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AB-2057 CalFresh: victims of domestic violence. (2015-2016)

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Assembly Bill No. 2057

CHAPTER 859

An act to amend Sections 18904.25 and 18926.5 of, and to add Section 18914.5 to, the Welfare and Institutions Code, relating to CalFresh.

[Approved by Governor September 30, 2016. Filed with Secretary of State September 30, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2057, Mark Stone. CalFresh: victims of domestic violence.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law authorizes a resident of a shelter for battered women and children, as defined, who is currently included in a certified household that also contains the abuser, to apply and, if otherwise eligible, receive an additional allotment of benefits as a separate household. Existing federal law requires a county human services agency to provide CalFresh expedited services to certain households.

This bill would, to the extent permitted by federal law, regulations, waivers, and directives, authorize a resident of, or an individual on a waiting list to get into, a shelter for battered women and children who is currently included in a certified household that also contains the abuser, to apply for, and, if otherwise eligible, would provide that the resident or individual is entitled to, expedited services of an additional allotment of CalFresh benefits as a separate household. By imposing additional duties on local officials, this bill would impose a state-mandated local program.

Existing law requires the State Department of Social Services to develop and make available to homeless shelters, among other locations, CalFresh information on expedited services targeted to the homeless population. Existing law requires each county welfare department, upon request, to provide homeless shelters with a supply of CalFresh applications used to request expedited CalFresh services, as specified.

This bill would additionally require the department to develop and make available to domestic violence shelters CalFresh information on expedited services targeted to victims of domestic violence. The bill would also require a county human services agency, upon request, to provide domestic violence shelters with a supply of CalFresh applications used to request expedited CalFresh services, as specified. By imposing additional duties on local officials, this bill would impose a state-mandated local program.

Existing law authorizes counties to participate in the CalFresh Employment and Training program (CalFresh E&T), established by federal law, and requires participating counties to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, CalFresh E&T. Existing law defers from mandatory placement in CalFresh E&T specified individuals, including an individual who is a veteran who has been honorably discharged from the United States Army.

This bill would additionally defer from mandatory placement in CalFresh E&T, an individual who is a victim of domestic violence.

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.

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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18904.25 of the Welfare and Institutions Code is amended to read:

18904.25. (a) Pursuant to the federal Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), the department shall develop CalFresh information on expedited services targeted to the homeless population, including unaccompanied homeless children and youths, as those terms are defined in Section 11434a of Title 42 of the United States Code. The department shall also develop information on expedited services specified in Section 18914.5 for victims of domestic violence. This information shall be made available to homeless shelters, domestic violence shelters, emergency food programs, local educational agency liaisons for homeless children and youths, designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, and other community agencies who provide services to people who are homeless.

(b) Each county human services agency shall annually offer training on CalFresh application procedures to homeless shelter operators. That training shall include eligibility criteria and specific information regarding the eligibility of unaccompanied homeless children and youths. In addition, each county human services agency, upon request, shall provide homeless shelters and domestic violence shelters with a supply of that portion of the CalFresh application used to request CalFresh expedited service.

(c) Upon receipt of a signed CalFresh application from an unaccompanied child or youth under 18 years of age, the county human services agency shall determine eligibility for CalFresh benefits, including making a determination of whether the child or youth is eligible to apply as a household of one or if he or she must apply with members of a household with whom he or she is regularly purchasing and preparing foods, and screen the application for entitlement to expedited service pursuant to Section 18914. If the application of the child or youth for CalFresh benefits is denied, the county human services agency shall provide the child or youth a written notice explaining the reason for the denial.

SEC. 2. Section 18914.5 is added to the Welfare and Institutions Code, to read:

18914.5. (a) To the extent permitted by federal law, regulations, waivers, and directives, a resident of, or an individual on a waiting list to get into, a shelter for battered women and children who is currently included in a certified household that also contains the abuser, may apply for and, if otherwise eligible, shall be entitled to expedited services of an additional allotment of CalFresh benefits as a separate household.

(b) For purposes of this section, "shelter for battered women and children" has the same meaning as provided in Section 271.2 of Title 7 of the Code of Federal Regulations.

SEC. 3. Section 18926.5 of the Welfare and Institutions Code is amended to read:

18926.5. (a) For the purposes of this chapter, "CalFresh Employment and Training program" or "CalFresh E&T" means the program established under Section 6(d)(4)(B) of the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), Section 273.7 of Title 7 of the Code of Federal Regulations, and associated administrative notices published by the United States Department of Agriculture with the purpose of assisting members of CalFresh households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

(b) (1) A county that elects to participate in the CalFresh Employment and Training (CalFresh E&T) program, as authorized by the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), shall screen CalFresh work registrants to determine whether they will participate in, or be deferred from, CalFresh E&T. If deferred, a CalFresh work registrant may request to enroll in CalFresh E&T as a voluntary participant. An individual shall be deferred from a mandatory placement in CalFresh E&T if he or she satisfies any of the criteria in Sections 273.7 and 273.24 of Title 7 of the Code of Federal Regulations, if he or she resides in a federally determined work surplus area, if he or she is a veteran who has been honorably discharged from the United States Armed Forces, or if he or she is a victim of domestic violence.

(2) For purposes of this section, "deferred" has the same meaning as exempt.

(c) (1) A county participating in CalFresh E&T shall be required to demonstrate in its CalFresh E&T plan how it is effectively using CalFresh E&T funds for each of the components that the county offers, including, but not limited to, any of the following:

(A) Self-initiated workfare.

(B) Work experience or training.

(C) Education.

(D) Job search.

(E) The support services or client reimbursements needed to participate in subparagraphs (A) to (D), inclusive, as allowed by federal law and guidance.

(2) Nothing in this section shall be construed to require a county to offer a particular component as a part of its CalFresh E&T plan.

(d) Nothing in this section shall limit a county's ability to condition the receipt of nonmedical benefits under Section 17000 on an individual's participation in an employment and training or workfare program of the county's choice, even if that program is financed in whole or in part with CalFresh E&T funds or match funds.

(e) Nothing in this section shall restrict the use of federal funds for the financing of CalFresh E&T programs.

(f) Nothing in this section shall be construed to require a county to provide for workers' compensation coverage for a CalFresh E&T participant. Notwithstanding Division 4 (commencing with Section 3200) of the Labor Code, a CalFresh E&T participant shall not be an employee for the purposes of workers' compensation coverage, and a county shall have no duty to provide workers' compensation coverage for a CalFresh E&T participant.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section by all-county letters or similar instructions. Thereafter, the department shall adopt regulations to implement this section by October 1, 2013.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.