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SB-464 California Food Assistance Program: eligibility and benefits. (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 464

Introduced by Senator Hurtado
(Coauthor: Assembly Member Bryan)

February 16, 2021

An act to amend, repeal, and add Section 18930 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 464, as amended, Hurtado. California Food Assistance Program: ~~eligibility.~~ *eligibility and benefits.*

Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county.

Existing law requires the State Department of Social Services to establish ~~the California Food Assistance Program~~ *for a food assistance program, known as the California Food Assistance Program (CFAP), to provide assistance to* a noncitizen of the United States if the person's immigration status meets the eligibility criteria of SNAP in effect on August 21, 1996, but the person is not eligible for SNAP benefits solely due to their immigration status, as specified. Existing law also makes eligible for the program an applicant who is otherwise eligible for the program, but who entered the United States on or after August 22, 1996, if the applicant is sponsored and the applicant meets one of a list of criteria, including that the applicant, after entry into the United States, is a victim of the sponsor or the spouse of the sponsor if the spouse is living with the sponsor.

This ~~bill, commencing January 1, 2023, would instead make a noncitizen applicant eligible for the California Food Assistance Program if the noncitizen satisfies all eligibility criteria for participation in the CalFresh program except any requirements related to~~ *bill instead would require the department to use state funds appropriated for CFAP to provide nutritional benefits to households that are ineligible for CalFresh benefits solely due to their* immigration status. The bill ~~would, commencing January 1, 2023, would~~ eliminate the distinctions based on when

the noncitizen applicant entered the country and would eliminate the sponsorship and other listed criteria requirements for eligibility on a noncitizen who entered the country on or after August 22, 1996. ~~To~~

The bill would require the amount of nutrition benefits provided to each CFAP household to be identical to the amount that would otherwise be provided to a household eligible for CalFresh benefits, and would require eligibility determination criteria, reporting, recertification, and verification requirements, and the application process and timeliness standards for CFAP to be identical to those required of households eligible for, or applying for, CalFresh benefits. The bill would become operative on the date that the department has notified the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement the bill, and the Legislature has appropriated funds for purposes of the bill.

To the extent this bill would expand eligibility for ~~the California Food Assistance Program~~, CFAP, which is administered by the counties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The Supplemental Nutrition Assistance Program (SNAP) is a federal entitlement program. The federal government funds the nutrition benefits, and establishes most program rules, sets the benefit levels, and funds all program food benefits. The state determines certain conditions of eligibility and oversees county administration of the program.

(2) In California, SNAP is known as CalFresh, and is the largest and most impactful antihunger program in the state.

(3) CalFresh is also an effective antipoverty program, lifting more than 700,000 Californians out of poverty.

(4) Federal SNAP law prohibits participation in CalFresh for many low-income Californians, solely due to their immigration status.

(5) The California Food Assistance Program (CFAP) is a state-funded program created in response to the 1996 federal welfare reform that removed SNAP eligibility from many lawfully present immigrants.

(6) ~~Federal laws exclude~~ CalFresh *excludes* noncitizen immigrants without lawful status, Deferred Action for Childhood Arrivals (DACA) recipients, Temporary Protected Status (TPS) holders, and certain other visa holders from CalFresh and CFAP eligibility.

(7) Immigrant Californians experience food insecurity at higher rates compared to their United States-born counterparts.

(8) The COVID-19 pandemic has greatly increased food insecurity among low-income Californians, and disproportionately impacted noncitizen immigrants.

(9) Access to food assistance means greater opportunity to reduce hunger, improve health, and lift people out of poverty.

(10) In order to end the inequitable provision of vital food assistance based solely on immigration status and meet the current needs of all California immigrants impacted by the COVID-19 pandemic, CFAP needs to be modernized.

(b) It is the intent of the Legislature that all Californians, regardless of immigration status, have access to food assistance to maximize the impact of nutrition safety net funding to reduce poverty, fight hunger, and improve health for all low-income Californians.

SEC. 2. Section 18930 of the Welfare and Institutions Code is amended to read:

18930. (a) The State Department of Social Services shall establish a Food Assistance Program to provide assistance for those persons described in subdivision (b). The department shall enter into an agreement with the United States Department of Agriculture to use the existing federal Supplemental Nutrition Assistance Program coupons for the purposes of administering this program. Persons who are members of a household receiving CalFresh benefits under this chapter or under Chapter 10 (commencing with Section 18900), and are receiving CalWORKs benefits under Chapter 2 (commencing with Section 11200) of Part 3 on September 1, 1998, shall have eligibility determined under this chapter without need for a new application no later than November 1, 1998, and the beginning date of assistance under this chapter for those persons shall be September 1, 1998.

(b) (1) Except as provided in paragraphs (2), (3), and (4) and Section 18930.5, noncitizens of the United States shall be eligible for the program established pursuant to subdivision (a) if the person's immigration status meets the eligibility criteria of the federal Supplemental Nutrition Assistance Program in effect on August 21, 1996, but the person is not eligible for federal Supplemental Nutrition Assistance Program benefits solely due to the person's immigration status under Public Law 104-193 and any subsequent amendments thereto.

(2) Noncitizens of the United States shall be eligible for the program established pursuant to subdivision (a) if the person is a battered immigrant spouse or child or the parent or child of the battered immigrant, as described in Section 1641(c) of Title 8 of the United States Code, as amended by Section 5571 of Public Law 105-33, or if the person is a Cuban or Haitian entrant as described in Section 501(e) of the federal Refugee Education Assistance Act of 1980 (Public Law 96-122).

(3) An applicant who is otherwise eligible for the program but who entered the United States on or after August 22, 1996, shall be eligible for aid under this chapter only if the applicant is sponsored and one of the following apply:

(A) The sponsor has died.

(B) The sponsor is disabled as defined in subparagraph (A) of paragraph (3) of subdivision (b) of Section 11320.3.

(C) The applicant, after entry into the United States, is a victim of abuse by the sponsor or the spouse of the sponsor if the spouse is living with the sponsor.

(4) An applicant who is otherwise eligible for the program but who entered the United States on or after August 22, 1996, who does not meet one of the conditions of paragraph (3), shall be eligible for aid under this chapter beginning on October 1, 1999.

(5) The applicant shall be required to provide verification that one of the conditions of subparagraph (A), (B), or (C) of paragraph (3) has been met.

(6) For purposes of subparagraph (C) of paragraph (2), abuse shall be defined in the same manner as provided in Section 11495.1 and Section 11495.12. A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided. Additional evidence may include, but is not limited to, the following:

(A) Police, government agency, or court records or files.

(B) Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse.

(C) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

(D) Physical evidence of abuse.

(7) If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the county makes a determination documented in writing in the case file that the applicant is credible.

~~(c) In counties approved for alternate benefit issuance systems, that same alternate benefit issuance system shall be approved for the program established by this chapter.~~

~~(d)~~

(c) (1) To the extent allowed by federal law, the income, resources, and deductible expenses of those persons described in subdivision (b) shall be excluded when calculating CalFresh benefits under Chapter 10 (commencing with Section 18900).

(2) No household shall receive more CalFresh benefits under this section than it would if no household member was rendered ineligible pursuant to Title IV of Public Law 104-193 and any subsequent amendments thereto.

~~(e) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.~~

~~(d) This section shall become inoperative on the date that both of the following events have occurred, and as of January 1 of the following year, is repealed:~~

~~(1) The department has notified the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement Section 18930, as added by the act that added this subdivision.~~

~~(2) The Legislature has appropriated funds for the purposes of Section 18930, as added by the act that added this subdivision.~~

~~SEC. 3. Section 18930 is added to the Welfare and Institutions Code, to read:~~

~~18930.(a) The State Department of Social Services shall establish a Food Assistance Program to provide assistance for those persons described in subdivision (b). The department shall enter into an agreement with the United States Department of Agriculture to use the existing federal Supplemental Nutrition Assistance Program coupons for the purposes of administering this program. Persons who are members of a household receiving CalFresh benefits under this chapter or under Chapter 10 (commencing with Section 18900), and are receiving CalWORKs benefits under Chapter 2 (commencing with Section 11200) of Part 3 on September 1, 1998, shall have eligibility determined under this chapter without need for a new application no later than November 1, 1998, and the beginning date of assistance under this chapter for those persons shall be September 1, 1998.~~

~~(b) Noncitizens of the United States shall be eligible for the program established pursuant to subdivision (a) if the person satisfies all eligibility criteria for participation in the CalFresh program except any requirements related to immigration status.~~

~~(c) In counties approved for alternate benefit issuance systems, that same alternate benefit issuance system shall be approved for the program established by this chapter.~~

~~(d)(1) To the extent allowed by federal law, the income, resources, and deductible expenses of those persons described in subdivision (b) shall be excluded when calculating CalFresh benefits under Chapter 10 (commencing with Section 18900).~~

~~(2) No household shall receive more CalFresh benefits under this section than it would if no household member was rendered ineligible pursuant to Title IV of Public Law 104-193 and any subsequent amendments thereto.~~

~~(e) This section shall become operative on January 1, 2023.~~

SEC. 3. Section 18930 is added to the Welfare and Institutions Code, to read:

18930. (a) There is hereby created the California Food Assistance Program (CFAP).

(b) CFAP shall utilize existing CalFresh and electronic benefits transfer system infrastructure to the extent permissible by federal law.

(c) The State Department of Social Services shall use state funds appropriated for CFAP to provide nutrition benefits to households that are ineligible for CalFresh benefits solely due to their immigration status.

(d) (1) The amount of nutrition benefits provided to each CFAP household shall be identical to the amount that would otherwise be provided to a household eligible for CalFresh benefits.

(2) The benefit amount for a CFAP recipient who is an excluded member of a CalFresh household shall be limited to the amount that the recipient would have received as their share of a CalFresh household benefit, had they not been excluded due to their immigration status.

(3) The delivery of CFAP nutrition benefits shall be identical to the delivery of CalFresh benefits to eligible CalFresh households.

(4) The eligibility and benefit determination criteria for CFAP shall be identical to the eligibility and benefit determination criteria for households eligible for CalFresh, except for eligibility requirements related to immigration status.

(5) The reporting and recertification requirements for CFAP nutrition benefits shall be identical to those required of a household eligible for CalFresh benefits, except for reporting and recertification requirements related to immigration status.

(6) The verification requirements for CFAP nutrition benefits shall be identical to those required of a household applying for CalFresh benefits, except that proof of citizenship shall not be required, unless the CFAP household is transferring from being a recipient of CFAP nutrition benefits to being a recipient of CalFresh benefits.

(7) The application process and timeliness standards for CFAP nutrition benefits shall be identical to the application process and timeliness standards for households applying for CalFresh benefits.

(e) (1) To the extent allowed by federal law, the income, resources, and deductible expenses of those persons described in subdivision (c) shall be excluded when calculating CalFresh benefits under Chapter 10 (commencing with Section 18900).

(2) No household shall receive more CalFresh benefits under this section than it would if no household member was rendered ineligible pursuant to Title IV of Public Law 104-193 and any subsequent amendments thereto.

(f) This section shall become operative on the date that both of the following events have occurred:

(1) The department has notified the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section.

(2) The Legislature has appropriated funds for purposes of this section.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

REVISIONS:

Heading—Line 2.
