

ASSEMBLY BILL

No. 2368

Introduced by Assembly Member Fuentes

February 21, 2008

An act to amend Sections 11155 and 11155.1 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2368, as introduced, Fuentes. CalWORKs eligibility: asset limits: motor vehicles.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, with California's version of this program being known as the California Work Opportunity and Responsibility to Kids (CalWORKs) program.

Existing law provides for the CalWORKs program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria.

Existing law continually appropriates money from the General Fund to pay for a share of aid grant costs under the CalWORKs program.

Existing law imposes limits on the amount of income and personal and real property an individual or family may possess in order to be eligible for aid under the CalWORKs program, including the value of a licensed motor vehicle, as specified.

This bill would delete existing requirements for assessing the value of a motor vehicle for purposes of CalWORKs program eligibility. The bill instead would exclude the value of a licensed motor vehicle from consideration when determining or redetermining CalWORKs eligibility.

By increasing the duties of counties administering the CalWORKs program, this bill would impose a state-mandated local program.

The bill would declare that no appropriation would be made for purposes of the bill pursuant to the provision continuously appropriating funds for the CalWORKs program.

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 11155 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 11155. (a) Notwithstanding Section 11257, in addition to the
- 4 personal property or resources permitted by other provisions of
- 5 this part, and to the extent permitted by federal law, an applicant
- 6 or recipient for aid under this chapter including an applicant or
- 7 recipient under Chapter 2 (commencing with Section 11200) may
- 8 retain countable resources in an amount equal to the amount
- 9 permitted under federal law for qualification for food stamps.
- 10 (b) The county shall determine the value of exempt personal
- 11 property other than motor vehicles in conformance with methods
- 12 established under the Food Stamp Program.
- 13 (c) ~~(1) The value of licensed vehicles shall be the greater of the~~
- 14 ~~fair market value as provided in paragraph (3) or the equity value,~~
- 15 ~~as provided in paragraph (5), unless an exemption as provided in~~
- 16 ~~paragraph (2) applies.~~
- 17 ~~(2) The entire value of any licensed vehicle shall be exempt if~~
- 18 ~~any of the following apply:~~
- 19 ~~(A) It is used primarily for income-producing purposes.~~
- 20 ~~(B) It annually produces income that is consistent with its fair~~
- 21 ~~market value, even if used on a seasonal basis.~~

1 ~~(C) It is necessary for long distance travel, other than daily~~
2 ~~commuting, that is essential for the employment of a family~~
3 ~~member.~~

4 ~~(D) It is used as the family's residence.~~

5 ~~(E) It is necessary to transport a physically disabled family~~
6 ~~member, including an excluded disabled family member, regardless~~
7 ~~of the purpose of the transportation.~~

8 ~~(F) It would be exempted under any of subparagraphs (A) to~~
9 ~~(D), inclusive, but the vehicle is not in use because of temporary~~
10 ~~unemployment.~~

11 ~~(G) It is used to carry fuel for heating for home use, when the~~
12 ~~transported fuel or water is the primary source of fuel or water for~~
13 ~~the family.~~

14 ~~(H) The equity value of the vehicle is one thousand five hundred~~
15 ~~one dollars (\$1,501) or less.~~

16 ~~(3) Each licensed vehicle that is not exempted under paragraph~~
17 ~~(2) shall be individually evaluated for fair market value, and any~~
18 ~~portion of the value that exceeds four thousand six hundred fifty~~
19 ~~dollars (\$4,650) shall be attributed in full market value toward the~~
20 ~~family's resource level, regardless of any encumbrances on the~~
21 ~~vehicle, the amount of the family's investment in the vehicle, and~~
22 ~~whether the vehicle is used to transport family members to and~~
23 ~~from employment.~~

24 ~~(4) Any licensed vehicle that is evaluated for fair market value~~
25 ~~shall also be evaluated for its equity value, except for the following:~~

26 ~~(A) One licensed vehicle per adult family member, regardless~~
27 ~~of the use of the vehicle.~~

28 ~~(B) Any licensed vehicle, other than those to which~~
29 ~~subparagraph (A) applies, that is driven by a family member under~~
30 ~~18 years of age to commute to, and return from his or her place of~~
31 ~~employment or place of training or education that is preparatory~~
32 ~~to employment, or to seek employment. This subparagraph applies~~
33 ~~only to vehicles used during a temporary period of unemployment.~~

34 ~~(5) For purposes of this section, the equity value of a licensed~~
35 ~~vehicle is the fair market value less encumbrances.~~

36 ~~(c) The value of a licensed motor vehicle shall be excluded from~~
37 ~~consideration as property when determining and redetermining~~
38 ~~eligibility.~~

1 (d) The value of any unlicensed vehicle shall be the fair market
2 value less encumbrances, ~~unless an exemption applies under~~
3 ~~paragraph (2).~~

4 SEC. 2. Section 11155.1 of the Welfare and Institutions Code
5 is amended to read:

6 11155.1. (a) Notwithstanding Sections 11155 and 11257, the
7 department shall seek any federal approvals necessary to conduct
8 a demonstration program increasing the value of personal property
9 that may be retained by a recipient of aid under Chapter 2
10 (commencing with Section 11200) to two thousand dollars (\$2,000)
11 ~~and increasing the value of the exemption for an automobile to~~
12 ~~four thousand five hundred dollars (\$4,500).~~ The increased property
13 limits shall not apply to applicants.

14 (b) This section shall be implemented only if the director
15 executes a declaration, that shall be retained by the director, stating
16 that federal approval for the implementation of this section has
17 been obtained and specifying the duration of that approval.

18 SEC. 3. No appropriation pursuant to Section 15200 of the
19 Welfare and Institutions Code shall be made for purposes of this
20 section.

21 SEC. 4. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.