

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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 limit the number of times a family may receive temporary shelter assistance to once per year.* 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

1 cost-of-living increases pursuant to Section 11453 and paragraph
 2 (2). In no case shall the amount of aid paid for each month exceed
 3 the sum specified in the following table, as adjusted for
 4 cost-of-living increases pursuant to Section 11453 and paragraph
 5 (2), plus any special needs, as specified in subdivisions (c), (e),
 6 and (f):

8 Number of 9 eligible needy 10 persons in 11 the same home	Maximum aid
12 1.....	\$ 326
13 2.....	535
14 3.....	663
15 4.....	788
16 5.....	899
17 6.....	1,010
18 7.....	1,109
19 8.....	1,209
20 9.....	1,306
21 10 or more.....	1,403

22
 23 (B) If, when, and during those times that the United States
 24 government increases or decreases its contributions in assistance
 25 of needy children in this state above or below the amount paid on
 26 July 1, 1972, the amounts specified in the above table shall be
 27 increased or decreased by an amount equal to that increase or
 28 decrease by the United States government, provided that ~~no~~ any
 29 increase or decrease shall *not* be subject to subsequent adjustment
 30 pursuant to Section 11453.

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

1 (b) (1) When the family does not include a needy child qualified
2 for aid under this chapter, aid shall be paid to a pregnant child who
3 is 18 years of age or younger at any time after verification of
4 pregnancy, in the amount that would otherwise be paid to one
5 person, as specified in subdivision (a), if the child and her child,
6 if born, would have qualified for aid under this chapter. Verification
7 of pregnancy shall be required as a condition of eligibility for aid
8 under this subdivision.

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

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

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

34 (d) For children receiving AFDC-FC under this chapter, there
35 shall be paid, exclusive of any amount considered exempt as
36 income, an amount of aid each month that, when added to the
37 child's income, is equal to the rate specified in Section 11460,
38 11461, 11462, 11462.1, or 11463. In addition, the child shall be
39 eligible for special needs, as specified in departmental regulations.

1 (e) In addition to the amounts payable under subdivision (a)
2 and Section 11453.1, a family shall be entitled to receive an
3 allowance for recurring special needs not common to a majority
4 of recipients. These recurring special needs shall include, but not
5 be limited to, special diets upon the recommendation of a physician
6 for circumstances other than pregnancy, and unusual costs of
7 transportation, laundry, housekeeping services, telephone, and
8 utilities. The recurring special needs allowance for each family
9 per month shall not exceed that amount resulting from multiplying
10 the sum of ten dollars (\$10) by the number of recipients in the
11 family who are eligible for assistance.

12 (f) After a family has used all available liquid resources, both
13 exempt and nonexempt, in excess of one hundred dollars (\$100),
14 with the exception of funds deposited in a restricted account
15 described in subdivision (a) of Section 11155.2, the family shall
16 also be entitled to receive an allowance for special needs.

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

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

38 (B) A family is considered homeless, for the purpose of this
39 section, when the family lacks a fixed and regular nighttime
40 residence; or the family has a primary nighttime residence that is

1 a supervised publicly or privately operated shelter designed to
2 provide temporary living accommodations; or the family is residing
3 in a public or private place not designed for, or ordinarily used as,
4 a regular sleeping accommodation for human beings. A family is
5 also considered homeless for the purpose of this section if the
6 family has received a notice to pay rent or quit. The family shall
7 demonstrate that the eviction is the result of a verified financial
8 hardship as a result of extraordinary circumstances beyond their
9 control, and not other lease or rental violations, and that the family
10 is experiencing a financial crisis that could result in homelessness
11 if preventative assistance is not provided.

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

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

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

1 benefits. Good cause shall include, but is not limited to, situations
2 in which the county welfare department has determined that the
3 family, to the extent it is capable, has made a good faith but
4 unsuccessful effort to secure permanent housing while receiving
5 temporary shelter benefits.

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

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

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

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

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

1 (E) (i) A family that becomes homeless as a direct and primary
2 result of a state or federally declared natural disaster shall be
3 eligible for temporary and permanent homeless assistance.

4 (ii) A family shall be eligible for temporary and permanent
5 housing assistance when homelessness is a direct result of domestic
6 violence by a spouse, partner, or roommate; physical or mental
7 illness that is medically verified that shall not include a diagnosis
8 of alcoholism, drug addiction, or psychological stress; or, the
9 uninhabitability of the former residence caused by sudden and
10 unusual circumstances beyond the control of the family including
11 natural catastrophe, fire, or condemnation. These circumstances
12 shall be verified by a third-party governmental or private health
13 and human services agency, except that domestic violence may
14 also be verified by a sworn statement by the victim, as provided
15 under Section 11495.25. The county welfare department shall
16 immediately inform recipients who verify domestic violence by a
17 sworn statement of the availability of domestic violence counseling
18 and services, and refer those recipients to services upon request.

19 (iii) If a recipient seeking homeless assistance based on domestic
20 violence pursuant to clause (ii) has previously received homeless
21 avoidance services based on domestic violence, the county shall
22 review whether services were offered to the recipient and consider
23 what additional services would assist the recipient in leaving the
24 domestic violence situation.

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

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

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

39 (H) The daily amount for the temporary shelter special needs
40 benefit for homeless assistance may be increased if authorized by

1 the current year's Budget Act by specifying a different daily
2 allowance and appropriating the funds therefor.

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

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

9 (h) The department shall notify all applicants and recipients of
10 aid through the standardized application form that these benefits
11 are available and shall provide an opportunity for recipients to
12 apply for the funds quickly and efficiently.

13 (i) (1) Except for the purposes of Section 15200, the amounts
14 payable to recipients pursuant to Section 11453.1 shall not
15 constitute part of the payment schedule set forth in subdivision
16 (a).

17 (2) The amounts payable to recipients pursuant to Section
18 11453.1 shall not constitute income to recipients of aid under this
19 section.

20 (j) For children receiving Kin-GAP pursuant to Article 4.5
21 (commencing with Section 11360) or Article 4.7 (commencing
22 with Section 11385) there shall be paid, exclusive of any amount
23 considered exempt as income, an amount of aid each month, which,
24 when added to the child's income, is equal to the rate specified in
25 Sections 11364 and 11387.

26 (k) (1) A county shall implement the semiannual reporting
27 requirements in accordance with Chapter 501 of the Statutes of
28 2011 no later than October 1, 2013.

29 (2) Upon completion of the implementation described in
30 paragraph (1), each county shall provide a certificate to the director
31 certifying that semiannual reporting has been implemented in the
32 county.

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

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

37 SEC. 2. No appropriation pursuant to Section 15200 of the
38 Welfare and Institutions Code shall be made for purposes of this
39 act.

1 SEC. 3. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O