

**ASSEMBLY BILL**

**No. 873**

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**Introduced by Assembly Member Villaraigosa**

February 25, 1999

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An act to amend Sections 18930, 18930.5, 18934, 18938, 18940, and 18944 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 873, as introduced, Villaraigosa. Social services programs: legal immigrants.

Existing law, operative until July 1, 2000, requires the State Department of Social Services to establish a Food Assistance Program for certain immigrants residing in this state.

Existing law, operative until July 1, 2000, requires the department to establish and supervise a county-administered program to provide cash assistance to aged, blind, and disabled legal immigrants who are noncitizens.

This bill would indefinitely extend these programs.

This bill would also make certain changes in eligibility and application requirements for these programs.

Because each county is required to administer this program, the bill would constitute a state-mandated local program.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do

not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 18930 of the Welfare and  
2 Institutions Code is amended to read:

3 18930. (a) The State Department of Social Services  
4 shall establish a Food Assistance Program to provide  
5 assistance for those persons described in subdivision (b).  
6 The department shall enter into an agreement with the  
7 United States Department of Agriculture to use the  
8 existing federal Food Stamp Program coupons for the  
9 purposes of administering this program. Persons who are  
10 members of a household receiving food stamp benefits  
11 under this chapter or under Chapter 10 (commencing  
12 with Section 18900), and are receiving CalWORKs  
13 benefits under Chapter 2 (commencing with Section  
14 11200) of Part 3 on September 1, 1998, shall have  
15 eligibility determined under this chapter without need  
16 for a new application no later than November 1, 1998, and  
17 the beginning date of assistance under this chapter for  
18 those persons shall be September 1, 1998.

19 (b) ~~(1) Except as provided in paragraph (2) and~~  
20 ~~Section 18930.5, noncitizens~~ *Noncitizens* of the United  
21 States shall be eligible for the program established  
22 pursuant to subdivision (a) if ~~the~~ *any of the following*  
23 *applies:*

24 (1) *The* person's immigration status meets the  
25 eligibility criteria of the federal Food Stamp Program in  
26 effect on August 21, 1996, but he or she is not eligible for  
27 federal food stamp benefits solely due to his or her  
28 immigration status under Public Law 104-193 and any  
29 subsequent amendments thereto.



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

6 ~~(A) The sponsor has died.~~

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

9 ~~(C) The applicant, after entry into the United States,~~  
10 ~~is a victim of abuse by the sponsor or the spouse of the~~  
11 ~~sponsor if the spouse is living with the sponsor.~~

12 ~~(3) The applicant shall be required to provide~~  
13 ~~verification that one of the conditions of subparagraph~~  
14 ~~(A), (B), or (C) have been met.~~

15 ~~(4) For purposes of subparagraph (C) of paragraph~~  
16 ~~(2), abuse shall be defined in the same manner as~~  
17 ~~provided in Section 11495.1 and Section 11495.12. A sworn~~  
18 ~~statement of abuse by a victim, or the representative of~~  
19 ~~the victim if the victim is not able to competently swear,~~  
20 ~~shall be sufficient to establish abuse if one or more~~  
21 ~~additional items of evidence of abuse is also provided.~~  
22 ~~Additional evidence may include, but is not limited to, the~~  
23 ~~following:~~

24 ~~(A) Police, government agency, or court records or~~  
25 ~~files.~~

26 ~~(B) Documentation from a domestic violence~~  
27 ~~program, legal, clinical, medical, or other professional~~  
28 ~~from whom the applicant or recipient has sought~~  
29 ~~assistance in dealing with abuse.~~

30 ~~(C) A statement from any other individual with~~  
31 ~~knowledge of the circumstances that provided the basis~~  
32 ~~for the claim.~~

33 ~~(D) Physical evidence of abuse.~~

34 ~~(5) If the victim cannot provide additional evidence of~~  
35 ~~abuse, then the sworn statement shall be sufficient if the~~  
36 ~~county makes a determination documented in writing in~~  
37 ~~the case file that the applicant is credible.~~

38 ~~(2) The person is a battered immigrant spouse, child,~~  
39 ~~or the parent or child of the battered immigrant, as~~



1 *described in Section 1641(c) of Title 8 of the United States*  
2 *Code, as amended by Section 5571 of Public Law 105-33.*

3 (3) *The person is a Cuban or Haitian entrant as*  
4 *described in Section 501(e) of the federal Refugee*  
5 *Education Assistance Act of 1980.*

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

9 (d) (1) To the extent allowed by federal law, the  
10 income, resources, and deductible expenses of those  
11 persons described in subdivision (b) shall be excluded  
12 when calculating food stamp benefits under Chapter 10  
13 (commencing with Section 18900).

14 (2) No household shall receive more food stamp  
15 benefits under this section than it would if no household  
16 member was rendered ineligible pursuant to Title IV of  
17 Public Law 104-193 and any subsequent amendments  
18 thereto.

19 (e) This section shall become operative on September  
20 1, 1998.

21 SEC. 2. Section 18930.5 of the Welfare and Institutions  
22 Code is amended to read:

23 18930.5. (a) As a condition of eligibility for assistance  
24 under this chapter:

25 (1) A recipient who is also receiving aid under  
26 Chapter 2 (commencing with Section 11200) of Part 3  
27 shall be required to satisfactorily participate in  
28 welfare-to-work activities in accordance with the  
29 recipient's welfare-to-work plan developed pursuant to  
30 Section 11325.21.

31 (2) A recipient who is not receiving aid under Chapter  
32 2 shall be required to ~~be employed in subsidized or~~  
33 ~~unsubsidized employment for the number of hours~~  
34 ~~specified in Section 11322.8 unless the recipient meets~~  
35 ~~one of the conditions set forth in paragraph (3) of~~  
36 ~~subdivision (b) of Section 11320.3.~~

37 (3) ~~Migrant farmworker and seasonal farmworker~~  
38 ~~households, as defined in federal food stamp law, who are~~  
39 ~~not also receiving CalWORKs benefits under Chapter 2~~  
40 ~~(commencing with Section 11200) of Part 3 and who do~~



1 ~~not meet the requirements of paragraph (2), shall be~~  
2 ~~eligible for benefits under this chapter on November 1,~~  
3 ~~1998. The department, in consultation with the counties,~~  
4 ~~shall develop guidelines for determining eligibility under~~  
5 ~~this section of migrant farmworker and seasonal~~  
6 ~~farmworker households who are not also receiving~~  
7 ~~CalWORKs benefits under Chapter 2 (commencing with~~  
8 ~~Section 11200) of Part 3: *meet the federal Food Stamp*~~  
9 ~~*Program work requirement specified in Section 6(o) of*~~  
10 ~~*the Food Stamp Act of 1977 and any subsequent*~~  
11 ~~*amendments thereto.*~~

12 (b) This section shall become operative on September  
13 1, 1998.

14 SEC. 3. Section 18934 of the Welfare and Institutions  
15 Code is amended to read:

16 18934. (a) ~~It is the intent of the Legislature to~~  
17 ~~annually appropriate in the 1998-99 Budget Act and in~~  
18 ~~the 1999-2000 Budget Act moneys for the purposes of~~  
19 ~~implementing this act in at least the amount appropriated~~  
20 ~~in the 1997-98 Budget Act for that purpose.~~

21 (b) ~~This chapter shall become inoperative on July 1,~~  
22 ~~2000, and as of January 1, 2001, is repealed, unless a later~~  
23 ~~enacted statute, that becomes operative on or before~~  
24 ~~January 1, 2001, deletes or extends the dates on which it~~  
25 ~~becomes inoperative and is repealed. *funds in the Budget*~~  
26 ~~*Act for the purpose of providing services under this*~~  
27 ~~*chapter.*~~

28 SEC. 4. Section 18938 of the Welfare and Institutions  
29 Code is amended to read:

30 18938. (a) ~~(1) Subject to paragraph (2), an~~ An  
31 individual, upon application, shall be eligible for the  
32 program established pursuant to Section 18937 if his or  
33 her immigration status meets the eligibility criteria of the  
34 Supplemental Security Income/State Supplementary  
35 Program for the Aged, Blind, and Disabled (SSI/SSP) in  
36 effect on August 21, 1996, but he or she is not eligible for  
37 SSI/SSP benefits solely due to his or her immigration  
38 status under Title IV of Public Law 104-193 and any  
39 subsequent amendments thereto.



1 ~~(2) An applicant who legally entered the United States~~  
2 ~~on or after August 22, 1996, shall be eligible for aid under~~  
3 ~~this chapter only if he or she is sponsored and one of the~~  
4 ~~following conditions is met:~~

5 ~~(A) The sponsor has died.~~

6 ~~(B) The sponsor is disabled, as defined in~~  
7 ~~subparagraph (A) of paragraph (3) of subdivision (b) of~~  
8 ~~Section 11320.3.~~

9 ~~(C) The applicant, after entry into the United States,~~  
10 ~~is a victim of abuse by the sponsor or the spouse of the~~  
11 ~~sponsor if the spouse is living with the sponsor.~~

12 ~~(3) The applicant shall be required to provide~~  
13 ~~verification that one of the conditions of subparagraphs~~  
14 ~~(A), (B), or (C) of paragraph (2) has been met.~~

15 ~~(4) (A) For purposes of subparagraph (C) of~~  
16 ~~paragraph (2), abuse shall be defined in the same manner~~  
17 ~~as provided in Section 11495.1 and Section 11495.12. A~~  
18 ~~sworn statement of abuse by a victim, or the~~  
19 ~~representative of the victim if the victim is not able to~~  
20 ~~competently swear, shall be sufficient to establish abuse~~  
21 ~~if one or more additional items of evidence of abuse is also~~  
22 ~~provided. Additional evidence may include, but is not~~  
23 ~~limited to, the following:~~

24 ~~(i) Police, government agency, or court records or~~  
25 ~~files.~~

26 ~~(ii) Documentation from a domestic violence~~  
27 ~~program, legal, clinical, medical, or other professional~~  
28 ~~from whom the applicant or recipient has sought~~  
29 ~~assistance in dealing with abuse.~~

30 ~~(iii) A statement from any other individual with~~  
31 ~~knowledge of the circumstances that provided the basis~~  
32 ~~for the claim.~~

33 ~~(iv) Physical evidence of abuse.~~

34 ~~(B) If the victim cannot provide additional evidence~~  
35 ~~of abuse, then the sworn statement shall be sufficient if~~  
36 ~~the county makes a determination documented in the~~  
37 ~~case file that the applicant is credible.~~

38 ~~(b) The department shall periodically redetermine~~  
39 ~~the eligibility of each individual.~~



1 (c) The department shall take all steps necessary to  
2 qualify any benefits paid under this section to be eligible  
3 for reimbursement as federal Interim Assistance  
4 including requiring a repayment agreement.

5 SEC. 5. Section 18940 of the Welfare and Institutions  
6 Code is amended to read:

7 18940. Except as otherwise provided in this chapter,  
8 the federal and state laws and regulations governing the  
9 SSI/SSP program, *including all federal and state laws and*  
10 *regulations designed to protect SSI/SSP recipients and*  
11 *their resources*, shall also govern the program provided  
12 for under this chapter.

13 SEC. 6. Section 18944 of the Welfare and Institutions  
14 Code is amended to read:

15 18944. (a) It is the intent of the Legislature to  
16 ~~annually appropriate in the Budget Act of 1998 and in the~~  
17 ~~Budget Act of 1999 moneys for the purposes of~~  
18 ~~implementing funds in the Budget Act for the purpose of~~  
19 *providing services under this chapter.*

20 (b) This chapter shall become operative on:

21 (1) October 1, 1998, for those individuals who are  
22 eligible for aid under this chapter and are discontinued  
23 from the SSI/SSP program effective with their  
24 September 1998 benefits as a result of their immigration  
25 status under Title IV of Public Law 104-193 and any  
26 subsequent amendments thereto. Until the counties  
27 begin full operation the department shall cause a  
28 payment to each individual or couple to be issued through  
29 the Controller so that there is no interruption in these  
30 individual's receipt of aid to which they are eligible under  
31 this chapter.

32 (2) November 1, 1998, for applicants for this program  
33 to have their applications accepted by county welfare  
34 departments, and establish a beginning date of aid.  
35 Counties shall have the ability to make eligibility  
36 determinations and cause the issuance of payments no  
37 later than December 1, 1998, unless the federal  
38 government has agreed to provide the services under this  
39 chapter at an earlier date.



1 ~~(e) This chapter shall become inoperative on July 1,~~  
2 ~~2000, and, as of January 1, 2001, is repealed, unless a later~~  
3 ~~enacted statute, that becomes operative on or before~~  
4 ~~January 1, 2001, deletes or extends the dates on which it~~  
5 ~~becomes inoperative and is repealed.~~

6 SEC. 7. Notwithstanding Section 17610 of the  
7 Government Code, if the Commission on State Mandates  
8 determines that this act contains costs mandated by the  
9 state, reimbursement to local agencies and school  
10 districts for those costs shall be made pursuant to Part 7  
11 (commencing with Section 17500) of Division 4 of Title  
12 2 of the Government Code. If the statewide cost of the  
13 claim for reimbursement does not exceed one million  
14 dollars (\$1,000,000), reimbursement shall be made from  
15 the State Mandates Claims Fund.

