

Date of Hearing: June 30, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

SB 464 (Hurtado) – As Amended May 20, 2021

SENATE VOTE: 31-9

SUBJECT: California Food Assistance Program: eligibility and benefits

SUMMARY: Expands eligibility for the California Food Assistance Program (CFAP) to households that are ineligible for CalFresh benefits due solely to their immigration status. Specifically, **this bill:**

- 1) Makes Legislative findings and declarations related to the ineligibility of noncitizen immigrants without lawful status for CalFresh, the existence and importance of CFAP, and the effects of the COVID-19 pandemic on food security for California immigrants.
- 2) Deletes the requirement that, in counties approved for alternate benefit issuance systems, the same alternate benefit issuance system be approved for CFAP.
- 3) Makes inoperative certain provisions of current law establishing CFAP on the date that all of the following events occur, and, as of January 1 of the following year, repeals those same provisions of current law:
 - a) The California Department of Social Services (CDSS) has notified the Legislature that the Statewide Automated Welfare System (SAWS) can perform the necessary automation to implement certain provisions of this bill; and,
 - b) The Legislature has appropriated funds for the purpose of implementing certain provisions of this bill, as specified.
- 4) Reestablishes CFAP and, further, requires CFAP to utilize existing CalFresh and electronic benefits transfer (EBT) infrastructure, to the extent permitted by federal law.
- 5) Requires CDSS to use state funds appropriated for CFAP to provide nutrition benefits to households that are ineligible for CalFresh benefits solely due to their immigration status.
- 6) Deems the amount of nutrition benefits provided to each CFAP household identical to the amount that would otherwise be provided to a household eligible for CalFresh benefits.
- 7) Requires the benefit amount for a CFAP recipient who is an excluded member of a CalFresh household to be limited to the amount that the recipient would have received as their share of a CalFresh household benefit, has they not been excluded due to their immigration status.
- 8) Requires the delivery of CFAP nutrition benefits be identical to the delivery of CalFresh benefits to eligible CalFresh households.
- 9) Requires the eligibility and benefit determination criteria for CFAP be identical to the eligibility and benefit determination criteria for households eligible for CalFresh, except for eligibility requirements related to immigration status.

- 10) Requires the verification requirements for CFAP nutrition benefits be identical to those required of a household applying for CalFresh benefits, with the exception of proof of citizenship, unless the CFAP household is transferring from being a recipient of CFAP nutrition benefits to a recipient of CalFresh benefits.
- 11) Requires the application process and timeliness standards for CFAP nutrition benefits be identical to the application process and timeliness standards for households applying for CalFresh benefits.
- 12) Excludes, to the extent allowed by federal law, the income, resources, and deductible expenses of individuals receiving CFAP who are ineligible for CalFresh benefits from being considered when calculating CalFresh benefits.
- 13) Prohibits a household from receiving more CalFresh benefits under the provisions of this bill than it would if no household member was rendered ineligible for CalFresh under current federal law, as specified.
- 14) Makes operative the provisions of this bill related to the reestablishment of CFAP on the date that both of the following events have occurred:
 - a) CDSS has notified the Legislature that the SAWS can perform the necessary automation to implement the provisions of this bill; and,
 - b) The Legislature has appropriated funds for purposes of implementing the provision of this bill, as specified.
- 15) 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 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 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(b)(1))
- 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(b)(2))

- 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(b)(3))
- 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(b)(4))
- 8) Requires applicants for CFAP to provide verification that specified conditions of eligibility are met. (WIC 18930(b)(5))
- 9) Defines abuse and the documentation necessary to verify abuse as a condition of eligibility for the CFAP. (WIC 18930(b)(6) and(7))
- 10) Requires, in counties approved for alternate benefit issuance systems, that the same alternate benefit issuance system be approved for CFAP. (WIC 18930(c))
- 11) 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(d)(1))
- 12) 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(d)(2))

FISCAL EFFECT: According to the Senate Appropriations Committee on May 20, 2021, CDSS estimates one time and ongoing costs relative to creating and administering the program and benefits required under the bill, estimated in the hundreds of millions, which include staffing and cost pressures including but limited to administrative costs, ensuring integrity of the program, automation and other costs.

COMMENTS:

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.

As previously noted, eligibility for CalFresh is determined at the federal level. As it relates to eligibility for immigrants, an individual must meet the criteria to be deemed a “qualified

immigrant,” which means the individual is: a lawful permanent resident; a Cuban/Haitian entrant; an adult or minor subject to severe trafficking, or that individual’s spouse/parent/child; a battered spouse and their children; or, an Iraqi and Afghan Special Immigrant, among others, as defined in federal law. Additionally, qualified immigrants must also meet a condition that deems the individual eligible for federally-funded CalFresh benefits.

California Food Assistance Program: Due to the strict federal 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 600,000 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.

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 (DRAI): 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: The provisions of this bill seek to build upon state and federal efforts to meet the nutritional needs of California residents, particularly those, such as non-citizens, who lack access to CalFresh, and whose need for supplemental food benefits have been exacerbated by the impacts of the COVID-19 pandemic. Specifically, this bill would expand CFAP, upon notification by CDSS that CalSAWS can perform the necessary automation and the Legislature has appropriated the necessary funds, by repealing the existing CFAP eligibility requirements and by instead deeming as eligible for CFAP households that are rendered ineligible for CalFresh solely due to their immigration status.

According to the author, “[This bill] will allow noncitizen immigrants to be eligible for CFAP. Approximately 1 in 10 Californians experienced food insecurity prior to the COVID-19 pandemic, yet two million undocumented immigrants were not eligible for most food assistance. Post-pandemic, many families will remain in need of food assistance. The Food for All, or ‘Comida Para Todos’ Act, will help provide food security to low-income families and help lift them out of poverty, regardless of their immigration status. [This bill] means much more than someone’s food security status, and food security means much more than someone’s status. Let’s make California a state where there is Food for All. Comida Para Todos.”

PRIOR AND RELATED LEGISLATION:

AB 221 (Santiago) of 2021, requires 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 to, in consultation with a workgroup, 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. AB 221 is currently awaiting a hearing in the Senate Appropriations Committee.

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 the Food Assistance Program. SB 1443 was held in the Senate Rules Committee.

SB 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. SB 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

Nourish California (Sponsor)
Agricultural Institute of Marin
Alameda County Community Food Bank
Alliance San Diego
Bread for The World
California Alternative Payment Program Association
California Association of Food Banks
California Catholic Conference
California Climate and Agriculture Network
California Edge Coalition
California Food and Farming Network
California Pan - Ethnic Health Network
California Rural Legal Assistance Foundation, INC.
California WIC Association
Californians for Pesticide Reform
Carbon Cycle Institute
Central Valley Immigrant Integration Collaborative
Ceres Community Project
Chico 350
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition of California Welfare Rights Organizations
Community Clinic Association of Los Angeles County (CCALAC)
County Health Executives Association of California (CHEAC)
County of Los Angeles Board of Supervisors
County of San Diego
County of Santa Clara
County Welfare Directors Association of California (CWDA)
Democratic Party of The San Fernando Valley
Empowering Pacific Islander Communities (EPIC)
Environmental Working Group
Feeding San Diego
Fibershed
First 5 Association of California
First 5 California
Food for People, the Food Bank for Humboldt County
Friends of The Earth - US
GLIDE
Having Our Say Coalition
Honorable Eric Garcetti, Mayor, City of Los Angeles
Hunger Action Los Angeles INC
Hunger Advocacy Network
Interfaith Food Center

Jewish Family Service of Los Angeles
Kids in Need of Defense (KIND)
Latino Coalition for A Healthy California
Los Angeles County Nutrition Access Collaborative (Nutrition Access LA)
Los Angeles County Office of Education
Los Angeles Regional Food Bank
Lutheran Office of Public Policy - California
Marin Food Policy Council
National Association of Social Workers, California Chapter
National Young Farmers Coalition
Pesticide Action Network North America
San Diego Hunger Coalition
Second Harvest of Silicon Valley
Share Our Strength
Sierra Harvest
SPUR
Sustainable Agriculture Education
The Gubbio Project
The Praxis Project
Unbox
United Food and Commercial Workers, Western States Council
Urban & Environmental Policy Institute Occidental College
Three Private Citizens

Opposition

None on file

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