

**ASSEMBLY BILL**

**No. 1770**

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**Introduced by Assembly Member Alejo**

February 3, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1770, as introduced, Alejo. Food assistance program: eligibility. Existing law requires the State Department of Social Services to establish the 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 make technical, nonsubstantive changes to these provisions.

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

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

- 1 SECTION 1. Section 18930 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 18930. (a) The State Department of Social Services shall
- 4 establish a Food Assistance Program to provide assistance for
- 5 those persons described in subdivision (b). The department shall
- 6 enter into an agreement with the United States Department of
- 7 Agriculture to use the existing federal Supplemental Nutrition
- 8 Assistance Program coupons for the purposes of administering

1 this program. Persons who are members of a household receiving  
2 CalFresh benefits under this chapter or under Chapter 10  
3 (commencing with Section 18900), and are receiving CalWORKs  
4 benefits under Chapter 2 (commencing with Section 11200) of  
5 Part 3 on September 1, 1998, shall have eligibility determined  
6 under this chapter without need for a new application no later than  
7 November 1, 1998, and the beginning date of assistance under this  
8 chapter for those persons shall be September 1, 1998.

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

18 (2) Noncitizens of the United States shall be eligible for the  
19 program established pursuant to subdivision (a) if the person is a  
20 battered immigrant spouse or child or the parent or child of the  
21 battered immigrant, as described in Section 1641(c) of Title 8 of  
22 the United States Code, as amended by Section 5571 of Public  
23 Law 105-33, or if the person is a Cuban or Haitian entrant as  
24 described in Section 501(e) of the federal Refugee Education  
25 Assistance Act of 1980 (Public Law ~~96-122~~: 96-422).

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

30 (A) The sponsor has died.

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

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

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

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

4 (6) For purposes of subparagraph (C) of paragraph ~~(2)~~, (3),  
5 abuse shall be defined in the same manner as provided in Section  
6 11495.1 and Section 11495.12. A sworn statement of abuse by a  
7 victim, or the representative of the victim if the victim is not able  
8 to competently swear, shall be sufficient to establish abuse if one  
9 or more additional items of evidence of abuse is also provided.  
10 Additional evidence may include, but is not limited to, the  
11 following:

12 (A) Police, government agency, or court records or files.

13 (B) Documentation from a domestic violence program, legal,  
14 clinical, medical, or other professional from whom the applicant  
15 or recipient has sought assistance in dealing with abuse.

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

18 (D) Physical evidence of abuse.

19 (7) If the victim cannot provide additional evidence of abuse,  
20 then the sworn statement shall be sufficient if the county makes a  
21 determination documented in writing in the case file that the  
22 applicant is credible.

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

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

30 (2) ~~No~~A household shall *not* receive more CalFresh benefits  
31 under this section than it would if no household member was  
32 rendered ineligible pursuant to Title IV of Public Law 104-193  
33 and any subsequent amendments thereto.

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