

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



August 6, 1996

ALL COUNTY LETTER NO. 96-40

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: ONCE-IN-A-LIFETIME HOMELESS ASSISTANCE (HA)
FINAL REGULATIONS - POST-HEARING CHANGES

REFERENCE: ACL 95-62 and ACL 96-30

The purpose of this letter is to provide counties with a draft of the amended once-in-a-lifetime homeless assistance regulations. This draft incorporates all changes made to the regulations subsequent to the public hearing. It is anticipated that these regulations will be sent to the Office of Administrative Law for final approval August 16, 1996, and will be effective October 1, 1996. Also, attached are a summary of the changes, relevant questions and answers, and Notice of Action (NOA) messages associated with the regulations. Camera ready copies of the NOA messages in Spanish, Cambodian, Chinese and Vietnamese may be obtained at a later date upon request through the Language Services Bureau.

CONTACTS

Any questions regarding the regulations or the questions and answers should be directed to Ms. Joelyn Walters at (916) 654-1803 or CALNET 464-1803. For questions regarding the NOA messages, contact Pam Kian at (916) 654-1801 or CALNET 464-1801. The Language Services Bureau, can be reached at (916) 657-1282 or CALNET 454-1282.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Wagstaff".

BRUCE WAGSTAFF
Deputy Director
Welfare Programs Division

Attachments

Attachment I

ONCE-IN-A-LIFETIME HOMELESS ASSISTANCE POST-HEARING CHANGES
AND
REGULATIONS

The once-in-a-lifetime homeless assistance (OLT HA) regulations were amended subsequent to the public hearing. Several minor changes were also made in order to clarify the pre-public hearing regulations. The significant changes are as follows:

MPP 44-211.513

For temporary shelter and permanent housing payments to be granted for the OLT HA benefit or an exception, the AU must have a continuous period of homelessness caused by the same specific circumstances.

The initial issuance of temporary shelter and/or permanent housing payment(s) is considered the OLT HA benefit regardless of the reason for the homelessness.

The policy that homelessness ends when the AU receives the payment for permanent housing has been reinstated.

MPP 44-211.53

The word "recipient" has been reinstated to clarify that only those families eligible for AFDC are eligible for permanent housing benefits.

ONCE-IN-A-LIFETIME HOMELESS ASSISTANCE (OLT HA)
QUESTIONS AND ANSWERS

Questions #1, #2, and #7 were asked by counties after the release of ACL 96-30 which transmitted questions and answers relevant to the OLT HA regulation package effective January 1, 1996. Questions #3, #4, and #5 reflect changes made to the answers to questions #8 and #9, addressed in ACL 96-30. Question #8 is a clarification of a regulation cite.

1. *In 04/94, an applicant requested homeless assistance (HA) because the father of her child stopped paying child support. She received 8 days of temporary shelter (TS) and did not pursue AFDC or HA further because the father began making child support payments again. The applicant applied for temporary shelter again in 01/96. She was denied HA because she had already received TS and is only eligible for PH when she becomes a recipient. The applicant contended at appeal that she should have been eligible for temporary again because the child support paid reimbursed the county for the temporary shelter she received. Is she correct?*

No. The HA issuances are not affected by child support payments made. They are required regardless of the amount of aid the applicant gets. Generally, child support payments made in excess of the amount of aid received is provided to the applicant. HA payments are only voided due to fraud, overpayments or if the applicant returns the issuance.

2. *Grandmother is caretaker of one of her grandchildren and received HA in the past for that child. Her daughter and another grandchild move in and share housing. The daughter has her own AU and has never received HA. Can the daughter receive HA for herself and her child as a separate AU?*

Yes. If the county determines that the AUs "share" housing and are two separate AUs, the daughter could be eligible for HA for an AU of 2. Grandmother and the other child would not be eligible for further HA unless they meet an exception.

3. *An AU that has never received homeless assistance in the past receives a permanent housing payment. The reason for the AU's homelessness happens to meet one of the exception criteria, e.g., domestic violence. Is this payment the AU's OLT HA?*

Yes. Even though the reason for the homelessness meets an exception, because the AU had never received homeless assistance in the past, the issuance of permanent housing benefit constitutes the OLT HA payment.

4. *If records show that the AU has received only the permanent housing payment in the past, i.e., in January 1996, does this constitute the OLT HA benefit?*

Yes. Homelessness ended when the AU received the permanent housing payment.

5. *In 1990 and 1995 the AU received temporary shelter only. Both times the AU found permanent housing on their own. In October 1996, the AU applies for temporary shelter under an exception. Is the AU eligible for temporary shelter and permanent housing under an exception?*

Yes. In 1990 and 1995, the AU ended the episode of homelessness when it obtained permanent housing on its own. The AU is eligible to receive the temporary shelter benefit under an exception. The issuance of the permanent housing payment must be for the same exception as the temporary shelter payment. Also, the AU must be continuously homeless since receiving the temporary shelter benefit. The permanent housing payment under the exception becomes the once-in-a-lifetime permanent housing payment.

6. *The AU received only the permanent housing payment in May 1996 which was their OLT HA benefit. The AU returns in October 1996 requesting a temporary shelter payment. The reason for their homelessness does not meet an exception. The AU has never received a temporary shelter payment. Is the AU eligible for the temporary shelter payment?*

No. The county should apply the regulations that are in effect at the time the AU applies for HA benefits. The regulations between January 1, 1996 and September 30, 1996 allow a OLT HA benefit consisting of one temporary payment and one permanent housing payment regardless of the sequence in which each was granted. Effective 10/1/96, if the AU already received (in May 1996) their OLT permanent housing payment, their homelessness was ended. The AU is not eligible to receive the OLT temporary shelter benefit as it is no longer homeless. The circumstances for which the temporary shelter is needed is not continuous with the issuance of the OLT permanent housing benefit. The same policy applies to AUs that receive permanent housing only under an exception anytime between January 1, 1996 and September 30, 1996.

7. *Can the county deny homeless assistance payments to an AU that intends to rent substandard housing?*

No. There is no authority to deny homeless assistance payments for substandard housing. However, the OLT HA regulations allow an exception when housing occupied by an AU is condemned as that housing is considered uninhabitable. If the housing a recipient intends to rent was condemned before the permanent housing payment was authorized, the county could deny homeless assistance payment because the housing is considered uninhabitable.

8. ***In the amended Manual of Policies and Procedures Section 44-211.513, what is meant by the words "initial issuance" in the following sentence: "The initial issuance of temporary shelter and/or permanent housing payments is considered the once-in-a-lifetime homeless assistance benefit regardless of the reason for the homelessness"?***

The initial issuance means the first time that temporary shelter payments up to the maximum of 16 days and/or the permanent housing payment were issued to an AU.

ATTACHMENT III

NOTICE OF ACTION (NOA) MESSAGES

The following NOA messages are attached:

M44-211A - Homeless Assistance - Approve

Minor changes to the message. The term "homeless aid" was changed to "homeless assistance" and continuously homeless language was added to the fourth check box. The bottom of the instructions were amended to include the M44-211F message is also replaced by this approval notice.

M44-211D - Homeless Assistance - Deny

The M44-211D message was revised to include additional criteria for homeless ineligibility. Also, the term "homeless aid" was changed to "homeless assistance".

INSTRUCTIONS FOR UPDATING THE AFDC NOA HANDBOOK

- o M44-211A (8/96) replaces prior version dated 10-23-95 and also replaces M44-211F dated 02-04-91.
- o M44-211D (8/96) replaces prior version dated 10-23-95.

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

Use Form No. : NA 290
Original Date : 02-01-88
Revision Date : 08-01-96

YOU CAN GET HOMELESS ASSISTANCE ONLY ONCE IN
A LIFETIME UNLESS YOU MEET AN EXCEPTION.

MESSAGE:

As of _____ the County has approved your
request for homeless assistance. The amount
of your homeless assistance is \$_____.

Temporary Shelter

Temporary Shelter Aid per Night: \$ _____
Number of Nights: x _____
Total Temporary Shelter = \$ _____

If you do not find a permanent place to
live by _____, you may be able to get
more temporary shelter aid. Come back
to this office no later than _____ and
give us proof that you are looking for a
permanent place to live. If you do not
give us proof, your temporary shelter
aid may end. You can get temporary
shelter aid for up to 16 days in a row.
At the end of your 16 days, your
temporary shelter aid will stop.

This is your last payment for temporary
shelter aid.

If you remain homeless after your
temporary shelter aid stops, you may be
able to get permanent housing aid when
you find a place to live. You can get
permanent housing aid if your rent is no
more than \$_____. (80% of your maximum
aid amount) When you find a place to
live, get a signed statement or rental
agreement from the landlord telling how
much your rent will be.

Permanent Housing

Actual Cost of Housing

Last Month's Rent \$ _____
Security Deposits + _____
Utility Deposits: + _____
Your Total Cost of Housing = \$ _____

Amount of Monthly Rent: \$ _____
(80% of Maximum Aid or less)

NUMBER OF MONTHS: X 2

Amount of Utility Deposits: + _____
Most homeless assistance you
can get = \$ _____

Your total housing costs are /_/ less
/_/ more than the homeless assistance
you can get, so you will get \$ _____.

INSTRUCTIONS: Use to approve a nonrecurring special need (homeless assistance) payment for temporary shelter and/or permanent housing.

Complete the first blank with the date the homeless aid was approved. Fill in the second blank with the amount of homeless aid.

Check the appropriate box(es) and fill in the items depending on whether temporary shelter and/or permanent housing was approved.

This message replaces M44-211A (10-23-95), M44-211B (08-01-91) and M44-211C (08-01-91) and M44-211F (2-4-91).

file : pkian/MSERIES/ha.44211A

State of California
Department of Social Services

Noa Msg Doc No.: M 44-211D Page 1 of 2
Action : Deny
Issue: Homeless Ineligibility
Title: Temporary Shelter and/or
Permanent Housing

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

Use Form No. : NA 290
Original Date : 02-01-88
Revision Date : 08-01-96

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.
- 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 24 month exceptions:
 - o domestic violence
 - o place not livable
 - o medical illness
- You already got homeless assistance due to a 24 month exception.
- Your homelessness was not due to a state or federally declared natural disaster.
- There is no proof that you remained 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.

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- 1) Amend Section 44-211.5 to read:
- 2) Amend Sections 44-211.51, .513, .513(b)(1), .514(b), .524(d), .524(f), .524(f)(3)(D), .53, .534(c), and .541(b) and adopt Sections 44-211.513(c) and .543 and include Handbook Sections 44-211.543(a) and (b) to read:

44-211 SPECIAL NEEDS IN AFDC (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 and is also available to meet the 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)

.513 An AU is eligible for a once-in-a-lifetime nonrecurring special need payment for homeless assistance unless the exception criteria in Section 44-211.54 or .514 is met. A homeless assistance payment is shall only be granted for a continuous period of homelessness caused by the same specific circumstance and is limited to a maximum of one period of up to 16 consecutive calendar days of temporary assistance and one payment of permanent housing assistance, with exceptions. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing. An AU may be granted a 16-consecutive-day period of temporary shelter assistance, if eligibility requirements are met (see Section 44-211.52), after a permanent housing payment has been received. A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued. The initial issuance of temporary shelter and/or permanent housing payments is considered the once-in-a-lifetime homeless assistance benefit regardless of the reason for the homelessness.

- (a) The AU must complete a separate Statement of Facts for Homeless Assistance (CA 42) to apply for a temporary shelter payment and/or permanent housing assistance. The Statement of Facts for Homeless Assistance is designed to gather information specific to the elements of eligibility for the nonrecurring special need for homeless assistance.

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(b) The period of homelessness begins:

(1) For emergency transfer of deposits in Section 44-211.535, on the date when the first homeless assistance payment is issued for either the once-in-a-lifetime benefit or for homeless assistance under an exception.

(2) For those once-in-a-lifetime exceptions limited to once in 24 months, on the date when the first homeless assistance payment is issued under one of these exceptions.

(c) The period of homelessness ends when the AU receives the payment for permanent housing, except as specified in Section 44-211.522.

.514 An otherwise eligible AU that has received a homeless assistance payment at any time on behalf of an eligible child shall not be eligible for further homeless assistance payments, except under the following conditions:

(a) There is a new caretaker relative who was not living with the AU at the time the original homeless assistance payment was issued, and

(b) The new caretaker has not previously received ~~temporary and permanent~~ homeless assistance on behalf of or as part of another AU, and

(c) The former caretaker relative is no longer living in the home with the AU.

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(d) For additional exceptions, see Section 44-211.54.

HANDBOOK ENDS HERE

.515 (Continued)

.52 Temporary Shelter

The temporary shelter payment is available once-in-a-lifetime, with exceptions (see Section 44-211.541), to a homeless AU for temporary shelter, when the AU is also seeking permanent housing. (Continued)

.522 An AU may receive temporary shelter assistance, after it has been granted permanent housing assistance, when the AU still needs temporary shelter prior to assuming occupancy of the permanent housing, provided that the temporary shelter 16-consecutive-day limit has not expired. (Continued)

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.524 (Continued)

(d) Unless homelessness ~~has~~ and, when applicable, an exception have been verified, an initial temporary shelter payment shall be issued for up to three working days plus any nonworking days that are bracketed by the working days. If homelessness has been verified, payments are issued in accordance with Section 44-211.514(f) which permits an extension of benefits. (Continued)

(f) After homelessness ~~has~~ and, when applicable, an exception have been verified, benefits shall be issued on a weekly basis thereafter up to seven days for a maximum total of 16 consecutive calendar days. An extension of benefits beyond the initial payment shall be based upon: (Continued)

(3) (Continued)

(D) ~~If the~~ An AU ~~is~~ shall not be issued temporary shelter benefits ~~because~~ if the AU has not met the housing search requirement, as outlined in Section 44-211.524(f)(3)(B), and if applicable, has not submitted verification of an exception. ~~But~~ If the AU subsequently ~~the~~ ~~it~~ meets the housing and/or verification of an exception requirement(s) within the 16-consecutive-day period, the AU shall continue to receive temporary shelter benefits for the remainder of the 16-consecutive-day period ~~is~~ if otherwise eligible. No payment shall be issued for those days during which noncooperation existed. (Continued)

.53 Permanent Housing

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

.534 (Continued)

(c) When applicable, verification of ~~eligibility for the once-in-a-lifetime~~ the exception to the once-in-a-lifetime homeless assistance benefit (see Section 44-211.541). (Continued)

.54 Once-In-A-Lifetime Homeless Exceptions

.541 Temporary and permanent housing assistance payments are each limited to once-in-a-lifetime with the following exceptions:

(a) Whenever a state or federally declared natural disaster is the direct and primary cause of homelessness.

14.
(b) Limited to ONLY ONE PAYMENT OF HOMELESSNESS a maximum of one period of up to 16-consecutive-calendar days of temporary shelter and one payment of permanent housing assistance in 24 months (see Section 44-211.513(b)(2)) when homelessness is the result of any of the following exceptions:

- (1) Domestic violence by a spouse, partner, roommate, or
- (2) Uninhabitability of the former residence caused by sudden and unusual circumstances beyond the applicant/recipient's control which includes, but is not limited to, fire, natural catastrophe, or condemnation, or
- (3) A medically verified physical or mental illness, excluding alcoholism, drug addiction or psychological stress.

.542 The AU shall provide verification of the exceptional circumstance(s), described in Section 44-211.541(b), which resulted in the AU's homelessness. These circumstances shall be verified through a third-party governmental or private health and human services agency.

HANDBOOK BEGINS HERE

(a) Examples of verification for the exceptions specified in Section 44-211.541(b) include the following:

- (1) Domestic violence - copies of records or reports from police departments; medical facilities; battered women's shelters signed by an administrator, counselor or designated staff member; and Adult and Child Protective Services, Family Service Bureau, Crisis Counseling Service agencies.
- (2) Physical or mental illness - medical verification from the appropriate treating physician, state certified nurse, nurse practitioner, physician's assistant, therapist, psychologist, licensed counselor, medical or clinical personnel with access to the patient's records who can verify the diagnosis.
- (3) Uninhabitability of the residence - written statements or copies of reports from police departments, fire departments, the Red Cross, health department or any other agencies authorized to verify uninhabitability of the former residence.

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(b) Example: An AU applies for homeless assistance, under the exception of a mental condition. The AU had been homeless for some time and had no interim contact with any governmental or private health or human services agency which could verify that homelessness was caused by the mental condition. The AU was able to provide proof of the mental condition from a psychologist and a written statement from the former landlord stating that the AU was evicted because of disruptive behavior toward the other tenants. Based on the verification provided by the AU, the county determines that the AU is eligible for homeless assistance due to the mental illness exception.

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.543 Payments for temporary shelter and permanent housing under an exception shall only be authorized for a continuous period of homelessness caused by the same specific circumstances.

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(a) An AU receives temporary shelter payments in January, 1996 for a verified exception of domestic violence. After receiving the temporary shelter payments, the AU returned to the former residence. In March, 1996 the AU requests the permanent housing payment with the CA 42 showing uninhabitability as the reason for homelessness. Since the AU had not been continuously homeless and the exception is different from that under which the temporary shelter payment was issued, the county determines the AU is not eligible for the permanent housing payment.

(b) In January, 1996 an AU is issued temporary shelter payments because of uninhabitability. The residence was condemned. The AU then becomes homeless in February, 1996 because of a fire, which is declared a natural disaster by the state. The AU receives both the temporary shelter and permanent housing payments because of the disaster. In April, 1996 the AU returns requesting the permanent housing payment for the exception which began in January, 1996. The AU is again homeless because of uninhabitability. However, since the AU was not continuously homeless after the temporary shelter payment was issued in January 1996, and the current homelessness is not the result of the same specific circumstances, the county determines the AU is not eligible for the permanent housing payment.

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.6 (Continued)

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

Reference: Sections 11056, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), and (c), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii) and (iii), 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 234.60(a)(2)-(11).