

ASSEMBLY BILL

No. 1182

Introduced by Assembly Member Roger Hernández

February 18, 2011

An act to amend Sections 11155, 11155.1, and 11257 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1182, as introduced, Roger Hernández. CalWORKs eligibility: asset limits: vehicles.

Existing federal law provides for the 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 known as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under the CalWORKs program, each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria. 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 specifying the allowable value of a licensed vehicle retained by an applicant for, or recipient of, that aid.

This bill would delete existing requirements for assessing the value of a motor vehicle for purposes of CalWORKs program eligibility. The bill 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.

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

This 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 *nutrition assistance*.
- 11 (b) The county shall determine the value of exempt personal
- 12 property other than motor vehicles in conformance with methods
- 13 established under ~~the Food Stamp Program~~ *CalFresh*.
- 14 (c) ~~(1) The value of a licensed vehicle~~ *motor vehicle* shall be
- 15 ~~the greater of the fair market value excluded from consideration~~
- 16 ~~as provided in paragraph (3) or the equity value, as provided in~~
- 17 ~~paragraph (5), unless an exemption as provided in paragraph (2)~~
- 18 ~~applies: property when determining and redetermining eligibility~~
- 19 ~~for applicants and recipients.~~
- 20 ~~(2) The entire value of any licensed vehicle shall be exempt if~~
- 21 ~~any of the following apply:~~
- 22 ~~(A) It is used primarily for income-producing purposes.~~

- 1 ~~(B) It annually produces income that is consistent with its fair~~
2 ~~market value, even if used on a seasonal basis.~~
- 3 ~~(C) It is necessary for long distance travel, other than daily~~
4 ~~commuting, that is essential for the employment of a family~~
5 ~~member.~~
- 6 ~~(D) It is used as the family's residence.~~
- 7 ~~(E) It is necessary to transport a physically disabled family~~
8 ~~member, including an excluded disabled family member, regardless~~
9 ~~of the purpose of the transportation.~~
- 10 ~~(F) It would be exempted under any of subparagraphs (A) to~~
11 ~~(D), inclusive, but the vehicle is not in use because of temporary~~
12 ~~unemployment.~~
- 13 ~~(G) It is used to carry fuel for heating for home use, when the~~
14 ~~transported fuel or water is the primary source of fuel or water for~~
15 ~~the family.~~
- 16 ~~(H) The equity value of the vehicle is one thousand five hundred~~
17 ~~one dollars (\$1,501) or less.~~
- 18 ~~(3) Each licensed vehicle that is not exempted under paragraph~~
19 ~~(2) shall be individually evaluated for fair market value, and any~~
20 ~~portion of the value that exceeds four thousand six hundred fifty~~
21 ~~dollars (\$4,650) shall be attributed in full market value toward the~~
22 ~~family's resource level, regardless of any encumbrances on the~~
23 ~~vehicle, the amount of the family's investment in the vehicle, and~~
24 ~~whether the vehicle is used to transport family members to and~~
25 ~~from employment.~~
- 26 ~~(4) Any licensed vehicle that is evaluated for fair market value~~
27 ~~shall also be evaluated for its equity value, except for the following:~~
- 28 ~~(A) One licensed vehicle per adult family member, regardless~~
29 ~~of the use of the vehicle.~~
- 30 ~~(B) Any licensed vehicle, other than those to which~~
31 ~~subparagraph (A) applies, that is driven by a family member under~~
32 ~~18 years of age to commute to, and return from his or her place of~~
33 ~~employment or place of training or education that is preparatory~~
34 ~~to employment, or to seek employment. This subparagraph applies~~
35 ~~only to vehicles used during a temporary period of unemployment.~~
- 36 ~~(5) For purposes of this section, the equity value of a licensed~~
37 ~~vehicle is the fair market value less encumbrances.~~
- 38 ~~(d) The value of any unlicensed vehicle shall be the fair market~~
39 ~~value less encumbrances, unless an exemption applies under~~
40 ~~paragraph (2).~~

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

3 11155.1. (a) Notwithstanding Sections 11155 and 11257, the
 4 department shall seek any federal approvals necessary to conduct
 5 a demonstration program increasing the value of personal property
 6 that may be retained by a recipient of aid under Chapter 2
 7 (commencing with Section 11200) to two thousand dollars ~~(\$2,000)~~
 8 ~~and increasing the value of the exemption for an automobile to~~
 9 ~~four thousand five hundred dollars (\$4,500).~~ *(\$2,000)*. The
 10 increased property ~~limits~~ *limit* shall not apply to applicants.

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

15 SEC. 3. Section 11257 of the Welfare and Institutions Code,
 16 as amended by Section 1 of Chapter 569 of the Statutes of 1984,
 17 is amended to read:

18 11257. (a) No aid under this chapter shall be granted or paid
 19 for any child who has real or personal property, the combined
 20 market value reduced by any obligations or debts with respect to
 21 this property of which exceeds one thousand dollars (\$1,000), or
 22 for any child or children in one family who have, or whose parents
 23 have, or the child or children and parents have, real and personal
 24 property the combined market value reduced by any obligations
 25 or debts with respect to this property which exceeds one thousand
 26 dollars (\$1,000).

27 For purposes of this subdivision, real and personal property shall
 28 be considered both when actually available and when the applicant
 29 or recipient has a legal interest in a liquidated sum and has the
 30 legal ability to make that sum available for support and
 31 maintenance.

32 (b) Notwithstanding subdivision (a) above, an applicant or
 33 recipient may retain the following:

34 (1) Personal or real property owned by him or her, or in
 35 combination with any other person, without reference to its value,
 36 if it serves to provide the applicant or recipient with a home. If the
 37 basic home is a unit in a multiple dwelling, then only that unit
 38 shall be exempt.

39 For the purposes of paragraph (1), if an applicant has entered
 40 into a marital separation for the purpose of trial or legal separation

1 or dissolution, real property which was the usual home of the
2 applicant shall be exempt for three months following the end of
3 the month in which aid begins. If the recipient was receiving aid
4 when the marital separation occurred, the period of exemption
5 shall be three months following the end of the month in which the
6 separation occurs. To remain exempt following this three-month
7 period, the home must be occupied by the recipient, or be
8 unavailable for use, control, and possession due to legal
9 proceedings affecting a property settlement or sale of the property.

10 ~~(2) Personal property consisting of one automobile with~~
11 ~~maximum equity value as permitted by federal law.~~

12 ~~(3)~~

13 (2) In addition to the foregoing, the director may at his or her
14 discretion, and to the extent permitted by federal law, exempt other
15 items of personal property not exempted under this section.

16 SEC. 4. Section 11257 of the Welfare and Institutions Code,
17 as amended by Section 28 of Chapter 1022 of the Statutes of 2002,
18 is amended to read:

19 11257. (a) To the extent not inconsistent with Sections
20 11265.1, 11265.2, 11265.3, and 11004.1, no aid under this chapter
21 shall be granted or paid for any child who has real or personal
22 property, the combined market value reduced by any obligations
23 or debts with respect to this property of which exceeds one
24 thousand dollars (\$1,000), or for any child or children in one family
25 who have, or whose parents have, or the child or children and
26 parents have, real and personal property the combined market
27 value reduced by any obligations or debts with respect to this
28 property which exceeds one thousand dollars (\$1,000).

29 For purposes of this subdivision, real and personal property shall
30 be considered both when actually available and when the applicant
31 or recipient has a legal interest in a liquidated sum and has the
32 legal ability to make that sum available for support and
33 maintenance.

34 (b) Notwithstanding subdivision (a) above, an applicant or
35 recipient may retain the following:

36 (1) Personal or real property owned by him or her, or in
37 combination with any other person, without reference to its value,
38 if it serves to provide the applicant or recipient with a home. If the
39 basic home is a unit in a multiple dwelling, then only that unit
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 5 the month in which aid begins. If the recipient was receiving aid
 6 when the marital separation occurred, the period of exemption
 7 shall be three months following the end of the month in which the
 8 separation occurs. To remain exempt following this three-month
 9 period, the home must be occupied by the recipient, or be
 10 unavailable for use, control, and possession due to legal
 11 proceedings affecting a property settlement or sale of the property.

12 ~~(2) Personal property consisting of one automobile with~~
 13 ~~maximum equity value as permitted by federal law.~~

14 ~~(3)~~

15 (2) In addition to the foregoing, the director may at his or her
 16 discretion, and to the extent permitted by federal law, exempt other
 17 items of personal property not exempted under this section.

18 SEC. 5. No appropriation pursuant to Section 15200 of the
 19 Welfare and Institutions Code shall be made for the purposes of
 20 this act.

21 SEC. 6. 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.