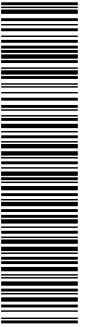


An act to amend Section 18930 of, and to amend, repeal, and add Section 18930.5 of, the Welfare and Institutions Code, relating to public social services.

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

SECTION 1. Section 18930 of the Welfare and Institutions Code, as added by Section 87 of Chapter 85 of the Statutes of 2021, is amended 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. In accordance with Section 1621(d) of Title 8 of the United States Code, this chapter provides benefits for undocumented persons.

~~(1) Subject to an appropriation in the Budget Act of 2023, the Legislature intends to begin a targeted, age-based implementation of the expansion of CFAP regardless of immigration status.~~

(1) Subject to an appropriation in the annual Budget Act for the express purpose of this paragraph, an individual 55 years of age or older shall be eligible for the program established in subdivision (a) if the individual's immigration status is the sole basis for their ineligibility for CalFresh benefits.

(2) Except as provided in paragraphs (3), (4), and (5) 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.

(3) 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 96-422).

(4) 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 if the applicant is sponsored and one of the following apply:

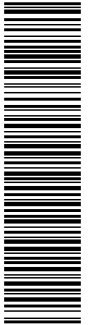
(A) The sponsor has died.

(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.

(5) 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 (4), shall be eligible for aid under this chapter beginning on October 1, 1999.

(6) The applicant shall be required to provide verification that one of the conditions of subparagraph (A), (B), or (C) of paragraph (4) has been met.



(7) For purposes of subparagraph (C) of paragraph (4), 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 are 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.

(8) 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.

(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) To the extent permissible under federal law, the delivery of CFAP nutrition benefits shall be identical to the delivery of CalFresh benefits to eligible CalFresh households.

(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.

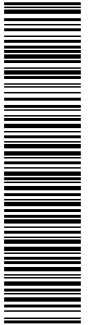
(f) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer this section through all-county letters or similar instructions without taking regulatory action until final regulations are adopted, but no later than 18 months after the date upon which this subdivision becomes operative.

(g) This section shall become operative on the date that the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section.

SEC. 2. Section 18930.5 of the Welfare and Institutions Code is amended to read:

18930.5. (a) As a condition of eligibility for assistance under this chapter:

(1) A recipient who is also receiving aid under Chapter 2 (commencing with Section 11200) of Part 3 shall be required to satisfactorily participate in welfare-to-work



activities in accordance with the recipient's welfare-to-work plan developed pursuant to Section 11325.21.

(2) A recipient who is not receiving aid under Chapter 2 shall be required to meet the ~~federal Food Stamp Program work requirement specified in Section 6(o) of the Food Stamp Act of 1977 and any subsequent amendments thereto.~~ work requirement under the federal Supplemental Nutrition Assistance Program, as specified in Section 2015(o) of Title 7 of the United States Code.

~~(b) This section shall become operative on September 1, 1998.~~

(b) This section shall become inoperative on the date that the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement Section 18930.5, as added by the act that added this subdivision, and, as of January 1 of the following year, is repealed.

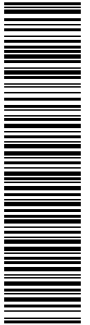
SEC. 3. Section 18930.5 is added to the Welfare and Institutions Code, to read: 18930.5. (a) A recipient of benefits under this chapter shall not be required to meet the work requirement under the federal Supplemental Nutrition Assistance Program, as specified in Section 2015(o) of Title 7 of the United States Code, or any work registration requirements.

(b) An applicant who states that they do not have a social security number shall not be required to present a social security number in order to receive benefits under this chapter.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer this section through all-county letters or similar instructions without taking regulatory action until final regulations are adopted, which shall be no later than 18 months after the date upon which this subdivision becomes operative.

(d) This section shall become operative on the date that the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement 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.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: California Food Assistance Program: eligibility.

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 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.

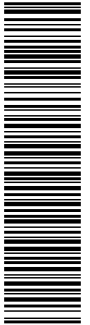
Existing law, to become operative on the date that the department notifies the Legislature that the Statewide Automated Welfare System (SAWS) has been updated to perform the necessary automation, requires the department to use state funds appropriated for CFAP to provide nutritional benefits to households that are ineligible for CalFresh benefits solely due to their immigration status.

This bill, subject to an appropriation in the annual Budget Act, would additionally make an individual 55 years of age or older eligible for the program if the individual's immigration status is the sole basis for their ineligibility for CalFresh benefits.

Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families using federal, state, and county funds. Existing law requires a recipient of CalWORKs to participate in welfare-to-work activities as a condition of eligibility. Existing law requires a recipient of CFAP benefits who is also receiving CalWORKs aid to satisfactorily participate in welfare-to-work activities, as specified, or if the recipient is not receiving CalWORKs aid, to meet specified work requirements under SNAP.

This bill instead would prohibit a recipient of CFAP benefits from being required to meet the SNAP work requirement. Under the bill, an applicant who states that they do not have a social security number would not be required to present a social security number in order to receive CFAP benefits.

This bill's provisions would become operative on the date that the department notifies the Legislature that SAWS has been updated to perform the necessary automation to implement the bill. To the extent this bill would expand eligibility for



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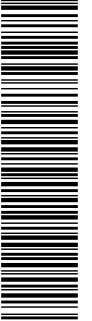
CFAP, which is administered by the counties, this bill would impose a state-mandated local program.

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. State-mandated local program: yes.

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