

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 311 (Santiago) – As Introduced January 26, 2023

SUBJECT: California Food Assistance Program: eligibility and benefits

SUMMARY: Expands eligibility for the California Food Assistance Program (CFAP) to any individual whose immigration status is the sole basis for their ineligibility for CalFresh by removing the 55 years and older age limit on eligibility.

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 citizenship requirements for SNAP benefits, including that undocumented immigrants are ineligible for SNAP, as specified. (7 Code of Federal Regulations 273.4.)
- 3) Requires the California Department of Social Service (CDSS) to establish CFAP to provide assistance for persons who are not eligible for federal SNAP benefits due solely to their immigration status, as specified. (WIC 18930 *et seq.*)
- 4) Provides that noncitizens of the United States (U.S.) shall be 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, as specified. (WIC 18930(c)(2))
- 5) Provides that noncitizens of the U.S. shall be eligible for CFAP if the person is a battered immigrant spouse or child or the parent or child of the battered immigrant, as specified, or if the person is a Cuban or Haitian entrant, as specified. (WIC 18930(c)(3))
- 6) Provides that an applicant who is otherwise eligible for the CFAP but who entered the U.S. on or after August 22, 1996, shall be eligible for aid under this chapter only if they are sponsored and one of the following apply: the sponsor has died; the sponsor is disabled, as specified; 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))
- 7) Provides that an applicant who is otherwise eligible for CFAP but who entered the U.S. on or after August 22, 1996, and who is not sponsored or a victim of abuse, shall be eligible for CFAP beginning on October 1, 1999. (WIC 18930(c)(5))
- 8) Requires applicants for CFAP to provide verification that specified conditions of eligibility are met. (WIC 18930(c)(6))
- 9) Defines abuse and the documentation necessary to verify abuse as a condition of eligibility for the CFAP. (WIC 18930(c)(7) and (8))

- 10) Provides that CFAP benefits to a household be identical to the amount of CalFresh benefits if the household is eligible. (WIC 18930(d)(1))
- 11) Provides that CFAP benefits to an individual be the identical share of CalFresh benefits if the individual had not been excluded from CalFresh. (WIC 18930(d)(2))
- 12) Requires, to the extent allowed by federal law, the delivery of CFAP benefits be identical to delivery of CalFresh benefits. (WIC 18930(d)(3))
- 13) Requires, to the extent allowed by federal law, that the income, resources, and deductible expenses of those who receive CFAP benefits shall be excluded when calculating CalFresh benefits. (WIC 18930(e)(1))
- 14) Provides that no household shall receive more CalFresh benefits than it would if no household member was rendered ineligible pursuant to federal law, as specified. (WIC 18930(e)(2))

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

COMMENTS:

Background: *CalFresh*. SNAP is the largest federal nutrition assistance program designed to alleviate hunger in low-income populations in the United States. The United State Department of Agriculture (USDA) Food and Nutrition Service recorded that, as of March 2023, SNAP has had more than 42 million participants. CalFresh is California’s version of SNAP, and provides monthly food benefits to qualifying individuals and families with low incomes. One of the CalFresh qualifications include earning a gross income (income before deductions and exemptions) below 200% of the Federal Poverty Level (FPL). Those exempt from gross income eligibility requirements are households with: a member who is aged 60 years or older, a member with a disability or members in a household who all receive cash assistance. According to CDSS, the following chart demonstrates the gross monthly and annual income for CalFresh recipients based on household size.

200% FPL for 2023 Gross Income		
Household Size	Gross Monthly Income	Gross Annual Income
1	\$2,430	\$29,160
2	\$3,287	\$39,440
3	\$4,143	\$49,720
4	\$5,000	\$60,000
5	\$5,857	\$70,280
6	\$6,713	\$80,560
7	\$7,570	\$90,840
8	\$8,427	\$101,120
Each Additional Member	+ \$857	\$10,280

Another eligibility requirement for CalFresh relates to citizenship or immigration status. Lawfully-present non-U.S. citizens who: have lived in the country in a qualified status for five years; are receiving disability-related assistance or benefits (regardless of entry date); or,

children under 18 years of age who are qualified and lawfully-admitted for permanent residency, all qualify for CalFresh benefits under federal eligibility rules. According to the Center on Budget and Policy Priorities, in fiscal year 2022, one in eight California residents received CalFresh benefits, equivalent to more than 4.5 million people. In fiscal year 2023, the average CalFresh benefit amount for each household member was \$196 per month (calculated after all pandemic measures expire).

California Food Assistance Program. California provides state-funded food assistance to qualified noncitizens through CFAP, using the same automated systems used by CalFresh, the Electronic Benefits Transfer (EBT) and the California Statewide Automated Welfare System. According to a 2022 report by the Legislative Analyst's Office, the federal government deposits CFAP funds directly into all EBT accounts, and the state reimburses the federal government the amount of money CFAP recipients received. In April 2023, the Public Policy Institute of California (PPIC) reported that CFAP provides \$97 million in state-funded food assistance to about 42,000 immigrants.

The April 2023 PPIC report also indicated that 10.5 million immigrants reside in California, accounting for nearly a quarter of the total U.S. immigrant population. According to the Center for Migration Studies, 22% of immigrants were undocumented as of 2019, while 78% are either naturalized citizens or had other legal status (such as visa holder and lawful permanent resident [LPR]). Over the 21st century, immigrant population rate has decreased from 12% in the first decade to 5% in the past 10 years, per a 2022 PPIC finding.

According to CDSS, CFAP serves noncitizens who are:

- LPRs residing in California prior to August 22, 1996;
- Victims of abuse;
- Qualified noncitizens who are no longer federally eligible under the seven-year time limited federal eligibility (all except Amerasians or conditional entrants); or,
- Sponsored into the U.S. on or after August 22, 1996 and if the sponsor is disabled, has died or if the applicant, after entry into the U.S., is a victim of abuse by the sponsor or the sponsor's spouse (if the spouse is living with the sponsor)

In 2021, SB 129 (Committee on Budget and Fiscal Review), Chapter 69, Statutes of 2021, approved \$5 million to begin the automation changes necessary to expand access to CFAP to all, regardless of immigration status. SB 187 (Committee on Budget and Fiscal Review), Chapter 50, Statutes of 2022, included language to begin a targeted, age-based expansion of CFAP regardless of immigration status to include noncitizens age 55 years or older by 2025, or upon completion of the necessary automation changes. The provisions of this bill seek to remove the age limit of 55 year or older and expand the provisions of CFAP to eligible individuals regardless of age.

Author's Statement: According to the author, "The adverse effects of food insecurity are well known, and it is a pervasive issue within the immigrant community in California. Currently, 45% of undocumented Californians and 64% of undocumented children are affected by food insecurity. When the people who grow the food cannot afford the food, it makes absolutely no sense and perpetuates inequity and injustice. [This bill] would expand CFAP food benefits to

income eligible Californians of all ages regardless of their immigration status. No one should go hungry, no matter their immigration status or age.”

Need for this bill: Without CalFresh food assistance, nearly 700,000 California residents would be living in poverty, according to a 2020 brief from the PPIC. Lack of access to a nutritional diet has serious implications, especially for children, and can result in poor school attendance and performance, decreased workplace productivity and decreased physical health. Numerous reports and studies have described benefits of CalFresh on recipients and the economy; for example, CalFresh allows families to afford a healthy diet, decreasing the risks of developing chronic diseases and reducing healthcare costs, and food benefits also serve as a way to stabilize the economy. According to a 2019 report from USDA Economic Research Service, during economic crises, a \$1 billion increase in SNAP benefits would raise the gross domestic product by \$1.54 billion and support 13,560 jobs.

While CFAP provides food assistance to individuals ineligible for CalFresh due to federal eligibility requirements, those who are excluded from accessing CFAP benefits include undocumented immigrants, Deferred Action for Childhood Arrivals (DACA) recipients, Temporary Protected Status (TPS) holders, and certain visa holders.

Equity Implications: According to the California Immigrant Data Portal’s demographics report, in 2019, the immigrant population in California is 49% Latino, 34% Asian, 13% White, 2% Black and 2% mixed/other. The undocumented population consisted of 80% Latino, 15% Asian, 4% White, 1% Black and 1% mixed/other.

California’s undocumented population suffers disproportionately high levels of poverty. In 2019, according to the California 100’s *“Future of Immigrant Integration Issue Report”*, 57% of undocumented immigrants experience working poverty, compared to 29.2% of U.S.-born residents. Additionally, a 2022 report by the National Library of Medicine, summarized that noncitizens disproportionately work in low-wage industries and the informal labor market, which are linked to socioeconomic instability and high risks of food insecurity. Noncitizens make up more than 90% of California’s farmworkers, and over half are undocumented. California, the largest food producer in the nation, hosts nearly half of the undocumented agricultural worker population in the United States, yet many still suffer from food insecurity, as indicated by the Center for Migration Studies in 2022.

The COVID-19 pandemic only exacerbated hardships, as food insecurity and poverty levels rose across the nation. A Nourish California and California Immigrant Policy Center Food4All policy brief from 2022, stated that 45% of undocumented immigrants in California suffer from food insecurity, 64% of whom are children. Although many public benefits expanded in California during the pandemic, many undocumented immigrants remained ineligible for state and federal food assistance programs. Additionally, CalFresh-qualified families of mixed status living in households with undocumented individuals often receive less benefits than other families, as their undocumented family members are excluded in determining the amount of assistance they receive. The provisions of this bill seek to address equity by ensuring that eligible noncitizens are able to access much-needed food benefits regardless of age.

Policy Considerations: A public charge, as originally defined by the federal public charge rule in 1999, was defined as a noncitizen who is “primarily dependent on the Government” for public assistance programs. The public charge rule permitted the federal government to reject

noncitizens seeking to extend their visa or adjust their legal status if they relied on certain public benefits programs to make ends meet. Under the rule, SNAP, Medicaid, and housing vouchers and subsidies were not to be considered under the public charge rule. However, in October 2018, the Trump Administration proposed to amend the public charge rule to permit the federal government to deny applications for extensions to stay or adjustments of status based on the applicants' dependence on SNAP and the other government programs originally excluded in the 1999 rule. While the rule change was ultimately implemented in 2019, the change was anticipated prior to the October 2018 announcement, and a December 2018 survey conducted by the Urban Institute found that "about one in seven (13.7%) adults in immigrant families reported that they, or a family member, did not participate in, meaning they did not apply for or dropped out of, a non-cash benefit program in 2018 out of fear of risking future green card status."

In September 2022, the Biden administration repealed the Trump Administration's expansion of the public charge rule, reverting to the 1999 public charge definition and completely removing SNAP as a public charge category in order to "mitigate the possibility of widespread 'chilling effects'" that were felt by qualified noncitizens disenrolling or declining enrollment to public assistance. Should this bill be signed into law, the author may wish to consider whether it is necessary to provide clarity to eligible noncitizens in order to discourage fear and misinformation of the public charge rule that would dissuade eligible noncitizens from applying to CFAP, particularly if future federal administrations choose to reinstate the 2019 change to the public charge rule.

RELATED AND PRIOR LEGISLATION

SB 245 (Hurtado and Rubio) of the current legislative session, is identical to this bill. *SB 245 is on the Senate Appropriations Committee suspense file.*

SB 464 (Hurtado) of 2021, would have expanded eligibility for CFAP to households that are ineligible for CalFresh benefits due solely to their immigration status. *SB 464 was held in the Assembly Appropriations Committee.*

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; contract with certain entities to issue the benefit; and, conduct a study to provide recommendations and solutions for 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 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.*

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

AB 1770 (Alejo) of 2016, would have extended eligibility for nutrition assistance under CFAP to a noncitizen who is lawfully present in the United States, provided he or she meets all remaining eligibility requirements. *AB 1770 was vetoed by Governor Brown.*

AB 2345 (Gonzalez) of 2014, would have expanded eligibility for aid under the California Work Opportunity and Responsibility to Kids program to noncitizen individuals who were lawfully present in the United States. *AB 2345 was held on the Assembly Appropriations Committee suspense file.*

REGISTERED SUPPORT / OPPOSITION:

Support

California Immigrant Policy Center (Co-Sponsor)
Nourish California (Co-Sponsor)
Agricultural Institute of Marin
Alameda County Community Food Bank
Alameda Health Consortium
Alchemist CDC
Alliance for A Better Community
Altamed Health Services
American Federation of State, County and Municipal Employees, AFL-CIO
Asian Pacific Islander Forward Movement
Cal State Student Association
California Association of Food Banks
California Catholic Conference
California Food and Farming Network
California Institute for Rural Studies
California WIC Association
Californians for Pesticide Reform
Canal Alliance
Central California Environmental Justice Network
Central Coast Alliance United for A Sustainable Economy
Centro Del Pueblo
Ceres Community Project
Children's Institute
Coalition for Humane Immigrant Rights (CHIRLA)
Community Clinic Association of Los Angeles County (CCALAC)
Community Health Councils
County Health Executives Association of California (CHEAC)
County of Los Angeles Board of Supervisors
County Welfare Directors Association of California (CWDA)
CSU East Bay
Ecology Center
ETTA
Faculty Association of California Community Colleges
Fresh Approach
Golden State Opportunity
Grace Institute - End Child Poverty in CA
Hadassah
Having Our Say Coalition
Health Net
Health Net and Its Affiliated Companies

Hunger Action Los Angeles INC
Jewish Community Relations Council of Sacramento
Jewish Family & Children's Service of Long Beach and Orange County
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties
Jewish Family Service of Los Angeles (UNREG)
Jewish Family Service San Diego
Jewish Family Services of Silicon Valley
Jewish Federation of The Greater San Gabriel and Pomona Valleys
Jewish Federation of The Sacramento Region
Jewish Long Beach
Jewish Public Affairs Committee
Justice in Aging
JVS SoCal
LeadingAge California
Long Beach Immigrant Rights Coalition
Los Angeles Food Policy Council
Los Angeles Regional Food Bank
Marin Food Policy Council
National Health Foundation
National Young Farmers Coalition
Pesticide Action Network North America
Public Health Advocates
Public Health Institute's Center for Wellness and Nutrition
Reinvent South Stockton Coalition
Roots of Change
Sacramento Food Policy Council
San Diego Hunger Coalition
San Francisco-Marin Food Bank
Second Harvest Food Bank of Orange County
Second Harvest of Silicon Valley
Share Our Strength
SPUR
The Center for Food Safety
The Children's Partnership
The Praxis Project
The Primary School
The United Food and Commercial Workers Western States Council
The Women's Building
UC San Diego Center for Community Health Youth Advisory Council
Urban Counties of California (UCC)
Vision Y Compromiso

Opposition

None on file

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