

Introduced by Committee on Veterans Affairs (Senators Correa (Chair), Berryhill, Calderon, Cannella, La Malfa, Negrete McLeod, and Rubio)

February 18, 2011

An act to amend Section 1012 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 816, as introduced, Committee on Veterans Affairs. Veterans' homes of California: economic need.

Existing law establishes a Veterans' Home of California at specified sites for aged and disabled veterans who served in the United States Armed Forces. Existing law requires veterans who served during a time of war to be given priority admission over those who served in a time of peace, and requires highest priority to be given to Medal of Honor recipients and former prisoners of war.

This bill would require the administrator, in the admission of veterans who served in a time of war or peace, to consider the economic needs those of veterans.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1012 of the Military and Veterans Code
- 2 is amended to read:
- 3 1012. (a) Except as provided in Section 1012.4, the home is
- 4 for aged and disabled persons who served in the Armed Forces of
- 5 the United States of America who were discharged or released

1 from active duty under honorable conditions from service, who
2 are eligible for hospitalization or domiciliary care in a veterans'
3 facility in accordance with the rules and regulations of the United
4 States Department of Veterans Affairs, and who are bona fide
5 residents of this state at the time of application; and for the spouses
6 of these persons if all of the following conditions, as are applicable,
7 are satisfied:

8 (1) Space is available.

9 (2) Joint residency will be in the best interests of the home
10 member, as determined by the administrator.

11 (3) The spouse is a bona fide resident of this state at the time
12 of application for admission to the home and either is married to,
13 and has resided with, the home member for at least one year, or is
14 the widow or widower of a recipient of the Medal of Honor or a
15 former prisoner of war (POW).

16 (4) The home member and spouse agree to pay the fees and
17 charges for joint residency, or for a widow or widower, for the
18 residency, that the administrator may establish.

19 (b) (1) Veterans who qualify for benefits under this chapter due
20 to service during a time of war shall be given priority over veterans
21 who qualify due to service during a time of peace. *In prioritizing*
22 *veterans that qualify for benefits due to service during a time of*
23 *war or a time of peace, the administrator shall consider a veteran's*
24 *economic need. The administrator shall consider the following*
25 *factors to determine a veteran's economic need:*

26 (A) *If a veteran is homeless or on the verge of becoming*
27 *homeless.*

28 (B) *If a veteran has an annual income of less than two and a*
29 *half times the federal poverty level.*

30 (C) (i) *If a veteran has a net worth of less than ten times the*
31 *federal poverty level.*

32 (ii) *For the purposes of this subparagraph, "net worth" means*
33 *the veteran's assets minus liabilities. A veteran's assets include*
34 *the following:*

35 (I) *Personal property, which consists of cash, savings accounts,*
36 *securities, and similar items; notes, mortgages and deeds of trust;*
37 *the cash surrender value of life insurance on the life of the*
38 *applicant or beneficiary; and motor vehicles.*

39 (II) *Real property, including any interest in land.*

1 (2) Veterans who qualify for benefits under this chapter who
2 are recipients of the Medal of Honor or who were prisoners of war
3 (POWs) shall be given priority over all other qualified veterans,
4 regardless of the level of care required.

5 (c) A resident spouse may continue residence after the veteran's
6 death.

7 (d) The property of the home shall be used for this purpose.