

AMENDED IN SENATE JUNE 21, 2000

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**  
*(Coauthors: Assembly Members Bock and Kuehl)*  
*(Coauthor: Senator Solis)*

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 who entered the United States on or after August 22, 1996. *The bill would also provide that immigrants whose sponsors are disabled shall be subject to federal deeming rules and exemptions governing the SSI/SSP program, except that for immigrants with specified affidavits of support who do not meet exemptions from deeming, the period for deeming of a sponsor's income and resources 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.*

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

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



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

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

9 (2) No household shall receive more food stamp  
10 benefits under this section than it would if no household  
11 member was rendered ineligible pursuant to Title IV of  
12 Public Law 104-193 and any subsequent amendments  
13 thereto.

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

16 18938. (a) An individual, upon application, shall be  
17 eligible for the program established pursuant to Section  
18 18937 if his or her immigration status meets the eligibility  
19 criteria of the Supplemental Security Income/State  
20 Supplementary Program for the Aged, Blind, and  
21 Disabled (SSI/SSP) in effect on August 21, 1996, but he  
22 or she is not eligible for SSI/SSP benefits solely due to his  
23 or her immigration status under Title IV of Public Law  
24 104-193 and any subsequent amendments thereto.

25 (b) The department shall periodically redetermine  
26 the eligibility of each individual.

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

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

33 18940. (a) Except as otherwise provided in this  
34 chapter, the federal and state laws and regulations  
35 governing the SSI/SSP program shall also govern the  
36 program provided for under this chapter.

37 (b) Federal deeming rules and exemptions governing  
38 the SSI/SSP program, including all federal and state laws  
39 and regulations designed to protect SSI/SSP recipients  
40 and their resources, shall also govern the program



1 provided for under this chapter, except that for  
2 immigrants who entered the United States on or after  
3 August 22, 1996, and who do not meet exemptions from  
4 deeming, the period for deeming of a sponsor's income  
5 and resources shall be five years from the date of the  
6 sponsor's execution of the affidavit of support or the date  
7 of the immigrant's arrival in the United States, whichever  
8 is later.

9 (c) Notwithstanding any other provision in this  
10 chapter, immigrants who are victims of abuse by their  
11 sponsor or sponsor's spouse shall be exempt from  
12 deeming. Abuse shall be defined in the same manner as  
13 provided in ~~Section 11495.1 and Section~~ *Sections 11495.1*  
14 *and 11495.12*. A sworn statement of abuse by a victim, or  
15 the representative of the victim if the victim is not able  
16 to competently swear, shall be sufficient to establish  
17 abuse if one or more additional items of evidence of abuse  
18 is also provided. Additional evidence may include, but is  
19 not limited to, the following:

20 (1) Police, government agency, or court records or  
21 files.

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

26 (3) A statement from any other individual with  
27 knowledge of the circumstances that provided the basis  
28 for the claim.

29 (4) Physical evidence of abuse.

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

34 (d) *Notwithstanding any other provision in this*  
35 *chapter, immigrants whose sponsors are disabled, as*  
36 *specified in subparagraph (A) of paragraph (3) of*  
37 *subdivision (b) of Section 11320.3, shall be subject to*  
38 *federal deeming rules and exemptions governing the*  
39 *SSI/SSP program, except that for immigrants with*  
40 *affidavits of support under Section 1183a of Title 8 of the*



1 *United States Code, who do not meet exemptions from*  
2 *deeming, the period for deeming of a sponsor's income*  
3 *and resources shall be five years from the date of the*  
4 *sponsor's execution of the affidavit of support or the date*  
5 *of the immigrant's arrival in the United States, whichever*  
6 *is later.*

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

