

ASSEMBLY BILL

No. 702

Introduced by Assembly Member Maienschein

(Coauthors: Assembly Members Achadjian, Atkins, Calderon, Chávez, Dababneh, Gallagher, Cristina Garcia, Gordon, Mathis, Mullin, Mark Stone, and Waldron)

(Coauthors: Senators Anderson, Bates, Cannella, Huff, Nielsen, Stone, Vidak, and Wieckowski)

February 25, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 702, as introduced, Maienschein. CalWORKs: temporary shelter assistance.

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. 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. This bill would require the State Department of Social Services to issue an

all-county letter or similar instructions by April 1, 2016, and to adopt regulations to implement the provisions of the bill by July 1, 2017. 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 is amended to read:
 3 11450. (a) (1) (A) Aid shall be paid for each needy family,
 4 which shall include all eligible brothers and sisters of each eligible
 5 applicant or recipient child and the parents of the children, but
 6 shall not include unborn children, or recipients of aid under Chapter
 7 3 (commencing with Section 12000), qualified for aid under this
 8 chapter. In determining the amount of aid paid, and notwithstanding
 9 the minimum basic standards of adequate care specified in Section
 10 11452, the family’s income, exclusive of any amounts considered
 11 exempt as income or paid pursuant to subdivision (e) or Section
 12 11453.1, determined for the prospective semiannual period
 13 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
 14 calculated pursuant to Section 11451.5, shall be deducted from
 15 the sum specified in the following table, as adjusted for
 16 cost-of-living increases pursuant to Section 11453 and paragraph
 17 (2). In no case shall the amount of aid paid for each month exceed
 18 the sum specified in the following table, as adjusted for
 19 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 (B) 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 child who
38 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 child and her child,

1 if 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 woman for the month in which the birth is
7 anticipated and for the six-month period immediately prior to the
8 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 woman 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 women qualified for aid under subdivision (a) or
17 (b) to meet special needs resulting from pregnancy if the woman
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 women 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 woman and child, if born, would have
28 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 that, 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 needs 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) (A) 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 that are apparently eligible for aid under this
25 chapter. Apparent eligibility exists when evidence presented by
26 the applicant, or that is otherwise available to the county welfare
27 department, and the information provided on the application
28 documents indicate that there would be eligibility for aid under
29 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 (B) A family is considered homeless, for the purpose of this
35 section, when the family lacks a fixed and regular nighttime
36 residence; ~~or~~ the family has a primary nighttime residence that is
37 a supervised publicly or privately operated shelter designed to
38 provide temporary living accommodations; or the family is residing
39 in a public or private place not designed for, or ordinarily used as,
40 a regular sleeping accommodation for human beings. A family is

1 also considered homeless for the purpose of this section if the
2 family 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 needs benefit of sixty-five dollars
9 (\$65) a day shall be available to families of up to four members
10 for the costs of temporary shelter, subject to the requirements of
11 this paragraph. The fifth and additional members of the family
12 shall each receive fifteen dollars (\$15) per day, up to a daily
13 maximum of one hundred twenty-five dollars (\$125). County
14 welfare departments may increase the daily amount available for
15 temporary shelter as necessary to secure the additional bedspace
16 needed by the family.

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

27 (iii) After homelessness has been verified, the three-day limit
28 shall be extended for a period of time which, when added to the
29 initial benefits provided, does not exceed a total of 16 calendar
30 days. This extension of benefits shall be done in increments of one
31 week and shall be based upon searching for permanent housing
32 which shall be documented on a housing search form, good cause,
33 or other circumstances defined by the department. Documentation
34 of a housing search shall be required for the initial extension of
35 benefits beyond the three-day limit and on a weekly basis thereafter
36 as long as the family is receiving temporary shelter benefits. Good
37 cause shall include, but is not limited to, situations in which the
38 county welfare department has determined that the family, to the
39 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) (i) A nonrecurring special needs benefit for permanent
4 housing assistance is available to pay for last month's rent and
5 security deposits when these payments are reasonable conditions
6 of securing a residence, or to pay for up to two months of rent
7 arrearages, when these payments are a reasonable condition of
8 preventing eviction.

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

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

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

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

38 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
39 for the temporary shelter assistance and the permanent housing
40 assistance pursuant to this paragraph shall be limited to ~~one period~~

1 ~~of up to a maximum of 16 consecutive~~ calendar days of temporary
2 assistance and one payment of permanent assistance. ~~Any~~ A family
3 that includes a parent or nonparent caretaker relative living in the
4 home who has previously received *the maximum allowable*
5 temporary or permanent homeless assistance at any time on behalf
6 of an eligible child shall not be eligible for further homeless
7 assistance. ~~Any~~ A person who applies for homeless assistance
8 benefits shall be informed that, *with certain exceptions*, the
9 temporary shelter benefit ~~of up to 16 consecutive days is available~~
10 ~~only once in a lifetime, with certain exceptions, and that a break~~
11 ~~in the consecutive use of the benefit constitutes permanent~~
12 ~~exhaustion of the temporary benefit is limited to a maximum of 16~~
13 *calendar days in a lifetime.*

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

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

1 availability of domestic violence counseling and services, and refer
2 those recipients to services upon request.

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

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

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

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

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

27 (H) The daily amount for the temporary shelter special needs
28 benefit for homeless assistance may be increased if authorized by
29 the current year's Budget Act by specifying a different daily
30 allowance and appropriating the funds therefor.

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

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

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

1 (i) (A) Except for the purposes of Section 15200, the amounts
2 payable to recipients pursuant to Section 11453.1 shall not
3 constitute part of the payment schedule set forth in subdivision
4 (a).

5 (B) The amounts payable to recipients pursuant to Section
6 11453.1 shall not constitute income to recipients of aid under this
7 section.

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

14 (k) (1) A county shall implement the semiannual reporting
15 requirements in accordance with Chapter 501 of the Statutes of
16 2011 no later than October 1, 2013.

17 (2) Upon completion of the implementation described in
18 paragraph (1), each county shall provide a certificate to the director
19 certifying that semiannual reporting has been implemented in the
20 county.

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

24 (l) This section shall become operative on July 1, 2015.

25 SEC. 2. (a) Notwithstanding the Administrative Procedure
26 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
27 Division 3 of Title 2 of the Government Code), the State
28 Department of Social Services shall implement this act through
29 an all-county letter or similar instructions from the director no later
30 than April 1, 2016.

31 (b) The department shall adopt regulations as necessary to
32 implement this act no later than July 1, 2017.

33 SEC. 3. No appropriation pursuant to Section 15200 of the
34 Welfare and Institutions Code shall be made for purposes of this
35 act.

36 SEC. 4. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O