

Date of Hearing: April 9, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 612 (Weber) – As Amended March 19, 2019

SUBJECT: CalFresh: Restaurant Meals Program

SUMMARY: Allows the California Department of Social Services (CDSS) to enter into a memorandum of understanding (MOU) with the Chancellor of the California Community Colleges (CCC) in order to enable qualifying food facilities located on the campus to participate in the Restaurant Meals Program (RMP). Specifically, **this bill:**

- 1) Makes Legislative findings and declarations related to tuition, housing, and food costs for students enrolled in a California community college.
- 2) States Legislative intent to reduce food insecurity for students by removing barriers to CCCs participating in the RMP.
- 3) Includes the Chancellor of the CCCs among the entities with whom CDSS may enter into an MOU for purposes of preventing hunger among college students, as specified, and, further, allows CDSS to enter into a statewide MOU with either or both the Chancellor of the California State University (CSU) and the Chancellor of the CCCs.
- 4) Allows qualified food facilities located on a CCC campus to participate in the RMP.
- 5) Makes technical changes.

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 [U.S.C.] Section 2011 *et seq.*, Welfare and Institutions Code [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 the RMP under SNAP to allow eligible recipients who are experiencing homelessness, have a disability, or are elderly to purchase hot, prepared food from participating restaurants. (7 U.S.C. Section 2020, WIC 18919 *et seq.*)
- 4) Defines “qualifying food facility” as a facility that sells prepared food for onsite consumption, and specifies that “on-campus food vendors” does not include any vendor that does not sell prepared food for onsite consumption or that sells food from a mobile food facility, as specified. (Education Code [EDC] 66025.93 (d))
- 5) Allows CDSS to enter into an MOU with the Chancellor of the CSU in order to prevent hunger among college students who are experiencing homelessness, have a disability, or are

elderly, and further, allows any qualifying food facility located on a CSU campus to participate in the RMP. (WIC 18919 (e))

- 6) Stipulates that each public or private postsecondary educational institution that is located in a county that participates in the RMP shall: 1) apply to become an approved food vendor for the RMP, if the institution operates any qualifying food facility on campus; 2) annually provide all on-campus food vendors not operated by the institution with information regarding the RMP and the manner in which to apply; and, 3) if an on-campus food vendor has been approved to participate in the RMP, annually inform students about the program using information provided by CDSS. (EDC 66025.93)
- 7) Specifies that an institution is not required to create, operate, or maintain an EBT system on behalf of on-campus food vendors, and an approved food vendor participating in the RMP, as specified, and a county in which the program is operated, shall meet the requirements of the RMP. (EDC 66025.93)
- 8) Specifies eligibility requirements and exemptions for students under the CalFresh program. (7 Code of Federal Regulations 273.5 *et seq.*)

FISCAL EFFECT: Unknown

COMMENTS:

CalFresh: SNAP provides food access to low-income individuals who meet certain eligibility criteria; in California, this program is known as CalFresh. 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 a 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. Nearly 4 million individuals in California receive CalFresh benefits; on average, an individual receives approximately \$135 per month in benefits. Individuals receive benefits on a monthly basis for food purchases through an EBT card, which is similar to an automated teller machine (ATM) card. Unlike an ATM card, however, CalFresh benefits cannot be withdrawn in cash at point-of-sale terminals or ATMs; instead, individuals may use benefits to purchase food items to be prepared and consumed at home.

Restaurant Meals Program (RMP): Federal rules related to SNAP, and therefore CalFresh, prohibit the purchase of certain items, such as alcohol, vitamins and medicines, pet foods, food that will be eaten in the store, and hot foods. However, RMP allows certain eligible homeless and elderly CalFresh recipients and CalFresh recipients with disabilities to purchase hot and prepared foods from participating restaurants that would otherwise be prohibited. This is due to the unique challenges faced by these populations as it relates to their ability to prepare food, and a potential lack of access to necessary equipment. Currently, 10 California counties participate in the RMP: Alameda, Los Angeles, Orange, Riverside, Sacramento, San Diego, San Francisco, San Luis Obispo, Santa Clara, and Santa Cruz. In 2018, AB 1894 (Weber), Chapter 746, Statutes of 2018, allowed CDSS to enter into an MOU with the Chancellor of the CSU to allow

certain restaurants on the campus to participate in the RMP, even if the CSU is located in a county that does not participate in the RMP, in order to increase food access on college campuses.

Federal law requires each restaurant to sign an MOU and complete a federal certification process, which requires a restaurant to:

- 1) Be willing to welcome all those eligible for the RMP, meaning a restaurant cannot serve elderly CalFresh recipients and refuse to also serve CalFresh recipients who are experiencing homelessness or have a disability;
- 2) Offer a low-cost menu for program participants and agree to SNAP rules prohibiting the charge of a sales tax, meal tax, or gratuities on prepared foods purchased with EBT; and,
- 3) Agree to post signage stating: EBT or California Advantage Cards Accepted Here.

Food insecurity among college students: The Study of Student Basic Needs, released by the CSU Office of the Chancellor in January 2018, identified and examined a number of barriers faced by students working to achieve postsecondary educational goals, which include housing and food insecurity. According to the study, 41.6% of CSU students reported food insecurity, and of those, 20% experienced low food security, while 21.6% experienced very low food security. Black/African-American students and first-generation attendees experienced the highest rates of food insecurity (65.9%) and homelessness (18%). Students who reported experiencing homelessness, food insecurity, or both, also experienced mental health and physical consequences which correlated with lower academic achievement. These students also reported higher rates of “inactive days” where poor mental or physical health prevented them from engaging in normal day-to-day activities, such as school, work, self-care, and leisure activities. While CalFresh and campus emergency food pantry utilization was higher among students who reported low and very low food security when compared to their food secure peers, only 10.1% of students who reported very low food security and 7.5% of students who reported low food security used CalFresh benefits. The study also determined that 9.8% of students who reported low food security and 12.7% of students who reported very low food security utilized on campus food pantries.

Need for this bill: Last year, AB 1894 allowed CDSS to enter into an MOU with the Chancellor of the CSU to enable qualifying food facilities to participate in the RMP, even if the CSU campus is not located in a county that operates the RMP. According to CDSS, to date, the department has not entered into a MOU with a CSU pursuant to the provisions of AB 1894. The provisions of this bill would further the efforts of AB 1894 by including the Chancellor of the CCC among the entities with whom CDSS may enter into an MOU for purposes of increasing access to the RMP and preventing hunger among college students who are experiencing homelessness, have a disability, or are elderly.

According to the author, “In the fifth largest economy in the world, college students should not go hungry. The Restaurant Meals Program is a proven, efficient way to prevent hunger and smooth students’ path to graduation.”

Double referral: This bill will be referred to the Assembly Higher Education Committee should it pass out of this committee.

PRIOR LEGISLATION:

AB 942 (Weber) of 2019 would require CDSS to establish a statewide RMP. AB 942 is currently awaiting hearing in the Assembly Human Services Committee.

AB 1894 (Weber), Chapter 746, Statutes of 2018, allowed CDSS to enter into an MOU with the Chancellor of the CSU in order to allow any qualifying food facility located on a CSU campus to participate in the RMP, even if the CSU campus is located in a county that does not participate in the RMP.

AB 282 (Wiener), Chapter 355, Statutes of 2017, required CDSS to communicate with counties regarding how to participate in the RMP, among other things.

AB 214 (Weber), Chapter 134, Statutes of 2017, required the California Student Aid Commission to notify Cal Grant recipients who qualify for participation in the CalFresh program, provided clarity to existing policies in order to simplify CalFresh administration for college students, and required CDSS to maintain a list of programs that provide a student potential eligibility for a CalFresh exemption if certain requirements are met.

AB 1747 (Weber), Chapter 290, Statutes of 2016, addressed growing hunger among low-income college students in California by providing the state with several new tools to draw down federal resources. AB 1747 also improved coordination between anti-hunger efforts on college campuses and anti-hunger efforts in the surrounding communities.

AB 1930 (Skinner), Chapter 729, Statutes of 2014, created a workgroup under CDSS which sought to ensure students who actively participate in the education plans and meet all other eligibility requirements for CalFresh are adequately screened for exemptions from federal work requirements for SNAP benefits.

REGISTERED SUPPORT / OPPOSITION:**Support**

Cabrillo Community College District
California Catholic Conference
Cerritos College
Citrus College
College of The Desert
Community College League of California
Compton Community College District
Disability Rights California
Nextgen California
South Orange County Community College District
Southwestern Community College District

Opposition

None on file

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