

**ASSEMBLY BILL**

**No. 2413**

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**Introduced by Assembly Member Ting**  
(Principal coauthor: Senator Wiener)

February 18, 2020

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An act to amend Sections 11023.7, 18901, 18901.1, 18901.10, 18910, and 18926 of, and to add Sections 11023.8 and 18918.1 to, the Welfare and Institutions Code, relating to CalFresh.

LEGISLATIVE COUNSEL'S DIGEST

AB 2413, as introduced, Ting. CalFresh: eligibility and reporting.

Existing law provides for the federal Supplemental Nutrition Assistance Program (SNAP), administered in California as CalFresh, under which each county distributes nutrition assistance benefits provided by the federal government to eligible households. Existing law requires each county human services agency to carry out the local administrative responsibilities of this program, subject to the supervision of the State Department of Social Services and to rules and regulations adopted by the department. Among other requirements, existing law requires each county welfare department to, if appropriate, exempt a household from complying with face-to-face interview requirements for purposes of determining eligibility at initial application and recertification. Existing law requires the department to implement a semiannual reporting system regarding CalFresh, as specified.

This bill would require the department to establish and require the use of self-attestation by CalFresh applicants and beneficiaries to verify required information to the extent permitted by federal law and to apply for any waivers necessary to simplify verification requirements. The bill would require the department to issue guidance that prohibits a

county human services agency from requesting additional documents to verify dependent care expenses, except as specified. The bill would require the department to take specified actions in an effort to expand CalFresh program outreach and retention and improve dual enrollment between the CalFresh and Medi-Cal programs. The bill would also require county departments, no later than an unspecified date, to provide prepopulated CalFresh applications to Medi-Cal beneficiaries who are apparently CalFresh eligible and not dually enrolled during the Medi-Cal renewal process and to utilize text messaging as a method of communication, as specified. The bill would require the department to work with county human services agencies, client advocates, and the Statewide Automated Welfare System to eliminate semiannual reporting, and instead implement a change-reporting system, as specified, for certain households by no later than an unspecified date. The bill would also include a statement of legislative findings and declarations.

Existing law requires the department to annually seek a federal waiver of the existing federal SNAP limitation that stipulates that an able-bodied adult without dependents participant is limited to 3 months of CalFresh benefits in a 3-year period unless that participant has met the work participation requirement or is otherwise exempt. If a county is not eligible for a countywide waiver, existing law authorizes a county to request the department to apply for the waiver for one or more eligible subareas of the county.

This bill would instead require the department to apply for that waiver.

By imposing a higher level of service on county welfare departments, the bill would impose 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.

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 the statutory provisions noted above.

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. (a) The Legislature finds and declares that hunger  
2     and food insecurity continue to be a growing problem in California

1 caused by a number of factors, including income and wealth  
2 inequality, the high cost of living, the aging state population, and  
3 the increased homelessness rates. In this regard, the Legislature  
4 finds all of the following:

5 (1) The impact hunger and food insecurity has had on the overall  
6 development, health, and economy for the state is a serious and  
7 costly issue California is facing.

8 (2) CalFresh is a critical statewide tool that provides  
9 much-needed food security, and currently serves over 4,000,000  
10 Californians.

11 (3) While the federal government has made numerous attempts  
12 to undermine the federal Supplemental Nutrition Assistance  
13 Program (SNAP) program nationwide, California has in recent  
14 years made significant increases in CalFresh program access rates  
15 and progress in expanding benefits to vulnerable populations,  
16 including the elderly, disabled, and previously ineligible  
17 Supplemental Security Income populations.

18 (4) There remain opportunities for improving the CalFresh  
19 access rate as certain state policy decisions have contributed to the  
20 lower CalFresh program enrollment rate.

21 (5) State investments in county business processes can also  
22 improve CalFresh program access rates by promoting and funding  
23 county best practices.

24 (b) Therefore, it is the intent of the Legislature to maximize the  
25 impact of federal safety net SNAP funding to fight hunger and  
26 poverty by further reducing program barriers that lead to lower  
27 enrollment and retention rates and program turnover, and by  
28 promoting county best practices to help California accomplish this  
29 goal.

30 SEC. 2. This act shall be known, and may be cited, as the More  
31 CalFresh, Less Hunger Act.

32 SEC. 3. Section 11023.7 of the Welfare and Institutions Code  
33 is amended to read:

34 11023.7. (a) If it is within the capacity of the county, a county  
35 may communicate with an applicant for, or recipient of, benefits  
36 under CalWORKs (Chapter 2 (commencing with Section 11200)),  
37 CalFresh (Chapter 10 (commencing with Section 18900) of Part  
38 6), 11200)) or the Cash Assistance Program for Aged, Blind, and  
39 Disabled Legal Immigrants (Chapter 10.3 (commencing with  
40 Section 18937) of Part 6) via computer-generated text message.

1 All communications and notices of actions sent via  
2 computer-generated text message shall comply with Section 227  
3 of Title 47 of the United States Code.

4 (b) Communications sent via computer-generated text message  
5 shall not include case-identifying information, as that term is  
6 defined by the State Department of Social Services. Notices of  
7 action may only be sent via computer-generated text message  
8 pursuant to this section using a link to a secure online portal where  
9 the applicant or recipient can access the notice of action after  
10 securely logging in. All other communications sent via  
11 computer-generated text messages to an applicant or recipient are  
12 not required to be sent using a link to a secure online portal unless  
13 otherwise required by federal law or guidance.

14 (c) Only the first or last name, but not both, of an applicant or  
15 recipient may appear in a text message generated pursuant to this  
16 section.

17 (d) (1) All electronic technology used pursuant to this section  
18 shall be in compliance with state information technology policy,  
19 and related state and federal law, including, but not limited to,  
20 Sections 7405 and 11135 of the Government Code, Section 508  
21 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d),  
22 as amended, and the regulations implementing that act, as set forth  
23 in Part 1194 (commencing with Section 1194.1) of Chapter XI of  
24 Title 36 of the Code of Federal Regulations and Appendices A,  
25 C, and D of that part, and the federal Americans with Disabilities  
26 Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and the obligation  
27 under these laws to communicate with people with disabilities in  
28 a manner that is as effective as communications with people  
29 without disabilities.

30 (2) This subdivision is declarative of existing law.

31 SEC. 4. Section 11023.8 is added to the Welfare and  
32 Institutions Code, to read:

33 11023.8. Not later than \_\_\_, each county welfare department  
34 shall utilize the text message communication method described in  
35 Section 11023.7 for the CalFresh program (Chapter 10  
36 (commencing with Section 18900) of Part 6) for applicants and  
37 beneficiaries who have opted in to the extent permissible.

38 SEC. 5. Section 18901 of the Welfare and Institutions Code is  
39 amended to read:

1       18901. (a) The eligibility of households shall be determined  
2 to the extent permitted by federal law.

3       (b) In determining eligibility for CalFresh, no minimum age  
4 requirements shall be imposed other than those that exist under  
5 federal law; law shall not be imposed.

6       (c) *The department shall establish and require the use of  
7 self-attestation by CalFresh applicants and beneficiaries to verify  
8 required information to the extent permitted by federal law and  
9 shall apply for any waivers necessary to simplify verification  
10 requirements.*

11     (d) *Verification standards acceptable by the department for  
12 quality control purposes shall not be more stringent than those  
13 allowable for use by counties for eligibility verification and  
14 determination processes.*

15     SEC. 6. Section 18901.1 of the Welfare and Institutions Code  
16 is amended to read:

17     18901.1. (a) ~~The department shall issue guidance to simplify  
the verification of dependent care expense deductions necessary  
to determine a household's eligibility for, or the benefit level of,  
CalFresh. The guidance shall establish that dependent care  
expenses shall be considered verified upon receipt of a self-certified  
statement of monthly dependent care expenses, unless federal law  
or guidance requires additional documentation.~~

24     (b) ~~This section shall not preclude the county human services  
agency from requesting additional documentation to verify a  
dependent care expense deduction if the verification received is  
questionable.~~

28     (a) *The department shall issue guidance to counties that does  
all of the following:*

30       (1) *Simplifies the verification of dependent care expense  
deductions necessary to determine a household's eligibility for,  
or the benefit level of, CalFresh.*

33       (2) *Establishes that dependent care expenses shall be considered  
verified upon receipt of a self-certified statement of monthly  
dependent care expenses, unless federal law or guidance requires  
additional documentation.*

37       (3) *Prohibits a county human services agency from requesting  
additional documents to verify dependent care expenses, except  
when the reported dependent care expenses are questionable as  
defined in state regulations.*

1       (e)

2       (b) Notwithstanding the rulemaking provisions of the  
3       Administrative Procedure Act (Chapter 3.5 (commencing with  
4       Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
5       Code), until regulations are adopted, the department may  
6       implement this section through all-county letters or similar  
7       instructions. The department shall adopt regulations implementing  
8       this ~~section on or before January 1, 2015.~~ section.

9       SEC. 7. Section 18901.10 of the Welfare and Institutions Code  
10      is amended to read:

11      18901.10. To the extent permitted by federal law, and subject  
12      to the limitation in subdivision (e), (d), each county welfare  
13      department shall, if appropriate, exempt a household from  
14      complying with face-to-face interview requirements for purposes  
15      of determining eligibility at initial application and recertification,  
16      according to the following:

17      (a) The county welfare department shall screen each household's  
18      need for exemption status at application and recertification.

19      (b) A person eligible for an exemption under this section may  
20      request a face-to-face interview to establish initial eligibility or to  
21      comply with recertification requirements.

22      (c) *Commencing on \_\_\_\_, for purposes of interview scheduling  
23      and rescheduling at initial application and recertification, county  
24      welfare departments shall implement at least one of the following  
25      interview scheduling techniques, to the extent they are not currently  
26      in use: on-demand, time-block, telephonic, and same-day  
27      interviews.*

28      (e) ~~Nothing in this section shall~~

29      (d) *This section shall not limit a county's ability to require an  
30      applicant or recipient to make a personal appearance at a county  
31      welfare department office if the applicant or recipient no longer  
32      qualifies for an exemption or for other good cause.*

33       SEC. 8. Section 18910 of the Welfare and Institutions Code is  
34      amended to read:

35      18910. (a) To the extent permitted by federal law, regulations,  
36      waivers, and directives, *for households receiving CalFresh benefits  
37      through CalWORKS linked assistance,* the department shall  
38      implement the prospective budgeting, semiannual reporting system  
39      provided in Sections 11265.1, 11265.2, and 11265.3, and related  
40      provisions, regarding CalFresh, in a cost-effective manner that

1 promotes compatibility between the CalWORKs program and  
2 CalFresh, and minimizes the potential for payment errors.

3     (b) For CalFresh recipients who also are Medi-Cal beneficiaries  
4 and who are subject to the Medi-Cal midyear status reporting  
5 requirements, counties shall seek to align the timing of reports  
6 required under this section with midyear status reports required  
7 by the Medi-Cal program. This subdivision does not apply to  
8 CalFresh households in which all adult members are elderly or  
9 disabled members, as defined in Section 271.2 of Title 7 of the  
10 Code of Federal Regulations, and in which the household has no  
11 earned income.

12     (b) *The department shall implement a change-reporting*  
13 *structure pursuant to Section 273.12 of Title 7 of the Code of*  
14 *Federal Regulations for non-CalWORKs-linked CalFresh*  
15 *households that are not eligible for a certification period longer*  
16 *than 12 months.*

17     (c) The department shall seek all necessary waivers from the  
18 United States Department of Agriculture to implement subdivision  
19 (a). subdivisions (a) and (b).

20     (d) Counties may establish staggered, semiannual reporting  
21 cycles for individual households, based on factors established or  
22 approved by the department, provided the semiannual reporting  
23 cycle is aligned with the certification period; however, all  
24 households within a county must be transitioned to a semiannual  
25 reporting system simultaneously. Up to and until the establishment  
26 of a countywide semiannual reporting system, a county shall  
27 operate a quarterly system, as established by law and regulation.

28     (e) The requirement of subdivision (e) of Section 11265.1 shall  
29 apply to the implementation of this section.

30     (f) (1) This section shall become operative on April 1, 2013. A  
31 county shall implement the semiannual reporting requirements in  
32 accordance with the act that added this section no later than October  
33 1, 2013.

34         (2)

35             (I) Upon implementation described in paragraph (1), as  
36 described in subdivision (f), each county shall provide a certificate  
37 to the director certifying that semiannual change reporting has  
38 been implemented in the county.

39         (3)

1       (2) Upon filing the certificate described in paragraph (2), (1),  
2 a county shall comply with the ~~semiannual reporting~~  
3 *change-reporting* provisions of this section.

4       (g)

5       (d) (1) It is the intent of the Legislature that, due to the  
6 establishment of a ~~semiannual reporting~~ *change-reporting* cycle,  
7 *change semiannual* reporting no longer be imposed on certain  
8 households that were ~~exempt from quarterly reporting pursuant to~~  
9 ~~federal law: required to complete semiannual reporting~~. To that  
10 end, the department shall work with county human services  
11 agencies, client advocates, and the Statewide Automated Welfare  
12 System to eliminate *change semiannual* reporting for all *applicable*  
13 households no later than ~~January 1, 2017~~ \_\_\_\_.

14       (2) For the purposes of this subdivision, “*change semiannual*  
15 reporting” means the reporting requirements imposed on  
16 households designated as ~~certified~~ *simplified* reporting  
17 households pursuant to Section ~~273.12(a)~~ 273.12 (a)(5) of Title 7  
18 of the Code of Federal Regulations.

19       (e) *Counties shall be held harmless by the department from*  
20 *fiscal penalties due to quality control or error rates, or both,*  
21 *pursuant to Section 18905 as a result of implementing this section.*

22       (f) *The amendments to this section made by the act adding this*  
23 *subdivision shall become operative, as follows:*

24       (1) *On* \_\_\_\_.

25       (2) *Notwithstanding paragraph (1), a county shall implement*  
26 *the change reporting requirements no later than* \_\_\_\_.

27       SEC. 9. Section 18918.1 is added to the Welfare and  
28 Institutions Code, to read:

29       18918.1. (a) In an effort to expand CalFresh program outreach  
30 and retention and improve dual enrollment between the CalFresh  
31 and Medi-Cal programs, county welfare departments shall, no later  
32 than \_\_\_\_ , do all of the following:

33       (1) Ensure that Medi-Cal applicants who also may be eligible  
34 for CalFresh are screened and given the opportunity to apply at  
35 the same time they are applying for Medi-Cal or submitting  
36 information for the renewal process.

37       (2) Ensure the same staff that receive Medi-Cal and CalFresh  
38 applications pursuant to subparagraph (1) during the Medi-Cal  
39 application, renewal, or application and renewal processes conduct

1 the eligibility determination functions needed to determine  
2 eligibility or ineligibility to CalFresh.

3     (3) Designate one or more county liaisons to establish CalFresh  
4 application referral and communication procedures on outreach  
5 activities between counties and community-based organizations  
6 facilitating Medi-Cal enrollment.

7     (b) County departments, with the support of the Statewide  
8 Automated Welfare System shall, no later than \_\_\_, do both of  
9 the following:

10       (1) Provide prepopulated CalFresh applications to Medi-Cal  
11 beneficiaries who are apparently CalFresh eligible and not dually  
12 enrolled during the Medi-Cal renewal process.

13       (2) Utilize text messaging as a method of communication as  
14 outlined in Section 11023.8 to remind applicants and beneficiaries  
15 of upcoming application and recertification interviews and  
16 deadlines to submit necessary paperwork or verifications to  
17 complete the application or recertification process.

18     SEC. 10. Section 18926 of the Welfare and Institutions Code  
19 is amended to read:

20     18926. (a) To the extent permitted by federal law, the  
21 department shall annually seek a federal waiver of the existing  
22 federal Supplemental Nutrition Assistance Program limitation that  
23 stipulates that an able-bodied adult without dependents (ABAWD)  
24 participant is limited to three months of CalFresh benefits in a  
25 three-year period unless that participant has met the work  
26 participation requirement or is otherwise exempt.

27       (b) All eligible counties shall be included in and bound by this  
28 waiver.

29       (c) ~~At its option, when If~~ a county is not eligible for a  
30 countywide waiver, ~~a county may request that~~ the department *shall*  
31 apply for the waiver described in subdivision (a) for one or more  
32 eligible subareas of the county. The department ~~shall seek the~~  
33 ~~subarea waiver within a reasonable time frame following a request~~  
34 ~~made by a county, and~~ may seek any necessary information from  
35 the county to support the waiver request.

36     SEC. 11. If the Commission on State Mandates determines  
37 that this act contains costs mandated by the state, reimbursement  
38 to local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division  
2 4 of Title 2 of the Government Code.

O