
THIRD READING

Bill No: SB 464
Author: Hurtado (D)
Amended: 5/20/21
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 4-1, 3/23/21
AYES: Hurtado, Cortese, Kamlager, Pan
NOES: Jones

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/20/21
AYES: Portantino, Bradford, Kamlager, Laird, Wieckowski
NOES: Bates, Jones

SUBJECT: California Food Assistance Program: eligibility

SOURCE: Nourish California

DIGEST: This bill makes noncitizens eligible for the California Food Assistance Program (CFAP) if the noncitizens satisfy all eligibility criteria for participation in CalFresh except any requirements related to immigration status.

ANALYSIS:

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 USC Section 2011 et seq.*)
- 2) Establishes citizenship requirements for SNAP benefits, including that undocumented immigrants are not eligible for SNAP, as specified. (*7 CFR 273.4*)

- 3) 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.*)
- 4) Requires the California Department of Social Services (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.*)
- 5) Provides that noncitizens of the United States shall be eligible for the 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 under Public Law 104-193 and any subsequent amendments thereto. (*WIC 18930(b)(1)*)
- 6) Provides that noncitizens of the United States 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)*)
- 7) Provides that an applicant who is otherwise eligible for the CFAP but who entered the United States on or after August 22, 1996, shall be eligible for aid only if they are sponsored and the sponsor has died; the sponsor is disabled, as specified; or 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. (*WIC 18930(b)(3)*)
- 8) Provides that an applicant who is otherwise eligible for CFAP but who entered the United States 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)*)
- 9) Requires applicants for CFAP to provide verification that specified conditions of eligibility are met. (*WIC 18930(b)(5)*)
- 10) Defines abuse and the documentation necessary to verify abuse as a condition of eligibility for the CFAP. (*WIC 18930(b)(6)-(7)*)

- 11) Requires, in counties approved for alternate benefit issuance systems, that the same alternate benefit issuance system shall be approved for CFAP. (*WIC 18930(c)*)
- 12) 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)*)
- 13) Provides that no household shall receive more CalFresh benefits under this section than it would if no household member was rendered ineligible pursuant to specified federal law and any subsequent amendments thereto. (*WIC 18930(d)(2)*)
- 14) Provides that CFAP became effective on September 1, 1998. (*WIC 18900(e)*)

This bill:

- 1) Makes a series of legislative findings and declarations regarding food assistance programs and food insecurity among immigrant communities.
- 2) Deletes requirement that, in counties approved for alternate benefit issuance systems, that the same alternate benefit issuance system shall be approved for CFAP.
- 3) Makes provisions of current law that create CFAP inoperative on the date that both of the following events have occurred, and, as of January 1 of the following year, repeals the same provisions of current law:
 - a) CDSS has notified the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement the bill; and
 - b) The Legislature has appropriated funds for the purposes of implementing this bill.
- 4) Reestablishes CFAP.
- 5) Requires that CFAP utilize existing CalFresh and electronic benefits transfer (EBT) system infrastructure to the extent permissible by federal law.

- 6) 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.
- 7) Requires 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.
- 8) 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, had they not been excluded due to their immigration status.
- 9) Requires the delivery of CFAP nutrition benefits to be identical to the delivery of CalFresh benefits to eligible CalFresh households.
- 10) Requires the eligibility and benefit determination criteria for CFAP to be identical to the eligibility and benefit determination criteria for households eligible for CalFresh, except for eligibility requirements related to immigration status.
- 11) Requires the reporting and recertification requirements for CFAP nutrition benefits to be identical to those required of a household eligible for CalFresh benefits, except for reporting and recertification requirements related to immigration status.
- 12) Requires the verification requirements for CFAP nutrition benefits to 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.
- 13) Requires the application process and timeliness standards for CFAP nutrition benefits to be identical to the application process and timeliness standards for households applying for CalFresh benefits.
- 14) Requires, to the extent allowed by federal law, the income, resources, and deductible expenses of those persons who are ineligible for CalFresh benefits solely due to their immigration status shall be excluded when calculating CalFresh benefits.

15) Provides that no household shall receive more CalFresh benefits than it would if no household member was rendered ineligible pursuant to federal law and any subsequent amendments thereto.

16) Makes technical non-substantive changes.

Comments

According to the author, “SB 464 will allow noncitizen immigrants to be eligible for the California Food Assistance Program. Approximately 1 in 10 Californians experienced food insecurity prior to COVID-19—yet two million undocumented immigrants were not eligible for most food assistance. Post-pandemic, many families will remain in need of food assistance. SB 464 will help provide food security to low-income families, while helping to lift them out of poverty, as CalFresh has been proven to do.”

Food Insecurity - Food is a basic need and, for more and more Californians, it is becoming harder to obtain. The combined effects of the COVID-19 pandemic, wildfires, public safety power shutoffs, and other disasters have had a staggering effect on food security across the state. According to the U.S. Census Bureau’s Household Pulse Survey, about 23 percent of California households were food insecure and 29.5 percent of households with children were food insecure in February 2021. Additionally, the Pulse Survey showed that Hispanic or Latino communities are experiencing disproportionate rates and impacts of hunger, as 36.8 percent of Hispanic or Latino households with children experienced food insufficiency in early 2021. Food insecurity in agricultural communities is increasing. The Central California Food Bank reports a 43 percent jump in food distribution in April 2020 from the year prior. Additionally, 25 percent of people showing up in food lines had never sought emergency food help before.

People who are food insecure are disproportionately affected by chronic diseases such as heart disease, obesity, diabetes and high blood pressure. Not having enough healthy food can have serious implications for a child’s physical and mental health, academic achievement and future economic prosperity. Research shows an association between food insecurity and delayed development in young children; risk of chronic illnesses like asthma and anemia; and behavioral problems like hyperactivity, anxiety and aggression in school-age children.

California’s Undocumented Immigrant Population - There are over 2 million undocumented immigrants living in California. Additionally, California’s labor force includes about 1.75 million undocumented immigrants, according to the

PRC. According to the Public Policy Institute of California, undocumented immigrants work disproportionately in agriculture, construction, and manufacturing. A large portion of California's undocumented immigrants are the farmworkers who harvest fruits and vegetables all over California, yet research suggests they struggle to feed their own families. Although they were declared essential workers during the COVID-19 pandemic, farmworkers are reportedly experiencing food insecurity at higher rates than other populations. Farmworkers in California without documentation are some of the hardest hit economically, because they often do not qualify for safety net services, such as unemployment, CalFresh, and COVID-19 stimulus aid. Farmworkers often live in rural communities where resources like food pantries and soup kitchens can be inaccessible, especially when food distributions are scheduled during normal working hours. Some farmworkers avoid enrolling in any nutrition programs because of the belief that participating in public assistance may compromise their immigration or residency status. Poor translation services and misinformation on eligibility have also been identified as barriers to food assistance.

California Food Assistance Program (CFAP) - California's largest food assistance program is CalFresh, which is funded entirely through the federal SNAP program. Through CalFresh, qualified low-income individuals are provided special ATM-like cards to qualified low-income individuals and families. These "EBT" cards are used in grocery stores and farmers markets to purchase authorized food products.

By federal law, CalFresh benefits are not available to undocumented immigrants. However, California provides state-funded food benefits through CFAP for a limited group of qualified non-citizens who are not eligible for federal benefits due to their immigration status. Like CalFresh, CFAP benefits are provided via EBT cards and can only be used to purchase food products authorized under CalFresh. CFAP was created in response to passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, which restricted federal eligibility for aid to immigrant populations entering the United States. California responded by establishing CFAP in order to provide state-funded nutritional aid to legally present immigrant populations who had lost SNAP benefits due to PRWORA. Income and other eligibility requirements, as well as benefit amounts, for CFAP align with those for CalFresh. According to CDSS, CFAP provides food assistance to approximately 35,000 individuals each month. This benefit amount averages about \$250 per household and \$100 per person.

California law identifies specific categories of lawfully present immigrants who are eligible for CFAP benefits. Those categories are listed in the "existing law" section of this analysis. While immigration categories have expanded in recent

years, CFAP rules have not been adjusted to allow these new immigrant populations to be eligible for CFAP benefits. For example, individuals qualifying for Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status, Deferred Enforced Departure, and/or other long-time residents who are in the process of adjusting to legal permanent residency status are not eligible for this state-funded food assistance.

SB 464 is intended to expand state-funded nutrition assistance provided under CFAP to all immigrants, regardless of their status. This bill is considered a long-term solution to a long-standing problem wherein over 2 million people living in California are categorically excluded from the country's largest food assistance program. There is another bill under consideration that would provide nutrition assistance to undocumented immigrants as a disaster benefit. That bill, AB 221 (Santiago), will provide immediate short-term disaster relief assistance in response to the COVID-19 pandemic. SB 464 will establish a permanent food assistance program for the same population beginning in 2023.

Benefits of Enrolling People into CalFresh - The socioeconomic and health benefits of SNAP/CalFresh are well-documented. For example, without CalFresh, nearly 700,000 additional Californians would be living in poverty. A 2019 USDA analysis finds that a \$1 billion increase in SNAP benefits would raise gross domestic product by \$1.54 billion and support 13,560 jobs. SNAP is associated with a 38 percent reduction in psychological distress among participating households. Low-income adults participating in SNAP incur about \$1,400, or nearly 25 percent, less in annual medical care costs than non-participants. These findings suggest that expanding access to SNAP-like food benefits could compound the known advantages of the program. A more complete list of findings regarding the benefits of enrolling in CalFresh can be found in the Senate Human Services Committee analysis of this bill.

Related/Prior Legislation

AB 221 (Santiago, 2021) requires CDSS to provide a disaster benefit for food assistance to low-income California residents, regardless of their immigration status, if they attest that they are eligible of specified government-funded immigration services, as specified. AB 221 also requires CDSS to commission a study to provide recommendations and solutions to a permanent food assistance program for all low-income California residents experiencing food insecurity, regardless of their immigration status, as specified. This bill is awaiting action on the Assembly floor.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee, 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 not limited to administrative costs, ensuring integrity of the program, automation and other costs.”

SUPPORT: (Verified 5/20/21)

Nourish California (source)

Alliance San Diego

American Academy of Pediatrics, California

APLA Health

Asian American Advancing Justice- California

California Alternative Payment Program Association

California Association of Food Banks

California Black Health Network

California Catholic Conference

California Climate and Agriculture Network

California Immigrant Policy Center

California Latinas for Reproductive Justice

California Pan Ethnic Health Network

California Rural Legal Assistance

California WIC Association

Coalition of California Welfare Rights Organization

Community Clinic Association of Los Angeles County

County Health Executives Association of California

County of San Diego

County of Santa Clara

County Welfare Directors Association of California

Empowering Pacific Islander Communities

First 5 Association of California

Food Bank of Northern Nevada

Health Net

Hunger Action Los Angeles INC

Los Angeles County Board of Supervisors

Los Angeles County Office of Education

Los Angeles Regional Food Bank

Merced LAO Family Community

Mi Familia Vota

National Association of Social Workers, California Chapter
National Health Foundation
No Kid Hungry
Pesticide Action Network- North America
San Francisco Marin Food Bank
Second Harvest Food Bank of Orange County
SEIU California
Southeast Asia Resource Action Center
The Children's Partnership
The Women's Building
Vision y Compromiso
Western Center on Law and Poverty, Inc.
8 Individuals

OPPOSITION: (Verified 5/20/21)

None received

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