STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

November 5, 1984

ALL-COUNTY INFORMATION NOTICE I-99-84

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: RECENTLY ENACTED AFDC STATE LEGISLATION: AB 861, AB 1630, SB 1123 and SB 1579

REFERENCE:

The following bills are four of the more significant bills affecting the Aid to Families With Dependent Children (AFDC) program that have been passed by the State Legislature and signed into law by Governor Deukmejian. State regulations implementing these bills are being developed and are expected to be effective during the first quarter of 1985.

AB 861, Chapter 522, Statutes of 1984 (Konnyu)

This bill would provide that county welfare departments shall be responsible for registering recipients under the Work Incentive Demonstration Program. Currently the Employment Development Department (EDD) is responsible for registration.

This bill also provides that employment training services will be provided by EDD under a contract with the Department of Social Services (DSS). Currently, federal funding for these services comes directly to EDD.

Finally, this bill provides that DSS will conduct the hearings on all appeals regarding any dispute which concerns issues under the Work Incentive (WIN) program. Currently, certain appeals are heard by the Unemployment Insurance Appeals Board and/or the DSS state hearing system.

AB 1630, Chapter 569, Statutes of 1984 (Konnyu)

This bill (which was sponsored by DSS) specifies that the nonrecurring special needs allowance shall not be more than $600 per event. Existing state regulations provide for a maximum of $300 per event. In addition, the bill provides that only the unit in a multiple dwelling occupied by the applicant as his or her home shall be exempt property for purposes of determining AFDC eligibility. Currently, the entire multiple dwelling is exempt if the units not occupied by the applicant or recipient are producing income consistent with their rental value. The new law conforms to federal regulations.

SB 1123, Chapter 1248, Statutes of 1984 (Watson)

This bill requires that whenever a former recipient of aid requests restoration of aid before the expiration of one year from the effective date of a cancellation or a discontinuance of aid, the person shall be required to file a new affirmation of eligibility (CA 2). Currently, state regulations make the filing of a new CA 2 optional.

This bill also requires that upon a restoration in the month following the discontinuance, a former AFDC recipient shall not be required to furnish any documentation to renew eligibility unless the documentation is absent from the existing file and the documentation affects eligibility or the amount of aid. This requirement does not currently exist in state regulations but it is a requirement under the Balderas v. Woods court order.

SB 1579, Chapter 1441, Statutes of 1984 (Rosenthal)

This bill provides that no determination of ineligibility shall be made retrospectively so as to result in an assessment of an overpayment in circumstances where all the following conditions are met: there is a failure on the part of an applicant or recipient to perform an act constituting a condition of eligibility, the failure is caused by an error made by a state agency or county welfare department, and the amount of the grant received by the applicant or recipient would not have been different had the act been performed. For example, under current law and regulation if the Employment Development Department (EDD) deregistered an AFDC recipient from WIN but failed to notify the County Welfare Department (CWD) or the recipient of this action and the deregistration was discovered by the CWD at a later time, an overpayment would be assessed since a condition of eligibility (WIN registration) was not met. This bill would change existing law and regulation to prevent the assessment of an overpayment in this type of situation.

Attached is a list of other AFDC bills which have been passed and signed but which have minimal or no impact on AFDC eligibility and do not require changes to state regulations.

If you have any questions concerning these bills please contact Bob Stipe of the AFDC Program Development Bureau at (916) 324-2012.

ROBERT A. HOREL
Deputy Director

Attachment

cc: CWDA

AB 2466, Chapter 1315, Statutes of 1984 (Chacon)

This bill would cause caretaker WIN registrants attending high school, vocational school or college full-time, who have a child under age 6 to be deemed unsuitable for participation in WIN components and activities.

AB 2514, Chapter 1602, Statutes of 1984 (Bates)

This bill decreases the percentage of child care costs which are paid by private industry councils from 75% to 50%.

AB 3281, Chapter 613, Statutes of 1984 (Waters)

This bill would eliminate preventing idleness from the purposes for which work may be required of an indigent.

AB 3733, Chapter 460, Statutes of 1984 (Hill)

This bill would provide that the WIN program shall be administered in consultation with the State Department of Social Services.

SB 487, Chapter 1259, Statutes of 1984 (Greene)

This bill would require priority consideration be given to hiring welfare recipients under contracts with the state where the value of the contract exceeds $200,000.