

SHD Paraphrased Regulations - Adult Programs
810 Special Circumstances

810-1

Special circumstances are those which are not common to all recipients and which arise out of need for certain goods or services, and physical infirmities or other conditions peculiar, on a nonrecurring basis, to the individual situation. Special circumstances may result in payments for replacement or repair of essential household furniture and equipment; replacement of clothing; housing repairs; moving expenses; housing modifications; and prevention of foreclosure. (§46-425.29)

810-2

A special circumstance payment shall not be made for expenses that do not have prior authorization from the county. (§46-425.44) Prior authorization shall not be required when the special circumstance is an emergency. (§46-425.5) An "emergency" is a special circumstance which requires immediate action to escape an unhealthful or unsafe situation as determined by the county. (§46-425.22)

810-3

Special circumstance payments are available for required moving expenses, including the cost of packing, storage, and moving, necessary because of eviction or because current housing is unsafe or unhealthful. (§46-425.65)

810-5

Required housing repairs necessary to provide safe and healthful recipient-owned housing and/or essential appliances may be authorized, subject to a general \$300 maximum allowance in a 12-month period. In certain cases, when expenses exceed \$300, there may be a supplemental payment(s) not to exceed \$450. (§§46-425.63 and .64)

When the recipient is living in rental property and the appliances are owned by the client, the client may be eligible for the housing repair allowance if all other eligibility criteria are met. (All-County Letter No. 90-13, February 8, 1990)

810-6

Welfare and Institutions Code (W&IC) §12550, which authorized special circumstances payments for replacement of essential household furniture or clothing, necessary moving expenses, required housing repairs, and unmet shelter needs, was repealed effective August 31, 1992, by Senate Bill No. 485. The special circumstance program was reinstated effective August 21, 1998, when the Governor signed the Budget Act of 1998. (All-County Letter (ACL) No. 98-74, September 21, 1998).

810-7

While §46-425.28 defines recipients of SSI/SSP as eligible for the Special Circumstances Program, state law mandates that counties should also accept applications from all IHSS and CAPI recipients. (All-County Letter No. 98-95, December 18, 1998; W&IC §§12300, 12550, and 12601)

810-8

Funding for the Special Circumstances Program is limited to the appropriations in the 1998/99 California Budget Act. Expenditures beyond a county's allocation will not be reimbursed by the state.

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When the county's allocated benefit funds have been depleted, the county must continue to accept applications for program benefits, but it is not necessary to establish an applicant's eligibility. The county must send the applicant a notice of action denying benefits due to the unavailability of funds.

(All-County Letter No. 98-95, December 18, 1998)

810-9

Persons administering aid under any public assistance program shall conduct themselves with courtesy, consideration and respect toward applicants for and recipients of aid under that program, and shall endeavor at all times to perform the duties in such a manner as to secure for every person the amount of aid to which he/she is entitled, without attempting to elicit any information not necessary to carry out the provisions of law applicable to the program, and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of the program. (W&IC §10500)

To comply with W&IC §10500, county staff must provide information about the Special Circumstances Program (SCP) as to how and where to get an application, who to call regarding benefits and services, answering questions, and assisting applicants with completing any required forms. Additionally, the CDSS is required to employ reasonable means of giving notice of the SCP to all SSI/SSP recipients. (All-County Information Notice No. I-81-01, September 21, 2001; Thornton v. Carlson (1992) 4 Cal. App. 4th 1249, 6 Cal.Rptr. 2d 375)

810-10

State law affecting the Special Circumstances Program (SCP) was amended effective July 1, 2001. The following is a brief summary of those changes:

- > SCP allowance payments are excluded for purposes of determining income of IHSS and CAPI applicants per W&IC §12550.1.
- > There are no additional income or resource limits when determining SCP eligibility, beyond those used to determine eligibility for IHSS, CAPI, or SSI/SSP. The same resource limits that apply to IHSS and CAPI will now apply to the SCP. (W&IC §12502)
- > The purchase of essential household furniture and equipment (which includes appliances) and clothing is allowed in addition to the repair or replacement of those items. The necessity for a catastrophe has been eliminated from the definition of "special circumstances." (W&IC §12550(a))
- > The counties may transfer funds from their SCP administrative allocations to their benefit allocations in order to provide additional benefits to clients, to the extent that administrative savings are achieved. (W&IC §12552.1(a))
- > The maximum SCP allowance for the following SCP categories was increased as follows:

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- > The maximum amount for purchase, repair, or modification of housing, or to prevent foreclosure, or for relocation expenses goes from \$750 to \$1,500;
- > The maximum amount for purchase, repair, or replacement of essential household equipment, including appliances, goes from \$405, to \$600;
- > The maximum amount for purchase, repair, or replacement of bedding and mattresses goes from \$143 to \$300; and
- > The maximum amount for purchase, repair, or replacement of clothing goes from \$113 to \$250.

(All-County Letter No. 01-60, August 30, 2001)

810-11

State law limits funding for the Special Circumstances Program (SCP) to the amount set forth in the yearly budget act. (Welfare & Institutions Code (W&IC) §12601)

The Fiscal Year 2002-2003 Budget Act appropriated no funds for the SCP. Thus, as of July 1, 2002, the SCP became non-operational until such time as funds are reauthorized. (All-County Information Notice No. I-73-02, September 20, 2002)

815-1

There is an assistance dog special allowance program to pay for dog food and other costs associated with an assistance dog's care and maintenance, which allowance shall be \$40 per month from January 1 through June 30, 1991, and \$50 per month effective July 1, 1991 for recipients of SSI/SSP or IHSS. Effective July 26, 2000, the monthly allowance was expanded to include recipients of Social Security Disability Insurance Benefits, with a maximum monthly allowance of \$35. (§46-430.1(s) replaced, amended by §46-430.4 effective July 26, 2000)

815-2

An eligible recipient means any blind or disabled individual who is a recipient of either or both SSI/SSP or IHSS who uses the services of an assistance dog. As of July 26, 2000, Social Security Disability Insurance recipients were potentially eligible for assistance dog payments. (§46-430.1(e), as amended effective July 26, 2000)

815-3

Eligibility for a special needs payment for an assistance dog begins the first day of the month in which the application is received. (§46-430.4)

815-3A ADDED 6/04

Eligibility for this allowance shall be redetermined at least once every 12 months. Each recipient shall return the ADSA Renewal Application Form ADSA 1A to CDSS by the due date shown on the form. (§§46-430.51 and .52)