

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



December 28, 1987

ALL COUNTY LETTER NO. 87-163

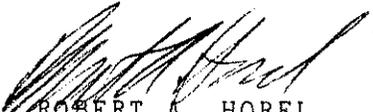
TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AFDC HOMELESS ASSISTANCE REGULATIONS (ASSEMBLY BILL
1733, STATUTES OF 1987) RDB #1287-57

REFERENCE: MPP 44-211.5

Attached is a copy of the homeless assistance regulations implementing the provisions of AB 1733 (Statutes of 1987) submitted on an emergency basis to the Office of Administrative Law. The effective date of the regulations, February 1, 1988, is contingent upon Federal approval of an amendment to California's State Plan. These provisions are not operative until Federal approval is obtained. You will be notified by electronic mail (YSM) on or before January 29, 1988 regarding the status of this approval. Implementing instructions and Notices of Action will be forthcoming in anticipation of timely approval.

Please contact Judy Moore of the AFDC and Food Stamps Policy Implementation Bureau at (916) 324-2017 or ATSS 454-2017 with any questions you may have.


ROBERT A. HOREL
Deputy Director

Attachment

cc: CWDA

Adopt MPP Section 40-001 to read:

40-001 IMPLEMENTATION OF NONRECURRING SPECIAL NEEDS 40-001

This regulatory action consisting of repeal of MPP Section 44-211.3, amendment of 40-187.2, renumbering of 44-211.4 and adoption of new 44-211.3, 44-211.4, and 44-211.5 shall be effective February 1, 1988, contingent upon federal approval of California's State Plan Amendment to revise nonrecurring special needs to provide for homeless assistance.

The implementation date of the regulations shall be the date of federal approval, if this date is later than February 1, 1988.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Section 11450(f) of the Welfare and Institutions Code.

Amend MPP Section 40-187 to read:

40-187 INTERCOUNTY TRANSFERS - GENERAL (Continued) 40-187

.2 Responsibility for Payment of Aid when a Recipient Moves from One County to Another to Make His/Her Home (Continued)

.22 Exceptions to Intercounty Transfer Rule (Continued)

.224 When an AU is applying for homeless assistance the second county is responsible for following up with the first county as part of the determination of eligibility for homeless assistance. [HANDBOOK: See Section 44-211.5.]

(a) The second county is responsible from the date of the request for issuing the payment for homeless assistance.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Section 11450(f) of the Welfare and Institutions Code.

Amend MPP Section 44-211 to repeal 44-211.3:

44-211 SPECIAL NEEDS FOR AFDC (Continued)

44-211

3 Nonrecurring Special Needs

31 A recipient FBU is eligible for a nonrecurring special need allowance to repair or replace any of the items listed in 34 below which are owned by the recipient family when loss or damage of these items occurs which in the judgment of the county is due to sudden and unusual circumstances beyond the control of the family. Loss or damage caused by wear and tear, breakdown or obsolescence is not considered due to sudden and unusual circumstances beyond the control of the family. A recipient FBU is also eligible for a nonrecurring special need allowance for verified expenses for housing needs which are caused by sudden and unusual circumstances beyond the control of the family as described in 35 below.

32 The county shall determine the most feasible and economic method of repair or replacement including the provision of used serviceable items and such method shall be binding upon the recipient. Repair or replacement shall be allowed only when the item is not available to the family without cost from any source if the recipient is to purchase the item; verification of purchase may be required by the county.

33 The costs of any nonrecurring special needs shall be met by first utilizing the applicant's recipient to utilize all his available liquid assets. When the amount of a nonrecurring special need can be met only in part by the applicant's recipient's available liquid assets, the balance shall be allowed as a cost of the repair.

Property items that are immediately convertible to cash or that which can be converted immediately to cash such as negotiable stocks or bonds, bank accounts, etc., shall be considered available liquid assets. The cash surrender value of insurance mortgages, trust deeds, the market value of negotiable investments and negotiable effects, automobiles, real property, tools of trade, equipment and materials necessary to trade and continue an occupation, and other property shall not be considered available liquid assets.

income which was appropriately exempt from consideration in determining the public assistance grant for the current month such as the §30 and 173 exemption for earned income shall be considered a liquid asset provided it is still available. Relocation assistance benefits, educational loans or grants, incentive payments and training allowances received for participation in rehabilitative training and employment services to the extent these payments do not exceed actual expenses and other monies received for a specific purpose shall not be considered available liquid assets.

*34 The amount of the allowance for each item to be repaired or replaced shall be determined by the lesser of the actual cost including sales tax or the maximum amount listed below:

*341 Clothing -- \$25 for each person in the Family Budget Unit.

*342 Bedding, dishes and kitchen utensils -- \$12 for each person in the Family Budget Unit.

*343 Book store -- \$148.

*344 Refrigerator -- \$190.

*345 Space heater -- \$30.

*346 Double bed including mattress -- \$140.

*347 Other essential furniture -- \$50.

*35 Housing needs considered to be caused by sudden and unusual circumstances beyond the control of the family shall only include instances in which the housing is destroyed or some arrangement of assistance by a sudden and unusual circumstance or instance in which the family is evicted by a public authority on the grounds of substandard housing and such eviction is due to such and unusual circumstances beyond the control of the family.

*36 The allowance shall include:

a. The cost of repairs.

b. The cost of electric and gas utility expenditures.

- c. Cleaning and security deposits or charges (including the first and last month's rent) to the extent such deposits or charges cannot be met from the return of cleaning and security deposits or charges from the family's prior residence.
- d. If there is no telephone in the new residence or in the common area of the new residence, the installation (connection) cost of the least expensive telephone service available.
- e. Labor and material costs for repairs to housing in which the FBU lives and which a member of the FBU owns.
- f. The cost of interim shelter.

36. The total amount allowed for nonrecurring special needs, in addition to liquid assets utilized by the applicant/recipient, shall not exceed \$600 for each incident described in Section 4-211.3.

37. The county may pay the nonrecurring special need allowance in multiple payments over a period not to exceed three months. * nonrecurring special need paid in this manner shall not be considered recurring.

Authority Cited: Section 10553 and 10554 of the Welfare and Institutions Code.

Reference: Section 11450(f) of the Welfare and Institutions Code.

Amend Section 44-211 to adopt subsections .3, .4, and .5, and renumber .4 to .6 to read:

44-211 Special Needs for AFDC (Continued)

44-211

.3 Nonrecurring Special Need Payments

.31 A payment for a nonrecurring special need shall be granted to an eligible AU when any of the following conditions exist:

.311 Household emergencies resulting from sudden and unusual circumstances beyond the AU's control. (See MPP 44-211.4).

.312 Homelessness when the AU is seeking shelter. (See MPP 44-211.5).

.32 An AU is ineligible to receive a nonrecurring special need payment if it has over \$100 in nonexempt liquid resources.

.33 Liquid resources of \$100 or less shall not be considered for purposes of computing the nonrecurring special need payment.

HANDBOOK

See MPP 42-211.2 for definition of liquid resources; see MPP 40-129.21 for exceptions to the MPP 42-211.2 definitions.

.4 Emergencies Resulting from Sudden and Unusual Circumstances Beyond the AU's Control

.41 An AU is entitled to receive a nonrecurring special need payment to repair or replace clothing or household equipment; to provide assistance for damages to the home; or to pay for interim shelter when the AU's home was destroyed or made uninhabitable or inaccessible. (See MPP 44-211.42, .43, and .44 respectively.)

.411 The loss or damage must have been caused by sudden and unusual circumstances beyond the AU's control.

.412 The CWD shall determine the most feasible and economic method of repair or replacement including

the provision of donated or used serviceable items.

.413 The total amount allowed for the payment for household emergencies shall not exceed \$600 for each incident resulting from the circumstances described in MPP 44-211.41 and .411.

(a) The amount of the payment for each item to be repaired or replaced, or to assist with damage to the home, shall be the actual cost, including sales tax, up to a total maximum not to exceed the amount allowed in MPP 44-211.413.

(b) Payment shall not be made to repair or replace clothing, household items or damage to the home occupied by the AU, unless the clothing, household items or home belonged to a member of the AU.

.42 Clothing and Household Equipment

.421 Within the limit specified in MPP 44-211.413, a payment made to replace clothing may not exceed \$25 for each member of the AU.

.422 Items of household equipment which may be repaired or replaced include, but are not limited to the following:

- (a) Bedding, dishes, kitchen utensils - \$12 for each person in the AU
- (b) Cook stove - \$142
- (c) Refrigerator - \$190
- (d) Space heater - \$73
- (e) Double bed including mattress - \$143
- (f) Other essential furniture - \$50

.43 Damage to the AU's Home

.431 Within the limit specified in MPP 44-211.413, a payment may be made for the costs of essential repair or replacement resulting from damage to the AU's home.

.432 The payment shall be allowed for the following costs:

(a) Moving and/or storage costs necessitated by the damage to the home.

(b) Labor and material costs for repair of the home in which the AU lives and which a member of the AU owns.

.44 Interim Shelter

.441 An AU may receive a nonrecurring special need payment for the costs of interim shelter when its home has been destroyed, made uninhabitable or inaccessible.

.442 An AU is not eligible to receive a nonrecurring special need payment for the costs of interim shelter if it is eligible to receive the nonrecurring special need payment for homeless assistance described in MPP 44-211.5.

.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 and is also available to meet the costs of temporary shelter, to the extent that such shelter assists an AU while securing permanent housing.

HANDBOOK

See MPP 44-211.52 for specifics regarding the payment for temporary shelter assistance; see MPP 44-211.53 for specifics regarding the payment for permanent housing assistance.

.511 An AU is considered homeless when:

(a) It lacks a fixed and regular nighttime residence; or

(b) It has a primary nighttime residence that is a supervised publicly or privately

operated shelter designed to provide temporary living accommodations; or

(c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

.512 An AU is not considered homeless when it is sharing housing, unless the housing is being shared on an emergency basis and is temporary.

.513 An AU is eligible for the nonrecurring special need payment for homeless assistance for one incident of homelessness in a consecutive twelve-month period. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing.

(a) The twelve-month period begins in the month in which the first homeless assistance payment is issued.

(b) The incident of homelessness ends when the AU receives the payment for permanent housing.

(1) An AU is not eligible for temporary shelter assistance, once it has been granted permanent housing assistance, until the end of the twelve-month period.

(2) An AU is eligible to receive permanent housing assistance regardless of whether or not it has been issued the payment for temporary shelter.

.514 In intercounty transfer cases, the CWD from which the homeless assistance payment is requested is responsible for following up with the transferring CWD as part of the homeless assistance eligibility determination.

(a) The CWD from which homeless assistance is requested is responsible from the date of the request for determining the homeless assistance eligibility determination and issuing the homeless assistance payment.

.515 The CWD shall comply with an AU's request to make direct payments to providers of temporary shelter, permanent housing or utilities.

(a) The CWD shall determine the most appropriate method of payment which includes, but is not limited to, direct vendor payments, two-party or restrictive endorsement checks, or voucher payments.

.52 Temporary Shelter

The temporary shelter payment may be available no more than once in twelve months to a homeless AU for temporary shelter, when the AU is also seeking permanent housing.

.521 The temporary shelter payment is also available to homeless applicant AUs who are apparently eligible for AFDC.

HANDBOOK

(a) Apparent eligibility for AFDC exists when evidence and/or the information provided on the application documents indicate that there would be eligibility for AFDC if the evidence and information were verified.

(1) The potentially eligible AU must agree to cooperate with the CWD in meeting the AFDC procedural requirements specified in MPP 40-129.431(b), unless good cause, as defined in MPP 43-107.4, exists.

(2) Information from any source may be considered.

(b) In determining an apparently eligible AU, do not include a person who is:

(1) An alien applicant who does not provide verification of his/her eligible alien status; or

(2) A woman with no eligible children who does not provide medical verification of pregnancy; or

(3) A person who is sanctioned.

.522 An AU is not eligible to receive the temporary shelter payment if it has already been granted permanent housing assistance during the twelve-month period described in MPP 44-211.513.

.523 The payment for temporary shelter shall be issued or denied within the same working day in which the AU requests homeless assistance, or no later than the close of business on the next working day when the CWD arranges for shelter in the interim.

.524 The temporary shelter payment shall be paid up to twenty-one consecutive days to eligible homeless AUs.

(a) The twenty-one consecutive day limit shall be extended an additional seven consecutive days for good cause.

(1) Good cause includes, but is not limited to, the following situations:

(A) The CWD determines that the AU, to the extent it is capable, has made a good faith but unsuccessful effort to find permanent housing within the twenty-one day limit; or

(B) The permanent housing located by the AU will not be available for occupancy within the twenty-one day temporary shelter period.

.525 The amount of the nonrecurring special need payment for temporary shelter shall be specified by the State Department of Social Services pursuant to the Budget Act.

(a) An AU with four or fewer members shall receive a daily amount specified in law. HANDBOOK: (1) Effective February 1, 1988, the amount is \$30.]

(b) The fifth and each additional member of an AU shall each receive an amount equal to one-fourth of the amount specified in MPP 44-211.525(a).

(1) The total amount available to an AU with five or more members shall not exceed a maximum of two times the amount specified in MPP 44-211.525(a).

HANDBOOK

(2) Effective February 1, 1988, the amount for the fifth and each additional member of an AU shall be \$7.50 (see MPP 44-315.323).

(c) The CWD shall not require receipts or verification of the expenditure of the payment.

.526 CWDs may grant the temporary shelter payment in increments ranging from one day's to one week's worth of payment.

.53 Permanent Housing

The permanent housing payment is available to assist homeless recipient AUs in obtaining permanent housing.

.531 A Non-Recurring Special Need payment for permanent housing assistance shall be made only to AUs presenting evidence that the AU has found permanent housing which does not rent for more than 80% of the AU's M&P, 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% of its M&P, .531 above shall not apply.

.532 An amount not to exceed two months of an AU's rent, as described in MPP 44-211.531, is available to pay for the reasonable costs of security deposits when the deposits are a condition of securing a permanent residence.

(a) Security deposits include last month's rent and any legal payment, fee, deposit or charge that is required by a landlord as a condition of assuming occupancy.

That portion of the security deposit payment, available for last month's rent shall not exceed 80% of the AU's MAP, without special needs, for an AU of that size.

.533 The payment for permanent housing costs may include the actual costs of utility deposits.

(a) The payment shall cover deposits required for gas, electricity and/or water.

(b) The payment shall not include the costs of overdue utility bills.

.534 The CWD has one working day from the time the AU provides the following information to issue or deny a payment for permanent housing assistance:

(a) Evidence of the availability of permanent housing costing not more than 80% of the AU's MAP, and

(b) Information necessary for the CWD to establish eligibility for AFDC.

HANDBOOK

.535 Evidence of availability of housing may include, but is not limited to:

(a) A copy of the rental agreement;

(b) Written confirmation from the landlord;

(c) A CWD follow-up telephone call to the landlord, with the consent of the AU;

(d) When the CWD and AU are unable to get any confirmation, a signed statement from the AU attesting to the availability of the housing.

.536 If due to an emergency, an AU must move within the twelve-month time limit specified in MPP 44-211.513, the AU shall be allowed to transfer deposits to meet the security deposits for the new residence.

(a) An emergency cannot result from an intentional act on the AU's part.

(b) If the CWD determines that the transfer was within the twelve-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.

.46 Pregnancy Special Needs

.461 In addition to the basic grant, a pregnancy special need payment shall be authorized for all aided pregnant women, subject to the following conditions:

.4611 A pregnant woman who is not included in an FRY AU with any federally eligible persons shall be entitled to receive the pregnancy special need payment from the date of medical verification of pregnancy through the month of birth.

.4612 A pregnant woman who is included in an FRY AU with any federally eligible persons shall be entitled to receive the pregnancy special need payment beginning with the third month immediately prior to the month of anticipated birth and continuing through the month of birth, but not prior to the date of medical verification of pregnancy.

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.462 A pregnancy special need payment is \$70 per month.

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