

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 221 (Santiago) – As Amended March 30, 2021

SUBJECT: Emergency food assistance

SUMMARY: Requires the California Department of Social Services (CDSS) to provide a food assistance benefit statewide to low-income California residents, regardless of their immigration status, contract with certain entities to issue the food assistance benefit, and requires CDSS, no later than January 1, 2023, in consultation with a workgroup, to conduct a study to provide recommendations and solutions to a permanent food assistance program for low-income California residents experiencing food insecurity, regardless of their immigration status, as specified. Specifically, **this bill:**

- 1) Requires CDSS, upon appropriation of funds by the Legislature, or upon a determination by the Governor that funds available to the Governor may be used for this purpose, to:
 - a) Provide a food assistance benefit statewide to low-income California residents, regardless of their immigration status; and,
 - b) Contract with either a Feeding America partner state organization with the capacity to provide the food assistance benefit, or any other nonprofit entity that CDSS deems appropriate in order to issue the food assistance benefit.
- 2) Permits the entity with whom CDSS contracts to subcontract with local nonprofit organizations to issue the food assistance benefit, including, but not limited to:
 - a) Existing federal Emergency Food Assistance Program (TEFAP) providers under contract with CDSS;
 - b) Members of the California Association of Food Banks; and,
 - c) Nonprofit organizations that contracted with CDSS for the Disaster Relief Assistance for Immigrants (DRAI) project.
- 3) Requires the established contract to include all of the contractor's costs to administer the program and the administrative expenses for subcontracting nonprofits, as defined by the provisions of this bill, and, further, requires CDSS to advance all administrative expenses to the contractor.
- 4) Prohibits the administrative expenses for participating subcontracting nonprofits from exceeding more than 15% of the total appropriation to CDSS, and, further, specifies that administrative costs include, but are not limited to, ensuring language access for food assistance applicants and recipients as well as the training of subcontracting nonprofit staff.
- 5) Requires CDSS to:
 - a) Procure prepaid cards and ensure the availability of the prepaid cards to the contractor; and,

- b) Provide any material, including outreach, application, and informational material, to the contractor or subcontracting nonprofits, and, further, requires this material to meet departmental standards relating to threshold language and literacy levels.
- 6) Requires the contractor or subcontracting nonprofits to disseminate the material provided by CDSS to eligible recipients, as necessary, for those individuals to avail themselves to the food assistance benefit.
- 7) Affords CDSS the emergency authority to expedite all contracts necessary to distribute the emergency food benefit established by the provisions of this bill.
- 8) Deems a person as eligible for the food assistance benefit if that person is an adult who self-attests to eligibility for at least one of the following benefits:
 - a) TEFAP;
 - b) The DRAI project; or,
 - c) Immigrant legal services, as defined in current law.
- 9) Requires the food assistance benefit be issued in the form of a prepaid card, and, further, requires the prepaid card:
 - a) Be limited to use at retailers that sell groceries;
 - b) Be preloaded with \$600; and,
 - c) Be available for one-time use.
- 10) Requires subcontracting nonprofits to issue the food assistance benefit on two different distribution periods at least one month apart.
- 11) Requires the food assistance benefit issued pursuant to the provisions of this bill, and local administrative expenses, be allocated by CDSS through the formula used in the TEFAP.
- 12) Requires the contractor, in consultation with CDSS, to adjust county allocations and local administrative expenses based on the subcontracting nonprofits that elect to participate, as specified.
- 13) Requires a subcontracting nonprofit that issues the food assistance benefit to maintain the following records:
 - a) The total number of prepaid cards received from CDSS, and the date those cards are received;
 - b) The total number of prepaid cards issued during each distribution period; and,
 - c) The dates of each distribution period.
- 14) Requires a subcontracting nonprofit that maintains the aforementioned records to ensure the records are made available to CDSS and the contractor upon request.

- 15) Deems the food assistance benefit issued pursuant to the provisions of this bill as a disaster benefit, and, further, specifies that the benefit is not a public social service administered by CDSS.
- 16) Prohibits certain requirements of current law pertaining to the right to a state hearing from applying to the provisions of this bill, as specified.
- 17) Requires, no later than January 1, 2023, CDSS, in consultation with a workgroup, to conduct a study to provide recommendations and solutions to a permanent food assistance program for all low-income California residents experiencing food insecurity, regardless of their immigration status. Further, requires the study to identify communities who have:
 - a) Low rates of participation in California food assistance programs; and,
 - b) Been excluded from relief efforts when a federal, local, or state emergency has been declared due to natural disasters, wildfires, a public health crisis, or other causes of a state of emergency that have impacted the health and safety of Californians.
- 18) Requires CDSS to submit a copy of the study to the Legislature.
- 19) Declares the provisions of this bill an urgency statute and mandates that the provisions of this bill go into effect immediately in order to facilitate the immediate delivery of food assistance during the COVID-19 public health emergency.

EXISTING LAW:

- 1) Establishes under federal law the “Supplemental Nutrition Assistance Program” (SNAP) pursuant to the Food Stamp Act of 1964 and establishes, in California statute, the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting certain criteria, as specified. (7 United States Code Section 2011 *et seq.*, Welfare and Institutions Code Section [WIC] 18900 *et seq.*)
- 2) Establishes the “Emergency Food Assistance Program” within the Emergency Food Assistance Act to supplement the diets of low-income Americans by providing them with emergency food assistance at no cost. (7 Code of Federal Regulations [CFR] 250 and 231)
- 3) Establishes citizenship requirements for SNAP benefits, including that undocumented immigrants are ineligible for SNAP, as specified. (7 CFR 273.4)
- 4) Requires CDSS to provide grants to qualified organizations for specified immigration legal services, including: services to obtain immigration remedies; services to assist with the naturalization process and any appeals arising from the process; and, services to assist with the application process for initial or renewal requests of deferred action, among others, as specified. (WIC 13303)
- 5) Establishes the state “Emergency Food Assistance Program”, administered by CDSS and referred to as the “CalFood Program,” and, further, requires the CalFood Program to provide food and funding for the provision of emergency food to food banks established pursuant to the federal Emergency Food Assistance Program. (WIC 18995 *et seq.*)

- 6) Requires all moneys allocated to CDSS for the CalFood Program to be used for the purchase, storage, and transportation of food grown or produced in California, and, further, prohibits storage and transportation expenditures from exceeding 15% of the CalFood Program fund's annual budget. (WIC 18995(b)(2)(A))
- 7) Requires, if any applicant for or recipient of public social services is dissatisfied with any action of the county department relating to their application for or receipt of public social services, as specified, be accorded an opportunity for a state hearing. (WIC 10950(a))

FISCAL EFFECT: Unknown

COMMENTS:

Food insecurity in California: According to the California Association of Food Banks, 1 in 4 Californians – approximately 10 million individuals – struggle with food insecurity, which is the occasional or constant lack of access to the food a person needs in order to live a healthy, active life. Effects of food insecurity can include poor school attendance and performance, reduced workplace productivity, and physical and mental health problems. To alleviate the experience of food insecurity in the state, California operates a number of programs and initiatives, including, among others:

CalFresh: The federal SNAP is known as CalFresh in California, and provides food access to low-income individuals who meet certain eligibility criteria. CalFresh benefits are entirely federally funded, and administration at the federal level lies with the United States Department of Agriculture (USDA). The USDA is tasked with setting specific eligibility requirements for SNAP programs across the country, as well as gross and net income tests, work requirements, and other documentation requirements. In California, CalFresh is administered at the local level by county human services agencies, with federal, state, and county governments sharing the costs of program administration. Benefits are made available to recipients on an electronic benefits transfer (EBT) card, which is an automated teller machine-like card that allows an individual to purchase food at point-of-sale devices in stores. Nearly 4 million individuals in California receive CalFresh benefits; the maximum grant amount for a household size of one is \$204 as of October 1, 2020, and in December 2020, the average household grant was \$222 per month.

The Emergency Food Assistance Program: TEFAP is a federal program that helps supplement the diets of low-income individuals, including senior citizens, by providing them with emergency food assistance. In California, TEFAP is administered by CDSS and distributes food through food banks that serve all 58 counties. Approximately \$50 million in federal funding is distributed annually to low-income Californians. In March 2020, California authorized \$20 million in additional funding to support food banks operating TEFAP. In California, undocumented immigrants may receive TEFAP benefits if they live within a designated geographical area and self-attest to being low-income.

Disaster CalFresh (D-CalFresh): Separate from TEFAP and CalFresh, D-CalFresh – known as D-SNAP at the federal level – allows for the temporary nutritional needs of disaster victims to be met following a disaster. D-CalFresh is only available when all of the following occurs: a Presidential Declaration for Individual Assistance has been declared in an affected area; commercial channels of food distribution have been disrupted and those commercial channels have been restored; and, the State of California has been approved to operate a D-CalFresh program. Beginning in August 2020, several Presidential Disaster Declarations were issued due

to widespread wildfires throughout the state, thus allowing for distribution of D-CalFresh in the affected areas.

California Food Assistance Program (CFAP): Due to eligibility requirements that limit who can receive CalFresh benefits, California operates the state-funded CFAP, which provides food benefits to qualified non-citizens. In order to qualify for CFAP indefinitely, non-citizens must: currently be ineligible for CalFresh solely due to their immigration status; have been legally residing in the United States (U.S.) as a lawfully permanent resident prior to August 22, 1996; be battered or abused; and, be qualified non-citizens who are no longer federally eligible under the seven-year time limit. Additionally, a non-citizen can qualify for CFAP if they are otherwise eligible for the program but were sponsored into the U.S. on or after August 22, 1996, and: their sponsor has died or 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. According to data from the Legislative Analyst's Office (LAO), CFAP serves approximately 35,000 legal permanent residents.

COVID-19: effects and response: On March 4, 2020, in response to the global COVID-19 outbreak, Governor Newsom declared a statewide state of emergency. Across the state, throughout the nation, and around the world, the effects of COVID-19 on public health, as well as the economy, have been drastic. In addition to the over 500,000 lives lost to COVID-19 in the U.S., many individuals have also experienced unemployment, as well as food and housing insecurity resulting from reduced employment opportunities. While the labor market has somewhat improved since March 2020, employment stability – particularly for those in the hospitality and personal service industries – remains uncertain.

A July 30, 2020, report by the LAO states, “Under normal conditions, 50,000 California workers file for unemployment insurance each week. Since the beginning of the outbreak in March, an average of 400,000 workers have filed for unemployment benefits each week.” In addition to this, 216,817 total applications for CalFresh were received by CDSS in March 2020, compared to a total of 141,257 applications received in March 2019. In 2020, approximately 12% of California adults reported experiencing food scarcity, compared to just 4% of individuals surveyed between 2017 and 2019, according to a February 4, 2020, LAO report. To address the food needs of Californians resulting from the economic fallout of the COVID-19 pandemic, California implemented a number of programs, including:

Pandemic-EBT (P-EBT): For families with children who are eligible for free or reduced-price meals at school, the federal Families First Coronavirus Response Act of 2020 provided P-EBT benefits to aid families in purchasing groceries to meet their nutritional needs. Specifically, families can receive up to \$365 per eligible child on their P-EBT card. According to CDSS, between May 2020, and September 17, 2020, 3.7 million eligible children in California were issued P-EBT benefits, representing a 95% statewide reach, and \$1.3 billion in benefits were issued. Recently, the federal government granted states the authority to provide P-EBT benefits for the entire 2020-21 school year. It should be noted that eligibility for P-EBT is not dependent on immigration status.

Disaster Relief Assistance for Immigrants: In April 2020, California authorized the DRAI Project, which provided \$75 million in one-time, state-funded disaster relief assistance to undocumented adults who are ineligible for other forms of assistance. Under the DRAI Project, a qualifying undocumented adult can receive \$500 with a maximum of \$1,000 per household. The

benefits were made available on a first come, first serve basis through a pre-paid card distributed by certain nonprofit organizations. According to data by CDSS, as of August 17, 2020, all \$75 million and all 150,000 pre-paid cards had been distributed throughout the state with Los Angeles and Orange Counties and Bay Area counties receiving the largest share of funds: \$27.4 million (54,860 cards) and \$15 million (30,101 cards), respectively.

Need for this bill: Because of strict and often federally-determined eligibility criteria, many undocumented immigrants are ineligible for traditional public social services such as CalFresh. This ineligibility can lead to increased economic gaps for families with undocumented members, and according to a January 2021 report by the Public Policy Institute of California (PPIC), the poverty rate for these families is more than double that of other families. According to the PPIC, in the first seven months of the COVID-19 pandemic, 44% of the labor force – approximately 8.6 million workers – filed for unemployment insurance benefits, though this does not include undocumented immigrants, who comprise 9% of California’s workforce. Further, the first federal pandemic relief package excluded families with undocumented immigrants, leaving individual states responsible for providing for the needs of this population.

According to data from the Department of Public Health, as of March 16, 2021, the Latinx population accounted for 56% of the state’s confirmed COVID-19 cases, and accounted for 46% of confirmed deaths, despite accounting for 39% of the state’s total population. While it is likely that a variety of factors contribute to the rates of COVID-19 among California’s Latinx population, reduced access to health insurance and health care, as well as overrepresentation of Latinx individuals in the essential workforce is believed to contribute to the high rates of infections among this population.

The provisions of this bill seek to build upon state and federal efforts to meet the nutritional needs of California residents in response to the economic impacts of COVID-19 on the needs of individuals, particularly those who are non-citizens and lack access to traditional economic supports, such as CalFresh, unemployment insurance, and cash aid programs. Specifically, this bill would require CDSS to provide a food assistance benefit statewide to low-income California residents, regardless of their immigration status, and contract with certain entities to issue the benefit to eligible individuals. This bill also states that, in order to be eligible for the food assistance benefit, a person must self-attest to eligibility for either TEFAP, the DRAI project, or immigrant legal services, as defined in current law. Finally, this bill would require CDSS, in consultation with a workgroup, to conduct a study to provide recommendations and solutions to a permanent food assistance program for all low-income California residents experiencing food insecurity, regardless of their immigration status.

According to the author, “Since March 2020, over 7 million Californians have applied for unemployment insurance. Many are struggling to pay for their rent, utility bills, and groceries. In fact, food banks have seen a dramatic surge in food insecurity since the start of the pandemic and as of January 2021, 22.5% of California households were experiencing food insecurity, with an even higher rate of 27.8% for households with children. Providing emergency food assistance could prove to be lifesaving during this ongoing crisis. To address the skyrocketing rates of food insecurity in California, [this bill] would provide critical emergency food assistance for those who have been most financially impacted by COVID-19, regardless of legal status.”

PRIOR AND RELATED LEGISLATION:

AB 826 (Santiago) of 2020, was substantially similar to this bill and 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 the Governor.

SB 1443 (Rubio), of 2020, would have made all noncitizens, regardless of immigration status, eligible for aid under the Food Assistance Program. SB 1443 was held in the Senate Rules Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Food Banks (Co-Sponsor)
Coalition for Humane Immigrant Rights (CHIRLA) (Co-Sponsor)
Western Center on Law & Poverty (Co-Sponsor)
Agricultural Institute of Marin
Alameda County Community Food Bank
California Alternative Payment Program Association
California Conference Board of The Amalgamated Transit Union
California Conference of Machinists
California Food and Farming Network
California Rural Legal Assistance Foundation, INC.
California Teamsters Public Affairs Council
CaliforniaHealth+ Advocates
Californians for Pesticide Reform
Carbon Cycle Institute
Ceres Community Project
Consumer Attorneys of California
Drug Policy Alliance
Engineers and Scientists of California, IFPTE Local 20, AFL-CIO
Environmental Working Group
Fibershed
First 5 California
Food Bank Coalition of San Luis Obispo County
Friends of The Earth
GLIDE
Latino Coalition for A Healthy California
Lutheran Office of Public Policy - California
Marin Food Policy Council
National Young Farmers Coalition
Pesticide Action Network North America
Professional and Technical Engineers, IFPTE Local 21, AFL-CIO
River City Food Bank
Sacramento Food Bank & Family Services
San Francisco-Marín Food Bank
Second Harvest Food Bank of Orange County
Second Harvest of Silicon Valley

Sierra Harvest
Sustainable Agriculture Education
The Praxis Project
The Resource Connection Food Bank
UFCW - Western States Council
Unite Here International Union, AFL-CIO
Utility Workers of America
One private citizen

Opposition

None on file

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