

AMENDED IN ASSEMBLY JUNE 2, 1999

AMENDED IN ASSEMBLY MAY 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 873

Introduced by Assembly Member Villaraigosa

February 25, 1999

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 amended, 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) Noncitizens of the United States shall be eligible
20 for the program established pursuant to subdivision (a)
21 if any of the following applies:

22 (1) The person's immigration status meets the
23 eligibility criteria of the federal Food Stamp Program in
24 effect on August 21, 1996, but he or she is not eligible for
25 federal food stamp benefits solely due to his or her

1 immigration status under Public Law 104-193 and any
2 subsequent amendments thereto.

3 (2) The person is a battered immigrant spouse, child,
4 or the parent or child of the battered immigrant, as
5 described in Section 1641(c) of Title 8 of the United States
6 Code, as amended by Section 5571 of Public Law 105-33.

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

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

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

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

23 (e) This section shall become operative on September
24 1, 1998.

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

27 18930.5. (a) As a condition of eligibility for assistance
28 under this chapter:

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

35 (2) A recipient who is not receiving aid under Chapter
36 2 shall be required to meet the federal Food Stamp
37 Program work requirement specified in Section 6(o) of
38 the Food Stamp Act of 1977 and any subsequent
39 amendments thereto.

1 (b) This section shall become operative on September
2 1, 1998.

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

5 18934. It is the intent of the Legislature to annually
6 appropriate funds in the Budget Act for the purpose of
7 providing services under this chapter.

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

10 18938. (a) An individual ~~who is disabled, as defined~~
11 ~~for purposes of Chapter 3 (commencing with Section~~
12 ~~12000) of Part 3,~~ upon application, shall be eligible for the
13 program established pursuant to Section 18937 if his or
14 her immigration status meets the eligibility criteria of the
15 Supplemental Security Income/State Supplementary
16 Program for the Aged, Blind, and Disabled (SSI/SSP) in
17 effect on August 21, 1996, but he or she is not eligible for
18 SSI/SSP benefits solely due to his or her immigration
19 status under Title IV of Public Law 104-193 and any
20 subsequent amendments thereto.

21 (b) *Any applicant who physically entered the United*
22 *States on or after August 22, 1996, shall be eligible for aid*
23 *under this program only if one of the following applies:*

24 (1) *He or she has a disability as defined by the rules*
25 *governing the SSI/SSP program.*

26 (2) *He or she is sponsored and one of the following*
27 *conditions is met:*

28 (A) *The sponsor has died.*

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

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

35 (c) (1) *For purposes of paragraph (2) of subdivision*
36 *(b), the applicant shall be required to provide*
37 *verification that one of the conditions of subparagraphs*
38 *(A), (B), or (C) of paragraph (2) of subdivision (b) has*
39 *been met.*

(2) For purposes of subparagraph (C) of paragraph (2) of subdivision (b) abuse shall be defined in the same manner as provided in Section 11495.1 and Section 11495.12. A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided.

Additional evidence of abuse may include, but is not limited to, the following:

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

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

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

(D) Physical evidence of abuse.

(3) If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the county makes a determination documented in the case file that the applicant is credible. The department shall periodically redetermine the eligibility of each individual.

~~(e)~~

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

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

18940. (a) Except as otherwise provided in this chapter, the federal and state laws and regulations governing the SSI/SSP program, including all federal and state laws and regulations designed to protect SSI/SSP recipients and their resources, shall also govern the program provided for under this chapter.

~~(b) To the extent permitted by federal law, in determining the eligibility of an individual pursuant to this chapter the income and resources of the individual shall be deemed to include the income and resources of any person who executes an affidavit of support on behalf of the individual, as well as the income and resources of the spouse of the person executing the affidavit, for a period of five years from the date of entry into the country.~~

(b) Federal deeming rules and exemptions governing the SSI/SSP program shall govern the program provided for under this chapter, except that for immigrants who enter the United States on or after August 22, 1996, who do not meet exemptions from deeming, the period for deeming of a sponsor's income and resources shall be 5 years.

(c) (1) Notwithstanding any other provision in this chapter, immigrants who are victims of abuse by their sponsor or sponsor's spouse shall be exempt from deeming. Abuse shall be defined in the same manner as provided in Section 11495.1 and Section 11495.12. A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided.

(2) Additional evidence of abuse may include, but is not limited to, the following:

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

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

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

(D) Physical evidence of abuse.

(3) If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the

1 *county makes a determination documented in writing in*
2 *the case file that the applicant is credible.*

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

5 18944. (a) It is the intent of the Legislature to
6 annually appropriate funds in the Budget Act for the
7 purpose of providing services under this chapter.

8 (b) This chapter shall become operative on:

9 (1) October 1, 1998, for those individuals who are
10 eligible for aid under this chapter and are discontinued
11 from the SSI/SSP program effective with their
12 September 1998 benefits as a result of their immigration
13 status under Title IV of Public Law 104-193 and any
14 subsequent amendments thereto. Until the counties
15 begin full operation the department shall cause a
16 payment to each individual or couple to be issued through
17 the Controller so that there is no interruption in these
18 individual's receipt of aid to which they are eligible under
19 this chapter.

20 (2) November 1, 1998, for applicants for this program
21 to have their applications accepted by county welfare
22 departments, and establish a beginning date of aid.
23 Counties shall have the ability to make eligibility
24 determinations and cause the issuance of payments no
25 later than December 1, 1998, unless the federal
26 government has agreed to provide the services under this
27 chapter at an earlier date.

28 SEC. 7. Notwithstanding Section 17610 of the
29 Government Code, if the Commission on State Mandates
30 determines that this act contains costs mandated by the
31 state, reimbursement to local agencies and school
32 districts for those costs shall be made pursuant to Part 7
33 (commencing with Section 17500) of Division 4 of Title
34 2 of the Government Code. If the statewide cost of the
35 claim for reimbursement does not exceed one million
36 dollars (\$1,000,000), reimbursement shall be made from
37 the State Mandates Claims Fund.