
SENATE COMMITTEE ON HUMAN SERVICES

Senator Becker, Chair
2025 - 2026 Regular

Bill No: SB 1099
Author: Reyes
Version: February 13, 2026
Urgency: No
Consultant: Naima Ford Antal
Hearing Date: April 20, 2026
Fiscal: No

Subject: State and local public benefits

SUMMARY

This bill clarifies that local governments may provide state and local social service programs to all residents, regardless of immigration status, by adding and defining “state or local public benefit” to align with the federal definition to qualify for the exemption permitted in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

ABSTRACT

Existing Law:

- 1) Establishes the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which creates a grant program to increase the flexibility of states in operating a program designed to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families. (*42 United States Code [USC] 601 et seq.*)
- 2) Notwithstanding any other provision of law and except for certain emergency services, an undocumented person or immigrant who is not a qualified is not eligible for any federal public benefits. (*8 USC 1611(a)*)
- 3) Allows an immigrant who is not qualified for federal public benefits to receive federal public benefits that meet the following exceptions:
 - a. Medical assistance for an emergency condition
 - b. Short-term, non-cash, in-kind emergency disaster relief
 - c. Immunizations and testing for communicable diseases

- d. Programs, services, or assistance specified by the Attorney General that do all of the following:
 - i. Deliver in-kind services at the community level, including through public or private nonprofit agencies.
 - ii. Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources.
 - iii. Are necessary for the protection of life or safety.
 - e. Programs for housing or community development assistance or financial assistance (*8 USC 1611(b)*)
- 4) Defines "federal public benefit" to mean any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States and any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States. (*8 USC 1611(c)*)
 - 5) Defines a "state and local public benefit" to mean any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government. (*8 USC 1621(c)(1)*)
 - 6) Allows a state to permit a local entity to provide an immigrant who is not lawfully present in the United States any state or local public benefit, for which such person would otherwise be ineligible, through the enactment of a state law after August 22, 1996. (*8 USC 1621(d)*)
 - 7) States that it is the intent of the Legislature in enacting this part to affirm the ability of counties, cities, and hospital districts to provide health care and other services to all residents, if any of these entities has decided to do so at its own discretion. (*Welfare and Institutions Code [WIC] 17850*)
 - 8) Allows a city, county, city and county, or hospital district to, at its discretion, provide aid, including health care, to persons who, but for Section 411 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193; 8 U.S.C. Sec. 1621), would meet eligibility requirements for any program of that entity. (*WIC 17851*)

This Bill:

- 1) States that it is the intent of the legislature to affirm the ability of counties, cities, and hospital districts to provide a state or local public benefit, including health care and other services, to all residents if the entity has decided to do so.
- 2) Defines “state or local public benefit” to have the same meaning as in Section 411 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193; 8 USC Sec. 1621) or any successor provision.
- 3) Clarifies that a city, county, city and county, or hospital district may, at its discretion provide a state or local public benefit to people who, except for the restrictions in Section 411 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, would meet the eligibility requirements for the state or local public benefit.

FISCAL IMPACT

This bill has been keyed non-fiscal by Legislative Counsel.

BACKGROUND AND DISCUSSION**Purpose of the Bill:**

According to the author, “Historically, California has relied on a statutory exemption under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) that allows local governments, at their discretion, to provide *state and local public* benefits to all residents. Unfortunately, the California statute that provides this PRWORA exemption is too vague and is not directly tied to how ‘local and state public benefits’ are defined at the federal level. This is an issue because the federal definition can be, and has been, subject to regulatory interpretation. If the federal definition of public benefit is expanded and California’s statute does not reflect that change, then it puts our local governments at risk of being out of compliance with federal law.

“SB 1099 addresses this issue by tying the existing exemption in state law to the PRWORA definition of ‘state or local public benefit.’ In doing so, it ensures that local governments have the certainty they need to continue providing critical services that protect community health, safety, and economic stability.”

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)

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 bill came in response to concerns that the number of families relying on welfare was growing too quickly due to an increase in single mothers. The program was renamed the Temporary Assistance to Needy Families (TANF) program and included major changes including being

funded as a block grant to states with a capped amount instead of an entitlement guaranteed by the federal government.

The bill also codified benefit restrictions to unqualified 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 exception allows unqualified immigrants to use programs, services, or assistance that, at the discretion of the Attorney General, (1) deliver in-kind services at the community level; (2) do not condition assistance, the amount of assistance, or the cost of assistance on the recipient's income; and (3) are necessary for the protection of life or safety. The Attorney General is also charged with creating regulations for citizen status verification and procedures to ensure compliance with the Personal Responsibility and Work Opportunity Reconciliation Act.

In 2001, the Attorney General issued Order No. 2353-2001 which most recently defined what federal public benefits unqualified immigrants could and could not receive. There were 41 federal benefit programs identified as restricted including state developmental disabilities councils, foster care, Medicare, Medicaid (except for emergency conditions), refugee cash assistance, and TANF. The services allowed for unqualified immigrants included federally funded short-term emergency shelters, disaster relief, soup kitchens, food banks and programs like child protection, adult protective services, medical, and public health services that are provided regardless of a person's resources.¹

The Personal Responsibility and Work Opportunity Reconciliation Act also states that unqualified immigrants can receive services funded by the state or local government if the state passes a law allowing local public entities to provide a "state or local public benefit" if they choose. California passed SB 1534 (*Ortiz, Chapter 801, Statutes of 2006*) allowing cities, counties, a city and county, and hospital districts to provide healthcare and other services to all residents, regardless of immigration status, if they choose. This allowed local governments and hospital districts to continue providing services like homelessness supportive services, crisis hotlines, and emergency medical care to all residents without verifying their immigration status.

This bill would update that statute to explicitly state that cities, counties, a city and county, and hospital districts can provide a "state or local public benefit" if they choose and clarify that "state or local public benefit" means the same as in the exception described in the Personal Responsibility and Work Opportunity Reconciliation Act.

Executive Order 14218

On February 19, 2025, the President signed Executive Order 14218, "Ending Taxpayer Subsidization of Open Borders." The stated goal of the order was to ensure, "to the maximum extent permitted by law, that no taxpayer-funded benefits go to unqualified aliens." It requires a formal review and update of the Personal Responsibility and Work Opportunity Reconciliation Act and the programs that are identified as federal public benefits. Specifically, all federal agencies needed to identify "all federally funded programs administered by the agency that currently permit illegal aliens to obtain any cash or non-cash public benefit."²

¹ aphsa.org/wp-content/uploads/2025/07/HHS-Program-Impacts-of-Expanded-PRWORA.pdf

² Exec. Order No. 14218, 90 FR 10581. Feb 19, 2025 <https://www.federalregister.gov/d/2025-03137>

This led to a revocation of the 2001 Attorney General Order and a new Order issued in 2025 which significantly narrowed the definition of what programs are considered necessary for “life and safety” saying that federal departments have interpreted that rule too loosely. The new order allows only the benefits exempted explicitly in the Personal Responsibility and Work Opportunity Reconciliation Act to be available for unqualified immigrants including services from police, fire, emergency medical services, emergency disaster relief, sanitation, and other similar services.

To comply with the new order from the Attorney General the United States Health and Human Services Agency issued a notice announcing the additional programs that will be considered federal public benefits under the Personal Responsibility and Work Opportunity Reconciliation Act, including Head Start, the Kinship Guardianship Assistance Program, the Child Care and Development Block Grant and many other programs supporting children, people experiencing homelessness, people with behavioral health disorders, and foster youth. On July 21st²⁰²⁵, the Attorneys General of 23 states, including California, filed a lawsuit and were granted a preliminary injunction to pause the enforcement of the new rules.

This bill updates state law to clarify that benefits offered at the local level do not need to change despite potential benefit changes at the federal level.

Related/Prior Legislation:

SB 1534 (Ortiz, Chapter 801, Statutes of 2006) permits cities, counties, city and counties, and hospital districts to provide healthcare and other services for residents who, except for citizenship restrictions in the Personal Responsibility and Work Opportunity Reconciliation Act, would meet eligibility requirements for the services.

COMMENTS

SB 1099 clarifies that services offered locally that fall under the Personal Responsibility and Work Opportunity Reconciliation Act “state and local benefit” definition can continue to operate as they are now despite potential changes happening at the federal level as a result of Executive Order 14218. The federal law created by the Personal Responsibility and Work Opportunity Reconciliation Act restricts the social service programs and services that immigrants receive from the federal government. However local governments are given the flexibility to provide locally funded services and programs in a way that best suits their communities. Many local governments and nonprofit organizations see benefit in offering homeless support services, emergency health care, emergency food assistance, and other services to all their residents without the additional administrative burden of checking their immigration status. This bill ensures that as the programs and services available to immigrants changes at the federal level, services remain the same at the local level while still being fully in compliance with federal law.

PRIOR VOTES

Senate Health Committee:

11 - 0

POSITIONS

Support:

Civil Prosecutors Coalition (Sponsor)
County of Santa Clara (Co-Sponsor)
City and County of San Francisco
CPCA Advocates
David Chiu, San Francisco City Attorney

Oppose:

None Received

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