

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1516

Introduced by Assembly Member Gonzalez

January 15, 2014

An act to amend Sections 11323.4 and 11450 of, and to add and repeal Chapter 4.7 (commencing with Section 18288) of Part 6 of Division 9 of, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1516, as amended, Gonzalez. Public social services: diapers.

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. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients.

This bill would require that an additional young child special needs supplement be paid in the amount of \$80 per month to a child who is under 3 years of age in an ~~aided household~~ *assistance unit*, and that this amount be adjusted annually to reflect ~~charges~~ *changes* in the cost of living.

Existing law provides that necessary supportive services shall be available to every participant in the CalWORKs program, including child care, as specified.

This bill would give participants the option to request supportive services through the Internet Web site of the county if the county is capable of accepting those requests through its Internet Web site. If the county is not capable of accepting requests through its Internet Web site, the bill would require the county to accept those requests in the manner necessary to ensure that participants are able to request the supportive services they need.

By increasing the administrative duties of counties administering the CalWORKs program, the bill would impose a state-mandated local program.

This bill would also, until January 1, 2019, create the Unmet Diaper Need Financing Fund in the State Treasury and would require that moneys in the fund, upon appropriation by the Legislature, be distributed by the State Department of Public Health to entities that serve low-income children, as specified, and have identified dollar-for-dollar matching funding. The bill would require that money distributed to those entities be used for the purpose of meeting the unmet diaper needs of the communities served by the entities.

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. This act shall be known and may be cited as The
- 2 Healthy Baby Bottom Act of 2014 or HBBA.
- 3 SEC. 2. The Legislature hereby finds and declares all of the
- 4 following:
- 5 (a) Existing federal law classifies diapers with cigarettes,
- 6 alcohol, and pet food as disallowed purchases under CalFresh and

1 the California Special Supplemental Food Program for Women,
2 Infants, and Children.

3 (b) However, low-income parents cannot take advantage of free
4 or subsidized child care if they cannot afford to leave disposable
5 diapers at child care centers, a requirement for most child care
6 centers.

7 (c) Without access to child care, these parents are less able to
8 attend work or school on a consistent basis, leading to increased
9 economic instability and a continuation of the cycle of poverty.

10 (d) In addition, the severe health and social consequences for
11 babies and families who do not have access to diapers cannot be
12 underestimated or overlooked.

13 (e) Lack of sufficient diapers can lead to multiple problems for
14 families in need, including unhappy babies, unhealthy communities,
15 undereducated toddlers, and underemployed adults.

16 (f) Access to diapers can make the difference for a family to
17 become financially self-sufficient.

18 (g) Therefore, it is the intent of the Legislature to enact
19 legislation that would empower beneficiaries of public assistance
20 programs with young children in diapers to return to the workforce
21 by removing unnecessary obstacles to obtaining diapers to the
22 extent permitted by federal law, thereby ensuring the health and
23 welfare of diaper-wearing children and their families.

24 SEC. 3. Section 11323.4 of the Welfare and Institutions Code
25 is amended to read:

26 11323.4. (a) (1) Payments for supportive services, as described
27 in Section 11323.2, shall be advanced to the participant, wherever
28 necessary, and when desired by the participant, so that the
29 participant need not use his or her funds to pay for these services.
30 Payments for child care services shall be made in accordance with
31 Article 15.5 (commencing with Section 8350) of Chapter 2 of Part
32 6 of the Education Code.

33 (2) A participant shall have the option to request supportive
34 services, as described in Section 11323.2, through the Internet
35 Web site of the county if the county is capable of accepting those
36 requests through its Internet Web site. If the county is not capable
37 of accepting requests through its Internet Web site, the county
38 shall accept those requests in the manner necessary to ensure that
39 participants are able to request the supportive services they need.

1 (b) The county welfare department shall take all reasonable
2 steps necessary to promptly correct any overpayment or
3 underpayment of supportive services payments to a recipient or a
4 service provider, including, but not limited to, all cases involving
5 fraud and abuse, consistent with procedures developed by the
6 department.

7 (c) Notwithstanding any other provision of this article, any
8 participant in on-the-job training who becomes ineligible for aid
9 under this chapter due to earned income or hours worked, shall
10 remain a participant in the program under this article for the
11 duration of the on-the-job training assignment and shall be eligible
12 for supportive services for the duration of the on-the-job training,
13 provided this duration does not exceed the time limits otherwise
14 applicable to the recipient.

15 (d) Notwithstanding any other provision of this article, any
16 participant in on-the-job training, grant-based on-the-job training,
17 supported work, or transitional employment who remains eligible
18 for aid pursuant to this chapter, shall be eligible for transportation
19 and ancillary expenses pursuant to paragraphs (2) and (3) of
20 subdivision (a) of Section 11323.2.

21 (e) (1) Participants shall be encouraged to apply for financial
22 aid, including educational grants, scholarships, and awards.

23 (2) To the extent permitted by federal law, the county shall
24 coordinate with financial aid offices to establish procedures
25 whereby the educational expenses of participants are met through
26 available financial aid and the supportive services described in
27 Section 11323.2. These procedures shall not result in duplication
28 of payments, and shall require determinations to be made on an
29 individual basis to ensure that using financial aid will not prevent
30 the person's participation in his or her welfare-to-work plan.

31 (f) Notwithstanding Section 10850, for purposes of child care
32 supportive services, county welfare departments shall share
33 information necessary for the administration of the child care
34 programs and the CalWORKs program.

35 SEC. 4. Section 11450 of the Welfare and Institutions Code is
36 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

3 (commencing with Section 12000), qualified for aid under this chapter. In determining the amount of aid paid, and notwithstanding the minimum basic standards of adequate care specified in Section 11452, the family's income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (e) or Section 11453.1, determined for the prospective semiannual period pursuant to Sections 11265.1, 11265.2, and 11265.3, and then calculated pursuant to Section 11451.5, shall be deducted from the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), (f), and (g):

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

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

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

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

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

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

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

1 delivery is anticipated, if the mother, and the child, if born, would
2 have qualified for aid under this chapter.

3 (d) For children receiving AFDC-FC under this chapter, there
4 shall be paid, exclusive of any amount considered exempt as
5 income, an amount of aid each month which, when added to the
6 child's income, is equal to the rate specified in Section 11460,
7 11461, 11462, 11462.1, or 11463. In addition, the child shall be
8 eligible for special needs, as specified in departmental regulations.

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

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

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

35 (2) Homeless assistance is available to a homeless family
36 seeking shelter when the family is eligible for aid under this
37 chapter. Homeless assistance for temporary shelter is also available
38 to homeless families which are apparently eligible for aid under
39 this chapter. Apparent eligibility exists when evidence presented
40 by the applicant, or which is otherwise available to the county

1 welfare department, and the information provided on the
2 application documents indicate that there would be eligibility for
3 aid under this chapter if the evidence and information were verified.
4 However, an alien applicant who does not provide verification of
5 his or her eligible alien status, or a woman with no eligible children
6 who does not provide medical verification of pregnancy, is not
7 apparently eligible for purposes of this section.

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

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

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

1 (iii) After homelessness has been verified, the three-day limit
2 shall be extended for a period of time which, when added to the
3 initial benefits provided, does not exceed a total of 16 calendar
4 days. This extension of benefits shall be done in increments of one
5 week and shall be based upon searching for permanent housing
6 which shall be documented on a housing search form; good cause;
7 or other circumstances defined by the department. Documentation
8 of a housing search shall be required for the initial extension of
9 benefits beyond the three-day limit and on a weekly basis thereafter
10 as long as the family is receiving temporary shelter benefits. Good
11 cause shall include, but is not limited to, situations in which the
12 county welfare department has determined that the family, to the
13 extent it is capable, has made a good faith but unsuccessful effort
14 to secure permanent housing while receiving temporary shelter
15 benefits.

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

21 The last month's rent or monthly arrearage portion of the
22 payment (i) shall not exceed 80 percent of the family's total
23 monthly household income without the value of CalFresh benefits
24 or special needs for a family of that size and (ii) shall only be made
25 to families that have found permanent housing costing no more
26 than 80 percent of the family's total monthly household income
27 without the value of CalFresh benefits or special needs for a family
28 of that size.

29 However, if the county welfare department determines that a
30 family intends to reside with individuals who will be sharing
31 housing costs, the county welfare department shall, in appropriate
32 circumstances, set aside the condition specified in clause (ii) of
33 the preceding paragraph.

34 (C) The nonrecurring special need for permanent housing
35 assistance is also available to cover the standard costs of deposits
36 for utilities which are necessary for the health and safety of the
37 family.

38 (D) A payment for or denial of permanent housing assistance
39 shall be issued no later than one working day from the time that a
40 family presents evidence of the availability of permanent housing.

1 If an applicant family provides evidence of the availability of
2 permanent housing before the county welfare department has
3 established eligibility for aid under this chapter, the county welfare
4 department shall complete the eligibility determination so that the
5 denial of or payment for permanent housing assistance is issued
6 within one working day from the submission of evidence of the
7 availability of permanent housing, unless the family has failed to
8 provide all of the verification necessary to establish eligibility for
9 aid under this chapter.

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

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

27 (iii) A family shall be eligible for temporary and permanent
28 homeless assistance when homelessness is a direct result of
29 domestic violence by a spouse, partner, or roommate; physical or
30 mental illness that is medically verified that shall not include a
31 diagnosis of alcoholism, drug addiction, or psychological stress;
32 or, the uninhabitability of the former residence caused by sudden
33 and unusual circumstances beyond the control of the family
34 including natural catastrophe, fire, or condemnation. These
35 circumstances shall be verified by a third-party governmental or
36 private health and human services agency, except that domestic
37 violence may also be verified by a sworn statement by the victim,
38 as provided under Section 11495.25. Homeless assistance payments
39 based on these specific circumstances may not be received more
40 often than once in any 12-month period. In addition, if the domestic

1 violence is verified by a sworn statement by the victim, the
2 homeless assistance payments shall be limited to two periods of
3 not more than 16 consecutive calendar days of temporary assistance
4 and two payments of permanent assistance. A county may require
5 that a recipient of homeless assistance benefits who qualifies under
6 this paragraph for a second time in a 24-month period participate
7 in a homelessness avoidance case plan as a condition of eligibility
8 for homeless assistance benefits. The county welfare department
9 shall immediately inform recipients who verify domestic violence
10 by a sworn statement pursuant to clause (iii) of the availability of
11 domestic violence counseling and services, and refer those
12 recipients to services upon request.

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

17 (v) If a recipient seeking homeless assistance based on domestic
18 violence pursuant to clause (iii) has previously received homeless
19 avoidance services based on domestic violence, the county shall
20 review whether services were offered to the recipient and consider
21 what additional services would assist the recipient in leaving the
22 domestic violence situation.

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

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

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

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

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

5 (g) In addition to any other amounts payable under this section
6 or any other law, a young child special needs supplement shall be
7 paid in the amount of eighty dollars (\$80) per month to any child
8 under three years of age who is in an ~~aided household~~ *assistance*
9 *unit*. This amount shall be adjusted annually pursuant to Section
10 11453.

11 (h) The department shall establish rules and regulations ensuring
12 the uniform application statewide of this section.

13 (i) The department shall notify all applicants and recipients of
14 aid through the standardized application form that these benefits
15 are available and shall provide an opportunity for recipients to
16 apply for the funds quickly and efficiently.

17 (j) Except for the purposes of Section 15200, the amounts
18 payable to recipients pursuant to Section 11453.1 shall not
19 constitute part of the payment schedule set forth in subdivision
20 (a).

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

23 (k) For children receiving Kin-GAP pursuant to Article 4.5
24 (commencing with Section 11360) or Article 4.7 (commencing
25 with Section 11385) there shall be paid, exclusive of any amount
26 considered exempt as income, an amount of aid each month, which,
27 when added to the child's income, is equal to the rate specified in
28 Sections 11364 and 11387.

29 (l) (1) This section shall become operative on April 1, 2013. A
30 county shall implement the semiannual reporting requirements in
31 accordance with the act that added this section no later than October
32 1, 2013.

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

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

1 SEC. 5. Chapter 4.7 (commencing with Section 18288) is added
2 to Part 6 of Division 9 of the Welfare and Institutions Code, to
3 read:

4
5 CHAPTER 4.7. UNMET DIAPER NEED FINANCING FUND
6

7 18288. For purposes of this chapter, the following definitions
8 shall apply:

9 (a) "Fund" means the fund created by Section 18289.

10 (b) "Department" means the State Department of Public Health.

11 18289. (a) There is hereby created in the State Treasury the
12 Unmet Diaper Need Financing Fund for the purposes specified in
13 this chapter.

14 (b) The fund shall consist of money accepted by the department
15 from grants and donations from private entities and of public
16 moneys transferred to the fund.

17 (c) (1) Moneys in the fund shall, upon appropriation by the
18 Legislature, be distributed by the department to entities that meet
19 both of the following requirements:

20 (A) Serve low-income children living in census tracts within
21 the state in which 50 percent or more of the population of children
22 are living below the federal poverty guideline.

23 (B) Have identified dollar-for-dollar matching funding from the
24 federal government, the private sector, or any other available
25 source.

26 (2) In making distributions under this subdivision, the
27 department shall give priority to the entities that serve communities
28 in census tracts with the highest poverty and highest racial and
29 ethnic diversity.

30 (3) The money distributed pursuant to this subdivision shall be
31 used by the recipient for the purpose of meeting the unmet diaper
32 needs of the communities served by the recipient.

33 (d) Notwithstanding Section 16305.7 of the Government Code,
34 all interest earned on the moneys that have been deposited into the
35 fund shall be retained in the fund and used for purposes consistent
36 with the fund.

37 18290. This chapter shall remain in effect only until January
38 1, 2019, and as of that date is repealed, unless a later enacted
39 statute, that is enacted before January 1, 2019, deletes or extends
40 that date.

1 SEC. 6. No appropriation pursuant to Section 15200 of the
2 Welfare and Institutions Code shall be made for purposes of
3 implementing this act.

4 SEC. 7. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.