

CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE
California Update

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GOVERNOR DAVIS SIGNS BUDGET

Programs for Recent Immigrants Preserved, but Only for Another Year

Under California's new budget for fiscal year 2000–01, "qualified" immigrants who entered the United States on or after the date the federal welfare law passed (Aug. 22, 1996) will continue to be eligible for cash, food, and health assistance from the state. However, the new budget and two trailer bills that implement its provisions relating to health and social services (AB 2877 and 2876, respectively) extend the eligibility of such individuals for only one more year. Governor Gray Davis signed the budget on June 30 and the two trailer bills on July 7, 2000.

What follows is a summary of those provisions and other measures that fund programs of interest to immigrant families.

Healthy Families. California's State Children's Health Insurance Program, Healthy Families provides children in

low-income families affordable health care coverage. Under the 2000–01 budget, children who entered the U.S. on or after Aug. 22, 1996, will be able to receive 12 months of coverage if they enroll by June 30, 2001. Post–Aug. 22,

Please see "State Budget," page 2, column 1

Court Halts Immigration Status Restrictions in California Housing Programs

In a victory for immigrant families, a San Francisco Superior Court judge on May 5, 2000, ordered the California Dept. of Housing and Community Development (HCD) to stop implementing or enforcing regulations that impose immigration status–related restrictions in a variety of housing developments throughout the state. Space permitting, housing provided through the following programs is now available to all eligible immigrants, regardless of status:

- Farmworker Housing Grants
- Deferred-Payment Rehabilitation Loans
- Special User Housing Rehabilitation Program
- Office of Migrant Services
- California Housing Rehabilitation Program
- Rental Housing Construction Program
- Homeownership Assistance Program
- Emergency Housing and Assistance Program
- Mobile Home Park Assistance Program
- California Housing Rehabilitation Program for Owner-Occupied Housing
 - Rental Housing Construction Program—Proposition 84 Bond
- Family Housing Demonstration Program

Please see "Housing Programs," page 2, column 1

CIWC Substantive Law Trainings Slated for Mid- to Late Sept. 2000

The California Immigrant Welfare Collaborative will be conducting its annual regional trainings in Northern and Southern California in mid- to late September 2000. Topics to be covered include:

- Affidavits of Support
- CAPI/SSI
- Domestic Violence
- Food & Nutrition
- Health Care
- Housing
- Language Access
- Public Charge

Another announcement will be made once training sites and dates have been finalized. Watch for it in the next issue of CALIFORNIA UPDATE!

THE CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE IS A JOINT PROJECT OF

- National Immigration Law Center • Coalition for Humane Immigrant Rights of Los Angeles
Asian Pacific American Legal Center of Southern California • Northern California Coalition for Immigrant Rights

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1996, entrants who enrolled in the program by June 30, 2000, can receive an additional 12 months of coverage when their eligibility is redetermined. In the years thereafter, these children will receive Healthy Families benefits only if federal matching funds become available.

Cash Assistance Program for Immigrants (CAPI). CAPI provides cash assistance to otherwise eligible immigrants who, due to the 1996 federal welfare law, cannot receive federal Supplemental Security Income. The 2000–01 budget continues to provide CAPI benefits to immigrants who entered on or after Aug. 22, 1996. However, this extension will last only until Sept. 30, 2001.

California Food Assistance Program (CFAP). CFAP provides nutrition assistance to otherwise eligible immigrants who were rendered ineligible for federal food stamps by the federal welfare law. Under the new budget, CFAP benefits will continue to be provided to post–Aug. 22, 1996, entrants, but only until Sept. 30, 2001.

Healthy Families outreach and food stamps outreach. The budget funds outreach activities for Healthy Families and Medi-Cal for children at \$34.3 million, \$6 million of which has been earmarked for community-based groups already contracted with the state to conduct such activi-

ties. To address declining participation by eligible immigrant families in the food stamp program, the budget funds food stamp outreach at \$3 million.

Language access. The budget allocates \$500,000 to the State Personnel Board, most likely to help state agencies improve their compliance with the Dymally-Alatorre Bilingual Service Act.

English language learners. Another \$500,000 has been allocated to provide intensive language and literacy instruction to limited English–proficient students and adults.

Housing. The budget includes \$575 million to augment housing programs. Of that amount, \$46.5 million will be allocated to the Farmworker Housing Grant Program, and \$36.5 to the Emergency Housing Assistance Program.

Naturalization assistance. The Dept. of Community Services and Development will receive \$7 million to provide naturalization assistance services, such as civics instruction necessary for passing the naturalization exam.

Immigrants and immigrants' rights advocates are disappointed that the budget for 2000–01 extends eligibility for Healthy Families, CAPI, and CFAP to post–Aug. 22, 1996, entrants for only another year. However, they will continue to advocate for full restoration of these benefits at both the state and federal levels.

Housing Programs (continued from page 1)

Regulations denying “not qualified” immigrants access to these programs were proposed in September 1997 pursuant to an executive order issued by former Governor Pete Wilson. Wilson had ordered agencies to cut benefits without waiting for federal guidance regarding the types of programs that may be restricted under the 1996 federal welfare law.

The welfare law, for example, addressed certain benefits that are provided to “an individual, household, or family eligibility unit.” By contrast, many of the affected housing programs do not give subsidies directly to individuals or families. Instead, they provide grants or loans to developers, along with federal funds, to facilitate the creation or rehabilitation of affordable housing.

Federal agencies may determine that developments of this nature fall outside the scope of the welfare law's restrictions. Preferring to wait for such guidance, the state legislature denied HCD's request for funding to implement the regulations. Nevertheless, in November 1998, the agency instructed housing providers to turn certain immigrant families away, and, under Governor Gray Davis,

continued implementing the restrictions.

Nonprofit housing-providers and associations, who declared that verifying immigration status would interfere with their mission, joined three affected families in a lawsuit challenging the restrictions. The court held that because the legislature denied funding to HCD to implement the regulations the agency could not legally do so.

Accordingly, housing providers receiving funds through the programs listed above will be instructed not to implement immigration screens—immigrants and their family members should have access to these programs on the same basis as citizens. (This order does not affect federal public housing or section 8 programs, which continue to have immigration status requirements.) Individuals who have questions about whether a particular housing development is subject to this order or who learn of violations of this order may contact Oren Sellstrom at the San Francisco Lawyers Committee for Civil Rights at 415-543-9444.

Mercy Charities Housing California, et al. vs. HCD,
No. 305541 (S.F. Sup. Ct., May 5, 2000).

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