

**ASSEMBLY BILL**

**No. 2345**

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**Introduced by Assembly Member Gonzalez**

February 21, 2014

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An act to amend Sections 11104 and 18930 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2345, as introduced, Gonzalez. Public social services: eligibility: noncitizens.

Existing law establishes various social services programs that provide cash assistance and other benefits to qualified low-income families and individuals, including the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under existing law, an alien is eligible for aid under these programs only if he or she has been lawfully admitted for permanent residence, or is otherwise permanently residing in the United States under color of law.

Existing law requires the State Department of Social Services to establish a food assistance program for certain immigrants residing in this state, including, among others, a battered immigrant spouse or a Cuban or Haitian entrant, as described in specified provisions of federal law.

This bill would additionally provide that a noncitizen is eligible for aid under these programs if he or she is lawfully present in the United States. To the extent this bill would expand eligibility for CalWORKs and the food assistance program, which are administered by the counties, this bill would impose a state-mandated local program.

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.

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. Section 11104 of the Welfare and Institutions  
2 Code is amended to read:

3 11104. ~~Aliens shall~~ (a) *Noncitizens of the United States shall*  
4 *be eligible for aid only to the extent permitted by federal law.*

5 ~~An alien shall~~

6 (b) *A noncitizen of the United States shall only be eligible for*  
7 *aid if ~~the alien~~ he or she has been lawfully admitted for permanent*  
8 *residence, is lawfully present in the United States, or is otherwise*  
9 *permanently residing in the United States under color of law. No*  
10 *aid shall be paid unless evidence as to eligible-~~alien~~ noncitizen*  
11 *status is presented.*

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

14 18930. (a) The State Department of Social Services shall  
15 establish a Food Assistance Program to provide assistance for  
16 those persons described in subdivision (b). The department shall  
17 enter into an agreement with the United States Department of  
18 Agriculture to use the existing federal Supplemental Nutrition  
19 Assistance Program coupons for the purposes of administering  
20 this program. Persons who are members of a household receiving  
21 CalFresh benefits under this chapter or under Chapter 10  
22 (commencing with Section 18900), and are receiving CalWORKs  
23 benefits under Chapter 2 (commencing with Section 11200) of  
24 Part 3 on September 1, 1998, shall have eligibility determined  
25 under this chapter without need for a new application no later than

1 November 1, 1998, and the beginning date of assistance under this  
2 chapter for those persons shall be September 1, 1998.

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

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

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

25 (A) The sponsor has died.

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

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

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

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

38 (6) For purposes of subparagraph (C) of paragraph ~~(2)~~ (3), abuse  
39 shall be defined in the same manner as provided in Section 11495.1  
40 and Section 11495.12. A sworn statement of abuse by a victim, or

1 the representative of the victim if the victim is not able to  
2 competently swear, shall be sufficient to establish abuse if one or  
3 more additional items of evidence of abuse is also provided.  
4 Additional evidence may include, but is not limited to, the  
5 following:

- 6 (A) Police, government agency, or court records or files.
- 7 (B) Documentation from a domestic violence program, legal,  
8 clinical, medical, or other professional from whom the applicant  
9 or recipient has sought assistance in dealing with abuse.

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

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

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

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

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

28 (e) This section shall become operative on September 1, 1998.

29 SEC. 3. No appropriation pursuant to Section 15200 of the  
30 Welfare and Institutions Code shall be made for purposes of  
31 implementing this act.

32 SEC. 4. If the Commission on State Mandates determines that  
33 this act contains costs mandated by the state, reimbursement to  
34 local agencies and school districts for those costs shall be made  
35 pursuant to Part 7 (commencing with Section 17500) of Division  
36 4 of Title 2 of the Government Code.