeling stigmatized or fearful of accessing essential food assistance. [This bill] is a step forward in improving food security and overall well-being on our communities."

Equity Implications: With California being home to 10.6 million immigrants, sponsor-deeming disproportionately affects low-income immigrants who are more likely to seek assistance through programs like CFAP. It often places the burden of proof on the immigrant to demonstrate lack of support, which can be difficult and invasive, and result in unintended harm to vulnerable immigrants who need support the most. By removing the sponsor-deeming requirement from CFAP, *this bill* would enable low-income immigrant Californians to apply and be eligible for the program solely based on their actual own financial status rather than by counting the income of their sponsor towards the applicant's household income. The disparities - between sponsor-deeming requirements for immigrants and eligibility requirements for citizens highlight the broader issues of fairness and consistency in CalFresh and CFAP. *This bill* would increase CFAP participation of families in need and increase food security by simplifying the application process and eliminating sponsor-deeming requirements.

Policy Considerations: According to CDSS, CalFresh and CFAP applicants use the same application form, which includes a question about sponsor-deeming. While this question is asked

of both citizens and noncitizens, only noncitizens applying for CFAP benefits are required to provide sponsor-deeming information. As such, the sponsor-deeming question cannot simply be removed from the application because this application is used to determine eligibility for other public benefits. Implementing such a change would require creating a new form specific to CFAP since other public benefit programs like Cash Assistance Program for Immigrants (CAPI) also require sponsor-deeming rules. Creating a new form for CFAP may inadvertently exclude individuals from other benefits, like CAPI.

Additionally, sponsor-deeming rules in state law mirrors federal requirements to streamline delivery through the same EBT system, making it easier to administer benefits. As a result, these federal requirements are embedded in other sections of state statute not addressed in this bill.

Should this bill move forward, the Author may wish to consider eliminating these federal requirements by repealing or amending the existing law that aligns with federal standards.

RELATED AND PRIOR LEGISLATION:

AB 221 (Santiago) of 2021, would have required CDSS to provide a food assistance benefit statewide to low-income California residents, regardless of their immigration status, to contract with certain entities to issue the food assistance benefit, and to conduct a study to provide recommendations and solutions on a permanent food assistance program for low-income California residents experiencing food insecurity, regardless of their immigration status. *AB 221 was held on the Senate Appropriations Committee suspense file.*

AB 1096 (Luz Rivas), Chapter 296, Statutes of 2021, struck the offensive and dehumanizing term "alien" used to describe a person who is not a citizen or national of the U.S. where it appears in multiple California code sections, and replaced it with other terms that do not include the word "alien," and made other non-substantive changes.

AB 826 (Santiago) of 2020, would have required CDSS to establish a program to provide eligible immigrants with a cash benefit intended for food assistance. *AB 826 was vetoed by Governor Newsom.*

REGISTERED SUPPORT / OPPOSITION:

Support

California Immigrant Policy Center (Co-Sponsor)
Nourish California (Co-Sponsor)
Alameda County Community Food Bank
Alchemist CDC
Asian Pacific Islander Forward Movement
California Association of Food Banks
California Food and Farming Network
California Pan - Ethnic Health Network
California WIC Association
Ceres Community Project
Chinese for Affirmative Action/AACRE
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition of California Welfare Rights Organizations

Community Clinic Association of Los Angeles County (CCALAC)
Farm2People
Food Access LA
Fresh Approach
Glide
Healthy Kids Happy Faces
Latino Coalition for A Healthy California
Mazon: a Jewish Response to Hunger
Oasis Legal Services
Orale: Organizing Rooted in Abolition Liberation and Empowerment
Pesticide Action Network North America
Roots of Change
San Diego Hunger Coalition
Second Harvest Food Bank of Orange County
Sierra Harvest
The Children's Partnership
What We All Deserve (WWAD)

Opposition

None on file.

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