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## SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair  
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**Bill No:** SB 107  
**Author:** Wiener  
**Version:** February 18, 2021  
**Urgency:** No  
**Consultant:** Taryn Smith  
**Hearing Date:** March 9, 2021  
**Fiscal:** Yes

**Subject:** CalFresh

### SUMMARY

This bill requires the California Department of Social Services (CDSS) to develop a CalFresh user-centered application for seniors 60 years of age or older and for people with disabilities who are eligible to be enrolled in the Elderly Simplified Application Project (ESAP). It gives an individual the option to apply, report, and recertify for CalFresh in person, by mail, online, or by telephone, and permits an individual to complete the interview requirement and client signature by telephone, as specified.

### ABSTRACT

#### Existing Law:

- 1) Establishes under federal law the Supplemental Nutrition Assistance Program (SNAP) to promote the general welfare and to safeguard the health and wellbeing of the nation's population by raising the levels of nutrition among low-income households. (*7 United States Code [USC] Section 2011 et seq.*)
- 2) Requires that the SNAP certification period shall not exceed 12 months, except that the certification period may be up to 24 months if all adult household members are elderly or disabled. (*7 USC 2012 3(f)*)
- 3) Permits the state agency to require households that report on a periodic basis to submit reports not less often than once each six months, but not more often than once each month. (*7 USC 2015 Section 6(c)(1)(D)(i)*)
- 4) Provides that nothing in the provisions of current law, as specified, shall prohibit the use of signatures provided and maintained electronically, storage of records using automated retrieval system only, or any other feature of a state agency's application system that does not rely exclusively on the collection and retention of paper applications or other records. (*7 USC 2020 (e)(2)(C)(i)*)

- 5) Allows a state agency to establish a system by which an applicant household may sign an application through a recorded verbal assent over the phone, and enumerates the criteria with which the system must comply. (7 USC 2020 (e)(2)(C)(ii))
- 6) Requires the state agency to verify all non-excludable income and household size. (7 USC 2020 11(e)(3))
- 7) Establishes, under federal regulations, eligibility requirements for receipt of SNAP benefits, including net income that is at or below 100 percent of the federal poverty level and is determined to be a substantial limiting factor in permitting a recipient to obtain a more nutritious diet, as specified. (7 CFR 273.9)
- 8) Requires an audio recording of a telephonic signature. (7 CFR 273.2(c)(7)(iii)(A), (B), and (C))
- 9) Requires the state agency to conduct an interview at certification and recertification. (7 CFR 273.2(e))
- 10) Requires the state agency to verify gross nonexempt income, utility expenses, medical expenses, social security numbers, residency, and identity. (7 CFR 273.2(f))
- 11) Allows certification periods to extend up to 24 months for elderly and disabled households. Requires the state agency to have at least one contact with each household every 12 months. Permits the state agency to use any method it chooses for this contact. (7 CFR 273.10(f)(1))
- 12) Requires households in which all adult members are elderly or have a disability, have no earned income and are certified for period lasting between 13 and 24 months to file a periodic report once a year. (7 CFR 273.12(a)(5)(iii)(B))
- 13) Establishes in California statute the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting specified criteria. (WIC 18900 et seq.)
- 14) Requires each county welfare department to, if appropriate, exempt a household from complying with face-to-face interview requirements for purposes of determining eligibility at initial application and recertification, as specified. (WIC 18901.10)
- 15) Requires all CalFresh households to be assigned certification periods that are the maximum number of months allowable under federal law for the household type or, on a case-by-case basis only, a shorter certification period is required by the household's individual circumstances. (WIC 18910.1)
- 16) Exempts CalFresh households in which all adult members are elderly or disabled and in which the household has no earned income from being assigned midyear certification periods that align with Medi-Cal reporting requirements. (WIC 18910(b))

**This Bill:**

- 1) Makes a series of Legislative findings and declarations regarding food insecurity among low-income Californians and states legislative intent to maximize the impact of federal safety net funding to reduce poverty, fight hunger, and improve health by simplifying enrollment and maintaining access to CalFresh for all eligible, low-income Californians.
- 2) Requires CDSS to participate in all elements of ESAP, which is a demonstration project operated by the United States Department of Agriculture, Food and Nutrition Service (FNS) in order to increase client access and retention within CalFresh,
- 3) Requires CDSS to, on or before January 1, 2023, develop a CalFresh user-centered application that minimizes the burdens of the overall enrollment process for seniors 60 years of age or older and for people with disabilities who are eligible to be enrolled in ESAP.
- 4) Requires that an individual shall have the option to apply, report, and recertify for CalFresh in person, by mail, online, or by telephone, and shall have the option to complete the interview and the required client signature by telephone, to the extent permitted under federal law.
- 5) Permits counties to implement any method of telephonic signature or electronic signature, in compliance with state and federal program requirements, that is supported by county business practices and available technology.
- 6) Requires CDSS to work with counties, representatives of the statewide automated welfare system (SAWS) consortia, recognized exclusive representatives of eligibility workers, and advocates for CalFresh participants, to develop and execute a plan of support for counties that have not already implemented a telephone-based application and renewal process, and to provide technical assistance and resources.
- 7) Requires the results of the planning effort, including, but not limited to, the resources identified as necessary for counties to implement telephone signatures, to be reported to the Legislature during the 2022–23 budget hearings.
- 8) Requires, to the extent permitted under federal law, the application process to satisfy both of the following criteria:
  - a) Include simple, user-friendly language and instructions that incorporate user testing with CalFresh applicants, participants, eligibility workers, and application assisters; and
  - b) Require the eligibility, enrollment, and retention system to offer an applicant or recipient assistance with their application, required reporting, or recertification for the CalFresh program in person, over the telephone, and online, and in a manner

that is accessible to individuals with disabilities and those who have limited English proficiency.

- 9) Requires counties currently using the Consortium IV (C-IV) or LEADER Replacement System (LRS) of the SAWS to comply with the telephone signature requirements beginning on or before January 1, 2023, and counties currently using the Welfare Client Data System of SAWS to comply beginning on or before January 1, 2024.

### **FISCAL IMPACT**

This bill has not yet been analyzed by a fiscal committee.

### **BACKGROUND AND DISCUSSION**

#### **Purpose of the Bill:**

According to the author, “SB 107 seeks to break the cycle of hunger, poor health, and poverty by ensuring that all low-income Californians, and especially older adults and people with disabilities, have efficient and equitable access to CalFresh.” Specifically, SB 107 simplifies the CalFresh application for many older adults and people with disabilities and ensures all applicants and participants can complete the application and certification processes by phone. “The COVID-19 pandemic has only exacerbated the number of people facing food insecurity, with millions of Californians struggling to meet their basic food needs,” the author states. “By easing the burden of enrolling in CalFresh benefits” we can ensure those in need can live hunger free, per the author.

#### *CalFresh*

CalFresh, California’s version of federal SNAP, provides monthly food benefits to qualified low-income individuals and families to assist with the purchase of the food they need to maintain adequate nutrition levels. With 2.38 million households (and over 4.44 million people) receiving benefits, CalFresh is the largest nutrition assistance program in California. The program is administered by CDSS at the state level and California’s 58 counties are responsible for administering CalFresh at the local level. CalFresh benefits are 100 percent federally funded and national income eligibility standards and benefit levels are established by the federal government.

For most households, monthly gross income must be at or below 200 percent of federal poverty level (FPL), which amounts to \$3,620 for a family of three, in order to be eligible for CalFresh. Additionally, eligible households’ adjusted net income must be at or below 100 percent of FPL or \$1,830 for a family of three. The benefit amount a household may receive is dependent on circumstances such as household size, countable income, and monthly household expenses. The Governor’s proposed budget for 2021/22 estimates the average CalFresh household will receive about \$270 per month and the average CalFresh benefit per person will be about \$125 per month.

Historically, California's CalFresh participation rate has been at or near the lowest in the nation, with only about 70 percent of eligible recipients enrolled in CalFresh. This means about 30 percent of those eligible are not receiving CalFresh. While numerous factors contribute to California's low take up rate, two commonly cited reasons for low enrollment are the complicated enrollment and recertification processes, especially for people who are elderly or disabled. Additional barriers to senior participation in CalFresh include social and linguistic isolation, lack of knowledge about the benefit, confusion about eligibility requirements, and difficulty filling out an application.

In recent years, California has made a number of program changes intended to increase CalFresh enrollment, including removing asset tests and finger imaging requirements, increasing guidance to counties for implementing online and phone applications, integration with other social service programs, including Medi-Cal, California Work Opportunity and Responsibility to Kids (CalWORKs), and Women Infant Children (WIC). Most recently, California eliminated the "cashout" policy, which made CalFresh newly available to about 500,000 SSI/SSP recipients.

Despite these efforts, an estimated 1.6 million eligible persons are not receiving CalFresh.

#### *COVID-19 Impact and Response*

On March 4, 2020, Governor Newsom declared a statewide State of Emergency due to the COVID-19 pandemic. This was followed by a series of executive orders and instructions intended to reduce exposure to the coronavirus, including a statewide stay at home order for non-essential workers and implementing social distancing. While the stay at home order has been lifted, less restrictive containment measures that limit exposure to the virus are still in place. The economic repercussions of COVID-19 containment measures have been immediate, persistent and widespread. Federal and state efforts to tamp down those effects have included payments for nutrition assistance for children, maximizing monthly CalFresh payments, extended unemployment payments, eviction moratoriums and more.

As a result of these economic repercussions, applications for public assistance and unemployment benefits spiked. Over 8 million Californians have submitted initial unemployment claims since March 2020. CalFresh enrollment has increased by about 500,000 households since 2019. Similarly, food banks and senior meal programs saw significant increase in need for food assistance. The U.S. Census Household Pulse Survey shows that 23 percent of Californians reported food insecurity during the April through July 2020 survey period.

In response, CDSS moved to create flexibility within CalFresh and other public assistance programs to allow newly eligible persons to quickly receive benefits and to ease requirements for people already receiving benefits so that services may continue uninterrupted while county offices were closed or operating under reduced hours during the stay at home order.

One such program change was the federal waiver of telephone signature requirements, which was announced on April 2, 2020. Under this waiver, applicants may verbally attest to the information provided on the application and county welfare offices may document the attestation in the case record. This waiver may only applied at initial application and recertification interviews. It has been extended during the COVID-19 pandemic on a month-by-month basis and is currently in effect until March 31, 2021.

*Options for Completing CalFresh Enrollment and Recertification*

In order to enroll in CalFresh, one must submit an application and any required supporting documentation of earnings and expenses, complete an interview with an employee of the County Welfare Department, and signed the required forms. Prior to the COVID-19 pandemic, Californians in every county could apply for CalFresh in person, by mail and online, but only 21 of 58 counties permitted “telephonic/electronic” signature for applications and reports. In the remaining 37 counties, applicants could complete the required interview by phone, but then had to receive, sign, and return the application to the County Welfare Department.

Federal authority to use electronic signatures was granted with passage of the 2008 Farm Bill (P.L. 110-234), which authorized a state agency to establish a system by which an applicant household may sign an application through a recorded verbal assent over the telephone. Under current law, California counties have the option, but are not required, to provide electronic signatures for CalFresh. CDSS has issued guidance to counties on how to implement electronic signatures, should a county choose to do so.

Flexibilities permitted due to the COVID-19 pandemic currently allow the 37 California counties that did not have telephonic/electronic signature capacity to implement emergency workarounds to provide remote services. Those workarounds are possible due to expanded flexibility provided through temporary federal waivers, which are approved by USDA Food and Nutrition Service on a temporary, month-by-month basis.

While there may be efforts to sustain electronic signatures for CalFresh program after the federal waiver expires and before SAWS is fully implemented, nothing has been secured as of the hearing of this bill. Thus, residents of 37 California counties could be forced to return to being required to submit written signatures on their application forms.

*Elderly Simplified Application Project (ESAP)*

ESAP is a federal demonstration project intended to increase SNAP participation and streamline enrollment among households composed solely of elderly (60 years of age or older) or disabled members with no earned income. According to FNS’s ESAP guidance:

“The elderly are a historically underserved group and face many barriers to participation including limited mobility and minimal access to electronic equipment that can facilitate compliance with verification and reporting requirements. Similarly, disabled households struggle to make ends meet and the verification and paperwork requirements may be a hurdle to participation. However, low-income elderly and disabled households with no earned income often live in stable settings where factors like unearned income (e.g. social security, SSI), social security number, residency, etc., are readily verifiable through other means like data matches. As a result, the burden of the typical SNAP application process may hinder participation of these vulnerable groups, while contributing relatively little information that cannot be found and verified elsewhere. The ESAP demonstration projects work to minimize these barriers, while balancing the need for ESAP participants to get the full benefit they are entitled to receive.”

Several federal rules may be waived under ESAP in order to make it easier for elderly or disabled households with no earned income to obtain SNAP benefits. California began participating in ESAP in 2017 and CDSS has obtained waivers from FNS that permitted the state to:

- Waive the recertification interview requirement for elderly or disabled households with no earned income;
- Make use of data matching to reduce client-provided verifications for elderly or disabled households with no earned income;
- Extended the certification period to 36 months for elderly or disabled households with no earned income; and
- Waive the requirement to contact the household at least once every 12 months, thereby eliminating the need to send and collect an Eligibility Status Report (SAR 7). This waiver is contingent on automation and estimated to be implemented in 2022.

According to the state's most recent annual ESAP report, 226,786 ESAP households were enrolled in CalFresh in federal fiscal year 2020. Of those, zero were denied CalFresh benefits, which appears to indicate clear need for food assistance within the targeted population. Since implementation, about 600,000 households have been certified under ESAP. This bill's sponsor estimates that more than one million more are currently eligible for ESAP.

The only element of ESAP that California has not adopted is the simplified application form. This bill requires CDSS to implement a simplified application for elderly and disabled households that are eligible for ESAP, which does not require a federal waiver. The current CalFresh application is 18 pages long and contains questions that can be irrelevant to elderly or disabled households with no earned income. Advocates assert that the 18-page application can be intimidating to this population and cite it as a factor affecting the state's low participation rate.

There is statewide interest in making this change, as the State's Master Plan for Aging calls for simplifying CalFresh and continuing to "streamline older and disabled adult enrollment, renewal, and online shopping in CalFresh, as allowable."

While many government programs are moving to online services, stakeholders report that low-income older adults want the option of completing a paper CalFresh application. This is because many lack reliable internet access and/or do not feel comfortable sharing personal information online.

#### **Related/Prior Legislation:**

**SB 882 (Wiener, 2020)** would have required CDSS to expand its participation in the federal ESAP by developing a user-centered application for seniors and waiving the semi-annual reporting for ESAP households. The bill also would have given an individual the option to apply, report, and recertify for CalFresh in person, by mail, online, or by telephone and permitted an individual to complete the interview requirement and client signature by telephone. This bill was held in the Senate Appropriations Committee.

**AB 2413 (Ting, 2020)** would have required each county welfare department to utilize text message communications for certain applicants and beneficiaries of CalFresh, streamlined certain aspects of the CalFresh processes, and required counties to implement certain interview scheduling techniques in addition to providing written notice, among other changes. After being heard in this committee, this bill was amended to a policy area outside of the committee's jurisdiction.

**SB 285 (Wiener, 2019)** would have required CDSS to set statewide goals for CalFresh participation and to collaborate with stakeholders to increase CalFresh enrollment, participation and retention rates. The bill also would have required an individual to have the option to apply, report and recertify for CalFresh in person, by mail, online or by telephone, and to complete the interview and the required client signature by telephone, by specified dates. This bill was held in the Assembly Appropriations Committee.

**AB 1811 (Committee on Budget, Chapter 35, Statutes of 2018)** granted CalFresh eligibility to recipients of Supplemental Security Income, State Supplementary Payment, or both as of June 1, 2019, among other things.

**SB 1147 (DeSaulnier, 2014)** proposed the establishment of statewide, CalFresh performance goals and customer service standards, including publicly available, county-by-county measures of progress in meeting these goals and standards. This bill was held in the Senate Appropriations Committee.

**SB 1002 (DeLeon, 2014)** would have would have required designated state agencies to seek waivers that would align a household's Medi-Cal redetermination date with the same household's CalFresh certification date. This bill was vetoed.

**AB 191 (Bocanegra, Chapter 669, Statutes of 2013)** streamlined CalFresh eligibility for Medi-Cal recipients and their families by making low-income households with a Medi-Cal recipient (with gross income up to 200 percent FPL) categorically eligible for CalFresh, thereby removing a CalFresh income barrier, and improving alignment between CalFresh and Medi-Cal.

**AB 6 (Fuentes, Chapter 501, Statutes of 2011)** modernized CalFresh by moving California to semi-annual reporting, eliminating finger imaging for CalFresh, and implementing a "Heat and Eat" program.

**AB 69 (Beall, Chapter 502, Statues of 2011)** allowed counties to identify, through the Social Security Administration (SSA) benefits database, seniors who may be eligible for CalFresh benefits in order to enroll them in the program and improve their nutrition.

**AB 433 (Beall, Chapter 625, Statutes of 2008)** required CDSS to establish categorical eligibility for the Food Stamp Program, thereby removing the asset test for CalFresh eligibility and application. The bill also renamed and rebranded food stamps as CalFresh since "food stamps" no longer existed.

## COMMENTS



Plans are underway to reconfigure the counties' technology system (known as SAWS), which will facilitate telephonic signatures throughout the state. However, that rollout is not projected to be complete until 2023. Also of note, is the often fluid timeline for statewide IT projects. As the bill moves forward, it might be necessary to amend the bill to reflect current timelines.

**POSITIONS**

**Support:**

Nourish California/ AARP California/  
 California Association of Food Banks/  
 SF-Marin Food Bank (Co-Sponsors)  
 Alameda County Community Food Bank  
 American Civil Liberties Union of  
 California  
 California Academy of Nutrition and  
 Dietetics  
 California Alliance for Retired Americans  
 California Association of Food Banks  
 California Catholic Conference  
 California School Employees Association  
 California Senior Legislature  
 Community Action Marin  
 Community Action Partnership of Orange  
 County  
 County of Marin  
 County Welfare Directors Association of  
 California (CWDA)  
 Everyone's Harvest  
 Feeding San Diego  
 Food for People, the Food Bank for  
 Humboldt County  
 Food Bank of Contra Costa and Solano  
 Humboldt Food Policy Council  
 Hunger Action Los Angeles INC  
 Jewish Family Service of Los Angeles

Justice in Aging  
 Law Foundation of Silicon Valley  
 Long Beach Alliance for Food and Fitness  
 Los Angeles County Medical Association  
 Los Angeles Regional Food Bank  
 Marin Food Policy Council  
 Mazon: A Jewish Response to Hunger  
 Meals on Wheels Diablo Valley Region  
 National Health Foundation  
 Redwood Empire Food Bank  
 Roots of Change  
 Sacramento Food Bank & Family Services  
 San Diegans for Healthcare Coverage  
 San Francisco Wholesale Produce Market  
 (SF Market)  
 Second Harvest Food Bank of Orange  
 County  
 Second Harvest of Silicon Valley  
 Senior Services Coalition of Alameda  
 County  
 Slow Food California  
 Spectrum Community Services  
 Spur  
 St. Anthony Foundation  
 Unbox  
 Western Center on Law & Poverty, INC.

**Oppose:**

None received.

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