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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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ARNOLD SCHWARZENEGGER
GOVERNOR

November 8, 2010

ALL COUNTY LETTER NO. 10-48

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL CONSORTIA PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CalWORKs) PROGRAM: IMPLEMENTATION OF HOMELESS
ASSISTANCE (HA) PROGRAM REGULATIONS AND REVISED
HOMELESS ASSISTANCE DENIAL NOTICE OF ACTION (NOA)

REFERENCE: Welfare and Institutions Code (WIC) Section 11450, All County Letter
(ACL) 95-62, ACL 06-25, ACL 06-58, Assembly Bill (AB) 1808 (Chapter
75, Statutes of 2006)

The purpose of this letter is to transmit final regulations that amend the CalWORKs HA Program due to the enactment of AB 1808 (Chapter 75, Statutes of 2006). The relevant provisions of AB 1808 were initially implemented through ACL 06-25, dated August 1, 2006. The attached final regulations were approved by the Office of Administrative Law, filed with the Secretary of State on May 17, 2010, and became effective on June 16, 2010. These updated regulation pages and the accompanying Eligibility and Assistance Standards manual letter 1002 is posted on the internet at: <http://www.cdss.ca.gov/ord/PG2306.htm>. This ACL also transmits the revised HA Denial Notice of Action message M44-211D.

AB 1808 made changes to prevent homelessness for CalWORKs families, raise temporary housing rates, and expand the range of available housing to CalWORKs families. Specifically, the new provisions:

- Increased the total maximum daily rate for the temporary HA payment from \$40 per day to \$65 per day for families of four or fewer and \$15 per day for each additional family member up to a maximum of \$125 daily.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

- Expanded the definition of homelessness for purposes of determining eligibility for permanent HA to include families who receive a notice to pay rent or quit.
- Changed the rent threshold for permanent HA from 80 percent of the maximum aid payment level to 80 percent of the total monthly household income (TMHI).
- Added a new category of permanent HA to be available to pay eligible CalWORKs families up to two months of rent arrearages to prevent eviction.

Denial Notice of Action

The HA Denial NOA message M44-211D was previously revised to include additional criteria for HA ineligibility resulting from the implementation of AB 1808 (see ACL 06-58). In response to county input the NOA has been further revised to include language for cases in which recipients try to rent from someone who is not authorized to rent property or is not in the business of renting property.

Camera Ready Copies and Translations

For a camera ready copy of English forms, contact the Forms Management Unit at fmudss@dss.ca.gov. If your office has internet access, you may obtain this form from the CDSS web page at: http://www.cdss.ca.gov/cdssweb/NoticeofAc_2383.htm. When translations are completed, they are posted on an ongoing basis on our web site at: http://www.cdss.ca.gov/cdssweb/FormsandPu_274.htm. For questions on translated materials, please contact Language Services at (916) 651-8876.

If you have any questions regarding this letter, please contact your CalWORKs county consultant directly or call the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Attachments

c: CSAC

Amend Section 44-211 to read:

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

44-211

.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing, preventing eviction and meeting costs of temporary shelter while the AU is seeking permanent housing. Any AU applying for homeless assistance shall be informed that these benefits are limited to once-in-a-lifetime, with exceptions (see Sections 44-211.514 and .54). Further, the AU shall be informed that the temporary shelter payment of up to 16 consecutive days is only available during this period and that once this period ends, these benefits are exhausted, even if the AU has not received all 16 days of temporary shelter payments.(Continued)

.511 (Continued)

- (c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation of human beings; or
- (d) It has a need for housing in a commercial establishment, shelter, publicly-funded transitional housing, or from a person in the business of renting properties who has a history of renting properties; or
- (e) It receives a pay rent or quit notice. (Continued)

.512 (Continued)

.525 (Continued)

- (a) (Continued)

HANDBOOK BEGINS HERE

- (1) Effective July 12, 2006, the amount is \$65.

HANDBOOK ENDS HERE

- (b) (Continued)

HANDBOOK BEGINS HERE

- (2) Effective July 12, 2006, the amount for the fifth and each additional member of an AU shall be \$15.00, for a maximum of \$125 a day.

HANDBOOK ENDS HERE

.526 (Continued)

- (a) (Continued)

HANDBOOK BEGINS HERE

- (1) Example:

The AU receives three days of temporary shelter assistance in the amount of \$195. On the fourth day, the AU returns to the CWD for an extension of benefits. The AU provides a receipt that shows payment was made on two nights at XYZ Motel in the amount of \$75. The AU provides a receipt that shows on the third night the AU stayed with a friend who is not in the business of providing shelter and paid the friend \$15. The county determines that the third night the AU failed to pay a provider in accordance with this requirement. The county establishes that mismanagement of funds exists and the subsequent payment is made as a restricted payment.

- (2) Example:

The AU receives three nights of temporary shelter in the amount of \$195. The AU returns on the fourth day to request an extension of benefits. The AU provides a receipt that shows the AU stayed in a shelter three nights at a cost of \$15. The AU has met the requirement of staying in a commercial establishment.

- (3) Example:

The AU receives \$195 for three nights of shelter. The AU returns on the fourth night for an extension of benefits. The AU provides verification that shows \$205 was spent on two nights of shelter at the XYZ Motel. The third night the AU stayed with a friend at no cost. The AU has met the requirement of staying in a commercial establishment.

HANDBOOK ENDS HERE

.53 Permanent Housing

The once-in-a-lifetime permanent housing payments, with exceptions (see Section 44-211.541), is available to assist homeless recipient AUs in obtaining or retaining permanent housing.

.531 Permanent housing payments are available to:

- (a) Help homeless families secure a permanent residence; or
- (b) Pay up to two months of rent arrearages to prevent eviction. Each month of the rent arrearage payment shall not exceed 80 percent of the Total Monthly Household Income (TMHI), as defined in Section 44-211.534(b).

.532 A nonrecurring special need payment for permanent housing assistance to secure a permanent residence shall be made only to AUs presenting evidence that the AU has found permanent housing which does not rent for more than 80 percent of the AU's TMHI, without special needs, for an AU of that size.

- (a) If the CWD determines that an AU intends to share housing costs, and the AU's share of the total housing costs does not exceed 80 percent of its TMHI, Section 44-211.532 above shall not apply.
- (b) (Continued)
 - (3) An AU residing with unaided person(s) providing that the AU's share does not exceed 80 percent of the TMHI.

.533 A nonrecurring special need payment for Permanent Housing Assistance to prevent eviction shall be made to AU's when payment of arrearages will prevent the AU from being evicted.

- (a) In order to be eligible for Permanent HA arrearage payments, the AU must also meet all of the following conditions:
 - (1) The AU must provide proof of a proposed or pending eviction such as "notice to pay rent or quit" or court eviction papers;
 - (2) The AU must provide proof to the CWD that the eviction is a result of financial hardship and not for other lease or rental violations;
 - (3) The financial hardship must have been caused by extraordinary circumstances beyond the AU's control;

- (4) The financial hardship resulting in the AU's eviction must also render the AU homeless in accordance with MPP Section 44-211.511.
- (b) It is the county's responsibility to determine what constitutes a "financial hardship resulting from extraordinary circumstances beyond the AU's control" and this determination must be made after a careful assessment of the unique facts presented in each case.

HANDBOOK BEGINS HERE

- (1) Examples of expenses that might cause the AU to experience financial hardship include, but are not limited to:
- High hospital bills or medical expenses not covered by Medi-Cal.
 - Car repairs.
 - Funeral expenses.
 - Cost required traveling to visit an ill or dying relative or to attend a funeral.
 - High utility bills resulting from unforeseen circumstances, such as weather extremes or repair problems.
 - Loss of wages due to illness of self, family members or temporary unemployment.
- (2) Example of reasons that might cause financial hardship for an AU that would not be considered a result of extraordinary circumstances beyond the AU's control include, but are not limited to:
- Loss of income due to purchase of non-essential household goods, gambling debts, parties, or vacations.
 - Failure to budget appropriately such as overspending on items not related to family need or mismanagement of household funds.
 - Normal occurring credit card expenses, not related to unusual or unanticipated expenses.

HANDBOOK ENDS HERE

- (c) The county shall pay up to two months of an AU's rent arrearage, provided each month's arrearage amount does not exceed 80 percent of the AU's TMHI.
- (d) If the CWD determines that the AU that is being evicted has been sharing housing costs as described in 44-211.532(b), the county shall pay only the eligible AU's share of the rent arrearages.
- (e) The CWD must ensure that payment of the Permanent HA arrearages in a shared housing situation will prevent eviction. If making these arrearage payments would not prevent eviction the CWD shall not approve permanent HA arrearage payments.

.534 Definitions

- (a) "Income" means income to be counted towards the TMHI which includes gross earned and unearned income, including the CalWORKs computed grant, CalWORKs Special Need payments, or Supplemental Security Income (SSI) and State Supplementary Payment (SSP). An AU's Food Stamp benefits do not count as income and are not included in the TMHI.
- (b) "Total Monthly Household Income" means income that can be used to determine eligibility for Permanent HA. Counties must count the income of the AU members and of any other persons whose income is currently used in calculating the AU's grant, including but not limited to sanctioned and penalized household members and persons who are excluded by law due to their undocumented non-citizen or drug/fleeing felon status.
 - (1) When an AU has asked to add a new person to their AU mid-quarter, any income of that person shall be included in the TMHI used to determine eligibility for and amount of Permanent HA, regardless of when the county will be increasing the AU size as a result of adding the new person.
 - (2) If the AU has reported that an AU member has left the home mid-Quarter, and that person's income will no longer be available to help the AU pay rent, that person's income shall not be included as part of the AU's TMHI for Permanent HA.
 - (3) If an SSI/SSP recipient living in the home contributes toward the monthly rent, the family's total monthly rent amount to which the 80 percent standard is applied shall be reduced by the amount contributed by the SSI/SSP recipient.

.535 (Continued)

- (b) That portion of the security deposit payment, available for last month's rent shall not exceed 80 percent of the AU's TMHI, without special needs, for an AU of that size. (Continued)

.536 The payment for permanent housing costs may include the actual costs of utility deposits in addition to the amount allowable for security deposits described in MPP 44-211.535.

.537 (Continued)

- (a) A written rental agreement which demonstrates the landlord's intent to rent to the AU at a cost which does not exceed 80 percent of the AU's TMHI. (Continued)

.538 (Continued)

.539 (Continued)

Authority Cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11056, 11265.1, 11265.2, 11265.3, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), and (c), 11450(f)(2)(A)(i), 11450(f)(2)(B); 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii), (iii), (v), and (vi), 11450.5, 11452.018(a), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60, and 45 CFR 400.52; and 42 U.S.C.A., Section 606(b).

Auto ID No.:
Source : 01-43
Issued by :
Reg Cite : 44-211.5

Use Form No. : NA 290 & NA Back 9
Original Date : 02-01-88
Revision Date : 07-29-10

MESSAGE:

The County has denied your request dated
_____ for homeless assistance for:

- Temporary Shelter
- Permanent Housing

Here's why:

- You are not homeless.
To get homeless assistance, you must meet one of these rules:
 - You do not have your own place to stay at night,
 - OR You are staying at night in a shelter that is temporary,
 - OR The place you are living in is a place that people do not usually live.
 - OR You have received a notice to pay rent or quit.
- You can get homeless assistance only once in a lifetime unless you meet an exception.
- You were living with a family at the time they got homeless assistance.
- There is no proof that your homelessness was caused by one of the following 12 month exceptions:
 - o domestic violence
 - o place not livable
 - o medical illness
- You already got homeless assistance due to a 12 month exception.
- Your homelessness was not due to a state or federally declared natural disaster.
- There is no proof that you were homeless the whole time after you got your last temporary shelter aid payment.
- You cannot get homeless assistance because you are not getting cash aid.

- [] You have more than \$100. To get homeless assistance you cannot have more than \$100 in liquid resources unless it is in a restricted account.
- [] You would not agree to let us verify your homelessness. If you do agree to let us verify your homelessness, you may be able to get temporary shelter aid.
- [] You have to show proof that you are looking for permanent housing. You have not shown proof. You will no longer be able to get temporary shelter aid.
- [] You do not have a permanent place to live.
- [] You want to rent from somebody who does not live there and is not in the renting business.
- [] You can only rent from the owner of the property, or a property manager who works for the owner.
- [] The place you found to live costs too much. It costs \$_____. To get aid for permanent housing, the place you find to live in cannot cost more than 80% of your total monthly household income. 80% of your total monthly household income is figured on this notice.
- [] The amount of homeless assistance would not cover the total back rent amount due.
- [] Your monthly back rent amount is higher than 80% of your total monthly household income. (Your total monthly household income is calculated below)

Original Date : 02-01-88

Revision Date : 07-29-10

- You did not provide a pay rent or quit notice.
- Your eviction is due to something other than not paying your rent.
- Your eviction, due to non-payment of rent, is not due to a financial hardship beyond your control.
- You wouldn't agree to let us verify your pay rent or quit notice.

Total Monthly Household Income for the month of:

\$ _____

x .80

Total Amount Your Housing Can Cost (80% of Total Monthly Household Income):

= \$ _____

INSTRUCTIONS: Use to deny a request for homeless assistance for temporary shelter, permanent housing and rent arrearages.

Complete the first blank on page one with the date homeless aid was requested and check the appropriate box(es) to inform the applicant.

This message replaces M44-211D dated 11-21-06.

file : lchurch/MSERIES/M.44211D