

ASSEMBLY BILL

No. 1452

**Introduced by Assembly Member Stone
(Coauthor: Assembly Member Atkins)**

January 8, 2014

An act to amend Sections 11450 and 11453 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1452, as introduced, Stone. CalWORKs: temporary homeless assistance.

(1) 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 establishes maximum aid grant amounts to be provided under the CalWORKs program, and generally prohibits cost-of-living adjustments to those maximum aid grant amounts.

Under existing law, after a family has used all available liquid resources in excess of \$100, the family is entitled to receive an allowance for nonrecurring special needs, including homeless assistance in an amount of \$65 per day for families of up to 4 members.

This bill would increase the amount of homeless assistance to \$75 per day for families of up to 4 members, and would require that this amount be adjusted annually to reflect any increases or decreases in the

cost of living. By increasing the amount of cash aid provided by counties, this bill would impose a state-mandated local program.

(2) 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.

(3) 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
19 the sum specified in the following table, as adjusted for
20 cost-of-living increases pursuant to Section 11453 and paragraph

1 (2), plus any special needs, as specified in subdivisions (c), (e),
2 and (f):

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

18
19 If, when, and during those times that the United States
20 government increases or decreases its contributions in assistance
21 of needy children in this state above or below the amount paid on
22 July 1, 1972, the amounts specified in the above table shall be
23 increased or decreased by an amount equal to that increase or
24 decrease by the United States government, provided that no
25 increase or decrease shall be subject to subsequent adjustment
26 pursuant to Section 11453.

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

36 (b) (1) When the family does not include a needy child qualified
37 for aid under this chapter, aid shall be paid to a pregnant mother
38 who is 18 years of age or younger at any time after verification of
39 pregnancy, in the amount that would otherwise be paid to one
40 person, as specified in subdivision (a), if the mother, and child, if

1 born, would have qualified for aid under this chapter. Verification
2 of pregnancy shall be required as a condition of eligibility for aid
3 under this subdivision.

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

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

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

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

35 (e) In addition to the amounts payable under subdivision (a)
36 and Section 11453.1, a family shall be entitled to receive an
37 allowance for recurring special needs not common to a majority
38 of recipients. These recurring special needs shall include, but not
39 be limited to, special diets upon the recommendation of a physician
40 for circumstances other than pregnancy, and unusual costs of

1 transportation, laundry, housekeeping services, telephone, and
2 utilities. The recurring special needs allowance for each family
3 per month shall not exceed that amount resulting from multiplying
4 the sum of ten dollars (\$10) by the number of recipients in the
5 family who are eligible for assistance.

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

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

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

34 A family is considered homeless, for the purpose of this section,
35 when the family lacks a fixed and regular nighttime residence; or
36 the family has a primary nighttime residence that is a supervised
37 publicly or privately operated shelter designed to provide temporary
38 living accommodations; or the family is residing in a public or
39 private place not designed for, or ordinarily used as, a regular
40 sleeping accommodation for human beings. A family is also

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

8 (A) (i) A nonrecurring special need of ~~sixty-five dollars (\$65)~~
9 *a seventy-five dollars (\$75) per day* shall be available to families
10 of up to four members for the costs of temporary shelter, subject
11 to the requirements of this paragraph. The fifth and additional
12 members of the family shall each receive fifteen dollars (\$15) per
13 day, up to a daily maximum of one hundred twenty-five dollars
14 (\$125). County welfare departments may increase the daily amount
15 available for temporary shelter as necessary to secure the additional
16 bedspace needed by the family.

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

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

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

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

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

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

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

35 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
36 for the temporary shelter assistance and the permanent housing
37 assistance pursuant to this paragraph shall be limited to one period
38 of up to 16 consecutive calendar days of temporary assistance and
39 one payment of permanent assistance. Any family that includes a
40 parent or nonparent caretaker relative living in the home who has

1 previously received temporary or permanent homeless assistance
2 at any time on behalf of an eligible child shall not be eligible for
3 further homeless assistance. Any person who applies for homeless
4 assistance benefits shall be informed that the temporary shelter
5 benefit of up to 16 consecutive days is available only once in a
6 lifetime, with certain exceptions, and that a break in the consecutive
7 use of the benefit constitutes permanent exhaustion of the
8 temporary benefit.

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 two periods of
28 not more than 16 consecutive calendar days of temporary assistance
29 and two payments of permanent assistance. A county may require
30 that a recipient of homeless assistance benefits who qualifies under
31 this paragraph for a second time in a 24-month period participate
32 in a homelessness avoidance case plan as a condition of eligibility
33 for homeless assistance benefits. The county welfare department
34 shall immediately inform recipients who verify domestic violence
35 by a 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. Section 11453 of the Welfare and Institutions Code is
20 amended to read:

21 11453. (a) Except as provided in subdivision (c), the amounts
22 set forth in Section 11452 and subdivision (a) *and clause (i) of*
23 *subparagraph (A) of paragraph (2) of subdivision (f)* of Section
24 11450 shall be adjusted annually by the department to reflect any
25 increases or decreases in the cost of living. These adjustments shall
26 become effective July 1 of each year, unless otherwise specified
27 by the Legislature. For the 2000–01 fiscal year to the 2003–04
28 fiscal year, inclusive, these adjustments shall become effective
29 October 1 of each year. The cost-of-living adjustment shall be
30 calculated by the Department of Finance based on the changes in
31 the California Necessities Index, which as used in this section
32 means the weighted average changes for food, clothing, fuel,
33 utilities, rent, and transportation for low-income consumers. The
34 computation of annual adjustments in the California Necessities
35 Index shall be made in accordance with the following steps:

36 (1) The base period expenditure amounts for each expenditure
37 category within the California Necessities Index used to compute
38 the annual grant adjustment are:

39		
40	Food.....	\$ 3,027

1	Clothing (apparel and upkeep).....	406
2	Fuel and other utilities.....	529
3	Rent, residential.....	4,883
4	Transportation.....	1,757
5		
6	Total.....	<u>\$10,602</u>

7
8 (2) Based on the appropriate components of the Consumer Price
9 Index for All Urban Consumers, as published by the United States
10 Department of Labor, Bureau of Labor Statistics, the percentage
11 change shall be determined for the 12-month period ending with
12 the December preceding the year for which the cost-of-living
13 adjustment will take effect, for each expenditure category specified
14 in subdivision (a) within the following geographical areas: Los
15 Angeles-Long Beach-Anaheim, San Francisco-Oakland, San Diego,
16 and, to the extent statistically valid information is available from
17 the Bureau of Labor Statistics, additional geographical areas within
18 the state which include not less than 80 percent of recipients of
19 aid under this chapter.

20 (3) Calculate a weighted percentage change for each of the
21 expenditure categories specified in subdivision (a) using the
22 applicable weighting factors for each area used by the State
23 Department of Industrial Relations to calculate the California
24 Consumer Price Index (CCPI).

25 (4) Calculate a category adjustment factor for each expenditure
26 category in subdivision (a) by (1) adding 100 to the applicable
27 weighted percentage change as determined in paragraph (2) and
28 (2) dividing the sum by 100.

29 (5) Determine the expenditure amounts for the current year by
30 multiplying each expenditure amount determined for the prior year
31 by the applicable category adjustment factor determined in
32 paragraph (4).

33 (6) Determine the overall adjustment factor by dividing (1) the
34 sum of the expenditure amounts as determined in paragraph (4)
35 for the current year by (2) the sum of the expenditure amounts as
36 determined in subdivision (d) for the prior year.

37 (b) The overall adjustment factor determined by the preceding
38 computation steps shall be multiplied by the schedules established
39 pursuant to Section 11452 and subdivision (a) of Section 11450
40 as are in effect during the month of June preceding the fiscal year

1 in which the adjustments are to occur and the product rounded to
2 the nearest dollar. The resultant amounts shall constitute the new
3 schedules which shall be filed with the Secretary of State.

4 (c) (1) No adjustment to the maximum aid payment set forth
5 in subdivision (a) of Section 11450 shall be made under this section
6 for the purpose of increasing the benefits under this chapter for
7 the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96,
8 1996–97, and 1997–98 fiscal years, and through October 31, 1998,
9 to reflect any change in the cost of living. For the 1998–99 fiscal
10 year, the cost-of-living adjustment that would have been provided
11 on July 1, 1998, pursuant to subdivision (a) shall be made on
12 November 1, 1998. No adjustment to the maximum aid payment
13 set forth in subdivision (a) of Section 11450 shall be made under
14 this section for the purpose of increasing the benefits under this
15 chapter for the 2005–06 and 2006–07 fiscal years to reflect any
16 change in the cost of living. Elimination of the cost-of-living
17 adjustment pursuant to this paragraph shall satisfy the requirements
18 of *former* Section 11453.05, and no further reduction shall be made
19 pursuant to that section.

20 (2) No adjustment to the minimum basic standard of adequate
21 care set forth in Section 11452 shall be made under this section
22 for the purpose of increasing the benefits under this chapter for
23 the 1990–91 and 1991–92 fiscal years to reflect any change in the
24 cost of living.

25 (3) In any fiscal year commencing with the 2000–01 fiscal year
26 to the 2003–04 fiscal year, inclusive, when there is any increase
27 in tax relief pursuant to the applicable paragraph of subdivision
28 (a) of Section 10754 of the Revenue and Taxation Code, then the
29 increase pursuant to subdivision (a) of this section shall occur. In
30 any fiscal year commencing with the 2000–01 fiscal year to the
31 2003–04 fiscal year, inclusive, when there is no increase in tax
32 relief pursuant to the applicable paragraph of subdivision (a) of
33 Section 10754 of the Revenue and Taxation Code, then any
34 increase pursuant to subdivision (a) of this section shall be
35 suspended.

36 (4) Notwithstanding paragraph (3), an adjustment to the
37 maximum aid payments set forth in subdivision (a) of Section
38 11450 shall be made under this section for the 2002–03 fiscal year,
39 but the adjustment shall become effective June 1, 2003.

1 (5) No adjustment to the maximum aid payment set forth in
2 subdivision (a) of Section 11450 shall be made under this section
3 for the purpose of increasing benefits under this chapter for the
4 2007–08, 2008–09, and 2009–10 fiscal years.

5 (6) For the 2010–11 fiscal year and each fiscal year thereafter,
6 no adjustment to the maximum aid payment set forth in subdivision
7 (a) of Section 11450 shall be made under this section unless
8 otherwise specified by statute.

9 (d) Adjustments for subsequent fiscal years pursuant to this
10 section shall not include any adjustments for any fiscal year in
11 which the cost of living was suspended pursuant to subdivision
12 (c).

13 SEC. 3. No appropriation shall be made pursuant to Section
14 15200 of the Welfare and Institutions Code for purposes of this
15 act.

16 SEC. 4. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.