CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

# ASSEMBLY BILL                                     No. 696

**Introduced by Assembly Member Chu**
*(Principal coauthor: Assembly Member Lieber)*
*(Coauthors: Assembly Members Chan, Dymally, Hancock, Jones, Koretz, Laird, Leno, Levine, Salinas, Vargas, Wolk, and Yee)*
*(Coauthors: Senators Chesbro, Kuehl, and Romero)*

February 17, 2005

An act to add Sections 18901.55, 18920, and 18926 to, to repeal Sections 11265.2, 11265.3, and 18910 of, to repeal Chapter 4.6 (commencing with Section 10830) of Part 2 of Division 9 of, and to repeal and add Section 11265.1 of, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 696, as amended, Chu. Public social services: CalWORKs and Food Stamp Program.

(1) Existing law provides for 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 and individuals. *This program is funded in part pursuant to the federal Temporary Assistance for Needy Families Block Grant.* Under existing law, the a county is required to make an annual redetermination of eligibility for purposes of CalWORKs benefits, and is additionally required to redetermine recipient eligibility and grant amounts on a quarterly basis.

This bill would replace the quarterly redetermination requirement with a semiannual redetermination requirement, and would make conforming changes.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

(2) Existing law requires the department and the California Health and Human Services Agency Data Center to design, implement, and maintain a statewide fingerprint imaging system for use in connection with the determination of eligibility for benefits under the Food Stamp Program and other social services programs.

This bill would delete this requirement.

(3) Existing law provides for the federal Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households.

Existing law also provides for the Medi–Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low–income persons.

Under existing law, the State Department of Social Services is required to develop a program of categorical eligibility under the Food Stamp Program for persons receiving certain cash assistance for indigent persons.

This bill would require the department to establish a similar categorical eligibility program for recipients of benefits under the Medi–Cal program, ~~including~~ *when those individuals will receive or be authorized to receive TANF-funded benefits or services, that shall include* appropriate referral services for eligible individuals.

This bill would require the department to undertake various actions to improve the Food Stamp Program at the state and county levels with respect to customer service and performance standards, including, among other things, development of mail–in application procedures for the program.

(4) Existing federal regulations limit participation in the Food Stamp Program to 3 months during any 3–year period, unless a designated exemption, waiver, or other exception applies.

This bill would require the department to seek a waiver from the Food and Nutrition Service of the United States Department of Agriculture of the 3–month time limit for participation in the Food Stamp Program, in accordance with federal regulations. The bill would require the waiver to apply statewide or to applicable counties,

based on the supporting data that is provided by the department *and would authorize an eligible county to opt out of the waiver under designated circumstances*.

(5) Because counties administer the CalWORKs program and Food Stamp Program, this bill would increase county duties by potentially extending the period of eligibility for these programs for certain recipients, and would thereby impose a state–mandated local program.

(6) 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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 4.6 (commencing with Section 10830)
2 of Part 2 of Division 9 of the Welfare and Institutions Code is
3 repealed.
4     SEC. 2. Section 11265.1 of the Welfare and Institutions
5 Code, as amended by Section 1 of Chapter 826 of the Statutes of
6 1999, is repealed.
7     SEC. 3. Section 11265.1 of the Welfare and Institutions
8 Code, as added by Section 30 of Chapter 1022 of the Statutes of
9 2002, is repealed.
10    SEC. 4. Section 11265.1 is added to the Welfare and
11 Institutions Code, to read:
12    11265.1. (a) In addition to the requirement for an annual
13 redetermination of eligibility, counties shall redetermine recipient
14 eligibility and grant amounts on a semiannual basis using
15 prospective budgeting. Counties shall use the information
16 reported on a recipient's semiannual report form to prospectively
17 determine eligibility and grant amount for the following
18 semiannual reporting period.
19    (b) A semiannual reporting period shall be six consecutive
20 calendar months. The recipient shall submit one semiannual

1 report form for each reporting period. Counties shall provide a
2 semiannual report form to recipients at the end of the fourth
3 month of the semiannual reporting period, and recipients shall
4 return the completed semiannual report form with required
5 verification to the county by the 11th day of the fifth month of
6 the semiannual reporting period.
7     (c) Counties may establish staggered semiannual reporting
8 cycles based on factors established or approved by the
9 department, including, but not limited to, application date or case
10 number.
11     (d) The semiannual report form shall be signed under penalty
12 of perjury, and shall include only information necessary to
13 determine CalWORKs and food stamp eligibility and calculate
14 the CalWORKs grant amount and food stamp allotment, as
15 specified by the department. The form shall be as
16 comprehensible as possible for recipients and shall require
17 recipients to provide the following:
18     (1) Information about income received during the fourth
19 month of the semiannual reporting period.
20     (2) Information about income that the recipient anticipates
21 receiving during the following semiannual reporting period.
22     (3) Any other changes to facts required to be reported,
23 together with any changes to those facts that the recipient
24 anticipates will occur. The recipient shall provide verification as
25 specified by the department with the semiannual report form.
26     (e) A semiannual report form shall be considered complete if
27 the following requirements, as specified by the department, are
28 met:
29     (1) The form is signed no earlier than the first day of the fifth
30 month of the quarterly *semiannual* reporting period by the
31 persons specified by the department.
32     (2) All questions and items pertaining to CalWORKs and food
33 stamp eligibility and grant amount are answered.
34     (3) Verification required by the department is provided.
35     (f) If a recipient fails to submit a complete semiannual report
36 form, as defined in subdivision (e), by the 11th day of the fifth
37 month of the semiannual reporting period, the county shall
38 provide the recipient with a notice that the county will terminate
39 benefits at the end of the month. Prior to terminating benefits, the
40 county shall attempt to make personal contact to remind the

1 recipient that a completed report is due, or, if contact is not made,
2 shall send a reminder notice to the recipient no later than five
3 days prior to the end of the month. Any discontinuance notice
4 shall be rescinded if a complete report is received by the first
5 working day of the first month of the following semiannual
6 reporting period.
7 (g) The county may determine, at any time prior to the last day
8 of the calendar month following discontinuance for
9 nonsubmission of a ~~quarterly~~ *semiannual* report form, that a
10 recipient had good cause for failing to submit a complete
11 semiannual report form, as defined in subdivision (e), by the first
12 working day of the month following discontinuance. If the
13 county finds a recipient had good cause, as defined by the
14 department, it shall rescind the discontinuance notice. Good
15 cause exists only when the recipient cannot reasonably be
16 expected to fulfill his or her reporting responsibilities due to
17 factors outside of the recipient's control.
18 *(h) Within the semiannual reporting period, no additional*
19 *reporting requirements shall exist for participants, unless*
20 *required by federal law.*
21 SEC. 5. Section 11265.2 of the Welfare and Institutions
22 Code, as amended by Section 30 of Chapter 108 of the Statutes
23 of 2000, is repealed.
24 SEC. 6. Section 11265.2 of the Welfare and Institutions
25 Code, as added by Section 32 of Chapter 1022 of the Statutes of
26 2002, is repealed.
27 SEC. 7. Section 11265.3 of the Welfare and Institutions Code
28 is repealed.
29 SEC. 8. Section 18901.55 is added to the Welfare and
30 Institutions Code, to read:
31 18901.55. (a) The department shall establish a program of
32 categorical eligibility for food stamps for any individual
33 receiving medical assistance under Chapter 7 (commencing with
34 Section 14000)*, when those individuals will receive or will be*
35 *authorized to receive TANF-funded benefits or services*. The
36 program shall include all necessary referral services for those
37 eligible persons.
38 (b) The director shall implement the program established
39 pursuant to this section only with the appropriate federal

1 authorization and if implementation would not result in the loss
2 of federal financial participation.
3    *(c) To the extent permitted by federal law, a county shall be*
4 *held harmless from federal food stamp error rate penalties*
5 *resulting from implementation of this section.*
6    SEC. 9.  Section 18910 of the Welfare and Institutions Code is
7 repealed.
8    SEC. 10. Section 18920 is added to the Welfare and
9 Institutions Code, to read:
10    18920.  To the extent permitted by federal law, the department
11 shall take all the following actions to improve the Food Stamp
12 Program at the state and county levels:
13    (a)  Seek appropriate waivers *that will increase participation in*
14 *the Food Stamp Program* from the Food Nutrition Service of the
15 United States Department of Agriculture*,* to reduce verification
16 burdens on applicants.
17    (b)  Adapt the revised food stamp allocation required under
18 Section 18901.8, to create an application suitable for mail–in
19 application and other out of office uses.
20    (c)  Develop a standardized mail–in packet for applicant and
21 develop procedures for administrators handling mail–in cases and
22 out–of–office cases. *These procedures shall seek to minimize*
23 *follow-up required by county staff. The procedures shall indicate*
24 *all of the following:*
25    *(1) Other program requirements remain in effect for*
26 *individuals using the mail-in application process.*
27    *(2) Unless eligible for waivers or exemptions, mail-in*
28 *applicants may still be required to come into the county office to*
29 *complete the application process.*
30    *(3) Mail-in applicants may still be required to provide*
31 *additional information that is necessary to determine eligibility.*
32    *(4) Applicants in need of emergency or expedited food*
33 *assistance should not be encouraged to use the mail-in*
34 *application process.*
35    (d)  Develop ~~customer standards~~ *and conduct appropriate*
36 *customer surveys for the purpose of developing best practice*
37 *guidelines for improving customer service and increasing food*
38 *stamp access. The guidelines shall be developed*, in conjunction
39 with advocates and ~~administrators~~ *counties*, including, but not
40 limited to, the following subjects:

1 (1) Making application processing more efficient.
2 (2) Shortening customer office waiting time.
3 (3) Limiting the number of office visits required by customers.
4 (4) Providing for the issuance of mail–in applications.
5 (5) Ensuring the timeliness of worker response to customers.
6 (6) Improving accessibility of workers by telephone or
7 electronic mail*, as appropriate and feasible.*
8 ~~(7) Developing and conducting appropriate customer surveys.~~
9 SEC. 11. Section 18926 is added to the Welfare and
10 Institutions Code, to read:
11 18926. In accordance with Section 273.24(f) of Part 7 of the
12 Code of Federal Regulations, the department shall seek a waiver
13 from the Food and Nutrition Service of the United States
14 Department of Agriculture of the three-month time limit
15 contained in Section 273.24(b) of that part for participation of
16 certain beneficiaries in the Food Stamp Program. The waiver
17 shall be applicable statewide, or for all eligible counties
18 identified in the department's supporting data. *An eligible county*
19 *may opt out of the waiver if the county provides written evidence*
20 *of official action taken by its board of supervisors to that effect.*
21 SEC. 12. No appropriation for purposes of Section 15200 of
22 the Welfare and Institutions Code shall be made for purposes of
23 implementing this act.
24 SEC. 13. If the Commission on State Mandates determines
25 that this act contains costs mandated by the state, reimbursement
26 to local agencies and school districts for those costs shall be
27 made pursuant to Part 7 (commencing with Section 17500) of
28 Division 4 of Title 2 of the Government Code.

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