

Date of Hearing: March 26, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES
Eloise Gómez Reyes, Chair
AB 987 (Robert Rivas) – As Introduced February 21, 2019

SUBJECT: CalWORKS: special diet and food preparation allowance

SUMMARY: Increases the CalWORKs recurring special needs allowance, expands the recurring special needs allowance related to special diets to include food preparation needs, and makes other changes to facilitate receipt of the allowance. Specifically, **this bill:**

- 1) Increases the CalWORKs recurring special needs allowance from \$10 per month to \$15 per month for each recipient in the family who is eligible for assistance.
- 2) Expands the requirement in current law that recurring special needs include special diets upon the recommendation of a physician for circumstances other than pregnancy by making the following changes:
 - a) Includes food preparation needs alongside special diets as a recurring special need;
 - b) Stipulates that establishing food preparation needs as a recurring special need does not require the recommendation of a physician if the needs are due to pregnancy; and,
 - c) Stipulates that establishing special diets or food preparation needs as a special need does not require the recommendation of a physician if the needs are due to lack of access to potable water.
- 3) Requires a special needs allowance that has been requested by a recipient for special diets or food preparation needs to be provided in the form of a supplemental food benefit upon verification of any of the following:
 - a) The recipient has a special dietary need caused by a temporary or permanent medical condition other than pregnancy;
 - b) The child recipient has had a blood test performed within the last year indicating an elevated lead blood level; or,
 - c) The recipient does not have access to potable water at their residence.
- 4) Requires the special diet or food preparation needs allowance to be delivered through the electronic benefits transfer (EBT) system, as specified.
- 5) Prohibits the special diet or food preparation needs allowance from being considered income for the purposes of determining eligibility for, or benefit amount of, any state or local means-tested benefit program.
- 6) Requires the California Department of Social Services (CDSS) to adopt regulations to implement the provisions of this bill by October 1, 2022, and to conduct such implementation through all-county letters or similar instructions by October 1, 2020, until those regulations are adopted.

- 7) Prohibits a continuous appropriation, as specified, from being made for purposes of the provisions of this bill.
- 8) Makes technical changes.

EXISTING LAW:

- 1) Establishes under federal law the Temporary Assistance for Needy Families (TANF) program to provide aid and welfare-to-work services to eligible families and, in California, provides that TANF funds for welfare-to-work services are administered through the CalWORKs program. (42 United States Code Section 601 *et seq.*, Welfare and Institutions Code [WIC] Section 11200 *et seq.*)
- 2) Establishes income, asset and real property limits used to determine eligibility for the program, including *net income below the Maximum Aid Payment (MAP), based on family size and county of residence.* (WIC 11150 to 11160, 11450 *et seq.*)
- 3) Establishes a 48-month lifetime limit on CalWORKs benefits for eligible adults, including a period beyond the “24-month time clock” during which a recipient must meet federal work requirements in order to retain eligibility. (WIC 11454, 11322.85)
- 4) Requires all individuals over 16 years of age, unless they are otherwise exempt, to participate in welfare-to-work activities as a condition of eligibility for CalWORKs. (WIC 11320.3, 11322.6)
- 5) Establishes the number of weekly hours of welfare-to-work participation necessary to remain eligible for aid, including requirements for an unemployed parent in a two-parent assistance unit, as specified. (WIC 11322.8)
- 6) Requires a family receiving CalWORKs to be entitled to receive an allowance for recurring special needs not common to a majority of recipients, and requires such an allowance granted for reasons of a special diet to be upon recommendation of a physician, as specified. (WIC 11450 (e))
- 7) Prohibits the special needs allowance for each family per month from exceeding the product resulting from multiplying the sum of ten dollars (\$10) by the number of recipients in the family who are eligible for assistance. (WIC 11450 (e))
- 8) 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. (WIC 10065 *et seq.*)

FISCAL EFFECT: Unknown

COMMENTS:

CalWORKs: CalWORKs is the state’s TANF program, providing eligible low-income families with cash grants and supportive services aimed at helping them to secure education, training, and employment. CalWORKs is administered at the county level; it is funded largely through the federal TANF block grant and state maintenance-of-effort contributions. Families participating

in CalWORKs have access to a range of services that can include child care and services aimed at addressing mental health needs, substance use disorders, experiences of domestic violence, and learning disabilities, among other issues. Unless deemed exempt or otherwise not required to participate per CalWORKs rules, parents are required to develop and participate in a welfare-to-work plan. CalWORKs-approved welfare-to-work activities can include public or private sector subsidized or unsubsidized employment; on-the-job training; community service; secondary school, adult basic education and vocational education and training when the education is needed for the recipient to become employed; specific mental health, substance abuse, or domestic violence services if they are necessary to obtain or retain employment; and a number of other activities necessary to assist a recipient in obtaining unsubsidized employment.

A number of changes to the CalWORKs program were adopted with the passage of SB 1041 (Senate Committee on Budget and Fiscal Review), Chapter 47, Statutes of 2012. These changes included the establishment of the 24-month time clock. Unless exempted per CalWORKs rules, an adult recipient is expected to participate in welfare-to-work activities during the up to 48 months for which they may receive assistance. For 24 of those 48 months, welfare-to-work participation requirements can include a broad range of activities, such as employment, training, education, and mental health, domestic violence, and substance abuse services. Once this 24-month time clock “runs out,” CalWORKs welfare-to-work participants must meet the more stringent federal TANF requirements in order to maintain their eligibility for aid. If a CalWORKs recipient does not meet the requirements of their welfare-to-work plan and does not have a permissible exemption or exception to those requirements, they are subject to sanction; sanction results in an individual’s portion of the family’s grant being subtracted from the total grant amount provided to the family to meet basic needs.

The current maximum CalWORKs grant for a family of three living in a high-cost county, if the family has no other income, is \$714 per month. On April 1st of this year, maximum grants will increase by 10% pursuant to changes adopted in the 2018 Human Services Trailer Bill, AB 1811 (Assembly Committee on Budget), Chapter 35, Statutes of 2018. This 10% increase will raise the maximum CalWORKs grant for a family of three living in a high-cost county to \$785 per month. However, many families earn some income and do not qualify for the maximum grant amount. For Fiscal Year (FY) 2018-19, the average monthly CalWORKs cash grant is estimated to be \$568 per household. In FY 2017-18, the average monthly CalWORKs caseload was 423,121 households.

CalWORKs recurring special needs allowance: Families receiving CalWORKs are entitled to an allowance for recurring special needs – which are defined as those needs not common to a majority of recipients. Currently, the recurring special needs allowance is prohibited from exceeding \$10 per eligible family member per month. Recurring special needs can include unusual costs of transportation, laundry, housekeeping services, telephone and utilities. They can also include special diets upon the recommendation of a physician for circumstances other than pregnancy (this is because there is a separate CalWORKs benefit for special needs resulting from pregnancy).

Need for this bill: This bill seeks to increase the maximum CalWORKs recurring special needs allowance by \$5 per eligible family member per month, and to ensure that the allowance can be received for special diet and food preparation needs resulting from and/or related to lack of access to potable water. According to the author, “Families living in deep poverty face many health risks including exposure to lead and other toxins, and a lack of access to potable water and

healthy food options. Families who face these challenges are also burdened by having to purchase water which decreases the amount of money they can use toward fresh fruits and vegetables – healthy items that significantly improve their health status and address their special dietary needs. If we tell families that they should purchase more fruits and vegetables to combat the negative impacts of lead exposure in their children and then we don't help them do this, then we can't expect that they will be able to, and this means that even if we diagnose high blood lead level tests, the outcomes for these children will be the same.”

Recommended amendments: In order to distinguish the allowance for special diets from the allowance for food preparation needs, to subject the treatment of the special diets allowance as a food benefit to all applicable federal law and regulations, to provide for the definition of “verified lack of access to potable water,” to allow counties to grant the special diet or food preparation allowance in instances where they suspect there is a lack of access to potable water, and to consistently apply the EBT requirement to all special recurring needs allowances, *committee staff recommends the following amendments:*

Delete lines 1 through 37 of page 5 of the bill.

After line 40 of page 4 of the bill, insert the following:

(e) In addition to the amounts payable under subdivision (a) and Section 11453.1, a family shall be entitled to receive an allowance for recurring special needs not common to a majority of recipients. ~~These recurring special needs shall include, but not be limited to, special diets upon the recommendation of a physician for circumstances other than pregnancy, and unusual costs of transportation, laundry, housekeeping services, telephone, and utilities.~~ The recurring special needs allowance for each family per month shall not exceed that amount resulting from multiplying the sum of ~~ten~~ *fifteen* dollars ~~(\$10)~~ *(\$15)* by the number of recipients in the family who are eligible for assistance.

(1) These recurring special needs shall include, but not be limited to, all of the following:

(A) Special diets, upon the recommendation of a physician.

(i) The recommendation of a physician shall not be required regarding a special diet need when there is a verified lack of access to potable water, as defined by the department in regulations or other instruction. The need for a physician's recommendation may also be waived if the county has reason to believe there is a lack of access to potable water.

(ii) A recurring special needs allowance for special diets shall not be granted when the special diet need is solely attributable to pregnancy.

(B) Food preparation needs, upon the recommendation of a physician.

(i) The recommendation of a physician shall not be required regarding a food preparation need when there is a verified lack of access to potable water, as defined by the department in regulations or other instruction. The need for a physician's recommendation may also be waived if the county has reason to believe there is a lack of access to potable water.

(ii) A recurring special needs allowance for food preparation shall not be granted when the food preparation need is solely attributable to pregnancy.

(C) Unusual costs of transportation, laundry, housekeeping services, telephone, and utilities.

(2) Where permitted by federal law and regulation, and notwithstanding any other state law or regulation, the recurring special needs allowance for special diets shall be provided in the form of a supplemental food benefit and shall not be considered income for the purposes of determining eligibility or amount of aid for any state or local means-tested public benefit program. Reasons for receipt of the recurring special needs allowance for special diets shall include, but not be limited to, verified lack of access to potable water, and a child recipient having an elevated blood lead level as indicated in a blood test performed within the last year. The recurring special needs allowance for special diets may also be granted in instances where the county has reason to believe that a recipient household lacks access to potable water.

(3) The recurring special needs allowance shall be delivered through the electronic benefits transfer (EBT) system established pursuant to Chapter 3 (commencing with Section 10065) of Part 1.

PRIOR LEGISLATION

AB 2151 (Chu) of 2016 would have required a special, diet-related food need allowance for CalWORKs participants, and modified the current CalWORKs allowance for recurring special needs. AB 2151 was held on the Assembly Appropriations Committee's suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

Western Center on Law & Poverty, Inc. (Sponsor)
 California Catholic Conference
 California Food Policy Advocates
 Children's Defense Fund-California
 Feeding San Diego
 Hunger Action Los Angeles, Inc.
 National Health Law Program
 Neighborhood Legal Services of Los Angeles County
 Public Interest Law Project

Opposition

None on file

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