

ASSEMBLY BILL**No. 236**

Introduced by Assembly Member Maienschein

January 30, 2017

An act to amend Section 11450 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 236, as introduced, Maienschein. CalWORKs: housing assistance. Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of federal, state, and county funds, each county provides cash assistance and other benefits to qualified low-income families. As part of the CalWORKs program, a homeless family that has used all available liquid resources in excess of \$100 is eligible for homeless assistance benefits to pay the costs of temporary shelter if the family is eligible for aid under the CalWORKs program. Under existing law, the nonrecurring special needs benefit to pay for temporary shelter for a family of up to 4 is \$65 a day, and the 5th and additional members of the family each receive \$15 per day, up to a daily maximum of \$125. Under existing law, eligibility for temporary shelter assistance is limited to one period of up to 16 consecutive days every 12 months, except when the homelessness is caused by domestic violence that is verified by a sworn statement of the victim, in which case eligibility for temporary shelter assistance is limited to 2 periods of up to 16 consecutive calendar days.

This bill would also provide that homeless assistance is available to homeless families that would be eligible for aid under the CalWORKs program but for the fact that the only child or children in the family are

in out-of-home placement pursuant to an order of the dependency court, if the family is receiving reunification services and the county determines that homeless assistance is necessary for reunification to occur. The bill would also provide that the nonrecurring special needs benefit to pay for temporary shelter for a family of up to 4 is \$85 a day, and the daily maximum is \$145. The bill would delete the requirement that homeless assistance be used in consecutive calendar days. Because this bill would increase the administrative duties of 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 the statutory provisions noted above.

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

3

1 cost-of-living increases pursuant to Section 11453 and paragraph
 2 (2). In no case shall the amount of aid paid for each month exceed
 3 the sum specified in the following table, as adjusted for
 4 cost-of-living increases pursuant to Section 11453 and paragraph
 5 (2), plus any special needs, as specified in subdivisions (c), (e),
 6 and (f):

| 7 | 8 | 9 | 10 | 11 | 12 |
|----|-----------------|---|---------|----|----|
| | Number of | | | | |
| | eligible needy | | | | |
| | persons in | | Maximum | | |
| | the same home | | aid | | |
| 12 | 1..... | | \$ 326 | | |
| 13 | 2..... | | 535 | | |
| 14 | 3..... | | 663 | | |
| 15 | 4..... | | 788 | | |
| 16 | 5..... | | 899 | | |
| 17 | 6..... | | 1,010 | | |
| 18 | 7..... | | 1,109 | | |
| 19 | 8..... | | 1,209 | | |
| 20 | 9..... | | 1,306 | | |
| 21 | 10 or more..... | | 1,403 | | |

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

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

39 (b) (1) When the family does not include a needy child qualified
 40 for aid under this chapter, aid shall be paid to a pregnant child who

1 is 18 years of age or younger at any time after verification of
2 pregnancy, in the amount that would otherwise be paid to one
3 person, as specified in subdivision (a), if the child and her child,
4 if born, would have qualified for aid under this chapter. Verification
5 of pregnancy shall be required as a condition of eligibility for aid
6 under this subdivision.

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

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

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

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

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

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

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

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

24 (2) (A) (i) Homeless assistance is available to a homeless
25 family seeking shelter when the family is eligible for aid under
26 this chapter. ~~Homeless~~

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

38 (iii) *Homeless assistance for temporary shelter is also available*
39 *to homeless families that would be eligible for aid under this*
40 *chapter but for the fact that the only child or children in the family*

1 *are in out-of-home placement pursuant to an order of the*
2 *dependency court, if the family is receiving reunification services*
3 *and the county determines that homeless assistance is necessary*
4 *for reunification to occur.*

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

19 (3) (A) (i) A nonrecurring special needs benefit of ~~sixty-five~~
20 ~~dollars (\$65)~~ *eighty-five dollars (\$85)* a day shall be available to
21 families of up to four members for the costs of temporary shelter,
22 subject to the requirements of this paragraph. The fifth and
23 additional members of the family shall each receive fifteen dollars
24 (\$15) per day, up to a daily maximum of one hundred ~~twenty-five~~
25 ~~dollars (\$125)~~. *forty-five dollars (\$145)*. County welfare
26 departments may increase the daily amount available for temporary
27 shelter as necessary to secure the additional bedspace needed by
28 the family.

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

39 (iii) After homelessness has been verified, the three-day limit
40 shall be extended for a period of time which, when added to the

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

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

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

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

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

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

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

9 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
10 for the temporary shelter assistance and the permanent housing
11 assistance pursuant to this paragraph shall be limited to ~~one period~~
12 ~~of up to 16 consecutive~~ *a maximum of 16* calendar days of
13 temporary assistance and one payment of permanent assistance
14 every 12 months. A person who applies for homeless assistance
15 benefits shall be informed ~~that the temporary shelter benefit of up~~
16 ~~to 16 consecutive days is available only once every 12 months,~~
17 ~~with certain exceptions, and that a break in the consecutive use of~~
18 ~~the benefit constitutes exhaustion of the temporary benefit that,~~
19 ~~with certain exceptions, the temporary shelter benefit is limited to~~
20 ~~a maximum of 16 calendar days~~ for that 12-month period.

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

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

1 temporary assistance and two payments of permanent assistance.
2 A county may require that a recipient of homeless assistance
3 benefits who qualifies under this paragraph for a second time in a
4 24-month period participate in a homelessness avoidance case plan
5 as a condition of eligibility for homeless assistance benefits. The
6 county welfare department shall immediately inform recipients
7 who verify domestic violence by a sworn statement of the
8 availability of domestic violence counseling and services, and refer
9 those recipients to services upon request.

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

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

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

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

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

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

38 (I) No payment shall be made pursuant to this paragraph unless
39 the provider of housing is a commercial establishment, shelter, or

1 person in the business of renting properties who has a history of
2 renting properties.

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

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

9 (i) (A) Except for the purposes of Section 15200, the amounts
10 payable to recipients pursuant to Section 11453.1 shall not
11 constitute part of the payment schedule set forth in subdivision
12 (a).

13 (B) The amounts payable to recipients pursuant to Section
14 11453.1 shall not constitute income to recipients of aid under this
15 section.

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

22 (k) (1) A county shall implement the semiannual reporting
23 requirements in accordance with Chapter 501 of the Statutes of
24 2011 no later than October 1, 2013.

25 (2) Upon completion of the implementation described in
26 paragraph (1), each county shall provide a certificate to the director
27 certifying that semiannual reporting has been implemented in the
28 county.

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

32 (l) This section shall become operative on January 1, 2017.

33 SEC. 2. No appropriation pursuant to Section 15200 of the
34 Welfare and Institutions Code shall be made for purposes of this
35 act.

36 SEC. 3. 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.