

## FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis to meet the need for immediate action to avoid serious harm to the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

### DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

Current regulations provide that CalWORKs recipients, if eligible, may receive Homeless Assistance Benefits once-in-a-lifetime. There are certain specified exceptions to the once-in-a-lifetime limitation. One such exception is when homelessness is the direct result of domestic violence by a spouse, partner or roommate. Current regulations require that the domestic violence (allowing the exception to the once-in-a-lifetime limit) be verified by a third party governmental or private health and human services agency. Under the provisions of AB 335 (Chapter 726 of the Statutes of 2007), the domestic violence may be verified by a sworn statement by the victim. This new law limits the instances in which a victim can qualify for the domestic violence exception with a sworn statement to two periods of temporary shelter and two payments for permanent housing assistance. The new law also requires counties to immediately inform recipients who verify domestic violence by a sworn statement of the availability of domestic violence counseling and services, and refer those recipients to services upon request.

Failure to implement these provisions, which relate to the use of a sworn statement, on an emergency basis will result in the Department's regulations being out of conformity with state law and leave the state and counties without specific regulatory authority to apply the statutory requirements of AB 335 (Chapter 726 of the Statutes of 2007), which benefit the victims of domestic violence. As such, failure to implement these regulations on an emergency basis could delay, for domestic violence victims, the option of using a sworn statement to verify their domestic violence. Continuing to require third-party verification in all domestic violence cases could result in some of these families at risk to not access their Homeless Assistance benefits. Failure to implement the regulations on an emergency basis could also delay referrals of domestic violence victims to counseling and services, as these would be offered to domestic violence victims who use a sworn statement to verify their domestic violence.

The Department has acted diligently and efficiently to prepare the attached emergency regulations regarding the use of a sworn statement to verify domestic violence and, without using the emergency process, could not implement these regulations in time to avoid the potential harm described above. The non-emergency rulemaking process set forth in the Administrative Procedure Act is sufficiently lengthy that it is not possible to implement these regulation changes on an immediate basis.

### INFORMATIVE DIGEST

These proposed regulations amend specific provisions and adopt new language in the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) that regulate Special Needs of the California Work Opportunity and Responsibility to Kids (CalWORKs) Homeless Assistance Program (HAP).

Current law allows a family to be eligible for temporary and permanent homeless assistance (HA) under an exception to the once-in-a-lifetime HA rule when homelessness is a direct result of domestic violence by a spouse, partner, or roommate. Prior to January 1, 2008, under these circumstances, domestic violence was required to be verified by a third-party governmental or private health and human services agency.

Assembly Bill (AB) 335 (Chapter 726, Statutes of 2007) permit recipients to verify Domestic Violence (DV) as an exception to the once-in-a-lifetime HA rules with a sworn statement made by the victim, unless the agency documents in writing an independent, reasonable basis to find the recipient not credible. The DV may be verified by a sworn statement for up to two periods of temporary HA payments and two payments of permanent HA. Further, the County Welfare Department (CWD) will be required to immediately inform HAP recipients, who verify DV with a sworn statement, of the availability of DV counseling and services, and refer them to services upon request.

AB 335 also provides that if the CWD requires a recipient, who verifies DV by a sworn statement, to participate in a homeless avoidance case plan, the plan shall include the provision of DV services, if appropriate. If a recipient, who is seeking an exemption to the once-in-a-lifetime provision of HA based on DV, has previously received homeless avoidance services based on DV, the county shall review whether DV counseling and services were offered to the recipient and consider what additional services would assist the recipient in leaving the DV situation. Additionally, the proposed regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references as necessary.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: There are no appropriated funds needed to cover any impact that these regulations may have.
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: There are no appropriated funds needed to cover any impact that these regulations may have.
4. Federal Funding to State Agencies: There are no appropriated funds needed to cover any impact that these regulations may have.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not upon school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code because there is no estimated increase in local costs associated with the implementation of these regulations.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554, 10604, 11450(g) of the Welfare and Institutions Code. Subject regulations implement and make specific Section 11450 Sections (f)(2)(E), (iii), (v), and (vi), Welfare and Institutions Code, AB 335 (Chapter 726, Statutes of 2007).