

Date of Hearing: June 18, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

SB 735 (Leyva) – As Amended April 11, 2019

SENATE VOTE: 38-0

SUBJECT: Public social services: accommodation: notification

SUMMARY: Directs the California Department of Social Services (CDSS) to, on certain documents used by applicants for, or recipients of, public assistance, include questions that allow an applicant or recipient to disclose a disability, the need for accommodations due to disability, and any experience of domestic violence, and requires the state automated welfare system (SAWS) to include a notification to inform a caseworker when an individual has disclosed a disability or experience of domestic violence that may affect their eligibility for certain exemptions from, and exceptions to, requirements imposed by any public assistance program included in SAWS. Specifically, **this bill:**

- 1) Requires SAWS to include a notification to inform the caseworker of an applicant for, or recipient of, public assistance that the individual has disclosed a disability or experience of domestic violence that may affect their eligibility for certain exemptions from, and exceptions to, any public assistance program included in SAWS, thereby expanding current law to include other public assistance programs in addition to the California Work Opportunity and Responsibility to Kids (CalWORKs) program.
- 2) Directs CDSS to include questions that permit a public assistance applicant or recipient to disclose a disability, the need for accommodation due to disability, and any experience of domestic violence in any amendment of, or revision to, a form or report that is adopted on or after January 1, 2020, using SAWS, as specified.

EXISTING LAW:

- 1) Establishes under federal law the Temporary Assistance for Needy Families (TANF) program to provide aid and welfare-to-work (WTW) services to eligible families and, in California, provides that TANF funds for WTW services are administered through the CalWORKs program. (42 United States Code [U.S.C.] Section 601 *et seq.*, Welfare and Institutions Code [WIC] Section 11200 *et seq.*)
- 2) 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 U.S.C. 2011 *et seq.*, WIC 18900 *et seq.*)
- 3) Requires counties to redetermine CalWORKs and CalFresh eligibility annually and to, at the time of redetermination, require the family to complete a certification of eligibility, as specified. Further, authorizes counties to require a family to complete this certification of eligibility, as specified, more frequently as deemed necessary. (WIC 11265)

- 4) Requires counties to redetermine CalWORKs and CalFresh eligibility and benefit amounts semiannually using prospective budgeting and requires, in addition to the annual certification of eligibility, a semiannual report form to be used during the first semiannual reporting period following the application or annual redetermination, as specified. (WIC 11265.1)
- 5) Prohibits, in federal law and regulations as part of the Americans with Disabilities Act of 1990 (ADA), a qualified individual with a disability from, by reason of such disability, being excluded from participation in or denied the benefits of the services, programs, or activities of a public entity or subjected to discrimination by that entity, as specified. (42 U.S.C. 12132, 28 Code of Federal Regulations 35.130)
- 6) Prohibits an otherwise qualified person with a disability from, solely due to that disability, being excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (42 U.S.C. 794)
- 7) Exempts an individual with a doctor-verified disability expected to last at least 30 days and that constitutes a significant impairment to participation in regular employment or WTW activities, provided appropriate medical treatment is being sought, from having to comply with WTW requirements. (WIC 11320.3 (b)(3)(A))
- 8) Establishes the number of weekly hours of WTW participation necessary to remain eligible for aid, including requirements for an unemployed parent in a two-parent assistance unit, as specified. (WIC 11322.8)
- 9) Permits states, within federal TANF law, to adopt the “Family Violence Option,” whereby states establish and enforce procedures to screen and identify individuals receiving TANF assistance with a history of domestic violence, refer those individuals to counseling and supportive services, and waive program requirements when it is determined that compliance with those requirements could hinder individuals’ ability to escape domestic violence or unfairly penalize individuals who have experienced, or are experiencing or at risk of experiencing, domestic violence, as specified. (42 U.S.C. 602 (a)(7))
- 10) Adopts a family violence provision within the CalWORKs program to enact the federal option regarding victims of domestic violence and in Legislative recognition of the fact that some individuals who may need public assistance have been or are victims of abuse and further, states Legislative intent to ensure that applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures. (WIC 11495 *et seq.*)
- 11) Defines “abuse” as battering or subjecting a victim to extreme cruelty by: physical acts resulting in, or threatening to result in, physical injury; sexual abuse; sexual activity involving a child in the home; being forced to participate in nonconsensual sexual acts or activities; threats of, or attempts at, physical or sexual abuse; mental abuse; neglect or deprivation of medical care; or, stalking. (WIC 11495.12)
- 12) Permits a county to waive a CalWORKs program requirement for a recipient who has been determined to be a past or present victim of abuse when good cause is found, as specified, exists. (WIC 11495.15)

- 13) Authorizes a CalWORKs recipient to be excused from program participation for good cause when the county has found that there is a condition or circumstance temporarily hindering the recipient's ability to be regularly employed or participate in WTW activities, and directs the county welfare department to review the good cause determination at least once every three months, as specified. (WIC 11320.3 (f))
- 14) Requires the Office of Systems Integration (OSI) to implement a statewide automated system for CalWORKs, CalFresh, Medi-Cal, foster care, the refugee program, and county medical services programs. The system that was eventually developed is now known as SAWS. (WIC 10823)
- 15) Requires SAWS to include a notification to inform a caseworker of a public assistance program applicant or recipient that the applicant: has indicated the need for an accommodation due to disability consistent with federal law; or, that an applicant or recipient has disclosed a disability or experience of domestic violence that may affect the individual's eligibility for certain exemptions from, and exceptions to, CalWORKs program requirements. (WIC 10824.5 (a)(2))

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, this bill will result in negligible state costs.

COMMENTS:

Statewide Automated Welfare System (SAWS): SAWS is California's public assistance eligibility and enrollment system with capabilities that include: eligibility determination, benefit calculations, benefit issuances, case management, and reporting. SAWS serves as a single, county-managed database for foster care, refugee assistance programs, county medical services programs, Medi-Cal, and the following programs:

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 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.

CalWORKs: California's CalWORKs program provides monthly income assistance and employment-related services to eligible individuals in order to move children out of poverty and ensure families can meet basic needs. CalWORKs also includes a WTW component which 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, as well as certain mental health, substance use, or domestic violence services, if they are determined to reduce barriers to employment for participants. Funding for the CalWORKs program comes from the federal TANF block grant, and a family's grant amount is based on

specific eligibility criteria, including citizenship, age, income, resources, and assets, among others.

Application for benefits: Recipients of CalFresh and CalWORKs benefits must meet eligibility criteria both at the time of initial application and when a recipient undergoes recertification or redetermination, either annually or on a semi-annual basis, as applicable. The recertification/redetermination schedule is dependent on the program being applied for, and each program maintains its own eligibility criteria, such as income levels and household size. While forms used by applicants for, and recipients of, public assistance benefits, such as the SAWS 2-Plus and Semi-Annual Report (SAR) form 7, currently contain questions related to disabilities and domestic violence experiences, the provisions of this bill will ensure that, as the State of California updates and consolidates databases and technologies used to manage public assistance programs, the forms and documents used by applicants for, and recipients of, public assistance will include questions that allow an individual to disclose a disability, need for accommodation due to disability, and domestic violence experiences.

Accommodations for individuals with disabilities: Federal law provides for the protection of individuals with disabilities and ensures that those individuals, when all other eligibility criteria are met, have equal access to public assistance programs and benefits regardless of their disability. Section 504 of H.R. 8070 (Brademas), P.L. 93-112, known as the Rehabilitation Act of 1973, prohibits a qualified individual from being excluded from participation in, or being denied the benefits of, any program or activity that receives federal financial assistance based solely on their disability. S. 933 (Harkin), P.L. 101-336, also known as the Americans with Disabilities Act (ADA), explicitly prohibits qualified individuals with disabilities from being excluded from participation in, or receiving the benefits of, public assistance programs and services by reason of such disability. As such, public benefits programs in California provide for various accommodations for individuals with disabilities; specifically, the CalWORKs program provides for potential exemption from WTW activities, and the CalFresh program provides for exemptions from federally-imposed work requirements. The provisions of this bill would require caseworkers to be notified when an individual discloses that they have a disability in order to facilitate greater, and more expeditious, access to these accommodations.

In 2018, Governor Brown signed AB 1811 (Committee on Budget), Chapter 35, Statutes of 2018, which made recipients of Supplemental Security Income (SSI) eligible for CalFresh; prior to the adoption of AB 1811, California policy provided for a “cash-out” in which SSI recipients received a supplemental payment of \$10 a month to cover food costs such that SSI recipients were ineligible for CalFresh benefits. As a result of AB 1811, a number of SSI recipients who are aged, blind, or have a disability, are eligible for CalFresh and will likely need accommodations. With the adoption of AB 1811 and an increase in the number of individuals eligible for CalFresh who are aged, blind, or have a disability, the provisions of this bill will facilitate greater access to necessary accommodations.

Domestic Violence: Often referred to as intimate partner violence, domestic violence is a pattern of behavior used by an individual, often a spouse or intimate partner, to assert or maintain control over a victim. According to WEAVE, a Sacramento-County-based provider of services for survivors of domestic violence, 1 in 3 women and 1 in 4 men have been victims of some form of physical violence by an intimate partner in their lifetime, and domestic violence is most common among women between the ages of 18 and 24. Domestic violence can include: financial control; isolating the victim from friends and family; forcing the victim to perform

sexual acts, either with the abuser, or with others; pressuring a victim to use drugs or alcohol; or, dictating the way a victim dresses. Current California law states:

“...the Legislature recognizes that some individuals who may need public assistance have been or are victims of abuse, and intends to ensure that applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures. The Legislature intends that, in implementing this article, program requirements not be created or applied in such a way as to encourage a victim to remain with the abuser. It is also the intent of the Legislature that CalWORKs recipients participate in welfare-to-work activities, to the full extent of their abilities, including participation in counseling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move towards self-sufficiency.”

Both the CalWORKs and CalFresh programs, in keeping with this Legislative intention, allow for special accommodations for victims of domestic violence, such as strict confidentiality provisions, waivers, and exemptions to certain program requirements. The provisions of this bill would further facilitate access to these accommodations by ensuring caseworkers are aware of an applicant’s or recipient’s domestic violence experience, which may affect their eligibility for exemptions or exceptions to program rules.

Increased awareness of disabilities and domestic violence: In 2018, AB 2030 (Limón), Chapter 485, Statutes of 2018, was signed into law and required any single state automated welfare system to include a notification to inform the caseworker of a public assistance program applicant or recipient to receive certain information, including that the applicant has disclosed a disability or experience of domestic violence that may affect their eligibility for certain exemptions from, and exceptions to, CalWORKs program requirements.

The provisions of this bill would require CDSS to, in any changes made to documents on or after January 1, 2020, include questions that would allow an applicant or recipient to disclose a disability, the need for accommodations due to disability, and any experience of domestic violence. This bill also expands upon current law by requiring SAWS to notify a caseworker when an applicant or recipient has disclosed a disability or experience of domestic violence that may affect their eligibility for exemptions from and exceptions to requirements imposed by any public assistance program, not just CalWORKs program requirements, as is current law.

Need for this bill: The provisions of this bill seek to build upon past legislative efforts related to ensuring that applicants for, or recipients of, public assistance benefits have the opportunity to disclose when they have a disability, need accommodations due to that disability, or have experienced domestic violence. Specifically, this bill requires CDSS to update certain forms and documents used by applicants and recipients to include questions that allow individuals to disclose a disability, need for accommodations, or domestic violence experiences. This bill would also require SAWS to notify caseworkers when an applicant or recipient has disclosed a disability or domestic violence experience that may affect their eligibility for exemptions or exceptions to program requirements for any public assistance program, rather than just the CalWORKs program, which is current law.

According to the author, “[This bill] would require that application and redetermination forms for public assistance programs include a question and notification about whether the applicant or recipient needs accommodations for a disability or domestic violence. It is critically important that people with disabilities and survivors of domestic violence receive the accommodations they

need without having to continuously disclose their life situations when trying to receive much needed assistance. In addition, given the high caseload for caseworkers, it is important to have a practical and effective process to identify beneficiaries receiving or applying for public assistance programs who need these accommodations.”

RELATED AND PRIOR LEGISLATION:

AB 341 (Maienschein) of 2019 would have required OSI to ensure that the California Healthcare Eligibility, Enrollment, and Retention System (CalHEERS) transfers the application for health care benefits of an individual who is potentially eligible and wants to apply for CalFresh to the applicant’s county of residence, and would have required the county to treat the application as a CalFresh application. AB 341 was held on the Assembly Appropriations Suspense File.

AB 2030 (Limon), Chapter 485, Statutes of 2018, required CDSS to include, in certain public social services application and redetermination forms, questions regarding the need for accommodation related to disability or domestic violence, and required any single state automated welfare system to include related notifications.

AB 1811 (Committee on Budget), Chapter 35, Statutes of 2018, granted CalFresh eligibility to recipients of SSI, SSP, or both, as of June 1, 2019, among other things.

AB 557 (Rubio), Chapter 691, Statutes of 2017, authorized, as of July 1, 2018, applicants for and recipients of CalWORKs benefits who have experienced domestic violence to be eligible for CalWORKs homeless assistance and good-cause exemptions from school participation and immunization requirements under specified circumstances.

AB 2057 (Stone), Chapter 859, Statutes of 2016, entitled a victim of domestic violence who is a resident of a shelter and included as a member of a CalFresh household that includes their abuser, to receive an additional allotment of benefits as a separate household, and also requires victims of domestic violence be deferred from mandatory placement in CalFresh Employment and Training programs.

AB 74 (Assembly Committee on Budget), Chapter 21, Statutes of 2013, among a number of other things, required counties to use information reported on the semiannual report form or annual certificate of eligibility to prospectively determine eligibility and the grant amount for each semiannual reporting period and permitted counties to adopt staggered semiannual reporting requirements.

AB 1107 (Garcia) of 2013 would have established statewide standards for notifying CalWORKs applicants and recipients of accommodations available to them if they are victims of domestic violence and would have established criteria for granting such waivers. AB 1107 was held on the Assembly Appropriations Committee Suspense File.

AB 6 (Fuentes), Chapter 501, Statutes of 2011, streamlined a number of components of CalWORKs and CalFresh administration, including, among other things, requiring counties to convert from a quarterly to a semi-annual reporting system for CalWORKs and CalFresh by January 1, 2013.

S. 933 (Harkin), P.L. 101-336, 1990, also known as the Americans with Disabilities Act (ADA), explicitly prohibited qualified individuals with disabilities from being excluded from

participation in, or receiving the benefits of, public assistance programs and services by reason of such disability.

H.R. 8070 (Brademas), P.L. 93-112, 1973, known as the Rehabilitation Act of 1973, prohibited a qualified individual from being excluded from participation in, or being denied the benefits of, any program or activity that receives federal financial assistance based solely on their disability.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of Regional Center Agencies
California Partnership to End Domestic Violence
Disability Rights California
National Association of Social Workers, California Chapter

Opposition

None on file

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