

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM**  
3.6  
(ID # 6873)

**MEETING DATE:**

Tuesday, April 24, 2018

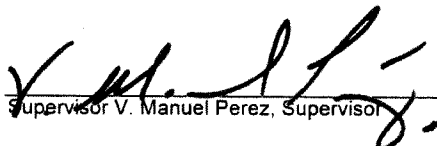
**FROM :** SUPERVISOR V. MANUEL PEREZ:

**SUBJECT:** SUPERVISOR V. MANUEL PEREZ: County State Legislative Platform, additional Support of AB 1883 Human Services. [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1.) Supports AB 1883 (Weber, E. Garcia): Human Services: Child Care and Development Services: Food Assistance Benefits; and
- 2.) Requests the Deputy CEO of Legislative Policy to advise the county lobby team in Sacramento of the Board's support for Assembly Bill 1883.

**ACTION:** Policy


  
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Supervisor V. Manuel Perez, Supervisor 4/19/2018

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**MINUTES OF THE BOARD OF SUPERVISOS**

On motion of Supervisor Perez, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: April 24, 2018  
xc: Supvr. Perez, EO

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

**BACKGROUND:**

**Summary:**

AB 1883, as amended, excludes the basic allowance for housing (BAH) for certain military households from being counted as income for the purposes of determining eligibility for subsidized child care; creates a food assistance program for certain military families that meet eligibility criteria; and changes certain requirements related to the administration of alternative payment programs (APPs).

Riverside County is the home of two major military installations, March Air Reserve Base in Riverside and the Naval Weapons Center at Corona. Both installations host Active Duty soldiers, airmen, sailors, and Marines. Riverside County is also adjacent to Marine Installations at 29 Palms and Camp Pendleton along with a naval installation in El Centro. Many military personnel and their families from these installations have chosen to reside in Riverside County.

Certain military personnel are authorized a Basic Allowance for Housing (BAH) to augment base pay and help the military members afford housing off base. It is important to note that BAH is not part of the service member's base pay and is an allowance subject to changes in formulation. Certain enlisted personnel and their families rely on Cal FRESH Food benefits as their pay and allowances are not able to sustain their families.

AB 1883 seeks to exclude BAH for housing for certain military personnel from being reported as income only when determining eligibility for child care and early education programs as well as for Cal Fresh food benefits. Given the sacrifices our soldiers, Marines, sailors, and airmen make to defend our nation in war and peace, support for AB 1883 would be one more acknowledgement of the Board's support for military personnel and their families.

AMENDED IN ASSEMBLY APRIL 2, 2018

AMENDED IN ASSEMBLY MARCH 8, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1883**

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**Introduced by Assembly Member Weber**  
*(Coauthor: Assembly Member Eduardo Garcia)*

January 17, 2018

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An act to amend Sections 8220.1 and 8222 of, and to add Section 8209.5 to, the Education Code, and to add Chapter 10.2 (commencing with Section 18936) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1883, as amended, Weber. Human services: child care and development services: food assistance benefits.

(1) The Child Care and Development Services Act, administered by the State Department of Education, provides that children from infancy to 13 years of age are eligible for federal and state subsidized child development services if their families meet at least one requirement in each of certain areas.

This bill would require, for purposes of determining eligibility for services under the act, that the income of a person who is on state or federal active duty, active duty for special work, or Active Guard and Reserve duty in the military not include the amount of the basic allowance for housing provided to that person, pursuant to specified federal law, if the allowance is equal to the lowest rate of the allowance for the military housing area in which the person resides.

The act requires the department to contract with local contracting agencies for alternative payment programs for services provided throughout the state, and authorizes alternative payment programs for services provided in licensed centers and family day care homes and for other types of programs that conform to applicable law. ~~The act requires an alternative payment program, with certain exceptions, to have no less than 36 months to expend funds allocated to that program in any fiscal year, and requires the Superintendent of Public Instruction to develop a process that provides alternative payment programs no less than 36 months to expend funds allocated to that program in any fiscal year.~~

~~This bill would require an alternative payment program, with those same exceptions, to have no less than 12 months, instead of 36 months, to expend funds allocated to that program in any fiscal year, and would require the Superintendent to develop a process that provides alternative payment programs no less than 12 months, instead of 36 months, to expend funds allocated to that program in any fiscal year. The bill would require the department to contract with alternative payment programs, instead of local contracting agencies, for services provided throughout the state.~~

The act requires an alternative payment program to reimburse a licensed provider for the child care of a subsidized child based on the rate charged to nonsubsidized families or the rate established by the provider for prospective nonsubsidized families, as specified. The act requires a licensed child care provider to submit to the alternative payment program and the local resource and referral agency a copy of the provider's rate sheet listing the rates charged and other specified policies and statements. The act authorizes a licensed child care provider to alter rate levels for subsidized children once per year and requires a licensed child care provider to provide the alternative payment program and local resource and referral agency with an updated rate sheet, and other specified policies and statements, to reflect the altered rate levels.

This bill would delete the provision authorizing a licensed child care provider to alter rate levels for subsidized children once per year and the related requirement to provide an updated rate sheet, and other specified policies and statements, to the alternative payment program and local resource and referral agency.

The act requires an alternative payment program to verify provider rates no less frequently than once a year, as provided, and requires the

department to develop regulations for addressing discrepancies in provider rate levels identified through this verification process.

This bill would delete those requirements.

(2) Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law establishes eligibility requirements, including specified income eligibility standards, for receipt of CalFresh benefits.

This bill would require the State Department of Social Services, on or before September 1, 2019, to establish the Military Families Food Assistance Program to provide food assistance benefits to a household that includes a person who is on state or federal active duty, active duty for special work, or Active Guard and Reserve duty in the military and who receives a specified basic allowance for housing that, when counted as income, makes the household ineligible for *the maximum* CalFresh ~~benefits~~ *benefits provided for that household size*. The bill would require the benefits provided under the Military Families Food Assistance Program to be equivalent to the benefits that the household would be provided under the CalFresh program if the basic allowance for housing was not counted as income under the CalFresh program, and would require the laws, regulations, and guidance governing SNAP and the CalFresh program to also govern the Military Families Food Assistance Program. To the extent the bill would expand the duties of counties to administer this Military Families Food Assistance Program, 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. Section 8209.5 is added to the Education Code,  
2 to read:

3 8209.5. (a) The Legislature finds and declares that requiring  
4 the basic allowance for housing received by active military families  
5 to be counted towards a family's income when determining  
6 eligibility for child care services is contrary to the income eligibility  
7 requirements of other low-income subsidy supports, such as federal  
8 Head Start programs and the California Special Supplemental  
9 Nutrition Program for Women, Infants, and Children.

10 (b) For purposes of determining eligibility for services pursuant  
11 to this chapter, the income of a person who is on state or federal  
12 active duty, active duty for special work, or Active Guard and  
13 Reserve duty in the military shall not include the amount of the  
14 basic allowance for housing pursuant to Section 403 of Title 37  
15 of the United States Code provided to that person if the allowance  
16 is equal to the lowest rate of the allowance for the military housing  
17 area in which the person resides.

18 (c) This section does not affect priority for federal and state  
19 subsidized child development services pursuant to subdivision (b)  
20 of Section 8263.

21 SEC. 2. Section 8220.1 of the Education Code is amended to  
22 read:

23 8220.1. (a) (1) The Legislature finds and declares all of the  
24 following:

25 (A) There is currently an unmet need for over 1.5 million  
26 affordable child care slots for children from birth to 12 years of  
27 age.

28 (B) Fewer than 33,000 voucher-based child care slots are funded  
29 to support the parental choice and working needs of income eligible  
30 working families.

31 (C) Parents need accessible child care in settings that meet the  
32 full-time needs of working families, which often includes child  
33 care in the evenings and on weekends.

34 (D) Many active military families must secure child care in  
35 settings off the military base.

36 (2) It is therefore the intent of the Legislature that working  
37 families and active military families achieve and maintain their  
38 personal, social, economic, and emotional stability through an

1 opportunity to attain financial stability through employment and  
2 parental development while maximizing the growth and  
3 development of their children, and through enhancing their  
4 parenting skills through participation in child care and development  
5 programs.

6 (b) The department shall contract with alternative payment  
7 programs so that services will be provided throughout the state.  
8 The department shall expand existing alternative payment programs  
9 and fund new alternative payment programs to the extent that funds  
10 are provided by the Legislature.

11 (c) Funding for the new programs pursuant to this section shall  
12 be allocated to programs that meet all of the following  
13 requirements:

14 (1) Applicants shall conform to the requirements of this article.

15 (2) Applicants shall demonstrate that an alternative payment  
16 child development program is an appropriate method of delivering  
17 child care services within the county or service area at the level  
18 requested in the application by doing either of the following:

19 (A) Demonstrating the availability of sufficient licensed or  
20 exempt child care providers.

21 (B) Providing a plan for the development of sufficient licensed  
22 child care providers working in cooperation with the local resource  
23 and referral agency.

24 (3) Applicants shall demonstrate the administrative viability of  
25 the alternative payment agency and its capacity to meet  
26 performance requirements.

27 (4) Existing alternative payment child development programs  
28 receiving funds for expansion into a new service area shall be  
29 funded at a documented rate appropriate to that community and  
30 may contract separately as appropriate.

31 (d) (1) Except as provided in paragraph (3), an alternative  
32 payment program shall have no less than ~~12~~ 36 months to expend  
33 funds allocated to that program in any fiscal year.

34 (2) The Superintendent shall develop a process that provides  
35 alternative payment programs no less than ~~12~~ 36 months to expend  
36 funds allocated to that program in any fiscal year.

37 (3) Paragraphs (1) and (2) do not apply to contracts relating to  
38 the administration of child care services described in Sections 8353  
39 and 8354.

1 SEC. 3. Section 8222 of the Education Code is amended to  
2 read:

3 8222. (a) Payments made by alternative payment programs  
4 shall not exceed the applicable market rate ceiling. Alternative  
5 payment programs may expend more than the standard  
6 reimbursement rate for a particular child. However, the aggregate  
7 payments for services purchased by the agency during the contract  
8 year shall not exceed the assigned reimbursable amount as  
9 established by the contract for the year. An agency shall not make  
10 payments in excess of the rate charged to full-cost families. This  
11 section does not preclude alternative payment programs from using  
12 the average daily enrollment adjustment factor for children with  
13 exceptional needs as provided in Section 8265.5.

14 (b) Alternative payment programs shall reimburse licensed child  
15 care providers in accordance with a biennial market rate survey  
16 pursuant to Section 8447, at a rate not to exceed the ceilings  
17 established pursuant to Section 8357.

18 (c) An alternative payment program shall reimburse a licensed  
19 provider for child care of a subsidized child based on the rate  
20 charged by the provider to nonsubsidized families, if any, for the  
21 same services, or the rates established by the provider for  
22 prospective nonsubsidized families. A licensed child care provider  
23 shall submit to the alternative payment program a copy of the  
24 provider's rate sheet listing the rates charged, and the provider's  
25 discount or scholarship policies, if any, along with a statement  
26 signed by the provider confirming that the rates charged for a  
27 subsidized child are equal to or less than the rates charged for a  
28 nonsubsidized child.

29 (d) An alternative payment program shall maintain a copy of  
30 the rate sheet and the confirmation statement.

31 (e) A licensed child care provider shall submit to the local  
32 resource and referral agency a copy of the provider's rate sheet  
33 listing rates charged, and the provider's discount or scholarship  
34 policies, if any, and shall self-certify that the information is correct.

35 (f) A licensed child care provider shall post in a prominent  
36 location adjacent to the provider's license at the child care facility  
37 the provider's rates and discounts or scholarship policies, if any.

38 SEC. 4. Chapter 10.2 (commencing with Section 18936) is  
39 added to Part 6 of Division 9 of the Welfare and Institutions Code,  
40 to read:



CHAPTER 10.2. MILITARY FAMILIES FOOD ASSISTANCE PROGRAM

18936. The Legislature finds and declares all of the following:

(a) A 2016 survey of more than 8,000 active military members conducted by Blue Star Families found that 7 percent of active military members experienced food insecurity that year. Food insecurity among military families is triggered by a number of circumstances, including unexpected financial emergencies, underemployment among spouses, and the costs incurred by frequent changes in stations.

(b) The federal Supplemental Nutrition Assistance Program (SNAP), known as CalFresh in California, is the nation's most important defense against hunger, but it is largely out of reach for low-income military families.

(c) SNAP rules require California's CalFresh program to count the value of housing allowances, known as basic allowance for housing (BAH), as income when determining the eligibility of military families in the program.

(d) The United States Internal Revenue Service does not consider BAH as taxable income, nor is BAH counted as income for a variety of other public social services programs, including the California Special Supplemental Nutrition Program for Women, Infants, and Children.

18936.1. (a) On or before September 1, 2019, the State Department of Social Services shall establish the Military Families Food Assistance Program to provide assistance for the households described in subdivision (b).

(b) A household that includes a person who is on state or federal active duty, active duty for special work, or Active Guard and Reserve duty in the military and who receives a basic allowance for housing pursuant to Section 403 of Title 37 of the United States Code that, when counted as income pursuant to Section 273.9(c)(1)(vii) of Title 7 of the Code of Federal Regulations, or any other federal law, regulation, or guidance, makes the household ineligible for the maximum CalFresh benefits provided for that household size pursuant to Chapter 10 (commencing with Section 18900) shall be eligible for benefits under this chapter.

(c) The benefits provided under this chapter shall be equivalent to the benefits that the household would be provided under the

1 CalFresh program if the basic allowance for housing was not  
2 counted as income under the CalFresh program.

3 (d) A household described in subdivision (b) that applies for  
4 CalFresh benefits shall have its eligibility determined for benefits  
5 provided under this chapter without the need for a new application.

6 (e) Except as otherwise provided in this chapter, the laws,  
7 regulations, and guidance governing the federal Supplemental  
8 Nutrition Assistance Program and the CalFresh program shall also  
9 govern the program provided for under this chapter.

10 18936.2. This chapter shall be implemented only during a  
11 period in which Section 273.9(c)(1)(vii) of Title 7 of the Code of  
12 Federal Regulations, or any other federal law, regulation, or  
13 guidance, requires a basic allowance for housing, as described in  
14 Section 403 of Title 37 of the United States Code, to be counted  
15 as income for purposes of determining eligibility for the CalFresh  
16 program.

17 SEC. 5. If the Commission on State Mandates determines that  
18 this act contains costs mandated by the state, reimbursement to  
19 local agencies and school districts for those costs shall be made  
20 pursuant to Part 7 (commencing with Section 17500) of Division  
21 4 of Title 2 of the Government Code.