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.


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

SECTION 1. (a) The Legislature finds and declares that hunger and food insecurity continue to be a growing problem in California
caused by a number of factors, including income and wealth
inequality, the high cost of living, the aging state population, and
the increased homelessness rates. In this regard, the Legislature
finds all of the following:
(1) The impact hunger and food insecurity has had on the overall
development, health, and economy for the state is a serious and
costly issue California is facing.
(2) CalFresh is a critical statewide tool that provides
much-needed food security, and currently serves over 4,000,000
Californians.
(3) While the federal government has made numerous attempts
to undermine the federal Supplemental Nutrition Assistance
Program (SNAP) program nationwide, California has in recent
years made significant increases in CalFresh program access rates
and progress in expanding benefits to vulnerable populations,
including the elderly, disabled, and previously ineligible
Supplemental Security Income populations.
(4) There remain opportunities for improving the CalFresh
access rate as certain state policy decisions have contributed to the
lower CalFresh program enrollment rate.
(5) State investments in county business processes can also
improve CalFresh program access rates by promoting and funding
county best practices.
(b) Therefore, it is the intent of the Legislature to maximize the
impact of federal safety net SNAP funding to fight hunger and
poverty by further reducing program barriers that lead to lower
enrollment and retention rates and program turnover, and by
promoting county best practices to help California accomplish this
goal.
SEC. 2. This act shall be known, and may be cited, as the More
CalFresh, Less Hunger Act.
SEC. 3. Section 11023.7 of the Welfare and Institutions Code
is amended to read:
11023.7. (a) If it is within the capacity of the county, a county
may communicate with an applicant for, or recipient of, benefits
under CalWORKs (Chapter 2 (commencing with Section 11200)),
CalFresh (Chapter 10 (commencing with Section 18900) of Part
6), or the Cash Assistance Program for Aged, Blind, and
Disabled Legal Immigrants (Chapter 10.3 (commencing with
Section 18937) of Part 6) via computer-generated text message.
All communications and notices of actions sent via computer-generated text message shall comply with Section 227 of Title 47 of the United States Code.

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

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

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

(2) This subdivision is declarative of existing law.

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

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

SEC. 5. Section 18901 of the Welfare and Institutions Code is amended to read:
18901. (a) The eligibility of households shall be determined
to the extent permitted by federal law.
(b) In determining eligibility for CalFresh, no minimum age
requirements shall be imposed other than those that exist under
federal law. Law shall not be imposed.
(c) The department shall 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
shall apply for any waivers necessary to simplify verification
requirements.
(d) Verification standards acceptable by the department for
quality control purposes shall not be more stringent than those
allowable for use by counties for eligibility verification and
determination processes.
SEC. 6. Section 18901.1 of the Welfare and Institutions Code
is amended to read:
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.
(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.
(a) The department shall issue guidance to counties that does
all of the following:
(1) Simplifies the verification of dependent care expense
deductions necessary to determine a household’s eligibility for,
or the benefit level of, CalFresh.
(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.
(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.
(e) 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), until regulations are adopted, the department may implement this section through all-county letters or similar instructions. The department shall adopt regulations implementing this section on or before January 1, 2015. 

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

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

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

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

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

(d) Nothing in this section shall limit a county’s ability to require an applicant or recipient to make a personal appearance at a county welfare department office if the applicant or recipient no longer qualifies for an exemption or for other good cause.

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

18910. (a) To the extent permitted by federal law, regulations, waivers, and directives, for households receiving CalFresh benefits through CalWORKs linked assistance, the department shall implement the prospective budgeting, semiannual reporting system provided in Sections 11265.1, 11265.2, and 11265.3, and related provisions, regarding CalFresh, in a cost-effective manner that
promotes compatibility between the CalWORKs program and
CalFresh, and minimizes the potential for payment errors.
(b) For CalFresh recipients who also are Medi-Cal beneficiaries
and who are subject to the Medi-Cal midyear status reporting
requirements, counties shall seek to align the timing of reports
required under this section with midyear status reports required
by the Medi-Cal program. This subdivision does not apply to
CalFresh households in which all adult members are elderly or
disabled members, as defined in Section 271.2 of Title 7 of the
Code of Federal Regulations, and in which the household has no
earned income:
(b) The department shall implement a change-reporting
structure pursuant to Section 273.12 of Title 7 of the Code of
Federal Regulations for non-CalWORKs-linked CalFresh
households that are not eligible for a certification period longer
than 12 months.
(c) The department shall seek all necessary waivers from the
United States Department of Agriculture to implement subdivisions
(a): subdivisions (a) and (b).
(d) Counties may establish staggered, semiannual reporting
cycles for individual households, based on factors established or
approved by the department, provided the semiannual reporting
cycle is aligned with the certification period; however, all
households within a county must be transitioned to a semiannual
reporting system simultaneously. Up to and until the establishment
of a countywide semiannual reporting system, a county shall
operate a quarterly system, as established by law and regulation.
(e) The requirement of subdivision (e) of Section 11265.1 shall
apply to the implementation of this section.
(f) (1) This section shall become operative on April 1, 2013. A
county shall implement the semiannual reporting requirements in
accordance with the act that added this section no later than October
1, 2013.
(2) Upon implementation described in paragraph (1), as
described in subdivision (f), each county shall provide a certificate
to the director certifying that semiannual change reporting has
been implemented in the county.
(3)
(2) Upon filing the certificate described in paragraph (2), a county shall comply with the change-reporting provisions of this section.

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

(2) For the purposes of this subdivision, change reporting means the reporting requirements imposed on households designated as certified simplified reporting households pursuant to Section 273.12(a) of Title 7 of the Code of Federal Regulations.

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

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

(1) On ____.

(2) Notwithstanding paragraph (1), a county shall implement the change reporting requirements no later than ____.

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

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

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

(2) Ensure the same staff that receive Medi-Cal and CalFresh applications pursuant to subparagraph (1) during the Medi-Cal application, renewal, or application and renewal processes conduct
the eligibility determination functions needed to determine
eligibility or ineligibility to CalFresh.

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

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

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

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

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

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

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

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

SEC. 11. 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.