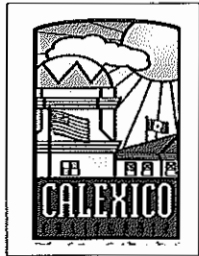


AGENDA  
ITEM  
**17**



# AGENDA STAFF REPORT

DATE: April 21, 2021

TO: Mayor and City Council

APPROVED BY: Miguel Figueroa, City Manager *MF*

PREPARED BY: Miguel Figueroa, City Manager  
Carlos Campos, City Attorney

SUBJECT: Letter of Support for California Assembly Bill 868

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## Recommendation:

It is recommended that the City Council consider and authorize the Mayor to sign a letter of support for California Assembly Bill 868 (Garcia) *State of emergency: funeral expense assistance.*

## Discussion:

The California Emergency Services Act authorizes the Governor to declare a state of emergency when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency.

Assembly Bill ("AB") 868 would require the State Department of Social Services ("Department") to provide, to a person that applies for funeral expense assistance, for eligible funeral home contract costs incurred by the person for a decedent who died due to COVID-19 on or after March 4, 2020, or who died as a result of an emergency that is the basis of a state of emergency declared by the Governor on or after January 1, 2022. The bill would require a person seeking funeral expense assistance to contact a nonprofit organization selected by the Department to complete an application for such assistance. The bill would require a nonprofit organization selected by the Department to conduct intake for funeral expense assistance, and to process applications, developed by the Department, on a first-come-first-served basis. The bill would require the application to include specified information, including an affidavit provided under penalty of perjury that eligible funeral home contract costs have not been fully paid for by other public or private sources.

**AGENDA  
ITEM  
17**

This bill would require the Department to review and approve completed applications by regions designated by the Department and in the order the nonprofit organization assisted and completed the application for the person seeking funeral expense assistance. The bill would require the Department to award, upon receipt of a completed application that fulfills the bill's requirements, \$5,000 or the amount of the eligible funeral home contract costs for the decedent, whichever is less, for each decedent.

This bill would create the Emergency Funeral Expenses Fund for purposes of implementing the bill's provisions. The bill would make moneys in the fund available only upon appropriation by the Legislature. The bill would also require the Department to allocate moneys for each region designated by the Department based on the percentage of low-income individuals in the region and to achieve equitable distribution of funds for underserved regions.

**Attachments:**

1. Letter of Support for AB 868.
2. Text of AB 868.
3. Fact sheet prepared by Assemblymember Eduardo Garcia's office.



# City of Calexico

608 HEBER AVENUE

CALEXICO, CA 92231

(760) 768-2102

April 21, 2021

The Honorable Eduardo Garcia  
State Capitol Building, Room 4140  
Sacramento, CA 95814

**RE: AB 868- STATE OF EMERGENCY: FUNERAL EXPENSE ASSISTANCE (Eduardo Garcia)**

Dear Assemblymember Garcia:

On behalf of the City of Calexico, I am writing in support of AB 868- State of Emergency: Funeral Expense Assistance. This bill would create a program to provide low-income Californians – regardless of their immigration status – financial assistance to pay for funeral related expenses of individuals whose life has been lost due to COVID-19 or in the occurrence of future state emergencies, such as earthquakes and wildfires.

On March 4, 2020, Governor Newsom declared a State of Emergency as a result of the threat of a global pandemic related to the outbreak of COVID-19 in the State of California. For over a year now, Californians have been making significant adjustments to their everyday life with the intent to minimize the spread of COVID-19. Low-income individuals, which make up 18% of the state's population, account for higher numbers of COVID-19 deaths in comparison to wealthier ones. Over 55,000 Californians have died to COVID-19, un-expectantly leaving their family members, many of which are financially burdened, responsible for funeral arrangements that average in the \$7,000's, an amount almost impossible to pay. This pandemic not only has family members mourning the loss of a loved one, but also struggling to cover expenses, on an already constrained budget.

AB 868 would direct the CA Department of Social Services (CDSS) to retroactively provide monetary assistance for COVID -19 related deaths for up to \$5,000 or the amount of funeral related costs, whichever is less. CDSS would be required to allocate moneys into regions based on the percentage of low-income individuals and to achieve equitable distribution of funds for underserved regions. A person seeking funeral expense assistance would contact a local nonprofit organization selected by CDSS to complete an application for such assistance. The selected nonprofit organization would conduct intake and process applications on a first-come-first-served basis. In contrast to FEMA's Funeral Assistance, AB 686 would not require the

applicant to be a US citizen or legal resident and it would allow for the assistance of expenses yet to be paid, to be sent to the service provider directly, relieving the applicant from struggling to come up with the money upfront.

The COVID-19 pandemic has brought overwhelming grief to many families. We strongly support AB 868 and look forward to working with you in helping Californians ease some of the financial stress and burden caused by the virus.

Sincerely,

**CITY OF CALEXICO**

Rosie Arreola-Fernandez  
Mayor, City of Calexico



### **Issue**

Over 55,000 Californian’s have died to COVID-19, un-expectantly leaving their family members, many of which are financially burdened, responsible for funeral arrangements. The median cost of funeral expenses is \$7,640, an amount almost impossible to pay. This pandemic not only has family members mourning the loss of a loved one, but also struggling to cover expenses, on an already constrained budget.

### **Background**

The COVID-19 pandemic has affected California in unprecedented ways – from high infection rates, to staggering number of hospitalizations, to the increasing devastating death toll. In addition to being a catastrophic public health crisis, COVID-19 has claimed over 20 million jobs statewide.

For almost a year, Californians have been making significant adjustments to their everyday life with the intent to minimize the spread of COVID-19, but unfortunately, we have lost over 55,000 lives to this disease. Disproportionately, lower-income individuals account for a higher number of COVID-19 deaths in comparison to wealthier ones.

A large number of Californians find themselves jobless, on the verge of losing their home, making ends meet, and with debt accumulating exponentially, when the responsibility to cover funeral expenses of a loved one is added to their load.

### **Bill Summary**

This bill would create the Emergency Funeral Expenses Fund to reimburse low-income families for funeral expenses when the cause of death is directly related to a Governor-declared state of emergency.

This bill would also direct the Department of Social Services to retroactively provide monetary assistance for COVID -19 related deaths for up to \$5,000 or the amount of the eligible funeral home contract costs, whichever is less, for each decedent.

The department would be required to allocate moneys based on the percentage of low-income individuals in each region and to achieve equitable distribution of funds for underserved regions.

The bill would require a person seeking funeral expense assistance to contact a nonprofit organization selected by the department to complete an application for such assistance.

The bill would require a nonprofit organization selected by the department to conduct intake for funeral expense assistance, and to process applications, developed by the department, on a first-come-first-served basis.

The bill would require the application to include specified information, including an affidavit provided under penalty of perjury that eligible funeral home contract costs have not been fully paid for by other public or private sources.

### **For More Information:**

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Capitol Office (916) 319-2056

Kimberly Barraza | [kimberly.barraza@asm.ca.gov](mailto:kimberly.barraza@asm.ca.gov)  
Coachella District Office (760) 347-2360

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 868**

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**Introduced by Assembly Member Eduardo Garcia**

February 17, 2021

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~~An act relating to emergency services. An act to add Chapter 7.2 (commencing with Section 8670) to Division 1 of Title 2 of the Government Code, relating to emergency services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 868, as amended, Eduardo Garcia. ~~Emergency services. State of emergency: funeral expense assistance.~~

*The California Emergency Services Act authorizes the Governor to declare a state of emergency when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency.*

*This bill would require the State Department of Social Services to provide, to a person that applies for funeral expense assistance, for eligible funeral home contract costs, as defined, incurred by the person for a decedent who died due to COVID-19 on or after March 4, 2020, or who died as a result of an emergency that is the basis of a state of emergency declared by the Governor on or after January 1, 2022. The bill would require a person seeking funeral expense assistance to contact a nonprofit organization selected by the department to complete an application for such assistance. The bill would require a nonprofit organization selected by the department to conduct intake for funeral expense assistance, and to process applications, developed by the department, on a first-come-first-served basis. The bill would require*

*the application to include specified information, including an affidavit provided under penalty of perjury that eligible funeral home contract costs have not been fully paid for by other public or private sources. By expanding the crime of perjury, the bill would impose a state-mandated local program.*

*This bill would require the department to review and approve completed applications by regions designated by the department and in the order the nonprofit organization assisted and completed the application for the person seeking funeral expense assistance. The bill would require the department to award, upon receipt of a completed application that fulfills the bill's requirements, \$5,000 or the amount of the eligible funeral home contract costs for the decedent, whichever is less, for each decedent.*

*This bill would create the Emergency Funeral Expenses Fund for purposes of implementing the bill's provisions. The bill would make moneys in the fund available only upon appropriation by the Legislature. The bill would also require the department to allocate moneys for each region designated by the department based on the percentage of low-income individuals in the region and to achieve equitable distribution of funds for underserved regions.*

*This bill would make the operation of these provisions subject to appropriation by the Legislature.*

*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 no reimbursement is required by this act for a specified reason.*

~~The California Emergency Services Act authorizes the Governor to declare a state of emergency when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency.~~

~~This bill would state the intent of the Legislature to enact legislation that would create, in accordance with assistance that the Federal Emergency Management Agency provides, a statewide program to provide financial assistance to low-income individuals for the funeral expenses of an individual whose death is related to a state emergency.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no-yes.~~



*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 7.2 (commencing with Section 8670) is  
2 added to Division 1 of Title 2 of the Government Code, to read:

3  
4             CHAPTER 7.2. FUNERAL EXPENSE ASSISTANCE  
5

6     8670. For purposes of this chapter, all of the following  
7 definitions apply:

8     (a) "Department" means the State Department of Social  
9 Services.

10    (b) "Eligible funeral home contract costs" means costs that are  
11 incurred by a person seeking funeral expense assistance pursuant  
12 to a contract with a funeral home and that are for any of the  
13 following:

14       (1) Casket.

15       (2) Mortuary services.

16       (3) Transportation of the deceased.

17       (4) Identification of the deceased by up to two family members  
18 of the decedent who live within the state.

19       (5) Two death certificates.

20       (6) Burial plot.

21       (7) Interment or cremation.

22       (8) Reinterment of a disinterred coffin, if disinterment is caused  
23 by the emergency that is the basis for a state of emergency declared  
24 by the Governor pursuant to Section 8625 and occurs in a family  
25 cemetery on private property.

26    (c) "Funeral home" means an establishment where the deceased  
27 are prepared for burial or cremation or that provide other burial  
28 or funeral services for the deceased and their families.

29    (d) "Nonprofit organization" means any private, nonprofit  
30 organization that qualifies under Section 501(c)(3) of the United  
31 States Internal Revenue Code of 1986.

32     8670.0.2. (a) (1) The department shall solicit nonprofit  
33 organizations to conduct intake, pursuant to Section 8670.0.3, for  
34 funeral expense assistance under this chapter and shall select one  
35 nonprofit organization to serve each region, as described in  
36 paragraph (2).

37       (2) The department shall create regions for purposes of  
38 conducting intake and allocating funds pursuant to this chapter.

1 (b) (1) *The department shall adopt guidelines for the creation*  
2 *of regions, allocation of funds for each region, and conducting*  
3 *intake pursuant to this chapter; and shall develop an application*  
4 *for nonprofit organizations to conduct intake pursuant to Section*  
5 *8670.0.3. The adoption of guidelines by the department pursuant*  
6 *to this subdivision is exempt from the Administrative Procedure*  
7 *Act (Chapter 3.5 (commencing with Section 11340), Chapter 4*  
8 *(commencing with Section 11370), Chapter 4.5 (commencing with*  
9 *Section 11400), and Chapter 5 (commencing with Section 11500)*  
10 *of Part 1 of Division 3).*

11 (2) *The application shall include, at a minimum, all of the*  
12 *following:*

13 (A) *Date of completed application.*

14 (B) *Full name of applicant.*

15 (C) *Full name of decedent.*

16 (D) *Death certificate.*

17 (E) *Documentation from an attending physician, medical*  
18 *examiner's office, coroner's office, or other state or local entity*  
19 *that attributes the decedent's death to COVID-19 or to an*  
20 *emergency that is the basis for a state of emergency declared by*  
21 *the Governor pursuant to Section 8625.*

22 (F) *Funeral home contract for the decedent that describes*  
23 *eligible funeral home contract costs and provides the total amount*  
24 *to be paid by the applicant. The applicant shall be a party to the*  
25 *contract.*

26 (G) *Explanation of whether the applicant is seeking*  
27 *reimbursement for eligible funeral home contract costs already*  
28 *paid pursuant to the contract in subparagraph (F), or for eligible*  
29 *funeral home contract costs yet to be paid under the contract in*  
30 *subparagraph (F). If the applicant is seeking a reimbursement,*  
31 *the applicant shall also attach proof of payment.*

32 (H) *Affidavit provided under penalty of perjury that eligible*  
33 *funeral home contract costs have not been fully paid for by other*  
34 *public or private sources.*

35 8670.0.3. (a) *The department shall provide, to a person that*  
36 *applies for assistance pursuant to subdivision (c), funeral expense*  
37 *assistance for either of the following:*

38 (1) *Eligible funeral home contract costs incurred by the person*  
39 *for a decedent who died due to COVID-19 on or after March 4,*  
40 *2020.*

1 (2) Eligible funeral home contract costs incurred by the person  
2 for a decedent who died as a result of an emergency that is the  
3 basis of a state of emergency declared by the Governor, pursuant  
4 to Section 8625, on or after January 1, 2022.

5 (b) A person is not eligible for funeral expense assistance under  
6 this chapter if any of the following apply:

7 (1) The decedent's death is not attributed to an emergency that  
8 is the basis of a state of emergency declared by the Governor  
9 pursuant to Section 8625.

10 (2) Eligible funeral home contract costs have already been fully  
11 paid by another public or private source.

12 (3) The person provides incomplete or insufficient information  
13 or documentation on their application.

14 (c) A person seeking funeral expense assistance pursuant to this  
15 chapter shall contact a nonprofit organization selected by the  
16 department to complete an application for such assistance.

17 (d) A nonprofit organization selected by the department to  
18 conduct intake for funeral expense assistance shall process an  
19 application, as developed by the department pursuant to Section  
20 8670.0.2, for a person seeking funeral expense assistance on a  
21 first-come-first-served basis.

22 (e) (1) The department shall review and approve completed  
23 applications by region and in the order the nonprofit organization  
24 assisted and completed the application for the person seeking  
25 funeral expense assistance.

26 (2) The department shall award, upon receipt of a completed  
27 application that fulfills the requirements of this chapter; five  
28 thousand dollars (\$5,000) or the amount of eligible funeral home  
29 contract costs for the decedent, whichever is less, for each  
30 decedent.

31 (3) If a successful applicant seeks reimbursement, the assistance  
32 shall be provided in the form of a check made out in the applicant's  
33 name. If a successful applicant seeks assistance for expenses yet  
34 to be paid under the funeral home contract, the assistance shall  
35 be sent to the funeral home directly in the form of a check made  
36 out to the funeral home.

37 8670.0.4. (a) There is hereby created the Emergency Funeral  
38 Expenses Fund for purposes of implementing this chapter. Moneys  
39 in the fund shall be available to implement this chapter only upon  
40 appropriation by the Legislature.

1     **(b)** *The department shall allocate moneys for each region, as*  
2 *described in paragraph (2) of subdivision (a) of Section 8670.0.2,*  
3 *based on the percentage of low-income individuals in the region*  
4 *and to achieve equitable distribution of funds for underserved*  
5 *regions.*

6     8670.0.5. *This chapter shall become operative when an*  
7 *appropriation is made by the Legislature for purposes of carrying*  
8 *out the provisions of this chapter.*

9     SEC. 2. *No reimbursement is required by this act pursuant to*  
10 *Section 6 of Article XIII B of the California Constitution because*  
11 *the only costs that may be incurred by a local agency or school*  
12 *district will be incurred because this act creates a new crime or*  
13 *infraction, eliminates a crime or infraction, or changes the penalty*  
14 *for a crime or infraction, within the meaning of Section 17556 of*  
15 *the Government Code, or changes the definition of a crime within*  
16 *the meaning of Section 6 of Article XIII B of the California*  
17 *Constitution.*

18     ~~SECTION 1. It is the intent of the Legislature to enact~~  
19 ~~legislation that would create, in accordance with assistance that~~  
20 ~~the Federal Emergency Management Agency provides, a statewide~~  
21 ~~program to provide financial assistance to low-income individuals~~  
22 ~~for the funeral expenses of an individual whose death is related to~~  
23 ~~a state emergency.~~