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Regulation Packages #1008-08 and #0509-06

CDSS MANUAL LETTER NO. EAS 10-05

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

Regulation Package # 1008-08

Effective 9/25/10

Sections 44-211

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG2306.htm>

These regulations amend specific provisions 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) permits 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.

These regulations were considered at the Department's public hearing held on June 16, 2010.

Regulation Package # 0509-06

Effective 9/25/10

Sections 40-188

These regulation amendments provide intercounty transfer procedures when an eligible family moves from one county to another within California. Current CalWORKs regulations require that the family attend a face-to-face interview in the second county to ensure the family continues to remain eligible for benefits. The amendment to Section 40-188 exempts non-needy caretaker relatives who are receiving CalWORKs program benefits on behalf of a child who is a dependent of the court from the requirement of a face-to-face interview in their new county of residence when the family moves from one county to another. These regulations also require CWDs to verify that the relative has been appropriately approved to care for the child, and is not receiving CalWORKs benefits for him or herself.

These regulations were considered at the public hearing held on February 10, 2010 in Sacramento, California.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Eligibility and Assistance Standards Manual changes was EAS-10-04.

Page(s)

Replace(s)

123.1 and 123.2
451 through 454
456 and 457

Page 123.1
Pages 451 through 454
Pages 456 and 457

Attachment

ST/EV

| | | |
|---------------|---------------------------------------|---------------|
| 40-188 | TRANSFER PROCEDURE (Continued) | 40-188 |
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| .25 | Foster Care Notification | Provide the first county with notification, written or via electronic data transfer, of the receipt and disposition of the transfer documentation. |
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| NOTE: Authority cited: Sections 10553, 10554, 10605, 11052.6, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10605, and 11265.1, Welfare and Institutions Code; and Nickols v. Saenz Court Order Case Number 310867.

44-211 SPECIAL NEEDS IN CALWORKS (Continued) 44-211

- (B) Name and phone number of landlord.
- (C) Location of rental.
- (D) Terms of rental.
- (E) Dollar amount of deposits and rent.

- (b) Information necessary for the CWD to establish eligibility for AFDC.
- (c) When applicable, verification of the exception to the once-in-a-lifetime homeless assistance benefit (see Section 44-211.541).

.538 If due to an emergency, an AU must move within the 24-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 24-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.

.539 The payment for permanent housing costs is not available to assist recipients to return to their most recent former residence unless there are unusual circumstances beyond the recipient's control.

- (a) For purposes of this section, a most recent former residence is the house or the same unit in a duplex or apartment complex in which the recipient lived just prior to being determined homeless.

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EXAMPLE:

A family left its residence in Shasta County in order to take advantage of a job opportunity in Los Angeles. When they arrived in Los Angeles, the job was no longer available. The family returned to Shasta County and was homeless. Their former residence was available to rent, so they requested a permanent housing payment to move into their former residence. Their request should be granted due to unusual circumstances which prompted their return to Shasta County.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)**44-211****.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.
- (b) Limited to a maximum of one period of up to 16 consecutive calendar days of temporary shelter and one payment of permanent housing assistance in 12 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. The circumstances listed under Section 44-211.541(b)(2) and (b)(3) shall be verified through a third-party governmental or private health and human services agency. Domestic violence circumstances may be verified by sworn statement as provided in Section 44-211.543.

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- (a) A county may require that a recipient of homeless assistance benefits who qualifies under this paragraph a second time in a 24-month period shall participate in a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits.
- (b) 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 Services Bureau, Crisis Counseling Services agencies. These types of third party verifications are acceptable when the county has determined that a sworn statement by the victim is not credible.
 - (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.
- (c) 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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STANDARDS OF ASSISTANCE
AU COMPOSITION AND NEED

Regulations

44-211 (Cont.)

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

44-211

- .543 Sworn statement by a victim of past or present domestic abuse shall be sufficient to verify the AU meets a domestic violence exception unless the county documents in writing an independent and reasonable basis to find the applicant or recipient not credible, in accordance with domestic abuse regulations found at MPP Section 42-715.12.
- (a) A sworn statement by the victim shall be acceptable verification to meet an exception for up to two periods of temporary and two payments of permanent homeless assistance.
 - (b) If the county establishes the applicant or recipient is not credible, the county shall obtain third party verification of domestic violence pursuant to Section 44-542(b)(1).
- .544 A county shall immediately inform the victim who verifies domestic violence with a sworn statement of the availability of domestic violence counseling and services, and shall refer the victim to services upon request.
- .545 A county may require an applicant/recipient who verifies domestic violence by a sworn statement to participate in a homelessness avoidance case plan.
- (a) If a county requires an applicant/recipient who verifies domestic violence by a sworn statement to participate in a homelessness avoidance case plan, the plan shall include the provision of domestic violence services, if appropriate.
 - (b) If an applicant/recipient seeking a once-in-a-lifetime exception for homeless assistance based on domestic violence has previously received homeless avoidance service based on domestic violence, the county shall review whether services were offered to the applicant/recipient and consider what additional services would assist the recipient in leaving the domestic violence situation.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)**44-211**

- .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 Pregnancy Special Needs

- .61 For the purposes of this section, the term "third trimester" is defined as the beginning of the third month immediately prior to the month of anticipated birth and continuing through the month of birth.
- .62 In addition to the basic grant, a pregnancy special need payment shall be authorized for all eligible pregnant women who have provided medical verification, subject to the conditions in Sections 44-211.63 and .64.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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.65 A pregnancy special need payment is \$47 per month.

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NOTE: 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 42 U.S.C.A., Section 606(b).

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| 44-212 | MINIMUM BASIC STANDARD OF ADEQUATE CARE | 44-212 |
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- .1 Definition -- The Minimum Basic Standard of Adequate Care is set forth in W&I Code Section 11452, as the amount which is necessary to provide an Assistance Unit with the following:
 - .11 Housing
 - .12 Clothing
 - .13 Food
 - .14 Utilities
 - .15 Items for household operation, education and incidentals, recreation, personal needs, and insurance.
 - .16 Essential medical, dental, or other remedial care not otherwise provided at public expense
 - .17 Has been deleted per Manual Letter No. 77-045.
- .2 The Minimum Basic Standard of Adequate Care set forth in Welfare and Institutions Code Section 11452 and previously distributed to the counties for each size AU (see Chapter 82-800 for composition of the AU) is in Section 44-207.212.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.20(a)(1)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

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| 44-213 | MEDICAL NEEDS - GENERAL | 44-213 |
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

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| 44-215 | PERSONS WHO DO NOT MEET REQUIREMENTS FOR INCLUSION IN THE FAMILY BUDGET UNIT | 44-215 |
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

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| 44-217 | SUBSTANDARD HOUSING | 44-217 |
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

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| 44-223 | A MOTHER IN A MATERNITY HOME | 44-223 |
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

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| 44-267 | SPECIAL NEED PAYMENT FOR CHILD'S RETURN HOME FROM FOSTER CARE | 44-267 |
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Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.