

Date of Hearing: May 7, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 3073 (Wicks) – As Amended May 4, 2020

SUBJECT: CalFresh: preenrollment

SUMMARY: Requires the California Department of Social Services (CDSS), on or before September 1, 2021, to issue an all-county letter (ACL) containing recommendations to county human services agencies to enroll formerly incarcerated individuals into CalFresh and connect them with employment or employment and training opportunities, and requires CDSS, if it deems it necessary, to submit a waiver to the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) to allow for the pre-enrollment of applicants at least 45 days before their release from state prison or county jail. Specifically, **this bill:**

- 1) Requires CDSS, on or before September 1, 2021, to issue an ACL containing recommendations and suggested methods for county human services agencies to partner with the California Department of Corrections and Rehabilitation (CDCR) and county jails to enroll otherwise eligible applicants for the CalFresh program in order to ensure an applicant's benefits may begin as soon as possible upon their reentry into the community from the state prison or a county jail.
- 2) Requires the ACL to include, but not be limited to, all of the following:
 - a) Information on the importance of requiring county eligibility workers to regularly enter any state prison or county jail within the county to conduct interviews and assist an applicant with their application for the CalFresh program in order to establish benefits by their release date;
 - b) Notification on the forms of acceptable identification for an applicant for purposes of the CalFresh program, including information on how to verify an applicant's identity for expedited service, as defined in federal law; and,
 - c) Information on how to connect individuals released from the state prison with employment and opportunities, including how counties may work with CDCR to connect individuals to employment opportunities related to any experience, training, or education that the individual received while in the state prison.
- 3) Requires CDSS, if it deems it necessary to maximize CalFresh enrollment outcomes or employment placement success rates for individuals reentering the community from the state prison or a county jail, to submit to the USDA FNS a request to waive certain provisions of federal law, as specified, to allow for pre-enrollment of applicants at least 45 days prior to their release from the state prison or a county jail.

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 electronic benefits transfer (EBT) Act, and defines the EBT system as the program designed to provide benefits to those eligible to receive public assistance benefits such as CalWORKs and CalFresh. (42 U.S.C. 601 et seq., WIC 10065 et seq.)
- 3) Establishes within CalFresh the federal SNAP Employment and Training (E&T) program to assist members of CalFresh households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment. (7 Code of Federal Regulations [CFR] 273.7, WIC 18926.5)
- 4) Requires a county to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, CalFresh E&T (CFET). Further, allows a CalFresh work registrant to request to enroll in CFET as a voluntary participant. (WIC 18926.5(b))
- 5) Requires an individual be deferred from a mandatory placement in CFET if they reside in a federally determined work surplus area or if they are subject to the ABAWD time limit. (WIC 18926.5(b))
- 6) Prohibits certain individuals from being eligible to participate as separate households or as a member of any household for purposes of determining CalFresh eligibility, including, among other things, residents of an institution, and, further, specifies that a person is considered a resident of an institution when the institution provides them with a majority of their meals (over 50% of three meals daily) as part of the institution's normal services. (7 CFR 273.1 (b)(7)(vi))
- 7) Permits the USDA FNS Administrator or Deputy Administrator for Family Nutrition Programs to authorize waivers to deviate from specific regulatory provisions for certain reasons, including in situations where FNS determines that the waiver would result in a more effective and efficient administration of the program, among other reasons. (7 CFR 272.3(c)(1)(ii))

FISCAL EFFECT: Unknown

COMMENTS:

Employment challenges faced by formerly incarcerated individuals: Individuals who have been incarcerated are more likely to suffer from reduced employment opportunities. A 2010 article entitled "Incarceration and Social Inequality," states:

"Serving time in prison or jail diminishes social and economic opportunities. As we have seen, these diminished opportunities are found among those already socioeconomically disadvantaged. A burgeoning research literature examining the economic effects of incarceration finds that incarceration is associated with reduced earnings and employment...Analysis of the National Longitudinal Survey of Youth showed that serving time in prison was associated with a 40% reduction in earnings and with reduced job tenure, reduced hourly wages, and higher unemployment.

“Incarceration may reduce economic opportunities in several ways. The conditions of imprisonment may promote habits and behaviors that are poorly suited to the routines of regular work. Time in prison means time out of the labor force, depleting the work experience of the incarcerated compared to their non-incarcerated counterparts. The stigma of a criminal conviction may also repel employers who prefer job applicants with clean records...Employers, fearing legal liability or even just unreliability, are extremely reluctant to hire workers with criminal convictions.”

CalFresh: The federal SNAP Program 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 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. Currently, the maximum allowable gross income is 200% of the Federal Poverty Level (FPL), although households with elderly members or members with disabilities are not subject to gross income criteria, but must have a net monthly income at or below 100% of the FPL.

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 EBT card, which is an automated teller machine (ATM)-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; on average, an individual receives \$143.55 per month, and, as of October 1, 2019, the maximum grant amount for a household size of one is \$194.

CalFresh Employment and Training : In addition to food benefits, CalFresh also provides employment and training skills through the CFET program in order to build skills and improve employment opportunities for recipients. CFET was created in 1985 and aids CalFresh recipients in gaining the skills and experience necessary to enter the workforce. Federal law requires each state to operate an employment and training program, and each year CDSS is required to submit its CFET program plan to the USDA FNS for approval. Operation of a CFET program is optional for California counties, and currently, 37 counties operate a CFET program. In 2011, SB 43 (Liu), Chapter 507, Statutes of 2011, required all counties in California that operate a CFET program to operate CFET on a voluntary basis for all participants. Unlike other public benefits programs that include work participation requirements, such as CalWORKs, participation in CFET is not time-limited.

CFET is composed of a number of employment and training opportunities, which can include assessment, development of an individual employment plan, component services, supportive services, and retention services. Allowable CFET activities include: job search, job search training, workfare, education, self-employment training, apprenticeships, on-the-job training, and job retention.

An October 2016 policy analysis entitled “Realignment: the policy opportunity for a CalFresh pre-enrollment program” conducted by the Goldman School of Public Policy at the University of California at Berkeley on behalf of the Western Center on Law and Poverty, cites that few individuals leaving prison or jail have a job awaiting them immediately upon release, thereby making them eligible for CalFresh due to their lack of income. However, despite their lack of income, formerly incarcerated individuals face specific barriers to accessing CalFresh benefits,

namely, a lack of documentation and verification of identity, such as proof of citizenship, proof of income, and proof of residency, among others. Due to the employment-related skills development afforded to CFET participants, increasing participation in CalFresh may help to alleviate the economic issues faced by recently incarcerated individuals.

Current federal law prohibits certain individuals from participating in a CalFresh household, including residents of an institution, which is determined when the institution provides a person with the majority of their meals (over 50% of three meals daily) as part of the institution's normal services. Federal law, however, allows certain exemptions to this requirement, and allows certain people in an institution to participate in a CalFresh household, including: people who are residents of federally subsidized housing for the elderly; individuals who are narcotic addicts or alcoholics and reside at a facility or treatment center; individuals who are disabled or blind and are residents of group living arrangements; individual women, or women with children, who are temporarily residing in a shelter for battered women and children; and, individuals who are residents of public or private nonprofit shelters. However, despite the prohibition in federal law on allowing incarcerated individuals to participate in or as a SNAP household, the USDA allows states to apply for waivers that allow states to deviate from specific regulatory provisions in instances where the FNS determines that the waiver would result in a more effective and efficient administration of the program.

As of October 2019, a number of states have applied for and received waivers from the USDA to allow for the pre-enrollment of incarcerated individuals into the SNAP Program, including New Jersey, New York, Oregon, South Dakota, Tennessee, Colorado, Illinois, Maine, Missouri, and Montana. The provisions of this bill would require CDSS, if it deems it necessary to maximize CalFresh enrollment outcomes or employment placement success rates for individuals reentering the community from the state prison or a county jail, to submit a waiver request to the USDA in order to allow for the pre-enrollment of applicants at least 45 days prior to their release from state prison or a county jail.

Need for this bill: The provisions of this bill seek to increase participation in CalFresh by formerly incarcerated individuals, and seeks to alleviate the economic hardships faced by these individuals who experience difficulties obtaining and securing steady employment upon their release. Specifically, this bill requires CDSS to issue an ACL no later than September 1, 2021, containing recommendations and suggested methods for counties to work with CDCR to increase enrollment into CalFresh as soon as possible upon an applicant's reentry into the community from a state prison or county jail. The provisions of this bill would also require the ACL to advise county human services agencies of promising practices to connect recently incarcerated individuals with employment and training opportunities. Finally, this bill requires CDSS, if it deems it necessary, to submit a waiver request to the USDA FNS in order to allow for the pre-enrollment of applicants at least 45 days before their release from the state prison or a county jail.

According to the author, "Studies have shown that basic needs safety net programs can help reduce rates of recidivism for individuals recently released from jail or prison. [This bill] will provide guidance to county human services agencies to help individuals released from jail or prison have access to food and training. Providing guidance to counties can help reduce risks of reoffending, reduce food insecurity, and support formerly incarcerated individuals by providing access to programs that can help their chances of employment and financial stability as they re-enter their communities."

PRIOR & RELATED LEGISLATION:

SB 708 (Skinner) of 2017, would have required the Secretary of CDCR to establish and maintain a statewide MOU with the federal Social Security Administration to allow a person incarcerated in a correctional institution to apply for and receive a replacement social security card and to allow the administration to process SSI claims under a prerelease program, and also would have required CDSS, on or before March 31, 2018, to request a waiver to allow for the pre-enrollment of otherwise eligible applicants to the CalFresh program up to one month prior to the applicants' reentry into the community from a county jail or the state prison. SB 708 was held on the Senate Appropriations Committee suspense file.

AB 2308 (Stone), Chapter 607, Statutes of 2014, made California's Cal-ID program mandatory for all individuals in state prison, and authorized the DMV and CDCR to create an MOU in order to allow CDCR to provide all eligible individuals with state-issued identification cards prior to release.

AB 1468 (Committee on Budget), Chapter 26, Statutes of 2014, repealed the lifetime ban on CalFresh for people with prior drug felony convictions as long as they are complying with the conditions of their probation or parole, and also established CDCR's Case Management Reentry Pilot Program to provide intensive case management to offenders who have been released on parole and are likely to benefit from assistance designed to avoid homelessness and joblessness and provide assistance for people with mental illnesses and developmental disabilities.

AB 720 (Skinner), Chapter 646, Statutes of 2013, required the board of supervisors in each county to designate an entity to assist certain jail inmates to apply for a health insurance affordability program, and prohibited county jail inmates who are currently enrolled in Medi-Cal from being terminated from the program due to their detention, unless required by federal law or they become otherwise ineligible.

SB 283 (Hancock) of 2013, would have repealed the ban on CalFresh and CalWORKs for people with nonviolent felony drug convictions. SB 283 was held on the Assembly Appropriations Committee suspense file.

SB 43 (Liu), Chapter 507, Statutes of 2011, required counties that offer CFET to make participation voluntary instead of mandatory, and required counties to screen work registrants to determine whether they will participate in, or be deferred from, a CFET program.

H.R. 2100 (de la Garza), P.L. 99-198, created the Food Security Act of 1985 which created the Food Stamp Employment & Training Program, now known as SNAP E&T.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Association of Food Banks (Sponsor)
Alameda County Community Food Bank
California Catholic Conference
County Welfare Directors Association of California
Feeding San Diego
Food Bank of Contra Costa and Solano

Food for People, the Food Bank for Humboldt County
Imperial Valley Food Bank
Los Angeles Regional Food Bank
Multi-faith Action Coalition
National Association of Social Workers, California Chapter
Redwood Empire Food Bank
Sacramento Food Bank & Family Services
San Diego Food Bank
San Francisco-marin Food Bank
Second Harvest Food Bank of Orange County
Second Harvest of Silicon Valley
SEIU California
The Resource Connection Food Bank
Westside Food Bank
Young Women's Freedom Center

Opposition

None on file

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