

AMENDED IN SENATE MAY 29, 2014

AMENDED IN ASSEMBLY JANUARY 23, 2014

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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 264

Introduced by Assembly Member Maienschein

(Principal coauthor: Senator Vidak)

*(Coauthors: Assembly Members Achadjian, Atkins, Ian Calderon,
Chávez, Gordon, Stone, Waldron, Wieckowski)*

(Coauthor: Senator Cannella)

February 7, 2013

An act to amend Section 11450 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 264, as amended, Maienschein. CalWORKs: temporary shelter assistance.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law, with certain exceptions, provides eligible families with homeless assistance, including temporary shelter assistance for one period of up to 16 consecutive calendar days.

This bill would eliminate the requirement that the temporary assistance be provided during one period of consecutive days, and instead would limit the temporary assistance to a maximum of 16 calendar days. The bill also would make conforming and technical, nonsubstantive changes. Because this bill would create new administrative duties for 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, as amended by Section 37 of Chapter 21 of the Statutes of
3 2013, is amended to read:
4 11450. (a) (1) Aid shall be paid for each needy family, which
5 shall include all eligible brothers and sisters of each eligible
6 applicant or recipient child and the parents of the children, but
7 shall not include unborn children, or recipients of aid under Chapter
8 3 (commencing with Section 12000), qualified for aid under this
9 chapter. In determining the amount of aid paid, and notwithstanding
10 the minimum basic standards of adequate care specified in Section
11 11452, the family's income, exclusive of any amounts considered
12 exempt as income or paid pursuant to subdivision (e) or Section
13 11453.1, determined for the prospective semiannual period
14 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
15 calculated pursuant to Section 11451.5, shall be deducted from
16 the sum specified in the following table, as adjusted for
17 cost-of-living increases pursuant to Section 11453 and paragraph
18 (2). In no case shall the amount of aid paid for each month exceed

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

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

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

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

38 (b) (1) When the family does not include a needy child qualified
39 for aid under this chapter, aid shall be paid to a pregnant mother
40 who is 18 years of age or younger at any time after verification of

1 pregnancy, in the amount that would otherwise be paid to one
2 person, as specified in subdivision (a), if the mother, and child, if
3 born, would have qualified for aid under this chapter. Verification
4 of pregnancy shall be required as a condition of eligibility for aid
5 under this subdivision.

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

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

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

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

37 (e) In addition to the amounts payable under subdivision (a)
38 and Section 11453.1, a family shall be entitled to receive an
39 allowance for recurring special needs not common to a majority
40 of recipients. These recurring special needs shall include, but not

1 be limited to, special diets upon the recommendation of a physician
2 for circumstances other than pregnancy, and unusual costs of
3 transportation, laundry, housekeeping services, telephone, and
4 utilities. The recurring special needs allowance for each family
5 per month shall not exceed that amount resulting from multiplying
6 the sum of ten dollars (\$10) by the number of recipients in the
7 family who are eligible for assistance.

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

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

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

36 A family is considered homeless, for the purpose of this section,
37 when the family lacks a fixed and regular nighttime residence; the
38 family has a primary nighttime residence that is a supervised
39 publicly or privately operated shelter designed to provide temporary
40 living accommodations; or the family is residing in a public or

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

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

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

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

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

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

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

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

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

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

37 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
38 for the temporary shelter assistance and the permanent housing
39 assistance pursuant to this paragraph shall be limited to a maximum
40 of 16 calendar days of temporary assistance and one payment of

1 permanent assistance. Any family that includes a parent or
2 nonparent caretaker relative living in the home who has previously
3 received the maximum allowable temporary or permanent homeless
4 assistance at any time on behalf of an eligible child shall not be
5 eligible for further homeless assistance. Any person who applies
6 for homeless assistance benefits shall be informed that, with certain
7 exceptions, the temporary shelter benefit is limited to a maximum
8 of 16 calendar days in a lifetime.

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

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

38 (iv) If a county requires a recipient who verifies domestic
39 violence by a sworn statement to participate in a homelessness

1 avoidance case plan pursuant to clause (iii), the plan shall include
2 the provision of domestic violence services, if appropriate.

3 (v) If a recipient seeking homeless assistance based on domestic
4 violence pursuant to clause (iii) has previously received homeless
5 avoidance services based on domestic violence, the county shall
6 review whether services were offered to the recipient and consider
7 what additional services would assist the recipient in leaving the
8 domestic violence situation.

9 (vi) The county welfare department shall report to the
10 department through a statewide homeless assistance payment
11 indicator system, necessary data, as requested by the department,
12 regarding all recipients of aid under this paragraph.

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

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

23 (H) The daily amount for the temporary shelter special need for
24 homeless assistance may be increased if authorized by the current
25 year's Budget Act by specifying a different daily allowance and
26 appropriating the funds therefor.

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

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

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

37 (i) Except for the purposes of Section 15200, the amounts
38 payable to recipients pursuant to Section 11453.1 shall not
39 constitute part of the payment schedule set forth in subdivision
40 (a).

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

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

9 (k) (1) This section shall become operative on April 1, 2013.
10 A county shall implement the semiannual reporting requirements
11 in accordance with the act that added this section no later than
12 October 1, 2013.

13 (2) Upon implementation described in paragraph (1), each
14 county shall provide a certificate to the director certifying that
15 semiannual reporting has been implemented in the county.

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

19 SEC. 2. No appropriation pursuant to Section 15200 of the
20 Welfare and Institutions Code shall be made for purposes of this
21 act.

22 SEC. 3. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.