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THIRD READING

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Bill No: AB 1004  
Author: Calderon (D)  
Amended: 3/30/21 in Assembly  
Vote: 27 - Urgency

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SENATE HUMAN SERVICES COMMITTEE: 4-0, 6/8/21  
AYES: Hurtado, Cortese, Kamlager, Pan  
NO VOTE RECORDED: Jones

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 77-0, 4/29/21 (Consent) - See last page for vote

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**SUBJECT:** CalWORKs eligibility: income exemption: census

**SOURCE:** Author

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**DIGEST:** This bill deletes requirements that, in order to be exempt from being considered income under the CalWORKs program, income or stipends related to the decennial census must be earned on the year of or year prior to a census, so that all such income or stipends may be exempted, regardless of when it is earned, and makes those changes effective immediately.

**ANALYSIS:**

Existing law:

- 1) Establishes the federal Temporary Assistance for Needy Families (TANF) program, which provides block grants to states to develop and implement their own state welfare-to-work programs designed to provide cash assistance and other supports and services to low-income families (*42 USC 601 et seq.*)
- 2) Establishes, in state law, the CalWORKs program to provide cash assistance and other social services for low-income families through TANF. Under

CalWORKs, each county provides assistance through a combination of state, county and federal TANF funds. (*WIC 11120 et seq.*)

- 3) Establishes income, asset, and real property limits used to determine eligibility for the CalWORKs program, and CalWORKs grant amounts, based on family size and county of residence. (*WIC 11150 to 11160, 11450 et seq.*)
- 4) Defines “earned income” as gross income received as wages, salary, employer-provided sick leave benefits, commissions, or profits from activities such as a business enterprise or farming in which the recipient is engaged as a self-employed individual or as an employee. (*WIC 11451.5(b)(1)*)
- 5) Exempts the following from consideration as income for purposes of public social services, including CalWORKs, programs, as specified:
  - a) Income that is received too infrequently to be reasonably anticipated, as exempted in federal Supplemental Nutrition Assistance Program regulations;
  - b) Income from college work-study programs;
  - c) An award or scholarship provided by a public or private entity to or on behalf of a dependent child;
  - d) Income or stipend paid by the United States (US) Census Bureau, a governmental entity, or a nonprofit organization for temporary work related to improving participation in the decennial census that is earned in the year preceding a decennial census and during the year of the decennial census; and,
  - e) Any federal pandemic unemployment compensation, so long as the federal pandemic unemployment compensation is exempt as income for purposes of establishing eligibility for the CalFresh program. (*WIC 11157(b-d)*)
- 6) Requires a family’s income, once calculated per various CalWORKs rules stipulated in statute including deduction of the earned income disregard, to be deducted from the maximum aid payment for that family size as adjusted for any applicable cost-of-living increase in order to arrive at that family’s monthly CalWORKs grant level, as specified. (*WIC 11450*)

This bill:

- 1) Deletes provisions that any income or stipend paid by the US Census Bureau, a governmental entity, or a nonprofit organization for temporary work related

to improving participation in the decennial census earned during the year preceding a decennial census and during the year of the decennial census is not income and is exempt from consideration as income for purposes of determining CalWORKs eligibility and aid amount.

- 2) Provides that any income or stipend paid for temporary work related to the decennial census shall not be considered income for purposes of determining eligibility and aid amount, regardless of when the income was earned.
- 3) Requires that this new exemption shall be retroactive and apply to any income or stipend paid by the US Census Bureau, a governmental entity, or a nonprofit organization for temporary work related to the most recent decennial census.
- 4) Permits the California Department of Social Services to implement, interpret, or make specific this subdivision by means of all-county letters or similar instructions from the department until regulations are adopted.
- 5) Provides that this is an urgency statute necessary for the immediate preservation of the public peace, health, or safety and shall go into immediate effect.

### **Comments**

According to the author, “last year, our country and our state undertook the immense responsibility of counting our communities for the decennial census. These efforts relied on a temporary workforce, many of whom were tasked with the challenge of connecting with hard to reach communities during an unprecedented pandemic. Unfortunately, existing law is unclear on whether temporary workers who rely on CalWORKs would have the income from census related work conducted in 2021 counted toward eligibility for the program. AB 1004 would ensure that CalWORKs recipients who are finishing census work can continue to have their census income disregarded, consistent with federal rules.”

### *CalWORKs*

As the state’s largest anti-poverty program, CalWORKs provides temporary cash assistance aimed at moving children out of poverty and helping qualified low income families meet their basic needs, such as rent, clothing, utility bills, food and other items needed to ensure children are cared for at home and safely remain with their families. In addition to cash assistance, adult CalWORKs recipients are provided education, employment and training services designed to help remove

barriers to work and promote self-sufficiency. These services are typically outlined in a Welfare-To-Work plan.

In order to be eligible for CalWORKs, families must meet income and asset tests *that are based on family size and county of residence*. For example, a family of three living in a higher cost-of-living region could qualify to receive CalWORKs benefits if their monthly adjusted income is no more than \$1,453. The same family living in a lower cost-of-living region would qualify if their monthly adjusted income is no more than \$1,379. As of October 2020, the maximum monthly grant amount for a non-exempt family of three, if the family has no other income and lives in a high-cost county, is \$878. The same family living in a lower cost-of-living county would be eligible for up to \$834 per month. However, the average monthly CalWORKs benefit is \$583. More than 482,400 families are projected to receive CalWORKs benefits in Fiscal Year 2021-22.

Under current law, certain types of income are considered exempt in the CalWORKs program, which means they are not counted when calculating program eligibility and benefit amount. Exempt income includes:

- income that is received too infrequently to be reasonably anticipated, as specified;
- income from college work-study programs;
- an award or scholarship provided by a public or private entity to or on behalf of a dependent child;
- federal pandemic unemployment compensation, as specified; and,
- income or stipend paid by the US Census Bureau, a governmental entity, or a nonprofit organization for temporary work related to improving participation in the decennial census that is earned in the year preceding a decennial census and during the year of the decennial census.

### *2020 Census*

The US Census Bureau conducts a count of the people living in the United States every 10 years. Data obtained from each decennial census is used to determine representation at the federal and state level and spending of public dollars. Therefore, obtaining a complete and accurate count of California's population is essential to obtaining the state's fair share of representation and resources.

Undercounting certain populations is a persistent challenge for census administrators. That challenge is amplified in California, where more residents are

considered traditionally hard to count. Those include foreign-born residents, renters, individuals living in homes without a broadband subscription, people living close to or below the poverty line, and children younger than five years old.

The Census Bureau hires hundreds of thousands of paid, part-time, temporary employees, including census takers, recruiting assistants, office staff, and supervisory staff. In addition, the California Complete Count - Census 2020 and many local entities hired temporary help for the purpose of encouraging people to complete and submit their census forms for the 2020 census.

The Census Bureau reports historical difficulties recruiting and hiring individuals who receive public assistance from federal or state government due to concerns that temporary income earned could reduce or terminate existing benefits. Thus, the Office of Management and Budget encouraged agencies administering public assistance programs to exclude temporary income from census employment from eligibility determinations for the 2020 Census. Additionally, according to a February 11, 2019 letter from the Administration for Children and Families, “in the past, the Census Bureau has successfully recruited TANF participants to help fill these vacancies, and wishes to do so again for the upcoming census. The Office of Family Assistance encourages states and tribes to disregard income that TANF recipients receive as census employees in TANF benefit calculations. Doing so would mean TANF recipients continue to receive TANF without reduction while helping the Census Bureau and gaining work experience. States and tribes may choose to implement the exemption period in one of several ways. For example, the exemptions could begin on specific dates, anytime within given periods, or the first day of temporary census employment in each year.”

Existing California law allows certain income associated with the decennial census to be exempt from CalWORKs eligibility and benefit calculations, but only such income earned the year prior to or the year of the census. However, the Census Bureau was unable to complete the count in 2020 due to COVID-19 restrictions. Thus, the Bureau’s post-enumeration survey is on-going and expected to be complete in November 2021. Some of the census workers conducting the fieldwork necessary to complete the survey are also CalWORKs recipients. This bill proposes to exempt any income paid by the Census Bureau, a governmental entity, or a nonprofit organization for temporary work related to improving participation in the decennial census in order to protect and preserve the CalWORKs benefits of those workers. The bill would ensure that CalWORKs recipients who are finishing census work can continue to have their census income disregarded.

**Related/Prior Legislation**

AB 81 (Ting, Chapter 5, Statutes of 2021) implemented statutory provisions related to the budget to allow the State to align state programs requirements to align with COVID-19 federal relief provisions, including the exemption of federal pandemic unemployment compensation from eligibility and grant determination for the CalWORKs program.

AB 807 (Bauer-Kahan, Chapter 440, Statutes of 2019) exempted certain income, including certain scholarships and income for work on the decennial census, from being counted as income for purposes of determining CalWORKs eligibility and benefit amounts.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

**SUPPORT:** (Verified 6/22/21)

California Catholic Conference  
Coalition of California Welfare Rights Organizations

**OPPOSITION:** (Verified 6/22/21)

None received

**ASSEMBLY FLOOR:** 77-0, 4/29/21

**AYES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

**NO VOTE RECORDED:** Luz Rivas

Prepared by: Taryn Smith / HUMAN S. / (916) 651-1524  
6/23/21 15:14:18

\*\*\*\* END \*\*\*\*