

ASSEMBLY BILL

No. 2844

Introduced by Assembly Member Laird

February 22, 2008

An act to amend Sections 11020, 11450, 11450.12, 11450.13, and 11451.5 of, and to repeal and add Sections 11004.1, 11265.1, 11265.2, 11265.3, and 18910 of, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2844, as introduced, Laird. Public social services: CalWORKs and the Food Stamp Program: redetermination and recertification.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, the county is required to annually redetermine eligibility for CalWORKs benefits. Existing law additionally requires the county to implement a recipient monthly reporting system, consistent with federal law until the Director of Social Services makes a specified declaration, at which time the county would be required to redetermine recipient eligibility and grant amounts on a quarterly basis, using prospective budgeting, and to prospectively determine the grant amount that a recipient is entitled to receive for each month of the quarterly reporting period. Under existing law, a CalWORKs recipient is required to report to the county, orally or in writing, specified changes that could affect the amount of aid to which the recipient is entitled. Existing law requires the quarterly redetermination report form to be signed by the recipient under penalty

of perjury. Under existing law, the CalWORKs quarterly reporting system is also implemented by the State Department of Social Services in administering the federal Food Stamp Program.

This bill would repeal the requirements relating to quarterly redetermination and prospective determination grant amounts, and would, instead, impose similar requirements for a semiannual redetermination, operative January 1, 2009, to be implemented no later than July 1, 2009. The bill would also require the department to establish an income reporting threshold for CalWORKs recipients, as specified. The bill would make various related conforming changes, including revising provisions relating to the collection of CalWORKs grant overpayments. The bill would authorize counties to adopt staggered semiannual reporting requirements, as specified. This bill would require the redetermination report form to be signed under penalty of perjury, thus creating a new crime and imposing a state-mandated local program. The bill would authorize the department to implement the semiannual reporting provisions through all-county letters until the adoption of implementing regulations, as prescribed.

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 no reimbursement is required by this act for a specified reason.

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 11004.1 of the Welfare and Institutions
- 2 Code is repealed.
- 3 11004.1. ~~(a) In addition to Section 11004, this section shall~~
- 4 ~~apply to the CalWORKs program.~~
- 5 ~~(b) The amount of any CalWORKs grant overpayment shall be~~
- 6 ~~the difference between the grant amount the assistance unit actually~~
- 7 ~~received and the grant amount the assistance unit would have~~
- 8 ~~received under the quarterly reporting, prospective budgeting~~

1 ~~system if no county error had occurred or if the recipient had~~
2 ~~timely, completely, and accurately reported as required under~~
3 ~~Sections 11265.1 and 11265.3. No overpayment shall be~~
4 ~~established based on any differences between the amount of income~~
5 ~~the county reasonably anticipated the recipient would receive~~
6 ~~during the quarterly reporting period and the income the recipient~~
7 ~~actually received during that period, provided the recipient's report~~
8 ~~was complete and accurate.~~

9 ~~(e) No CalWORKs grant underpayment shall be established~~
10 ~~based on any differences between the amount of income the county~~
11 ~~reasonably anticipated the recipient would receive during the~~
12 ~~quarterly reporting period and the income the recipient actually~~
13 ~~received during that period.~~

14 SEC. 2. Section 11004.1 is added to the Welfare and
15 Institutions Code, to read:

16 11004.1. (a) In addition to Section 11004, this section shall
17 apply to the CalWORKs program.

18 (b) The amount of any CalWORKs grant overpayment shall be
19 the difference between the grant amount the assistance unit actually
20 received and the grant amount the assistance unit would have
21 received under the semiannual reporting, prospective budgeting
22 system if no county error had occurred and if the recipient had
23 timely, completely, and accurately reported as required under
24 Sections 11265.1 and 11265.3. No overpayment shall be
25 established based on any differences between the amount of income
26 the county prospectively determined for the recipient for the
27 semiannual reporting period and the income the recipient actually
28 received during that period, provided the recipient's report was
29 complete and accurate.

30 (c) No CalWORKs grant underpayment shall be established
31 based on any differences between the amount of income the county
32 prospectively determined for the recipient for the semiannual
33 reporting period and the income the recipient actually received
34 during that period.

35 SEC. 3. Section 11020 of the Welfare and Institutions Code,
36 as amended by Section 26 of Chapter 1022 of the Statutes of 2002,
37 is amended to read:

38 11020. (a) Where a recipient under a categorical aid program
39 other than CalWORKs has received aid in good faith but in fact
40 owned excess property, he or she shall be considered to have been

1 ineligible for aid during the period for which any excess property
 2 would have supported him or her at the rate of the aid granted to
 3 him or her. ~~In such case~~ *Under these circumstances*, the recipient
 4 or his *or her* estate shall repay the aid he *or she* received during
 5 this period of ineligibility.

6 (b) With respect to recipients under Chapter 3 (commencing
 7 with Section 12000) of this part, overpayments shall be collected
 8 by the federal government pursuant to federal law.

9 (c) Where a CalWORKs recipient has received aid in good faith,
 10 but in fact owned excess property, the recipient shall have an
 11 overpayment equal to the lesser of the amount of the excess
 12 property or the aid received during the period the recipient owned
 13 the excess property and the grant was not accurately determined
 14 under the ~~quarterly~~ *semiannual* reporting, prospective budgeting
 15 system due to the excess property.

16 SEC. 4. Section 11265.1 of the Welfare and Institutions Code,
 17 as amended by Section 1 of Chapter 826 of the Statutes of 1999,
 18 is repealed.

19 ~~11265.1. (a) Except as provided in Section 11265.5, in addition~~
 20 ~~to the requirement for the annual redetermination of eligibility,~~
 21 ~~the department shall establish regulations consistent with federal~~
 22 ~~law to implement a recipient monthly reporting system for use in~~
 23 ~~determining monthly eligibility and the amount of the grant. The~~
 24 ~~department shall define what constitutes a complete report and~~
 25 ~~shall specify the deadlines for submitting a complete report, as~~
 26 ~~well as the consequences of, and good cause for, failure to submit~~
 27 ~~a complete report. The department shall adopt fair and equitable~~
 28 ~~regulations implementing the monthly reporting requirement.~~

29 ~~(b) This section shall become inoperative on the date that the~~
 30 ~~director executes a declaration stating that Section 11265.2, as~~
 31 ~~added by the act adding this subdivision, is fully implemented~~
 32 ~~statewide, and shall be repealed on January 1 of the year following~~
 33 ~~the year in which it becomes inoperative.~~

34 SEC. 5. Section 11265.1 of the Welfare and Institutions Code,
 35 as added by Section 30 of Chapter 1022 of the Statutes of 2002,
 36 is repealed.

37 ~~11265.1. (a) In addition to the requirement for an annual~~
 38 ~~redetermination of eligibility, counties shall redetermine recipient~~
 39 ~~eligibility and grant amounts on a quarterly basis using prospective~~
 40 ~~budgeting. Counties shall use the information reported on a~~

1 recipient's quarterly report form to prospectively determine
2 eligibility and grant amount for the following quarterly reporting
3 period:

4 (b) A quarterly reporting period shall be three consecutive
5 calendar months. The recipient shall submit one quarterly report
6 form for each quarterly reporting period. Counties shall provide a
7 quarterly report form to recipients at the end of the second month
8 of the quarterly reporting period, and recipients shall return the
9 completed quarterly report form with required verification to the
10 county by the 11th day of the third month of the quarterly reporting
11 period.

12 (c) Counties may establish staggered quarterly reporting cycles
13 based on factors established or approved by the department,
14 including, but not limited to, application date or case number.

15 (d) The quarterly report form shall be signed under penalty of
16 perjury, and shall include only information necessary to determine
17 CalWORKs and food stamp eligibility and calculate the
18 CalWORKs grant amount and food stamp allotment, as specified
19 by the department. The form shall be as comprehensible as possible
20 for recipients and shall require recipients to provide the following:

21 (1) Information about income received during the second month
22 of the quarterly reporting period.

23 (2) Information about income that the recipient anticipates
24 receiving during the following quarterly reporting period.

25 (3) Any other changes to facts required to be reported, together
26 with any changes to those facts that the recipient anticipates will
27 occur. The recipient shall provide verification as specified by the
28 department with the quarterly report form.

29 (e) A quarterly report form shall be considered complete if the
30 following requirements, as specified by the department, are met:

31 (1) The form is signed no earlier than the first day of the third
32 month of the quarterly reporting period by the persons specified
33 by the department.

34 (2) All questions and items pertaining to CalWORKs and food
35 stamp eligibility and grant amount are answered.

36 (3) Verification required by the department is provided.

37 (f) If a recipient fails to submit a complete quarterly report form,
38 as defined in subdivision (e), by the 11th day of the third month
39 of the quarterly reporting period, the county shall provide the
40 recipient with a notice that the county will terminate benefits at

1 the end of the month. Prior to terminating benefits, the county shall
2 attempt to make personal contact to remind the recipient that a
3 completed report is due, or, if contact is not made, shall send a
4 reminder notice to the recipient no later than five days prior to the
5 end of the month. Any discontinuance notice shall be rescinded if
6 a complete report is received by the first working day of the first
7 month of the following quarterly reporting period.

8 ~~(g) The county may determine, at any time prior to the last day~~
9 ~~of the calendar month following discontinuance for nonsubmission~~
10 ~~of a quarterly report form, that a recipient had good cause for~~
11 ~~failing to submit a complete quarterly report form, as defined in~~
12 ~~subdivision (c), by the first working day of the month following~~
13 ~~discontinuance. If the county finds a recipient had good cause, as~~
14 ~~defined by the department, it shall rescind the discontinuance~~
15 ~~notice. Good cause exists only when the recipient cannot~~
16 ~~reasonably be expected to fulfill his or her reporting responsibilities~~
17 ~~due to factors outside of the recipient's control.~~

18 SEC. 6. Section 11265.1 is added to the Welfare and
19 Institutions Code, to read:

20 11265.1. (a) In addition to the requirement for an annual
21 redetermination of eligibility, counties shall redetermine recipient
22 eligibility and grant amounts on a semiannual basis in a prospective
23 manner, using reasonably anticipated income consistent with
24 Section 5 of the federal Food Stamp Act (7 U.S.C. Sec. 2014
25 (f)(3)(A)), implementing regulations, and any waivers obtained
26 by the department pursuant to subdivision (g) of Section 11265.2.
27 Counties shall use the information reported on a recipient's
28 semiannual report form to prospectively determine eligibility and
29 grant amount for the following semiannual reporting period.

30 (b) A semiannual reporting period shall be six consecutive
31 calendar months. The recipient shall submit one semiannual report
32 form for each semiannual reporting period. Counties shall provide
33 a semiannual report form to recipients at the end of the fifth month
34 of the semiannual reporting period, and recipients shall return the
35 completed semiannual report form with required verification to
36 the county by the 11th day of the sixth month of the semiannual
37 reporting period.

38 (c) The semiannual report form shall be signed under penalty
39 of perjury, and shall include only the information necessary to
40 determine CalWORKs and food stamp eligibility and calculate the

1 CalWORKs grant amount and food stamp allotment, as specified
2 by the department. The form shall be as comprehensible as possible
3 for recipients and shall require recipients to provide the following:

4 (1) Information about income received during the fifth month
5 of the semiannual reporting period.

6 (2) Any other changes to facts required to be reported. The
7 recipient shall provide verification as specified by the department
8 with the semiannual report form.

9 (d) A semiannual report form shall be considered complete if
10 the following requirements, as specified by the department, are
11 met:

12 (1) The form is signed no earlier than the first day of the sixth
13 month of the semiannual reporting period by the persons specified
14 by the department.

15 (2) All questions and items pertaining to CalWORKs and food
16 stamp eligibility and grant amount are answered.

17 (3) Verification required by the department is provided.

18 (e) If a recipient fails to submit a complete semiannual report
19 form, as defined in subdivision (d), by the 11th day of the sixth
20 month of the semiannual reporting period, the county shall provide
21 the recipient with a notice that the county will terminate benefits
22 at the end of the month. Prior to terminating benefits, the county
23 shall attempt to make personal contact to remind the recipient that
24 a completed report is due, or, if contact is not made, shall send a
25 reminder notice to the recipient no later than five days prior to the
26 end of the month. Any discontinuance notice shall be rescinded if
27 a complete report is received by the first working day of the first
28 month of the following semiannual reporting period.

29 (f) The county may determine, at any time prior to the last day
30 of the calendar month following discontinuance for nonsubmission
31 of a semiannual report form, that a recipient had good cause for
32 failing to submit a complete semiannual report form, as defined
33 in subdivision (d), by the first working day of the month following
34 discontinuance. If the county finds a recipient had good cause, as
35 defined by the department, it shall rescind the discontinuance
36 notice. Good cause exists only when the recipient cannot
37 reasonably be expected to fulfill his or her reporting responsibilities
38 due to factors outside of the recipient's control.

39 (g) Any projected administrative savings associated with the
40 implementation of the semiannual, prospective budgeting

1 requirements in this chapter shall be calculated in relation to the
2 actual costs to counties of administering the Food Stamp Program.
3 There shall be no reduction in county administrative funding
4 associated with the calculated savings, except to the extent that
5 the projected county administrative savings associated with the
6 implementation of this section exceed any underfunding of the
7 actual costs to counties. Any savings that are assumed shall be
8 reconciled against actual data collected through a survey of a
9 representative sample of counties.

10 (h) Counties may establish staggered semiannual reporting
11 cycles for individual recipients, based on factors established or
12 approved by the department, including, but not limited to,
13 application date or case number. If a county elects to stagger the
14 reporting periods for individuals, this section shall apply to an
15 individual recipient on the first day of the month assigned to the
16 recipient, but in no event later than December 1, 2009. Up to and
17 until the establishment of a semiannual system, counties shall
18 operate a quarterly system, as established by law and regulation
19 applicable immediately prior to the establishment of the semiannual
20 reporting system.

21 SEC. 7. Section 11265.2 of the Welfare and Institutions Code
22 is repealed.

23 ~~11265.2. (a) The grant amount a recipient shall be entitled to~~
24 ~~receive for each month of the quarterly reporting period shall be~~
25 ~~prospectively determined as provided by this section. If a recipient~~
26 ~~reports that he or she does not anticipate any changes in income~~
27 ~~during the upcoming quarter, compared to the income the recipient~~
28 ~~reported actually receiving on the quarterly report form, the grant~~
29 ~~shall be calculated using the actual income received. If a recipient~~
30 ~~reports that he or she anticipates a change in income in one or more~~
31 ~~months of the upcoming quarter, the county shall determine~~
32 ~~whether the recipient's income is reasonably anticipated. The grant~~
33 ~~shall be calculated using the income that the county determines is~~
34 ~~reasonably anticipated in each of the three months of the upcoming~~
35 ~~quarter.~~

36 ~~(b) For the purposes of the quarterly reporting, prospective~~
37 ~~budgeting system, income shall be considered to be "reasonably~~
38 ~~anticipated" if the county is reasonably certain of the amount of~~
39 ~~income and that the income will be received during the quarterly~~
40 ~~reporting period. The county shall determine what income is~~

1 “reasonably anticipated” based on information provided by the
2 recipient and any other available information.

3 (e) If a recipient reports that their income in the upcoming
4 quarter will be different each month and the county needs
5 additional information to determine a recipient’s reasonably
6 anticipated income for the following quarter, the county may
7 require the recipient to provide information about income for each
8 month of the prior quarter.

9 (d) Grant calculations pursuant to subdivision (a) may not be
10 revised to adjust the grant amount during the quarterly reporting
11 period, except as provided in Section 11265.3 and subdivisions
12 (e), (f), (g), and (h), and as otherwise established by the department.

13 (e) Notwithstanding subdivision (d), statutes and regulations
14 relating to (1) the 60-month time limit, (2) age limitations for
15 children under Section 11253, and (3) sanctions and financial
16 penalties affecting eligibility or grant amount shall be applicable
17 as provided in such statutes and regulations. Eligibility and grant
18 amount shall be adjusted during the quarterly reporting period
19 pursuant to such statutes and regulations effective with the first
20 monthly grant after timely and adequate notice is provided.

21 (f) Notwithstanding Section 11056, if an applicant applies for
22 assistance for a child who is currently aided in another assistance
23 unit, and the county determines that the applicant has care and
24 control of the child, as specified by the department, and is
25 otherwise eligible, the county shall discontinue aid to the child in
26 the existing assistance unit and shall aid the child in the applicant’s
27 assistance unit effective as of the first of the month following the
28 discontinuance of the child from the existing assistance unit.

29 (g) If the county is notified that a child for whom CalWORKs
30 assistance is currently being paid has been placed in a foster care
31 home, the county shall discontinue aid to the child at the end of
32 the month of placement. The county shall discontinue the case if
33 the remaining assistance unit members are not otherwise eligible.

34 (h) If the county determines that a recipient is no longer a
35 California resident, pursuant to Section 11100, the recipient shall
36 be discontinued. The county shall discontinue the case if the
37 remaining assistance unit members are not otherwise eligible.

38 SEC. 8. Section 11265.2 is added to the Welfare and
39 Institutions Code, to read:

1 11265.2. (a) The grant amount a recipient shall be entitled to
2 receive for each month of the semiannual reporting period shall
3 be prospectively determined, using reasonably anticipated income,
4 and calculated in a manner consistent with Section 5 of the federal
5 Food Stamp Act (7 U.S.C. Sec. 2014(f)(3)(A)), implementing
6 regulations, and any waivers obtained by the department pursuant
7 to subdivision (g).

8 (b) Grant calculations pursuant to subdivision (a) shall not be
9 revised to adjust the grant amount during the semiannual reporting
10 period, except as provided in Section 11265.3 and subdivisions
11 (c), (d), (e), and (f), and as otherwise established by the department.

12 (c) Notwithstanding subdivision (b), statutes and regulations
13 relating to the 60-month time limit, age limitations for children
14 under Section 11253, and sanctions and financial penalties affecting
15 eligibility or grant amount shall be applicable as provided in those
16 statutes and regulations. Eligibility and grant amount shall be
17 adjusted during the semiannual reporting period pursuant to those
18 statutes and regulations effective with the first monthly grant after
19 timely and adequate notice is provided.

20 (d) Notwithstanding Section 11056, if an applicant applies for
21 assistance for a child who is currently aided in another assistance
22 unit, and the county determines that the applicant has care and
23 control of the child, as specified by the department, and is
24 otherwise eligible, the county shall discontinue aid to the child in
25 the existing assistance unit and shall aid the child in the applicant's
26 assistance unit effective as of the first of the month following the
27 discontinuance of the child from the existing assistance unit.

28 (e) If the county is notified that a child for whom CalWORKs
29 assistance is currently being paid has been placed in a foster care
30 home, the county shall discontinue aid to the child at the end of
31 the month of placement. The county shall discontinue the case if
32 the remaining assistance unit members are not otherwise eligible.

33 (f) If the county determines that a recipient is no longer a
34 California resident, pursuant to Section 11100, the recipient shall
35 be discontinued. The county shall discontinue the case if the
36 remaining assistance unit members are not otherwise eligible.

37 (g) The department shall take all necessary steps to implement
38 this section in the simplest manner possible for both county human
39 services departments and recipients of aid under this chapter,
40 including, but not limited to, exploring the feasibility of

1 accumulating reported changes, acting on changes once per month
2 rather than multiple times, and whether additional flexibility is
3 available under federal food stamp rules to simplify the
4 consideration of reasonably anticipated income when setting grant
5 levels for the upcoming semiannual reporting period.

6 SEC. 9. Section 11265.3 of the Welfare and Institutions Code
7 is repealed.

8 ~~11265.3.—(a) In addition to submitting the quarterly report form
9 as required in Section 11265.1, during the quarterly reporting
10 period, a recipient shall report the following changes to the county
11 orally or in writing, within 10 days of the change:~~

12 ~~(1) The receipt at any time during a quarterly reporting period
13 of income, as provided by the department, in an amount that is
14 likely to render the recipient ineligible, as provided by the
15 department.~~

16 ~~(2) The occurrence at any time during a quarterly reporting
17 period of a drug felony conviction as specified in Section 11251.3.~~

18 ~~(3) The occurrence, at any time during a quarterly reporting
19 period, of an individual fleeing prosecution or custody or
20 confinement, or violating a condition of probation or parole as
21 specified in Section 11486.5.~~

22 ~~(b) Counties shall inform each recipient of the duty to report
23 under paragraph (1) of subdivision (a), the consequences of failing
24 to report, and the amount of income likely to render the family
25 ineligible for benefits no less frequently than once per quarter.~~

26 ~~(c) When a recipient reports income pursuant to paragraph (1)
27 of subdivision (a) the county shall redetermine eligibility and grant
28 amounts as follows:~~

29 ~~(1) If the recipient reports a change for the first or second month
30 of a current quarterly reporting period, the county shall verify the
31 report and determine if the recipient is financially ineligible. If the
32 recipient is determined to be financially ineligible based on this
33 income, the county shall discontinue the recipient after timely and
34 adequate notice in accordance with rules applicable to the federal
35 Food Stamp program.~~

36 ~~(2) If the recipient reports a change for the third month of a
37 current quarterly reporting period, the county shall not redetermine
38 eligibility for the current quarterly reporting period, but shall
39 redetermine eligibility and grant amount for the following quarterly
40 reporting period as provided in Section 11265.2.~~

1 ~~(d) (1) During the quarterly reporting period, a recipient may~~
2 ~~report to the county, orally or in writing, any changes in income~~
3 ~~or household circumstances that may increase the recipient's grant.~~
4 ~~(2) Counties shall act upon changes in income reported during~~
5 ~~the quarterly reporting period that result in an increase in benefits,~~
6 ~~after verification specified by the department is received. Reported~~
7 ~~changes in income that increase the grant shall be effective for the~~
8 ~~entire month in which the change is reported. If the reported change~~
9 ~~in income results in an increase in benefits, the county shall issue~~
10 ~~the increased benefit amount within 10 days of receiving required~~
11 ~~verification.~~
12 ~~(3) (A) When a decrease in gross monthly income is voluntarily~~
13 ~~reported and verified, the county shall redetermine the grant for~~
14 ~~the current month and any remaining months in the quarterly~~
15 ~~reporting period by averaging the actual gross monthly income~~
16 ~~reported and verified from the voluntary report for the current~~
17 ~~month and the gross monthly income that is reasonably anticipated~~
18 ~~for any future month remaining in the quarterly reporting period.~~
19 ~~(B) When the average is determined pursuant to subparagraph~~
20 ~~(A), and a grant amount is calculated based upon the averaged~~
21 ~~income, if the grant amount is higher than the grant currently in~~
22 ~~effect, the county shall revise the grant for the current month and~~
23 ~~any remaining months in the quarter to the higher amount and shall~~
24 ~~issue any increased benefit amount as provided in paragraph (2).~~
25 ~~(4) Except as provided in subdivision (e), counties shall act only~~
26 ~~upon changes in household composition voluntarily reported by~~
27 ~~the recipients during the quarterly reporting period that result in~~
28 ~~an increase in benefits, after verification specified by the~~
29 ~~department is received. If the reported change in household~~
30 ~~composition is for the first or second month of the quarterly~~
31 ~~reporting period and results in an increase in benefits, the county~~
32 ~~shall redetermine the grant effective for the month following the~~
33 ~~month in which the change was reported. If the reported change~~
34 ~~in household composition is for the third month of a quarterly~~
35 ~~reporting period, the county shall not redetermine the grant for the~~
36 ~~current quarterly reporting period, but shall redetermine the grant~~
37 ~~for the following reporting period as provided in Section 11265.2.~~
38 ~~(e) During the quarterly reporting period, a recipient may request~~
39 ~~that the county discontinue the recipient's entire assistance unit or~~
40 ~~any individual member of the assistance unit who is no longer in~~

1 the home or is an optional member of the assistance unit. If the
2 recipient's request was verbal, the county shall provide a 10-day
3 notice before discontinuing benefits. If the recipient's report was
4 in writing, the county shall discontinue benefits effective the end
5 of the month in which the request is made, and simultaneously
6 issue a notice informing the recipient of the discontinuance.

7 (f) ~~The department, in consultation with the County Welfare~~
8 ~~Directors Association (CWDA), shall report to the relevant policy~~
9 ~~and fiscal committees of the Legislature in April 2005 regarding~~
10 ~~the effects upon program efficiency and integrity of implementation~~
11 ~~of the midquarter reporting requirement set forth in subdivision~~
12 ~~(a). The report shall be based on data collected by CWDA and~~
13 ~~select counties. The department, in consultation with CWDA, shall~~
14 ~~determine the data collection needs required to assess the effects~~
15 ~~of the specified midquarter report.~~

16 SEC. 10. Section 11265.3 is added to the Welfare and
17 Institutions Code, to read:

18 11265.3. (a) In addition to submitting the semiannual report
19 form as required in Section 11265.1, the department shall establish
20 an income reporting threshold for recipients of CalWORKs.

21 (b) The CalWORKs income reporting threshold shall be the
22 lesser of the following:

23 (1) One-half of the monthly income for a family of four at the
24 federal poverty level, plus the amount of income last used to
25 calculate the recipient's monthly benefits.

26 (2) The amount likely to render the recipient ineligible for
27 federal food stamp benefits.

28 (c) A recipient shall report to the county orally or in writing,
29 within 10 days, when any of the following occurs:

30 (1) The monthly household income exceeds the threshold
31 established pursuant to this section.

32 (2) The household address has changed.

33 (3) A drug felony conviction, as specified in Section 11251.3.

34 (4) An incidence of an individual fleeing prosecution or custody
35 or confinement, or violating a condition of probation or parole, as
36 specified in Section 11486.5.

37 (d) At least once per semiannual reporting period, counties shall
38 inform each recipient of all of the following:

39 (1) The duty to report under this section.

40 (2) The consequences of failing to report.

1 (3) The amount of the recipient’s income reporting threshold.

2 (e) When a recipient reports income exceeding the reporting
3 threshold, the county shall redetermine eligibility and grant
4 amounts as follows:

5 (1) If the recipient reports the increase in income for the first
6 through fifth months of a current semiannual reporting period, the
7 county shall verify the report and determine the recipient’s financial
8 eligibility and grant amount.

9 (A) If the recipient is determined to be financially ineligible
10 based on the increase in income, the county shall discontinue the
11 recipient with timely and adequate notice, effective at the end of
12 the month in which the income was received.

13 (B) If it is determined that the recipient’s grant amount should
14 decrease based on the increase in income, the county shall reduce
15 the recipient’s grant amount for the remainder of the semiannual
16 reporting period with timely and adequate notice, effective the
17 first of the month following the month in which the income was
18 received.

19 (2) If the recipient reports an increase in income for the sixth
20 month of a current semiannual reporting period, the county shall
21 not redetermine eligibility for the current semiannual reporting
22 period, but shall consider this income in redetermining eligibility
23 and grant amount for the following semiannual reporting period,
24 as provided in Section 11265.2.

25 (f) Counties shall act upon changes in income voluntarily
26 reported during the semiannual reporting period that result in an
27 increase in benefits, only after verification specified by the
28 department is received. Reported changes in income that increase
29 the grants shall be effective for the entire month in which the
30 change is reported. If the reported change in income results in an
31 increase in benefits, the county shall issue the increased benefit
32 amount within 10 days of receiving required verification.

33 (g) (1) When a decrease in gross monthly income is voluntarily
34 reported and verified, the county shall redetermine the grant for
35 the current month and any remaining months in the semiannual
36 reporting period by averaging the actual gross monthly income
37 reported and verified from the voluntary report for the current
38 month and the gross monthly income that is reasonably anticipated
39 for any future month remaining in the semiannual reporting period.

1 (2) When the average is determined pursuant to paragraph (1),
2 and a grant amount is calculated based upon the averaged income,
3 if the grant amount is higher than the grant currently in effect, the
4 county shall revise the grant for the current month and any
5 remaining months in the semiannual reporting period to the higher
6 amount and shall issue any increased benefit amount as provided
7 in subdivision (f).

8 (h) During the semiannual reporting period, a recipient may
9 report to the county, orally and in writing, any changes in income
10 and household circumstances that may increase the recipient's
11 grant. Except as provided in subdivision (i), counties shall act only
12 upon changes in household composition voluntarily reported by
13 the recipients during the semiannual reporting period that result
14 in an increase in benefits, after verification specified by the
15 department is received. If the reported change in household
16 composition is for the first through fifth month of the semiannual
17 reporting period and results in an increase in benefits, the county
18 shall redetermine the grant effective for the month following the
19 month in which the change was reported. If the reported change
20 in household composition is for the sixth month of a semiannual
21 reporting period, the county shall not redetermine the grant for the
22 current semiannual reporting period, but shall redetermine the
23 grant for the following reporting period as provided in Section
24 11265.2.

25 (i) During the semiannual reporting period, a recipient may
26 request that the county discontinue the recipient's entire assistance
27 unit or any individual member of the assistance unit who is no
28 longer in the home or is an optional member of the assistance unit.
29 If the recipient's request was verbal, the county shall provide a
30 10-day notice before discontinuing benefits. If the recipient's report
31 was in writing, the county shall discontinue benefits effective the
32 end of the month in which the request is made, and simultaneously
33 issue a notice informing the recipient of the discontinuance.

34 SEC. 11. Section 11450 of the Welfare and Institutions Code,
35 as amended by Section 2 of Chapter 726 of the Statutes of 2007,
36 is amended to read:

37 11450. (a) (1) Aid shall be paid for each needy family, which
38 shall include all eligible brothers and sisters of each eligible
39 applicant or recipient child and the parents of the children, but
40 shall not include unborn children, or recipients of aid under Chapter

1 3 (commencing with Section 12000), qualified for aid under this
 2 chapter. In determining the amount of aid paid, and notwithstanding
 3 the minimum basic standards of adequate care specified in Section
 4 11452, the family's income, exclusive of any amounts considered
 5 exempt as income or paid pursuant to subdivision (e) or Section
 6 11453.1, ~~averaged for the prospective quarter~~ *determined for the*
 7 *prospective semiannual period* pursuant to Sections 11265.2 and
 8 11265.3, and then calculated pursuant to Section 11451.5, shall
 9 be deducted from the sum specified in the following table, as
 10 adjusted for cost-of-living increases pursuant to Section 11453
 11 and paragraph (2). In no case shall the amount of aid paid for each
 12 month exceed the sum specified in the following table, as adjusted
 13 for cost-of-living increases pursuant to Section 11453 and
 14 paragraph (2), plus any special needs, as specified in subdivisions
 15 (c), (e), and (f):

16 17 Number of 18 eligible needy 19 persons in 20 the same home	Maximum aid
21 1.....	\$ 326
22 2.....	535
23 3.....	663
24 4.....	788
25 5.....	899
26 6.....	1,010
27 7.....	1,109
28 8.....	1,209
29 9.....	1,306
30 10 or more.....	1,403

31
 32 If, when, and during those times that the United States
 33 government increases or decreases its contributions in assistance
 34 of needy children in this state above or below the amount paid on
 35 July 1, 1972, the amounts specified in the above table shall be
 36 increased or decreased by an amount equal to that increase or
 37 decrease by the United States government, provided that no
 38 increase or decrease shall be subject to subsequent adjustment
 39 pursuant to Section 11453.

1 (2) The sums specified in paragraph (1) shall not be adjusted
2 for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94,
3 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through
4 October 31, 1998, nor shall that amount be included in the base
5 for calculating any cost-of-living increases for any fiscal year
6 thereafter. Elimination of the cost-of-living adjustment pursuant
7 to this paragraph shall satisfy the requirements of Section 11453.05,
8 and no further reduction shall be made pursuant to that section.

9 (b) When the family does not include a needy child qualified
10 for aid under this chapter, aid shall be paid to a pregnant mother
11 for the month in which the birth is anticipated and for the
12 three-month period immediately prior to the month in which the
13 birth is anticipated in the amount that would otherwise be paid to
14 one person, as specified in subdivision (a), if the mother, and child,
15 if born, would have qualified for aid under this chapter. Verification
16 of pregnancy shall be required as a condition of eligibility for aid
17 under this subdivision. Aid shall also be paid to a pregnant woman
18 with no other children in the amount which would otherwise be
19 paid to one person under subdivision (a) at any time after
20 verification of pregnancy if the pregnant woman is also eligible
21 for the Cal-Learn Program described in Article 3.5 (commencing
22 with Section 11331) and if the mother, and child, if born, would
23 have qualified for aid under this chapter.

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

38 (d) For children receiving AFDC-FC under this chapter, there
39 shall be paid, exclusive of any amount considered exempt as
40 income, an amount of aid each month which, when added to the

1 child's income, is equal to the rate specified in Section 11460,
2 11461, 11462, 11462.1, or 11463. In addition, the child shall be
3 eligible for special needs, as specified in departmental regulations.

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

15 (f) After a family has used all available liquid resources, both
16 exempt and nonexempt, in excess of one hundred dollars (\$100),
17 the family shall also be entitled to receive an allowance for
18 nonrecurring special needs.

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

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

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

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

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

33 (iii) After homelessness has been verified, the three-day limit
34 shall be extended for a period of time which, when added to the
35 initial benefits provided, does not exceed a total of 16 calendar
36 days. This extension of benefits shall be done in increments of one
37 week and shall be based upon searching for permanent housing
38 which shall be documented on a housing search form; good cause;
39 or other circumstances defined by the department. Documentation
40 of a housing search shall be required for the initial extension of

1 benefits beyond the three-day limit and on a weekly basis thereafter
2 as long as the family is receiving temporary shelter benefits. Good
3 cause shall include, but is not limited to, situations in which the
4 county welfare department has determined that the family, to the
5 extent it is capable, has made a good faith but unsuccessful effort
6 to secure permanent housing while receiving temporary shelter
7 benefits.

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

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

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

26 (C) The nonrecurring special need for permanent housing
27 assistance is also available to cover the standard costs of deposits
28 for utilities which are necessary for the health and safety of the
29 family.

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

1 provide all of the verification necessary to establish eligibility for
2 aid under this chapter.

3 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
4 for the temporary shelter assistance and the permanent housing
5 assistance pursuant to this paragraph shall be limited to one period
6 of up to 16 consecutive calendar days of temporary assistance and
7 one payment of permanent assistance. Any family that includes a
8 parent or nonparent caretaker relative living in the home who has
9 previously received temporary or permanent homeless assistance
10 at any time on behalf of an eligible child shall not be eligible for
11 further homeless assistance. Any person who applies for homeless
12 assistance benefits shall be informed that the temporary shelter
13 benefit of up to 16 consecutive days is available only once in a
14 lifetime, with certain exceptions, and that a break in the consecutive
15 use of the benefit constitutes permanent exhaustion of the
16 temporary benefit.

17 (ii) A family that becomes homeless as a direct and primary
18 result of a state or federally declared natural disaster shall be
19 eligible for temporary and permanent homeless assistance.

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

1 for homeless assistance benefits. The county welfare department
2 shall immediately inform recipients who verify domestic violence
3 by a sworn statement pursuant to clause (iii) of the availability of
4 domestic violence counseling and services, and refer those
5 recipients to services upon request.

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

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

18 ~~(vii)~~
19 (vi) The county welfare department shall report to the
20 department through a statewide homeless assistance payment
21 indicator system, necessary data, as requested by the department,
22 regarding all recipients of aid under this paragraph.

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

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

33 (H) The daily amount for the temporary shelter special need for
34 homeless assistance may be increased if authorized by the current
35 year’s Budget Act by specifying a different daily allowance and
36 appropriating the funds therefor.

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

1 (g) The department shall establish rules and regulations ensuring
2 the uniform application statewide of this subdivision.

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

7 (i) Except for the purposes of Section 15200, the amounts
8 payable to recipients pursuant to Section 11453.1 shall not
9 constitute part of the payment schedule set forth in subdivision
10 (a).

11 The amounts payable to recipients pursuant to Section 11453.1
12 shall not constitute income to recipients of aid under this section.

13 (j) For children receiving Kin-GAP pursuant to Article 4.5
14 (commencing with Section 11360) of Chapter 2, there shall be
15 paid, exclusive of any amount considered exempt as income, an
16 amount of aid each month, which, when added to the child's
17 income, is equal to the rate specified in Section 11364.

18 SEC. 12. Section 11450.12 of the Welfare and Institutions
19 Code, as amended by Section 39 of Chapter 1022 of the Statutes
20 of 2002, is amended to read:

21 11450.12. (a) An applicant family shall not be eligible for aid
22 under this chapter unless the family's income, exclusive of the
23 first ninety dollars (\$90) of earned income for each employed
24 person, is less than the minimum basic standard of adequate care,
25 as specified in Section 11452.

26 (b) A recipient family shall not be eligible for further aid under
27 this chapter if ~~reasonably anticipated income, less exempt income,~~
28 ~~averaged over the quarter~~ *the monthly income determined for the*
29 *semiannual period* pursuant to Sections 11265.2 and 11265.3, *less*
30 *exempt income* and exclusive of amounts exempt under Section
31 11451.5, equals or exceeds the maximum aid payment specified
32 in Section 11450.

33 SEC. 13. Section 11450.13 of the Welfare and Institutions
34 Code, as amended by Section 40 of Chapter 1022 of the Statutes
35 of 2002, is amended to read:

36 11450.13. In calculating the amount of aid to which an
37 assistance unit is entitled in accordance with Section 11320.15,
38 the maximum aid payment, adjusted to reflect the removal of the
39 adult or adults from the assistance unit, shall be reduced by the
40 gross *monthly* income of the adult or adults removed from the

1 assistance unit, ~~averaged over the quarter~~ *determined for the*
2 *semiannual period* pursuant to Sections 11265.2 and 11265.3, and
3 less any amounts exempted pursuant to Section 11451.5. Aid may
4 be provided in the form of cash or vouchers, at the option of the
5 county.

6 SEC. 14. Section 11451.5 of the Welfare and Institutions Code,
7 as amended by Section 329 of Chapter 62 of the Statutes of 2003,
8 is amended to read:

9 11451.5. (a) Except as provided by subdivision (f) of Section
10 11322.6, the following income, ~~averaged over the quarter~~
11 *determined for the semiannual period* pursuant to Sections 11265.2
12 and 11265.3, shall be exempt from the calculation of the income
13 of the family for purposes of subdivision (a) of Section 11450:

14 (1) If disability-based unearned income does not exceed two
15 hundred twenty-five dollars (\$225), both of the following amounts:

16 (A) All disability-based unearned income plus any amount of
17 not otherwise exempt earned income equal to the amount of the
18 difference between the amount of disability-based unearned income
19 and two hundred twenty-five dollars (\$225).

20 (B) Fifty percent of all not otherwise exempt earned income in
21 excess of the amount applied to meet the differential applied in
22 subparagraph (A).

23 (2) If disability-based unearned income exceeds two hundred
24 twenty-five dollars (\$225), both of the following amounts:

25 (A) All of the first two hundred twenty-five dollars (\$225) in
26 disability-based unearned income.

27 (B) Fifty percent of all earned income.

28 (b) For purposes of this section:

29 (1) Earned income means gross income received as wages,
30 salary, employer provided sick leave benefits, commissions, or
31 profits from activities such as a business enterprise or farming in
32 which the recipient is engaged as a self-employed individual or as
33 an employee.

34 (2) Disability-based unearned income means state disability
35 insurance benefits, private disability insurance benefits, temporary
36 workers' compensation benefits, and social security disability
37 benefits.

38 (3) Unearned income means any income not described in
39 paragraph (1) or (2).

1 SEC. 15. Section 18910 of the Welfare and Institutions Code
2 is repealed.

3 ~~18910. (a) To the extent permitted by federal law, regulations,~~
4 ~~waivers, and directives, the department shall implement the~~
5 ~~prospective budgeting, quarterly reporting system provided in~~
6 ~~Sections 11265.1, 11265.2, and 11265.3, and related provisions~~
7 ~~regarding the Food Stamp Program, in a cost-effective manner~~
8 ~~that promotes compatibility between the CalWORKs program and~~
9 ~~the Food Stamp Program, and minimizes the potential for payment~~
10 ~~errors.~~

11 ~~(b) The department shall seek all necessary waivers from the~~
12 ~~United States Department of Agriculture to implement subdivision~~
13 ~~(a).~~

14 SEC. 16. Section 18910 is added to the Welfare and Institutions
15 Code, to read:

16 18910. (a) To the extent permitted by the federal Food Stamp
17 Act, including Section 2015(c) of Title 7 of the United States Code,
18 implementing regulations, and any waivers obtained by the
19 department pursuant to subdivision (g) of Section 11265.2, the
20 department shall implement a prospective budgeting, semiannual
21 reporting system for recipients of food stamps.

22 (1) Food stamp households that also receive CalWORKs benefits
23 shall be subject to the CalWORKs semiannual reporting procedures
24 established in Sections 11265.1, 11265.2, and 11265.3.

25 (2) Food stamp households not receiving CalWORKs shall not
26 be required to report within the semiannual reporting period unless
27 specifically required by federal food stamp law. Otherwise, food
28 stamp households not receiving CalWORKs shall be subject to
29 semiannual reporting procedures established in Sections 11265.1,
30 11265.2, and 11265.3, excluding the CalWORKs income reporting
31 threshold and any provisions not permitted under federal food
32 stamp law, regulation, or waivers obtained by the department
33 pursuant to subdivision (g) of Section 11265.2.

34 (b) For recipients of food stamps who also are Medi-Cal
35 beneficiaries and who are subject to the Medi-Cal mid-year status
36 reporting requirements, counties shall seek to align the timing of
37 reports required under this section with mid-year status reports
38 required by the Medi-Cal program.

1 (c) The requirements of subdivisions (h) and (i) of Section
2 11265.1 and subdivision (g) of Section 11265.2 shall apply to the
3 implementation of this section.

4 (d) The department shall seek all necessary waivers from the
5 United States Department of Agriculture to implement this section.

6 (e) Counties may establish staggered, semiannual reporting
7 cycles for individual recipients, based on factors established or
8 approved by the department, including, but not limited to,
9 application date or case number. If the county elects to stagger the
10 reporting periods for individual recipients, this section shall apply
11 to an individual recipient on the first day of the month assigned to
12 the recipient, but in no event later than October 1, 2009. Up to and
13 until the establishment of the semiannual reporting system, counties
14 shall operate a quarterly system, as established by law and
15 regulation applicable immediately prior to the establishment of
16 the semiannual reporting system.

17 SEC. 17. (a) The changes made to the Welfare and Institutions
18 Code by this act shall become operative in a county on the date
19 that the county implements the semiannual reporting provisions
20 referred to in those sections. A county may implement the
21 semiannual reporting provisions as early as January 1, 2009, but
22 in no event later than July 1, 2009.

23 (b) Notwithstanding subdivision (a), if a county elects to stagger
24 the reporting periods for individuals pursuant to subdivision (h)
25 of Section 11265.1 of the Welfare and Institutions Code or
26 subdivision (e) of Section 18910 of the Welfare and Institutions
27 Code, as added by this act, this act shall apply to an individual
28 recipient on the first day of the month assigned to that recipient,
29 but in no event later than October 1, 2009.

30 SEC. 18. (a) Notwithstanding Chapter 3.5 (commencing with
31 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
32 Code, until emergency regulations are filed with the Secretary of
33 State, the State Department of Social Services may implement the
34 changes made by this act through all-county letters or similar
35 instructions from the director. The department shall adopt
36 emergency regulations, as necessary to implement those changes
37 no later than July 1, 2010.

38 (b) The adoption of regulations pursuant to subdivision (a) shall
39 be deemed to be an emergency and necessary for the immediate
40 preservation of the public peace, health, safety, or general welfare.

1 The emergency regulations authorized by this section shall be
2 exempt from review by the Office of Administrative Law. The
3 emergency regulations authorized by this section shall be submitted
4 to the Office of Administrative Law for filing with the Secretary
5 of State and shall remain in effect for no more than 180 days, by
6 which time final regulations shall be adopted.

7 SEC. 19. No appropriation pursuant to Section 15200 of the
8 Welfare and Institutions Code shall be made for purposes of this
9 act.

10 SEC. 20. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.