

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 16, 2003

ALL COUNTY INFORMATION NOTICE NO. I-42-03

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CalWORKs PROGRAM SPECIALISTS
 ALL FOOD STAMP PROGRAM COORDINATORS

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation
 Change
 Court Order
 Clarification Requested by
 One or More Counties
 Initiated by CDSS

SUBJECT: IMMEDIATE NEED (IN), EXPEDITED FOOD STAMP (FS) BENEFITS &
 HOMELESS ASSISTANCE (HA) QUESTIONS AND ANSWERS

REFERENCE: MANUAL OF POLICY AND PROCEDURES (MPP) 11-601.214,
 40-125.52, 40-129.3 and .4, 40-129.6, .7, and .8, 44-211.511,
 44-211.513, 44-211.515, 44-211.524(e) and (f), 44-211.541 and .542,
 44-315.45, 80-301(i), 63-102(h)(2), 63-205.1, 63-301.5, 81-215.12.
 ALL COUNTY LETTERS (ACL) 95-62; 96-30 and 96-40.

The purpose of this All County Information Notice (ACIN) is to provide the Counties with responses to questions of concern on the once-in-a-lifetime Homeless Assistance Payment (HAP), Immediate Need (IN) request, and Food Stamps (FS) expedited services. We have been asked the following:

1. Question: Is the applicant required to have a notice of eviction prior to applying for HA?

Response: No. The County cannot require an eviction notice (including a Marshall's Notice) as a condition to apply for HA. However, when an eviction has occurred, the county may request a copy of the eviction notice as verification of homelessness in accordance with MPP 44-211.524(e). When the applicant is unable to provide documentation of homelessness within the first 3 working days, the county may accept a sworn statement by the applicant.

2. Question: What is the time frame to issue an IN payment or to expedite FS benefits to an applicant?

Response: When the office where the IN request is received has in-house payment issuance capabilities, the IN payment shall be hand-delivered to the applicant in that office no later than the next working day following the day the county received the request. If the office does not have the in-house payment issuance capabilities, the applicant shall be given the choice of having the payment hand-delivered either

at another specified location no later than the next working day following the day the IN request was received or hand-delivered to the applicant at the office where the application was filed no later than the 3rd working day following the day the county received the IN request. If the applicant fails to pick up the payment, the county shall deposit it in the mail no later than the end of the next working day (MPP 40-129.8). For FS purposes, the expedited food stamp benefits must be available to the recipient either by mail or for pick up at the household's request, no later than the third calendar day following the date the application was received (MPP 63-301.531(a)).

3. Question: Is a family living in their car considered homeless even though they have no eviction notice?

Response: Yes. A family living in its car meets the definition of homelessness because they are without a fixed and regular nighttime residence (MPP 44-211.511 and MPP 63-102(h) (2)).

4. Question: Can a county require a family to reside in a shelter for 3 days prior to applying for HA?

Response: No, there is no authority in statute or regulations that allows a county to require that families be in a shelter for any period prior to application for HA.

5. Question: Applicant in County A receives temporary shelter (TA) assistance, and then moves to County B. The CalWORKs eligibility determination in County A has not been completed. The applicant then requests HA in County B. Which county is responsible for issuing the new homeless assistance payments?

Response: When an AU moves from County A to County B to make its home, County A would be responsible for continuing the processing of the CalWORKs application and for initiating an intercounty transfer (MPP 40-125.5). However, MPP 44-211.515 specifically requires that the CWD where the AU resides shall be responsible for the HA eligibility determination and issuance of the HA payment from the date of request. Therefore, County B, where the family physically resides, is responsible for issuing the HA payment.

6. Question: Are there specific requirements for an applicant/recipient to meet in order to apply for IN or HAP?

Response: No. No one should be refused the right to apply for cash assistance and/or food stamp benefits.

7. Question: Are counties required to advance cash aid to applicants/recipients when an eviction notice and/or pay or quit notice has been issued?

Response: No. There is no requirement to advance payments to recipients outside of the IN, expedited grant or regular payment cycle (MPP 40-129.7). When an applicant applies for cash aid and the applicant has been issued an eviction/pay or quit notice, the applicant may request in writing an IN payment of \$200 or an expedited grant determination. If the applicant requests an expedited grant determination, the county shall issue the regular aid payment to which the applicant is eligible within three working days in lieu of the IN payment.

8. Question: Is there a rule that requires counties to expedite IN payments to an applicant when an eviction/pay or quit notice has been issued?

Response: Yes. MPP 40-129.5 requires that an IN determination be made no later than the next working day following the receipt of the request. However, when the emergency situation is an eviction and certain conditions are met (see MPP 40-129.7), the applicant shall be permitted to choose in writing either the IN payment or expedited CalWORKs cash aid. If eligibility for CalWORKs can be verified the county shall issue the eligible grant amount to which the applicant is eligible in lieu of the IN payment (MPP 40-129.51 and .52) within three working days of the IN request. If CalWORKs eligibility cannot be verified, the IN payment shall be issued no later than the third working day following the IN request.

9. Question: Is an applicant/recipient required to provide a rental agreement in order to request or apply for permanent housing assistance (PH)?

Response: No. Anyone may apply for HAP for either, or both, temporary shelter or permanent housing at any time. It is not necessary for the applicant to have a rental agreement before applying for PH. However, it may be necessary for the applicant to provide a written rental agreement, which demonstrates the landlord's intent to rent to the AU at a cost not to exceed 80 percent of the AU's Maximum Aid Payment (MAP) in order for PH to be granted to the AU (MPP 44-211.534).

10. Question: Is a family that is temporarily residing with another family considered homeless?

Response: Yes. An otherwise eligible AU or FS household that temporarily resides with another family is considered eligible to receive HA because they lack a fixed and regular nighttime residence (MPP 44-211.511 and MPP 63-102(h)(2)).

11. Question: Is the county required to investigate the cause for the homelessness?

Response: No, the county is not required to investigate the reason that the family is homeless. However, the county must establish that the family meets the definition of homeless in accordance with MPP 44-211.511 and is apparently eligible for CalWORKs and/or food stamp benefits at the time the family requests and applies for homeless assistance.

- 12. Question: If a woman, who is in a domestic abuse situation, voluntarily leaves her spouse and permanent residence with her children and becomes homeless, are they eligible for HA?**

Response: Yes. If the AU has received HAP before and becomes homeless due to a domestic abuse situation, the AU meets an exception to the once-in-a-lifetime rule and is eligible for HAP. The AU shall provide verification of the exceptional circumstance through a third-party governmental or private health and human services agency, such as the police department or a battered women's shelter (MPP 44-211.54).

- 13. Question: Some counties close their offices during a portion of their regular business hours or on specific days. What are the requirements for counties who choose to close their offices during regular business hours?**

Response: Counties can set their regular business days and hours in accordance with MPP 11-601.214. However, counties that close their offices to the public for a period of time during a regular business day are required to maintain some system to provide individuals access to obtain and file applications and receive expedited benefits during those hours of office closure. Counties must make applications for benefits readily available to the public; provide a drop-box, mail slot, or some other means for filing applications; post notices of their working days and when their offices will be closed; and maintain sufficient staff to accept and act upon all such applications as if such requests had been made in person at the CWD office. Applications deposited in a drop box, mail slot or other reasonable means for filing applications shall be deemed to be filed on the date of the office closure (see MPP 11-601.311 and MPP 63-601.311).

For food stamp purposes, at least once annually, all counties must review the hours of operation for certification and issuance services to ensure that the needs of food stamp applicants/recipients who work are adequately met in accordance with MPP 63-205.1. Requirements for FS offices that are not open to the public eight hours per day, Monday through Friday, are specified in MPP 11-601.

- 14. Question: Can an individual be denied access to enter a county office to obtain and/or file an application for IN or HA or expedited FS benefits when the office is closed to the public during regular business hours?**

Response: No. An applicant cannot be denied the right to apply for IN, HA, and/or FS when they appear at the county office during their regular business hours (see response to Q. 13 above). All IN payment requests received during regular business hours shall be accepted on that date and the county should conduct the interview the same day the IN payment is requested, but no later than the next working day (MPP 40-129.3 and .4 and MPP 11-601.312).

15. Question: When IN and/or HAP are issued with "apparent eligibility," is the client still an applicant and eligible for diversion payments?

Response: Yes. An applicant who has been approved for an IN and/or HAP based on his/her apparent eligibility is not considered to be a recipient, as specified in MPP 80-301(r) (1)(B). In these cases, the county has not signed authorization documents to approve the CalWORKs application.

If you have questions please contact: CalWORKs Homeless Assistance Program – Rosie Avena at (916) 654-1514 or rosie.avena@dss.ca.gov ; Immediate Need – Beverly Thomas at (916) 654-6127 or beverly.thomas@dss.ca.gov ; and for Food Stamp questions on expedited services - Rosemary Akhidenor at (916) 654-2116 or rosemary.akhidenor@dss.ca.gov.

Sincerely,

*Original signed by
Charr Lee Mekster on
July 16, 2003*

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

c: CWDA
CSAC