



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Board Report

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**File #:** RES 18-154, **Version:** 1

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Adopt a Resolution opposing the proposed “Public Charge” rule released by the U.S. Department of Homeland Security.

### **RECOMMENDATION:**

It is recommended that the Board of Supervisors adopt a Resolution opposing the proposed “Public Charge” rule released by the U.S. Department of Homeland Security.

### **SUMMARY**

On October 10, 2018, the U.S. Department of Homeland Security (DHS) released a notice of proposed rulemaking that would reshape how the federal government defines “public charge” - a term used by federal immigration authorities to determine whether an individual seeking immigration status is likely to become primarily dependent on the federal government for subsistence. The draft rule would widen the scope of programs and factors that federal immigration authorities may consider when determining if an individual qualifies as a “public charge.” This includes individuals already in the country seeking permanent legal residency or visa extensions, as well as those seeking entry to the country. The comment deadline on the proposed rule is December 10, 2018.

### **DISCUSSION:**

The proposed rule, if finalized as drafted, would upend decades of immigration law, jeopardize County residents' use of essential safety-net benefits and services, and undermine County policies that have helped its communities to thrive.

The U.S. government may deny entry and green cards to certain non-citizens it deems likely to become a “public charge.” Under existing policy, “public charge” means someone who is primarily dependent on the government for subsistence. Whether an immigrant is deemed likely to become a public charge depends on many factors, including the immigrant's use of a narrow set of public benefits.

The proposed rule would significantly expand the public charge analysis. Under the proposal, the federal government would consider an immigrant's use of a broadened range of public benefits. And it could deny entry or green cards to certain non-citizens, including some lawful visa holders, based on the likelihood that they might use even a modest amount of those benefits in the future. These benefits would include health care, nutrition, and housing programs that help participants meet their basic need, including Non-Emergency Medicaid (with some exceptions), Medicare Part D Low Income Subsidy, Supplemental Nutritional Assistance

Program (SNAP/CalFresh), and Housing Assistance (public housing and Section 8 housing vouchers and rental assistance), and increasing the income level for applicants who hope to overcome the “public charge” test.

The proposed changes will have a direct negative effect on local economies and well-being by discouraging immigrants from using essential public programs to secure food, health care, and shelter for which they are eligible in fear of jeopardizing the opportunity to gain Lawful Permanent Resident status in the future.

This report seeks adoption of a resolution opposing the proposed rule, and submission of comments opposing the rule on behalf of the County by the December 10, 2018 comment deadline.

**OTHER AGENCY INVOLVEMENT:**

The County Administrative Office - Intergovernmental and Legislative Affairs (CAO-IGLA) Division prepared this report in coordination with the Social Services and Health departments, and the County’s Federal lobbyist, Brent Heberlee, Nossaman LLP.

**FINANCING:**

Monterey County’s Legislative Program is funded in County Administrative Office-Department 1050, Intergovernmental & Legislative Affairs Division-Unit 8054. Approval of this recommendation will not result in additional general fund contributions.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

Mark a check to the related Board of Supervisors Strategic Initiatives

- ☒ Economic Development
- ☐ Administration
- ☒ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

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Date: October 25, 2018

Attachment:

- Resolution opposing the proposed “public charge” rule released by the U.S. Department of Homeland Security.