



April 16, 2018

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

**Response to Test Claim 17-TC-01, U-VISA Form I-918, Victims of Crime: Nonimmigrant Status**

Dear Ms. Halsey:

The Department of Finance has reviewed the test claim submitted to the Commission on State Mandates (Commission) by the City of Claremont (City) that alleges reimbursable, state-mandated costs associated with Chapter 721, Statutes of 2015 (SB 674).

The claimant asserts that SB 674 requires local law enforcement agencies, upon the request of an immigrant crime victim or their family, to certify victim helpfulness on a Form I-918, thus enabling the victim to apply for a U-Visa to reside in the United States. Prior to the enactment of SB 674, and consistent with federal law, local law enforcement agencies had discretion in certifying Forms I-918.

The City alleges the Claremont Police Department (Police Department) has incurred the following state-reimbursable costs associated with SB 674:

One-Time Costs:

- Updating Police Department policies and procedures.
- Training existing staff on the new requirements.

Ongoing Costs:

- Training new staff on the new requirements.
- Researching the crime the victim was involved in to determine if it qualifies for certification under SB 674, and to determine victim helpfulness.
- Completing, signing, and certifying the Form I-918 and accompanying Supplement B.
- Supervisor review and approval of the narrative description of victim helpfulness.
- Preparation and submittal of annual reports to the Legislature specifying the total requests for U-Visa certification, and the number approved and denied.
- Reviewing the U-Visa request.
- Supervisor review and approval of the completed U-Visa paperwork.
- Transmittal of results to involved parties and legal representatives.
- Filing, logging, and closing each case.

Finance asserts the City's test claim does not meet the cost threshold for filing a test claim because many of the asserted [or claimed] costs are not required under a plain reading of SB 674.

Pursuant to Government Code section 17564 (a), a claimant must incur at least \$1,000 in costs before filing a claim for reimbursement. Government Code section 17553 (b) (1) (C), meanwhile, requires the claimant to provide the actual increased costs incurred during the fiscal year for which the claim was submitted.

The City states the Police Department received its first U-Visa request in November 2017. Based on the Activity Cost Estimates table on page 4 of the test claim, it is unclear the Police Department incurred at least \$1,000 in actual 2017-18 costs. The Activity Cost Estimates table states the one-time and ongoing costs, totaling \$2,755, are estimated. Because the City states the Police Department has not incurred actual 2017-18 costs, the Commission should reject the test claim for not meeting the cost threshold.

Furthermore, most of the estimated 2017-18 costs included in the Activity Cost Estimates table do not qualify for reimbursement under a plain reading of SB 674 because they are not required. These include the one-time costs for the Police Chief to review and approve new policies and procedures, for the Police Captain to research the new law and draft new policy, for the City Attorney to review and approve the new policies, and for the Police Lieutenant to review the new policies and training. These costs comprise \$1,073 of the \$2,755 test claim amount for 2017-18. Also not qualifying for reimbursement according to a plain reading of SB 674 is the \$974 in claimed indirect costs. Removal of these costs from the \$2,755 amount claimed for 2017-18 leaves only \$708, which falls below the \$1,000 threshold set by Government Code section 17564 (a).

Sincerely,

A handwritten signature in blue ink, appearing to read 'ERIKA LI', with a small mark below it.

ERIKA LI  
Program Budget Manager

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

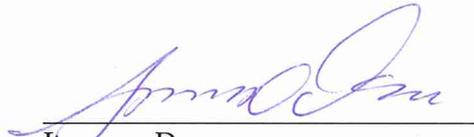
On April 17, 2018, I served the:

- **Finance's Comments on the Test Claim filed April 16, 2018**

*U Visa 918 Form, Victims of Crime: Nonimmigrant Status, 17-TC-01*  
City of Claremont, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 17, 2018 at Sacramento, California.



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Lorenzo Duran  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 4/13/18

**Claim Number:** 17-TC-01

**Matter:** U Visa 918 Form, Victims of Crime: Nonimmigrant status

**Claimant:** City of Claremont

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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