

ASSEMBLY BILL

No. 2631

Introduced by Assembly Member Santiago

February 19, 2016

An act to amend Section 11450 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2631, as introduced, Santiago. CalWORKs: housing assistance.

Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of federal, state, and county funds, each county provides cash assistance and other benefits to qualified low-income families. As part of the CalWORKs program, a homeless family that has used all available liquid resources in excess of \$100 may be eligible for homeless assistance benefits to pay the costs of temporary shelter. The CalWORKs program also provides permanent housing assistance to pay rent or a security deposit, as specified, in order to secure housing for the family or prevent eviction. Under existing law, eligibility for homeless assistance is limited to one period of up to 16 consecutive days in a lifetime, and eligibility for permanent housing assistance is limited to one payment of assistance, subject to specified exceptions for homelessness caused by domestic violence, illness, or sudden or unusual circumstances beyond the control of the family. Existing law authorizes a county to require certain recipients of homeless assistance to participate in a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits.

This bill would increase the duration of homeless assistance benefits to 30 days and would delete the limitation on the number of times a

recipient may receive homeless assistance or permanent housing assistance benefits. The bill would also delete the authority for the county to require a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits. Because this bill would increase the administrative duties of counties, it would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would, instead, provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 11450 of the Welfare and Institutions
2 Code is amended to read:
3 11450. (a) (1) (A) Aid shall be paid for each needy family,
4 which shall include all eligible brothers and sisters of each eligible
5 applicant or recipient child and the parents of the children, but
6 shall not include unborn children, or recipients of aid under Chapter
7 3 (commencing with Section 12000), qualified for aid under this
8 chapter. In determining the amount of aid paid, and notwithstanding
9 the minimum basic standards of adequate care specified in Section
10 11452, the family’s income, exclusive of any amounts considered
11 exempt as income or paid pursuant to subdivision (e) or Section
12 11453.1, determined for the prospective semiannual period
13 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
14 calculated pursuant to Section 11451.5, shall be deducted from
15 the sum specified in the following table, as adjusted for
16 cost-of-living increases pursuant to Section 11453 and paragraph
17 (2). In no case shall the amount of aid paid for each month exceed
18 the sum specified in the following table, as adjusted for

1 cost-of-living increases pursuant to Section 11453 and paragraph
2 (2), plus any special needs, as specified in subdivisions (c), (e),
3 and (f):

4 5 Number of 6 eligible needy 7 persons in 8 the same home	Maximum aid
9 1.....	\$ 326
10 2.....	535
11 3.....	663
12 4.....	788
13 5.....	899
14 6.....	1,010
15 7.....	1,109
16 8.....	1,209
17 9.....	1,306
18 10 or more.....	1,403

19
20 (B) If, when, and during those times that the United States
21 government increases or decreases its contributions in assistance
22 of needy children in this state above or below the amount paid on
23 July 1, 1972, the amounts specified in the above table shall be
24 increased or decreased by an amount equal to that increase or
25 decrease by the United States government, provided that no
26 increase or decrease shall be subject to subsequent adjustment
27 pursuant to Section 11453.

28 (2) The sums specified in paragraph (1) shall not be adjusted
29 for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94,
30 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through
31 October 31, 1998, nor shall that amount be included in the base
32 for calculating any cost-of-living increases for any fiscal year
33 thereafter. Elimination of the cost-of-living adjustment pursuant
34 to this paragraph shall satisfy the requirements of Section 11453.05,
35 and no further reduction shall be made pursuant to that section.

36 (b) (1) When the family does not include a needy child qualified
37 for aid under this chapter, aid shall be paid to a pregnant child who
38 is 18 years of age or younger at any time after verification of
39 pregnancy, in the amount that would otherwise be paid to one
40 person, as specified in subdivision (a), if the child and her child,

1 if born, would have qualified for aid under this chapter. Verification
2 of pregnancy shall be required as a condition of eligibility for aid
3 under this subdivision.

4 (2) Notwithstanding paragraph (1), when the family does not
5 include a needy child qualified for aid under this chapter, aid shall
6 be paid to a pregnant woman for the month in which the birth is
7 anticipated and for the six-month period immediately prior to the
8 month in which the birth is anticipated, in the amount that would
9 otherwise be paid to one person, as specified in subdivision (a), if
10 the woman and child, if born, would have qualified for aid under
11 this chapter. Verification of pregnancy shall be required as a
12 condition of eligibility for aid under this subdivision.

13 (3) Paragraph (1) shall apply only when the Cal-Learn Program
14 is operative.

15 (c) The amount of forty-seven dollars (\$47) per month shall be
16 paid to pregnant women qualified for aid under subdivision (a) or
17 (b) to meet special needs resulting from pregnancy if the woman
18 and child, if born, would have qualified for aid under this chapter.
19 County welfare departments shall refer all recipients of aid under
20 this subdivision to a local provider of the Women, Infants, and
21 Children program. If that payment to pregnant women qualified
22 for aid under subdivision (a) is considered income under federal
23 law in the first five months of pregnancy, payments under this
24 subdivision shall not apply to persons eligible under subdivision
25 (a), except for the month in which birth is anticipated and for the
26 three-month period immediately prior to the month in which
27 delivery is anticipated, if the woman and child, if born, would have
28 qualified for aid under this chapter.

29 (d) For children receiving AFDC-FC under this chapter, there
30 shall be paid, exclusive of any amount considered exempt as
31 income, an amount of aid each month that, when added to the
32 child's income, is equal to the rate specified in Section 11460,
33 11461, 11462, 11462.1, or 11463. In addition, the child shall be
34 eligible for special needs, as specified in departmental regulations.

35 (e) In addition to the amounts payable under subdivision (a)
36 and Section 11453.1, a family shall be entitled to receive an
37 allowance for recurring special needs not common to a majority
38 of recipients. These recurring special needs shall include, but not
39 be limited to, special diets upon the recommendation of a physician
40 for circumstances other than pregnancy, and unusual costs of

1 transportation, laundry, housekeeping services, telephone, and
2 utilities. The recurring special needs allowance for each family
3 per month shall not exceed that amount resulting from multiplying
4 the sum of ten dollars (\$10) by the number of recipients in the
5 family who are eligible for assistance.

6 (f) After a family has used all available liquid resources, both
7 exempt and nonexempt, in excess of one hundred dollars (\$100),
8 with the exception of funds deposited in a restricted account
9 described in subdivision (a) of Section 11155.2, the family shall
10 also be entitled to receive an allowance for ~~nonrecurring~~ special
11 needs.

12 (1) An allowance for ~~nonrecurring~~ special needs shall be granted
13 for replacement of clothing and household equipment and for
14 emergency housing needs other than those needs addressed by
15 paragraph (2). These needs shall be caused by sudden and unusual
16 circumstances beyond the control of the needy family. The
17 department shall establish the allowance for each of the
18 ~~nonrecurring~~ special needs items. The sum of all ~~nonrecurring~~
19 special needs provided by this subdivision shall not exceed six
20 hundred dollars (\$600) per event.

21 (2) (A) Homeless assistance is available to a homeless family
22 seeking shelter when the family is eligible for aid under this
23 chapter. Homeless assistance for temporary shelter is also available
24 to homeless families that are apparently eligible for aid under this
25 chapter. Apparent eligibility exists when evidence presented by
26 the applicant, or that is otherwise available to the county welfare
27 department, and the information provided on the application
28 documents indicate that there would be eligibility for aid under
29 this chapter if the evidence and information were verified.
30 However, an alien applicant who does not provide verification of
31 his or her eligible alien status, or a woman with no eligible children
32 who does not provide medical verification of pregnancy, is not
33 apparently eligible for purposes of this section.

34 (B) A family is considered homeless, for the purpose of this
35 section, when the family lacks a fixed and regular nighttime
36 residence; or the family has a primary nighttime residence that is
37 a supervised publicly or privately operated shelter designed to
38 provide temporary living accommodations; or the family is residing
39 in a public or private place not designed for, or ordinarily used as,
40 a regular sleeping accommodation for human beings. A family is

1 also considered homeless for the purpose of this section if the
 2 family has received a notice to pay rent or quit. The family shall
 3 demonstrate that the eviction is the result of a verified financial
 4 hardship as a result of extraordinary circumstances beyond their
 5 control, and not other lease or rental violations, and that the family
 6 is experiencing a financial crisis that could result in homelessness
 7 if preventative assistance is not provided.

8 (3) (A) (i) ~~A nonrecurring~~ special needs benefit of sixty-five
 9 dollars (\$65) a day shall be available to families of up to four
 10 members for the costs of temporary shelter, subject to the
 11 requirements of this paragraph. The fifth and additional members
 12 of the family shall each receive fifteen dollars (\$15) per day, up
 13 to a daily maximum of one hundred twenty-five dollars (\$125).
 14 County welfare departments may increase the daily amount
 15 available for temporary shelter as necessary to secure the additional
 16 bedspace needed by the family.

17 (ii) This special needs benefit shall be granted or denied
 18 immediately upon the family’s application for homeless assistance,
 19 and benefits shall be available for up to three working days. The
 20 county welfare department shall verify the family’s homelessness
 21 within the first three working days and if the family meets the
 22 criteria of questionable homelessness established by the
 23 department, the county welfare department shall refer the family
 24 to its early fraud prevention and detection unit, if the county has
 25 such a unit, for assistance in the verification of homelessness within
 26 this period.

27 (iii) After homelessness has been verified, the three-day limit
 28 shall be extended for a period of time which, when added to the
 29 initial benefits provided, does not exceed a total of ~~16~~ 30 calendar
 30 days. This extension of benefits shall be done in increments of one
 31 week and shall be based upon searching for permanent housing
 32 which shall be documented on a housing search form, good cause,
 33 or other circumstances defined by the department. Documentation
 34 of a housing search shall be required for the initial extension of
 35 benefits beyond the three-day limit and on a weekly basis thereafter
 36 as long as the family is receiving temporary shelter benefits. Good
 37 cause shall include, but is not limited to, situations in which the
 38 county welfare department has determined that the family, to the
 39 extent it is capable, has made a good faith but unsuccessful effort

1 to secure permanent housing while receiving temporary shelter
2 benefits.

3 (B) (i) A ~~nonrecurring~~ special needs benefit for permanent
4 housing assistance is available to pay for last month's rent and
5 security deposits when these payments are reasonable conditions
6 of securing a residence, or to pay for up to two months of rent
7 arrearages, when these payments are a reasonable condition of
8 preventing eviction.

9 (ii) The last month's rent or monthly arrearage portion of the
10 payment (I) shall not exceed 80 percent of the family's total
11 monthly household income without the value of CalFresh benefits
12 or special needs benefit for a family of that size and (II) shall only
13 be made to families that have found permanent housing costing
14 no more than 80 percent of the family's total monthly household
15 income without the value of CalFresh benefits or special needs
16 benefit for a family of that size.

17 (iii) However, if the county welfare department determines that
18 a family intends to reside with individuals who will be sharing
19 housing costs, the county welfare department shall, in appropriate
20 circumstances, set aside the condition specified in subclause (II)
21 of clause (ii).

22 (C) The ~~nonrecurring~~ special needs benefit for permanent
23 housing assistance is also available to cover the standard costs of
24 deposits for utilities which are necessary for the health and safety
25 of the family.

26 (D) A payment for or denial of permanent housing assistance
27 shall be issued no later than one working day from the time that a
28 family presents evidence of the availability of permanent housing.
29 If an applicant family provides evidence of the availability of
30 permanent housing before the county welfare department has
31 established eligibility for aid under this chapter, the county welfare
32 department shall complete the eligibility determination so that the
33 denial of or payment for permanent housing assistance is issued
34 within one working day from the submission of evidence of the
35 availability of permanent housing, unless the family has failed to
36 provide all of the verification necessary to establish eligibility for
37 aid under this chapter.

38 (E) ~~(i) Except as provided in clauses (ii) and (iii), eligibility~~
39 ~~for the temporary shelter assistance and the permanent housing~~
40 ~~assistance pursuant to this paragraph shall be limited to one period~~

1 of up to 16 consecutive calendar days of temporary assistance and
 2 one payment of permanent assistance. Any family that includes a
 3 parent or nonparent caretaker relative living in the home who has
 4 previously received temporary or permanent homeless assistance
 5 at any time on behalf of an eligible child shall not be eligible for
 6 further homeless assistance. Any person who applies for homeless
 7 assistance benefits shall be informed that the temporary shelter
 8 benefit of up to 16 consecutive days is available only once in a
 9 lifetime, with certain exceptions, and that a break in the consecutive
 10 use of the benefit constitutes permanent exhaustion of the
 11 temporary benefit.

12 (ii)
 13 (E) (i) A family that becomes homeless as a direct and primary
 14 result of a state or federally declared natural disaster shall be
 15 eligible for temporary and permanent homeless assistance.

16 (iii)
 17 (ii) A family shall be eligible for temporary and permanent
 18 homeless housing assistance when homelessness is a direct result
 19 of domestic violence by a spouse, partner, or roommate; physical
 20 or mental illness that is medically verified that shall not include a
 21 diagnosis of alcoholism, drug addiction, or psychological stress;
 22 or, the uninhabitability of the former residence caused by sudden
 23 and unusual circumstances beyond the control of the family
 24 including natural catastrophe, fire, or condemnation. These
 25 circumstances shall be verified by a third-party governmental or
 26 private health and human services agency, except that domestic
 27 violence may also be verified by a sworn statement by the victim,
 28 as provided under Section 11495.25. Homeless assistance payments
 29 based on these specific circumstances may not be received more
 30 often than once in any 12-month period. In addition, if the domestic
 31 violence is verified by a sworn statement by the victim, the
 32 homeless assistance payments shall be limited to two periods of
 33 not more than 16 consecutive calendar days of temporary assistance
 34 and two payments of permanent assistance. A county may require
 35 that a recipient of homeless assistance benefits who qualifies under
 36 this paragraph for a second time in a 24-month period participate
 37 in a homelessness avoidance case plan as a condition of eligibility
 38 for homeless assistance benefits. The county welfare department
 39 shall immediately inform recipients who verify domestic violence
 40 by a sworn statement of the availability of domestic violence

1 counseling and services, and refer those recipients to services upon
2 request.

3 ~~(iv) If a county requires a recipient who verifies domestic~~
4 ~~violence by a sworn statement to participate in a homelessness~~
5 ~~avoidance case plan pursuant to clause (iii), the plan shall include~~
6 ~~the provision of domestic violence services, if appropriate.~~

7 ~~(v)~~

8 (iii) If a recipient seeking homeless assistance based on domestic
9 violence pursuant to clause ~~(iii)~~ (ii) has previously received
10 homeless avoidance services based on domestic violence, the
11 county shall review whether services were offered to the recipient
12 and consider what additional services would assist the recipient
13 in leaving the domestic violence situation.

14 ~~(vi)~~

15 (iv) The county welfare department shall report necessary data
16 to the department through a statewide homeless assistance payment
17 indicator system, as requested by the department, regarding all
18 recipients of aid under this paragraph.

19 (F) The county welfare departments, and all other entities
20 participating in the costs of the CalWORKs program, have the
21 right in their share to any refunds resulting from payment of the
22 permanent housing. However, if an emergency requires the family
23 to move within the 12-month period specified in subparagraph
24 (E), the family shall be allowed to use any refunds received from
25 its deposits to meet the costs of moving to another residence.

26 (G) Payments to providers for temporary shelter and permanent
27 housing and utilities shall be made on behalf of families requesting
28 these payments.

29 (H) The daily amount for the temporary shelter special needs
30 benefit for homeless assistance may be increased if authorized by
31 the current year's Budget Act by specifying a different daily
32 allowance and appropriating the funds therefor.

33 (I) No payment shall be made pursuant to this paragraph unless
34 the provider of housing is a commercial establishment, shelter, or
35 person in the business of renting properties who has a history of
36 renting properties.

37 (g) The department shall establish rules and regulations ensuring
38 the uniform statewide application of this section.

39 (h) The department shall notify all applicants and recipients of
40 aid through the standardized application form that these benefits

1 are available and shall provide an opportunity for recipients to
2 apply for the funds quickly and efficiently.

3 (i) ~~(A)~~-(1) Except for the purposes of Section 15200, the
4 amounts payable to recipients pursuant to Section 11453.1 shall
5 not constitute part of the payment schedule set forth in subdivision
6 (a).

7 ~~(B)~~

8 (2) The amounts payable to recipients pursuant to Section
9 11453.1 shall not constitute income to recipients of aid under this
10 section.

11 (j) For children receiving Kin-GAP pursuant to Article 4.5
12 (commencing with Section 11360) or Article 4.7 (commencing
13 with Section 11385) there shall be paid, exclusive of any amount
14 considered exempt as income, an amount of aid each month, which,
15 when added to the child’s income, is equal to the rate specified in
16 Sections 11364 and 11387.

17 (k) (1) A county shall implement the semiannual reporting
18 requirements in accordance with Chapter 501 of the Statutes of
19 2011 no later than October 1, 2013.

20 (2) Upon completion of the implementation described in
21 paragraph (1), each county shall provide a certificate to the director
22 certifying that semiannual reporting has been implemented in the
23 county.

24 (3) Upon filing the certificate described in paragraph (2), a
25 county shall comply with the semiannual reporting provisions of
26 this section.

27 (l) This section shall become operative on July 1, 2015.

28 SEC. 2. No appropriation pursuant to Section 15200 of the
29 Welfare and Institutions Code shall be made for purposes of this
30 act.

31 SEC. 3. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.