

AMENDED IN ASSEMBLY MAY 26, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2417**

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**Introduced by Assembly Member Firebaugh**

February 24, 2000

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An act to amend Sections 18930, 18938, and 18940 of the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2417, as amended, Firebaugh. Assistance for immigrants.

Existing law, the California Food Assistance Program provides food assistance to eligible immigrants. Existing law provides for the implementation of the program only when federal benefits are provided.

Existing law requires the State Department of Social Services to establish and supervise a county or county-consortia administered program to provide cash assistance to aged, blind, and disabled legal immigrants.

Existing law limits the period of time during which any applicant for benefits under the California Food Assistance Program or the cash assistance program who entered the United States on or after August 22, 1996, will remain eligible for benefits under either of those programs.

This bill would eliminate those limitations.

Existing law provides that federal deeming rules and exemptions governing the determination of eligibility for

benefits under the SSI/SSP program shall also govern the cash assistance for legal immigrants program.

Existing law also specifies, with respect to legal immigrants who entered the United States on or after August 22, 1996, and do not meet the exemption from deeming, that the period for deeming of a sponsor's income and resources to the applicant shall be 5 years from the date of the sponsor's execution of the affidavit of support or the date of the immigrant's arrival in the United States, whichever is later.

This bill would revise that provision to apply that deeming requirement to any nonexempt immigrant ~~with a sponsor's affidavit of support required by federal law~~ *who entered the United States on or after August 22, 1996.*

To the extent this bill increases county responsibilities in the administration of the program, this bill would result in 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



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

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

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

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

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

37 (2) No household shall receive more food stamp  
38 benefits under this section than it would if no household  
39 member was rendered ineligible pursuant to Title IV of



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

3 SEC. 2. Section 18938 of the Welfare and Institutions  
4 Code is amended to read:

5 18938. (a) An individual, upon application, shall be  
6 eligible for the program established pursuant to Section  
7 18937 if his or her immigration status meets the eligibility  
8 criteria of the Supplemental Security Income/State  
9 Supplementary Program for the Aged, Blind, and  
10 Disabled (SSI/SSP) in effect on August 21, 1996, but he  
11 or she is not eligible for SSI/SSP benefits solely due to his  
12 or her immigration status under Title IV of Public Law  
13 104-193 and any subsequent amendments thereto.

14 (b) The department shall periodically redetermine  
15 the eligibility of each individual.

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

20 SEC. 3. Section 18940 of the Welfare and Institutions  
21 Code is amended to read:

22 18940. (a) Except as otherwise provided in this  
23 chapter, the federal and state laws and regulations  
24 governing the SSI/SSP program shall also govern the  
25 program provided for under this chapter.

26 (b) Federal deeming rules and exemptions governing  
27 the SSI/SSP program, including all federal and state laws  
28 and regulations designed to protect SSI/SSP recipients  
29 and their resources, shall also govern the program  
30 provided for under this chapter, except that for  
31 immigrants ~~with affidavits of support under Section 1183a~~  
32 ~~of Title 8 of the United States Code who entered the~~  
33 *United States on or after August 22, 1996, and* who do not  
34 meet exemptions from deeming, the period for deeming  
35 of a sponsor's income and resources shall be five years  
36 from the date of the sponsor's execution of the affidavit  
37 of support or the date of the immigrant's arrival in the  
38 United States, whichever is later.

39 (c) Notwithstanding any other provision in this  
40 chapter, immigrants who are victims of abuse by their



1 sponsor or sponsor's spouse shall be exempt from  
2 deeming. Abuse shall be defined in the same manner as  
3 provided in Section 11495.1 and Section 11495.12. A sworn  
4 statement of abuse by a victim, or the representative of  
5 the victim if the victim is not able to competently swear,  
6 shall be sufficient to establish abuse if one or more  
7 additional items of evidence of abuse is also provided.  
8 Additional evidence may include, but is not limited to, the  
9 following:

10 (1) Police, government agency, or court records or  
11 files.

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

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

19 (4) Physical evidence of abuse.

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

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

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