

AMENDED IN SENATE JULY 12, 1999
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~~ *Committee on Human Services*

February 25, 1999

An act to amend ~~Sections 18930, 18930.5, 18934, 18938, 18940, and 18944~~ *Section 19801* of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 873, as amended, ~~Villaraigosa~~ *Committee on Human Services. Social services programs: legal immigrants Rehabilitative services: assistive technology.*

Existing law requires independent living centers to perform various functions and duties with respect to providing assistance to individuals with disabilities, including providing services and referrals regarding transportation, job development, equipment maintenance and evaluation, training in independent living skills, mobility assistance, and communication assistance.

This bill would include assistive technology among the services and referrals required to be provided by independent living centers. The bill would also require assistive technology activities to involve collaboration with the Department of

Rehabilitation and the nonprofit contractor selected to implement the federal law relating to assistive technology, which would be required to serve as the framework for offering assistance to individuals with disabilities.

~~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 no*.

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

- 1 ~~SECTION 1. Section 18930 of the Welfare and~~
- 2 ~~SECTION 1. Section 19801 of the Welfare and~~
- 3 ~~Institutions Code is amended to read:~~
- 4 19801. An independent living center shall:
- 5 (a) Be a private, nonprofit organization controlled by
- 6 a board of directors. A majority of the board shall be
- 7 comprised of individuals with disabilities;.



1 (b) Be staffed by persons trained to assist persons with
2 disabilities in achieving social and economic
3 independence. The staff shall include as large a
4 proportion as is practicable of individuals with
5 disabilities;

6 (c) Provide, but not be limited to, the following
7 services to individuals with disabilities:

8 (1) Peer counseling;

9 (2) Advocacy;

10 (3) Attendant referral;

11 (4) Housing assistance ~~and~~.

12 (5) Information and referral.

13 (d) Provide other services and referrals as may be
14 deemed necessary, such as transportation, job
15 development, equipment maintenance and evaluation,
16 training in independent living skills, mobility assistance,
17 *assistive technology*, and communication assistance.
18 *Assistive technology may include information and*
19 *outreach about appropriate assistive technology devices*
20 *or services and referrals that will enable individuals to*
21 *gain access to assistive technology in order to meet their*
22 *needs and expand options for independence and*
23 *productivity. Assistive technology activities shall involve*
24 *collaboration with the Department of Rehabilitation and*
25 *the nonprofit contractor selected to implement the*
26 *federal Assistive Technology Act of 1998 (P.L. 105-394),*
27 *which shall serve as the framework for offering assistance*
28 *to individuals with disabilities.*

29 (e) Promote and practice the independent living
30 philosophy of:

31 (1) Consumer control of the center regarding
32 decisionmaking, service delivery, management, and
33 establishment of the policy and direction of the center.

34 (2) Self-help and self-advocacy.

35 (3) Development of peer relationships and peer role
36 models.

37 (4) Equal access of individuals with disabilities to
38 society and to all services, programs activities, resources,
39 and facilities, whether public or private and regardless of
40 the funding source.



1 ~~Institutions Code is amended to read:~~

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

18 ~~(b) Noncitizens of the United States shall be eligible~~
19 ~~for the program established pursuant to subdivision (a)~~
20 ~~if any of the following applies:~~

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

27 ~~(2) The person is a battered immigrant spouse, child,~~
28 ~~or the parent or child of the battered immigrant, as~~
29 ~~described in Section 1641(e) of Title 8 of the United States~~
30 ~~Code, as amended by Section 5571 of Public Law 105-33.~~

31 ~~(3) The person is a Cuban or Haitian entrant as~~
32 ~~described in Section 501(e) of the federal Refugee~~
33 ~~Education Assistance Act of 1980.~~

34 ~~(c) In counties approved for alternate benefit issuance~~
35 ~~systems, that same alternate benefit issuance system shall~~
36 ~~be approved for the program established by this chapter.~~

37 ~~(d) (1) To the extent allowed by federal law, the~~
38 ~~income, resources, and deductible expenses of those~~
39 ~~persons described in subdivision (b) shall be excluded~~



1 ~~when calculating food stamp benefits under Chapter 10~~
2 ~~(commencing with Section 18900).~~

3 ~~(2) No household shall receive more food stamp~~
4 ~~benefits under this section than it would if no household~~
5 ~~member was rendered ineligible pursuant to Title IV of~~
6 ~~Public Law 104-193 and any subsequent amendments~~
7 ~~thereto.~~

8 ~~(c) This section shall become operative on September~~
9 ~~1, 1998.~~

10 ~~SEC. 2. Section 18930.5 of the Welfare and Institutions~~
11 ~~Code is amended to read:~~

12 ~~18930.5. (a) As a condition of eligibility for assistance~~
13 ~~under this chapter:~~

14 ~~(1) A recipient who is also receiving aid under~~
15 ~~Chapter 2 (commencing with Section 11200) of Part 3~~
16 ~~shall be required to satisfactorily participate in~~
17 ~~welfare-to-work activities in accordance with the~~
18 ~~recipient's welfare-to-work plan developed pursuant to~~
19 ~~Section 11325.21.~~

20 ~~(2) A recipient who is not receiving aid under Chapter~~
21 ~~2 shall be required to meet the federal Food Stamp~~
22 ~~Program work requirement specified in Section 6(o) of~~
23 ~~the Food Stamp Act of 1977 and any subsequent~~
24 ~~amendments thereto.~~

25 ~~(b) This section shall become operative on September~~
26 ~~1, 1998.~~

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

29 ~~18934. It is the intent of the Legislature to annually~~
30 ~~appropriate funds in the Budget Act for the purpose of~~
31 ~~providing services under this chapter.~~

32 ~~SEC. 4. Section 18938 of the Welfare and Institutions~~
33 ~~Code is amended to read:~~

34 ~~18938. (a) An individual upon application, shall be~~
35 ~~eligible for the program established pursuant to Section~~
36 ~~18937 if his or her immigration status meets the eligibility~~
37 ~~criteria of the Supplemental Security Income/State~~
38 ~~Supplementary Program for the Aged, Blind, and~~
39 ~~Disabled (SSI/SSP) in effect on August 21, 1996, but he~~
40 ~~or she is not eligible for SSI/SSP benefits solely due to his~~



1 ~~or her immigration status under Title IV of Public Law~~
2 ~~104-193 and any subsequent amendments thereto.~~

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

6 ~~(1) He or she has a disability as defined by the rules~~
7 ~~governing the SSI/SSP program.~~

8 ~~(2) He or she is sponsored and one of the following~~
9 ~~conditions is met:~~

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

11 ~~(B) The sponsor is disabled, as defined in~~
12 ~~subparagraph (A) of paragraph (3) of subdivision (b) of~~
13 ~~Section 11320.3.~~

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

17 ~~(e) (1) For purposes of paragraph (2) of subdivision~~
18 ~~(b), the applicant shall be required to provide~~
19 ~~verification that one of the conditions of subparagraphs~~
20 ~~(A), (B), or (C) of paragraph (2) of subdivision (b) has~~
21 ~~been met.~~

22 ~~(2) For purposes of subparagraph (C) of paragraph~~
23 ~~(2) of subdivision (b) abuse shall be defined in the same~~
24 ~~manner as provided in Section 11495.1 and Section~~
25 ~~11495.12. A sworn statement of abuse by a victim, or the~~
26 ~~representative of the victim if the victim is not able to~~
27 ~~competently swear, shall be sufficient to establish abuse~~
28 ~~if one or more additional items of evidence of abuse is also~~
29 ~~provided.~~

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

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

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

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



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

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

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

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

14 ~~18940. (a) Except as otherwise provided in this~~
15 ~~chapter, the federal and state laws and regulations~~
16 ~~governing the SSI/SSP program, including all federal and~~
17 ~~state laws and regulations designed to protect SSI/SSP~~
18 ~~recipients and their resources, shall also govern the~~
19 ~~program provided for under this chapter.~~

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

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

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

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



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

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

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

9 ~~(3) If the victim cannot provide additional evidence of~~
10 ~~abuse, then the sworn statement shall be sufficient if the~~
11 ~~county makes a determination documented in writing in~~
12 ~~the case file that the applicant is credible.~~

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 funds in the Budget Act for the~~
17 ~~purpose of providing services under this chapter.~~

18 ~~(b) This chapter shall become operative on:~~

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

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

38 ~~SEC. 7. Notwithstanding Section 17610 of the~~
39 ~~Government Code, if the Commission on State Mandates~~
40 ~~determines that this act contains costs mandated by the~~



1 ~~state, reimbursement to local agencies and school~~
2 ~~districts for those costs shall be made pursuant to Part 7~~
3 ~~(commencing with Section 17500) of Division 4 of Title~~
4 ~~2 of the Government Code. If the statewide cost of the~~
5 ~~claim for reimbursement does not exceed one million~~
6 ~~dollars (\$1,000,000), reimbursement shall be made from~~
7 ~~the State Mandates Claims Fund.~~

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