

THIRD READING

Bill No: AB 1049
Author: Celeste Rodriguez (D), et al.
Introduced: 2/20/25
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 4-1, 6/15/26
AYES: Becker, Laird, Pérez, Weber Pierson
NOES: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 54-15, 1/29/26 - See last page for vote

SUBJECT: California Food Assistance Program: sponsor deeming rules

SOURCE: California Immigrant Policy Center
Nourish California

DIGEST: This bill deletes the requirement that applicants to the California Food Assistance Program (CFAP) must abide by the federal sponsor deeming rules required of qualified immigrants applying to the Supplemental Nutrition Assistance Program (SNAP).

ANALYSIS:

Existing Law:

- 1) Establishes under federal law, SNAP to promote the general welfare and to safeguard the health and wellbeing of the nation's population by raising the levels of nutrition among low-income households. (7 United States Code (USC) Section 2011 et seq.)

- 2) States that any immigrant visa or green card applicant who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge is inadmissible, unless they meet certain exceptions. Factors to determine inadmissibility for public charge concerns include, at a minimum:
 - a) Age;
 - b) Health;
 - c) Family status;
 - d) Assets, resources, and financial status; and
 - e) Education and skills. (8 USC section 1182 (a)(4))
- 3) Requires an affidavit of support [United States Citizenship and Immigration Services Form I-864] to be submitted for an immigrant visa or green card applicant to establish that the applicant is excludable as a public charge and be executed as a contract that includes all of the following:
 - a) The sponsor agrees to provide support to maintain the sponsored applicant at an annual income that is not less than 125% of the Federal poverty line during the period in which the affidavit is enforceable;
 - b) Enforceability against the sponsor by the sponsored person, the Federal Government, any State, or by any other entity that provides any means-tested public benefit;
 - c) Agreement by the sponsor to submit to the jurisdiction of any Federal or State court for the purpose of actions brought this law. (8 USC section 1183a (a)(1))
 - 4) Establishes citizenship requirements for SNAP benefits, including that undocumented immigrants are not eligible for SNAP. (7 Code of Federal Regulations (CFR) section 273.4)
- 5) Requires state agencies, if a sponsored immigrant applies for SNAP, to deem the income and resources of the sponsor and the sponsor's spouse as the unearned income and resources of the SNAP applicant that they sponsored until the applicant gains U.S. citizenship, has worked 40 qualifying quarters of work, or the sponsor dies. (7 CFR section 273.4(c)(2))

- 6) Establishes the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting specified criteria. (Welfare & Institutions Code (WIC) section 18900 et seq.)
- 7) Requires the California Department of Social Services (CDSS) to establish CFAP to provide food assistance to people who are not eligible for federal SNAP benefits due solely to their immigration status. (WIC section 18930 et seq.)
- 8) Requires CFAP to utilize existing CalFresh and electronic benefits transfer (EBT) system infrastructure to the extent permissible by federal law. (WIC section 18930(b))
- 9) Provides that noncitizens of the United States are eligible for CFAP if the person's immigration status meets the SNAP eligibility criteria in effect on August 21, 1996, but is not eligible for SNAP benefits solely due to their immigration status under Public Law 104-193 and any subsequent amendments thereto. (WIC section 18930(c)(2))
- 10) Requires the CFAP benefits provided to household be identical to amount of CalFresh received if household was eligible. (WIC section 18930(d)(1))
- 11) Requires, except as otherwise stated, the federal and state laws and regulations governing SNAP to also govern the CFAP, including federal sponsor deeming rules and exemptions, unless the person has a qualifying affidavit for exemptions, which provides the period for deeming of a sponsor's income and resources shall be three years from the date of the sponsor's execution of the affidavit of support. (WIC section 18932(a-b))

This bill removes the requirement that applicants for CFAP that are sponsored for citizenship must abide by the federal sponsor deeming rules and exemptions, which are required for qualified immigrants applying for the SNAP program, which consider the income and resources of a sponsor and the sponsor's spouse to be the unearned income of the CFAP applicant.

Background

According to the author, "We must commit to making sure we streamline the processes to ensure families are able to access the resources they need, especially when it comes to food assistance. Currently, many eligible low-income immigrant families in California fear accessing public programs in our state because of concerns with the status of their green cards. AB 1049 seeks to make a change to the California Food Assistance Program. Currently, the income and resources of an

immigrant's sponsor are used when determining eligibility, even if the sponsor is not actively able to provide financial support to the sponsored immigrant. AB 1049 would remove that requirement and allow eligible low-income immigrant families to gain access to food assistance without feeling stigmatized or fearful of accessing essential food assistance. AB 1049 is a step forward in improving food security and overall well-being of our communities.”

CalFresh . CalFresh is California's version of federal SNAP, an entitlement program that provides eligible households with federally funded monthly benefits to purchase food are delivered through an EBT card which cardholders can use at point-of-sale terminals authorized by the USDA. Grocers and other retailers are paid directly by the federal government for the dollar value of purchases made with CalFresh food benefits. The average benefit in 2025-2026 is approximately \$333 a month for all households.

California Food Assistance Program. Under federal law, CalFresh benefits are not available to certain non-citizens. However, California provides state-funded food assistance through CFAP for a limited group of qualified non-citizens who are not eligible for federal benefits due to their immigration status. Like CalFresh, CFAP benefits are provided via EBT cards and can only be used to purchase food products authorized under CalFresh.

CFAP was created in response to passage of the Personal Responsibility and Work Opportunity Reconciliation Act in 1996 (discussed more below), which restricted federal eligibility for aid to immigrant populations entering the United States. However, income and other federal eligibility requirements, as well as benefit amounts, for CFAP align with those for CalFresh.

California law identifies specific categories of lawfully present immigrants who are eligible for CFAP benefits as those who would be eligible for CalFresh except for the restrictions on immigrants in the Personal Responsibility and Work Opportunity Reconciliation Act in 1996, which, until recent changes in federal law, included:

- Lawful permanent residents (green card holders);
- Refugees, those receiving asylum, persons granted withholding of deportation/removal, conditional entry (in effect prior to April 1, 1980), or paroled into the U.S. for at least one year;
- Cuban/Haitian entrants;

- Battered spouses and children with one of the following, whether it be pending or approved: a self-petition for an immigrant visa; an immigrant visa filed for a spouse or child by a U.S. citizen or lawful permanent resident; or, an application for cancellation of removal/suspension of deportation, whose need for benefits has a substantial connection to the battery or cruelty. Parent/child of such battered child/spouse are also “qualified”;
- Victims of trafficking and their derivative beneficiaries who have obtained a T visa or whose application for a T visa sets forth a prima facie case.

Recent changes through the federal bill, H.R. 1, changed the CalFresh eligibility rule for noncitizens and disqualifies certain noncitizen groups from being eligible for CalFresh assistance, including asylees, refugees, parolees, and trafficking victims, among others. Meaning those groups are also now no longer eligible for CFAP. According to CDSS, about 34,000 individuals enrolled in CalFresh will lose assistance because of this change.

Public Charge Final Rule. In 1996, the federal government changed the way social service benefits are provided through a major reform of the Aid to Families with Dependent Children welfare program. The reform bill was called the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Act codified benefit restrictions to certain immigrants, specifically those who are undocumented or do not have a qualifying citizenship status. The law states that unqualified immigrants cannot receive federal public benefits except for a limited number of exceptions.

One way benefits are restricted to unqualified immigrants is the Inadmissibility on Public Charge Grounds final rule administered by the Department of Homeland Security (DHS) United States Citizenship and Immigration Services (USCIS). Per the 2019 final rule, DHS officers were directed to consider all factors that are relevant and listed minimum factors to consider which include age, health, family size, assets and resources, and education and skills. This created a chilling affect causing immigrants who might be eligible for CalFresh to not seek out the benefits out of concern that accepting such assistance might jeopardize their future efforts to change their immigration status.

In November 2025, DHS proposed another change to the Final Rule because, as the proposal states, the most recent 2022 rule “straitjacket[s] DHS officers' ability to make public charge inadmissibility determinations that are consistent with Congress's express national policy on welfare and immigration enacted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.” The

new rule proposal brings back the broader interpretation of the 2019 rule including the past and future use of all benefits like food assistance and Medicaid. One of the proposed changes also requires DHS officers to consider the “minimum factors,” listed above, when determining admissibility or green card eligibility, including a person’s assets and resources.

[NOTE: See the Senate Human Services Committee analysis for detailed background of this bill.]

Sponsor Deeming Rules. To satisfy the inadmissibility on public charge grounds requirement, an immigrant visa or green card applicant’s sponsor must fill out form USCIS I- 864 Affidavit of Support, where they commit to supporting the green card applicant at an income level of at least 125 percent of the federal poverty level, to prevent the person from needing to use public benefits. After a person is admitted into the United States with a visa or obtains a green card, if they apply for public benefits, the sponsor must also report a portion of their income on those public benefit applications. This means a sponsor’s income is deemed unearned income for the noncitizen applicant for the purpose of determining eligibility. This also means the applicant’s reported income will be larger than what they earn whether the sponsor is providing that additional reported income to the noncitizen applicant or not. Deeming rules apply to people applying for SSI, the State Cash Assistance Program for Immigrants, CalFresh, CalWORKs and CFAP.

As stated above, California state law requires many of the federal requirements for CalFresh to also apply to CFAP, including the sponsor deeming rule. A portion of the sponsor’s income must be reported for the first three years the person is accessing CFAP. There are a few exceptions to the requirement for sponsor deeming including a person being at risk of indigence, meaning they are unable to access food or shelter; their sponsor dies; they are victims of domestic violence; or the sponsor is also a recipient of public food assistance. However, CFAP is a state funded nutrition assistance program, and the federal law only explicitly requires sponsor deeming for federally funded programs. This bill would remove the requirement that the state deem the assets and resources of a sponsor applicable sponsored immigrant individuals and families applying for CFAP.

Related/Prior Legislation

AB 311 (Santiago, 2024) would have removed the 55 years and older age limit for noncitizens eligible for the CFAP if the noncitizens satisfy all eligibility criteria for participation in CalFresh except any requirements related to immigration status. This bill was held in the Senate Appropriations Committee.

AB 135 (Committee on Budget, Chapter 85, Statutes of 2021) provides \$5 million in the 2021 Budget Act to expand food assistance CFAP to individuals 55 years of age or older, who are ineligible for CalFresh benefits due solely to their immigration status.

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

According to the Senate Appropriations Committee: “Unknown General Fund costs for increased CFAP caseloads due to more individuals becoming eligible for the program. The California Department of Social Services (CDSS) estimates a one-time General Fund cost of approximately \$103,500 for automation. Unknown potential costs to counties for administration. Costs would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.”

SUPPORT: (Verified 8/14/26)

California Immigrant Policy Center (Co-Sponsor)

Nourish California (Co-Sponsor)

ACLU California Action

Alameda County Community Food Bank

Alchemist CDC

Api Forward Movement

Asian Pacific Islander Forward Movement

California Association of Food Banks

California Community Foundation

California Food and Farming Network

California Hospital Association

California Pan - Ethnic Health Network

California Primary Care Association

California Wic Association

Ceres Community Project

Chinese for Affirmative Action

Coalition for Humane Immigrant Rights

Farm2people

First 5 LA

Food Access LA

Fresh Approach

Glide

Grace Institute - End Child Poverty in CA

Grantmakers Concerned With Immigrants and Refugees

Healthright 360
 Interfaith Sustainable Food Collaborative
 Latino Coalition for a Healthy California
 Los Angeles County
 Los Angeles Food Policy Council
 Marin Food Policy Council
 Orale: Organizing Rooted in Abolition Liberation and Empowerment
 Para Los Ninos
 Pesticide Action Network North America
 Roots of Change
 San Diego Food System Alliance
 Second Harvest Food Bank of Orange County
 Second Harvest of Silicon Valley
 Sierra Harvest
 Survivors of Torture, International
 The Children's Partnership
 Vision Y Compromiso
 What We All Deserve

OPPOSITION: (Verified 8/14/26)

None received

ASSEMBLY FLOOR: 54-15, 1/29/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan,
 Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly,
 Elhawary, Fong, Gabriel, Garcia, Mark González, Haney, Harabedian, Hart,
 Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen,
 Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos,
 Michelle Rodriguez, Rogers, Blanca Rubio, Schultz, Sharp-Collins, Solache,
 Soria, Stefani, Ward, Wicks, Wilson, Zbur, Rivas
NOES: Alanis, Castillo, Chen, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez,
 Hadwick, Johnson, Lackey, Macedo, Patterson, Sanchez, Tangipa
NO VOTE RECORDED: Arambula, Davies, Flora, Gipson, Hoover, Ransom,
 Celeste Rodriguez, Schiavo, Ta, Valencia, Wallis

Prepared by: Naima Ford Antal / HUMAN S. / (916) 651-1524
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