

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 44-211.542

Specific Purpose:

This section is being amended to provide that Domestic Violence exceptions can be verified by a sworn statement and to update cross references.

Factual Basis:

The amendment to this section is necessary to comply with Welfare and Institutions Code Section 11450(f)(2)(E)(iii), as amended by AB 335, Chapter 726, Statutes of 2007. The statute provides that a 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. 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. If the county establishes the applicant or recipient is not credible, the county shall obtain third party verification of domestic violence.

Section 44-211.542(b)(1)

Specific Purpose:

This section is being amended to provide that third party verification is acceptable when a sworn statement by the victim is determined not credible.

Factual Basis:

The amendment to this section is necessary to comply with Welfare and Institutions Code Section 11450(f)(2)(E)(iii), as amended by AB 335, Chapter 726, Statutes of 2007, which provides that third party verification is acceptable when the county determines that a sworn statement by the victim is not credible.

Section 44-211.543

Specific Purpose:

This section is being adopted to provide guidance on the acceptable use of sworn statements by a victim of past or present domestic abuse in lieu of third party verification.

Factual Basis:

The adoption to this section is necessary to comply with Welfare and Institutions Code Section 11450(f)(2)(E)(iii), as amended by AB 335, Chapter 726, Statutes of 2007. The statute provides that a 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. 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. If the county establishes the applicant or recipient is not credible, the county shall obtain third party verification of domestic violence.

Section 44-211.544

Specific Purpose:

This section is being adopted to require counties to inform individuals who verify DV by a sworn statement of DV counseling and services.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code Section 11450, Section (f)(2)(E)(iii), as amended by AB 335, Chapter 726, Statutes of 2007 which provides that a county shall immediately inform victims who verify domestic violence with a sworn statement of the availability of domestic violence counseling and services and shall refer those victims to services upon request.

Section 44-211.545

Specific Purpose:

This section is being adopted to allow counties to require individuals who verify DV by a sworn statement to participate in a homelessness avoidance case plan.

Factual Basis:

The adoption of this section is necessary to comply with Welfare and Institutions Code Sections 11450(f)(2)(E)(iii), (v), and (vi), as amended by AB 335, Chapter 726, Statutes of 2007. If a county requires an applicant/recipient who verifies DV by a sworn statement to participate in a homelessness avoidance case plan, the plan shall include the provision of DV services, if appropriate. If an applicant/recipient, who is seeking a once-in-a-lifetime exception for homeless assistance based on DV, has previously received homeless avoidance services based on DV, the county shall review whether services were offered to the recipient and consider what additional services would assist the applicant/recipient in leaving the DV situation.

Section 44-211.546

Specific Purpose/Factual Basis:

This section is being renumbered from Section 44-211.543 to Section 44-211.546 for numerical sequencing.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 335 Chapter 726, Statutes of 2007.

c) 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.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the purposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered as Item #1 at the public hearing held on June 16, 2010 in Sacramento, California. No written or oral testimony was received during the 45-day comment period from April 30, 2010 to 5:00 p.m. June 16, 2010

g) 15-Day Renotice Statement

CDSS did not renotice these regulations because no changes requiring renotice were made to the regulations following the public hearing.