

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



June 7, 1988

ALL COUNTY LETTER NO. 88-55

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AFDC HOMELESS ASSISTANCE

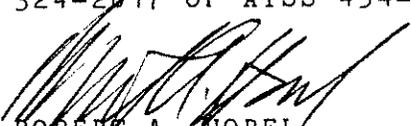
REFERENCE: MPP 44-211.3, .4, .5, & .6 (NONRECURRING & PREGNANCY
SPECIAL NEEDS)
ACL 87-163 (AFDC HOMELESS ASSISTANCE REGULATIONS)
ACIN I-01-88 (STATUS OF FEDERAL APPROVAL)
ACL 88-04 (IMPLEMENTATION OF HOMELESS ASSISTANCE)

This All County Letter provides information about revisions, effective July 1, 1988, to the AFDC Homeless Assistance regulations which were filed on an emergency basis and were effective February 1, 1988.

Attached are:

- A list of changes to the regulations,
- A series of questions and answers concerning homeless assistance,
- A copy of the AFDC Statement of Facts for Homeless Assistance (CA 42), and
- A draft copy of the revised regulations.

For policy clarifications, please contact Judy Moore at (916) 324-2017 or ATSS 454-2017.


ROBERT A. HOREL
Deputy Director

Attachments

cc: CWDA

REVISIONS TO AFDC HOMELESS ASSISTANCE REGULATIONS

There are some significant revisions to the AFDC homeless assistance (HA) regulations which were filed on an emergency basis and effective February 1, 1988. The revised regulations have an effective date of July 1, 1988.

Following is a list of changes to the original regulations:

- 1) HA is not available to assistance units (AUs) who are living in a shared housing situation (44-211.512).

As long as a person is sharing housing, he/she is not considered homeless. If the situation changes and the person is no longer sharing housing, the person may be eligible for HA if all other factors described in 44-211.5 exist.

- 2) County Welfare Departments (CWDs) may obtain verification of the costs of temporary shelter and permanent housing (44-211.514(d)).

When the CWD has issued a temporary shelter (TS) payment directly to the AU, the CWD has the option of requesting verification for the AU's expenditure of the payment. When the CWD requests verification of costs for TS, and the AU does not provide verification, a presumption of mismanagement of the payment exists. The CWD shall then issue subsequent payments for TS in the form of vendor payments, two-party or restrictive endorsement checks, or voucher payments. The AU should not be issued a direct cash payment for TS or permanent housing (PH) for the current incident of homelessness.

Reverification may also be requested for the expenditure of a permanent housing payment.

- 3) A Statement of Facts for Homeless Assistance (CA 42) must be completed prior to the CWD's issuance of an initial HA payment (44-211.514(a)).

The CA 42 is attached and is to be completed by the applicant or recipient caretaker when he/she indicates to the CWD that he/she is homeless. The CA 42 is not to be used to determine apparent eligibility for AFDC, but to collect information relative to homelessness. In order for the CWD to determine the AU's eligibility for HA, the form is to be completed for each incident of homelessness or when an AU already receiving HA enters another county and requests HA there. HA must not be authorized prior to the completion of the CA 42.

A family not yet receiving AFDC which requests homeless assistance is and must first be considered an AFDC applicant. The normal provisions still pertain, in accordance with MPP Sections 40-115 and 40-121, concerning the CA 1 and CA 2 (Statement of Facts).

- 4) Vendor payments, vouchers, two-party or restrictive endorsement checks shall be issued rather than direct payments to the AU after mismanagement has been established for a previously issued homeless assistance payment (44-211.519).

See explanation for #2, above.

- 5) An HA payment should not be issued if the CWD establishes that the AU has shelter at no cost (44-211.513).

One of the conditions for the continuing receipt of the TS payment is that the AU has incurred costs for TS. If the AU has not incurred any cost, there is no entitlement to a TS payment. If there is cost, the AU is entitled to \$30 per day, in accordance with MPP 44-211.525, regardless of the actual cost to the AU.

- 6) Renewed eligibility to HA within the 12 month period is tied directly to the caretaker relative of the AU. If a new caretaker relative is caring for the children and he/she was not living with the AU when it received HA within the previous 12 month period, and the former caretaker relative is not with the AU during the current incident of homelessness, the otherwise eligible AU could receive HA (44-211.515(a) & (b)).

An AU is eligible for HA for one incident of homelessness per year. Eligibility is tied to the caretaker relative, since it is him/her who is responsible for providing a home for the child(ren). For example, the mother (caretaker relative) receives HA in April, something happens to mother, and the grandmother is subsequently named caretaker relative. Now, grandmother and the children become homeless within the same twelve-month period. The new AU would be entitled to HA.

- 7) When an application for aid has been taken in county A, which has not determined eligibility and/or authorized aid, and the applicant subsequently requests HA in county B, county B should reinitiate the application process (40-125.51).

In some instances, an applicant has requested aid in county A. Then, the applicant goes to county B and requests HA. There is no existing aided case because county A has not determined eligibility and/or authorized aid. An intercounty transfer is

not appropriate. County B should reinitiate the application process, since TS must be issued/denied the same day it is requested (44-211.523), and within one working day for PH (44-211.534).

- 8) If it is established that the AU will lack shelter during a weekend or holiday when the CWD is closed, the CWD should issue an HA payment on the last working day prior to the weekend (44-211.523(b)).

There are cases when an applicant/recipient knows that he/she will become homeless during the weekend, e.g. when an eviction notice is effective on a Saturday or Sunday. In these instances, the CWD must issue an HA payment on Friday or the last working day in order to cover the weekend or holiday.

- 9) The \$100 liquid resources limit shall be evaluated once per incident of homelessness (44-211.321(b)).

The applicant/recipient's resources should be evaluated when the AU requests HA. If eligible at that time, the \$100 liquid resource should not be reevaluated again during the incident of homelessness. Note: The incident of homelessness ends with the issuance of PH. See MPP 44-211.514(c).

- 10) Eligibility to continuing payments of TS during the 21 consecutive day period has been clarified (MPP 42-211.524).

See #29, Question & Answer section, following.

- 11) TS may be issued subsequent to the issuance of PH (MPP 44-211.522 (a)).

When a PH payment has been issued and the AU needs shelter prior to assuming occupancy of the housing, a TS payment should be issued, provided the 21 (or 28) consecutive day limit has not expired.

STATEMENT OF FACTS FOR HOMELESS ASSISTANCE (CA 42)

Counties may use the attached camera ready copy of the CA 42 (5/88) for local reproduction until stock is available at the State Department of Social Services (SDSS) warehouse. Counties will be notified when stock is available.

Camera ready copies of the CA 42 translated into Spanish, Chinese, Vietnamese, Cambodian, and Laotian will be mailed under separate cover by the Language Services Bureau. The warehouse will not stock the Chinese, Vietnamese, Cambodian, and Laotian translations.

IMPACT OF HOMELESS ASSISTANCE ON FOOD STAMPS

CWDs should inform applicants for HA of the availability of vendor payments and that if a vendor payment(s) is(are) accepted, it will not count against their Food Stamp allotment. Conversely, a direct payment, whether for the entire HA payment or only a portion thereof, will adversely affect their Food Stamp allotment.

QUESTIONS AND ANSWERS REGARDING HOMELESS ASSISTANCE

The following list of questions and answers is divided into four subsections: 1) General, 2) Temporary Shelter, 3) Permanent Housing, and 4) Overpayments. It is possible that some of the answers to the following questions may differ from a response which was given previously. With the receipt of this letter, any action taken on a homeless case should be based on the information contained in this letter.

GENERAL

- 1) If someone is evicted due to nonpayment of rent or destruction of property, is there eligibility to HA?

Yes. Once the AU meets the definition of homeless (44-211.511), the cause of homelessness is irrelevant as a condition of eligibility to HA.

- 2) A pregnant mother and two children are receiving aid and are living in a home. The mother left for no apparent reason, so grandmother moved into the home to take care of the children. Now, the pregnant mother is requesting HA. Is there eligibility to HA?

No. There is no eligibility to HA because mother is not homeless. She has a home which she could return to at any time.

- 3) An AU requested HA. The recipient states that the home she has been living in has an electrical problem, so she doesn't want to live there. Is she eligible to HA?

No. The AU is not homeless. HA is not available as a means to upgrade a person's living accommodations when they already have a home.

- 4) A child is aided in her mother's AU. The child moves out stating that she is homeless and believes that she is pregnant. Is she eligible to HA?

No. Eligibility to HA is linked to the caretaker relative. As long as the child is aided in her mother's AU, and mother is not homeless, the child is not eligible for HA.

- 5) An AU with a Simon child is receiving HA. How should this situation be treated?

Treat as a shared housing situation with regard to the payment for HA (44-211.531(a)).

- 6) An AU owns a trailer. They live in it and intend to continue to do so. The AU has requested HA for a trailer space in another county. Are they eligible to HA?

No. They have permanent housing.

- 7) A recipient received a permanent housing payment. She then reunited with her husband, moved into his house, and returned the PH payment to the CWD. Since she returned the payment, can she receive HA again within the year if she becomes homeless?

Yes.

- 8) A recipient is living in a battered women's shelter and can live there for six weeks at no cost. Is she eligible for HA?

She is potentially eligible to HA, but should not be issued a TS payment as long as she has shelter at no cost (MPP 44-211.513). Her housing needs are currently being provided by the shelter at no cost. Only when she incurs cost for shelter or finds permanent housing would she be potentially eligible for HA.

- 9) An AU has a home in county A. The mother and one of the three children arrive in county B for medical treatment. Are they eligible to receive a TS payment while in county B?

No. They are not homeless, but temporarily absent from their home.

- 10) Mother and one child receive aid. The child's father took the child from mother on 3/18, so the CWD sent a discontinuance NOA to mother effective 3/31. On 3/29, mother requested HA. Is she eligible?

No. At the point that she no longer has an eligible child in the home, there is no eligibility to HA.

- 11) If a recipient loses an HA payment through theft or other circumstances, is the CWD to issue a replacement warrant?

Yes, after an affidavit has been signed as would be the case for any other lost/stolen warrant. An HA warrant would have to be reissued as soon as possible.

- 12) Are AFDC Foster Care children eligible to HA?

No.

- 13) If a client received some form of HA from another state, does it affect eligibility to HA in California?

No. California's HA for AFDC is considered separate and apart from any other state's homeless program.

- 14) A woman and her child were living in county A and had paid the rent through 2/29. On 2/24, her ex-husband, who had been threatening her, attempted to break into her apartment. On 2/25, she collected her belongings and she and her child abandoned the apartment and went to county B and requested TS. Is she eligible to HA?

Yes. She left her apartment under threats of violence and can not return due to the potential for continuing threats.

- 15) MPP 44-211.442 states that an AU is not eligible to a nonrecurring special need for the costs of interim shelter (IS) if it is eligible to receive the nonrecurring special need payment for HA. Is there a timeframe during which the AU cannot receive both?

No. There is no timeframe. The point is that both IS and HA cannot be paid for the same incident. Example: An AU was homeless. After receiving seven days worth of TS, the AU moved into an apartment upon receipt of PH on 2/10/88. The AU should not also be given an IS payment for this single incident of homelessness. However, on 5/21, the apartment was destroyed by an earthquake. The AU would be eligible for IS because this is a different incident of homelessness and there is no eligibility to HA again until 2/1/89.

- 16) If FEMA issues a payment for first month's rent, can HA also be issued?

Yes. HA is for last month's rent, security deposits, and utility deposits.

- 17) Are RCA and RDP cases eligible for HA?

RDP cases are eligible for HA. RCA cases are not eligible (44-211.312(a)). Also see All County Letter 88-28 (3/8/88). (Note: RDP may be discontinued effective 9/30/89.)

18) Are HA payments to be considered with the grant in a RISP computation?

No. MPP 44-402.213 states that special needs are not considered in a RISP computation.

19) Recipient is ineligible in March; however, the discontinuance NOA cannot be sent timely. The 3/1 warrant will be an overpayment. The 3/15 warrant will be cancelled to reduce the overpayment. HA was requested on 3/2. Should the HA be issued?

No. HA cannot be issued once ineligibility for AFDC has been established.

20) Should the HA special need amount be added to MBSAC prior to calculating the AU's eligibility?

Yes, if the CWD knows of the homelessness when determining eligibility. MPP 44-207.31 states that the AU is financially eligible for any month in which on the first of the month the combined actual or estimated net nonexempt income for the month is less than the MBSAC plus any special needs. The problem in applying this to HA is the unpredictability of homelessness. For the most part, the CWD will not know on the first of the month whether or not the AU will become homeless.

21) When computing an HA payment for a recipient with income, should the income be taken into account?

Yes. In that an HA payment is a nonrecurring special need, which is part of the AU's grant (MPP 44-315.425).

22) CWD discontinued a case. The client filed for a hearing and is receiving aid paid pending (APP). Then, the client became homeless. Are clients receiving APP eligible to HA?

Yes; however, if the client loses the hearing the HA payment is considered an overpayment.

23) Should APP be paid when an applicant/recipient disputes the amount or the denial of an HA payment and has filed for a hearing?

No. HA is not subject to the provisions of MPP 22-022 (Timely Notice) or MPP 22-022.5 (Aid Paid Pending a Hearing).

24) Do resources of persons not in the AU affect eligibility for HA?

No. MPP 44-211.32 states that to be eligible for a nonrecurring special need in AFDC, the AU is ineligible if it (meaning the AU) has over \$100 in nonexempt liquid resources.

- 25) If an AU gets an eviction notice on 2/1, is the AU considered homeless?

No, not until the effective date of the eviction notice.

- 26) An applicant AU is eligible for aid and is homeless. They are requesting PH and have presented a rental agreement for a place they want to rent in another state. Should a PH payment be issued when the residence the AU has found to live in is in another state?

No. In order to receive HA, the AU must be presumptively eligible for AFDC. MPP 42-400 states that residence in California is a requirement for receipt of aid. 42-403.11 states that a person establishes residence by "voluntarily living in the state with the intention of making his or her home for other than a temporary purpose."

- 27) An SSI father is homeless and is applying for aid, in mid-April, for his AFDC child who has been aided in the mother's AU in April. The mother received HA in February, but the SSI father was not living with her then, nor is she living with the SSI father now. Can HA be issued on behalf of the child to the SSI father?

Not prior to 5/1, since the child was aided with the mother in April and a change in the caretaker relative cannot become effective until 5/1.

TEMPORARY SHELTER

- 28) An AU received its first TS payment for the period from 7/1-7/7. The AU did not return to the CWD to request TS again until 7/10. Is the CWD to issue a TS payment retroactively for 7/8 and 7/9 though the AU did not come in to request another TS payment until 7/10?

In the example above, there is potential eligibility for a TS payment from 7/1 - 7/21. Once the AU receives its first TS payment, it is then potentially eligible to receive up to 21 consecutive days of TS payments and an extra seven days (for a total of 28 consecutive days) when good cause is established (44-211.524(c)).

NOA M44-211A which is issued with the TS payment, informs the AU that, "If you do not find a permanent place to live by _____, you may be able to get more temporary shelter aid. Come back to this office no later than _____." When an AU receives 7 days worth of TS, then does not return to the CWD until a date later than indicated on the NOA, there is still eligibility to the remaining number of days within the 21 (or 28) consecutive day period. In the example above, 7/10 - 7/21 (or 7/28). In order for the AU to receive a retroactive TS payment, in this case for 7/8 and 7/9, the AU must provide verification to the CWD of shelter expenses incurred for 7/8 and 7/9. If the AU cannot provide verification, then the CWD shall not issue a retroactive TS payment. The CWD must then proceed with the issuance of a TS payment from 7/10. (Note: In this case, do not add an extra 2 days to the original 21 consecutive day period. The consecutive 21-day period does not change once the first TS payment has been issued.)

- 29) If the cost of TS is less than \$30 per day, should the CWD still issue \$30?

Yes. MPP 44-211.525 (a) states that the AU shall receive \$30 per day (more if there are more than 4 AU members) as specified in state law.

- 30) If the TS is issued through a vendor payment, and the vendor has requested \$20 per day, does the AU receive the balance of \$10?

Yes.

PERMANENT HOUSING

- 31) For PH payments, can the CWD issue the AU an amount up to 2 x 80% of MAP, and then at a later date pay the amount of the utility deposit? (Some utility companies do not bill their customers until after the utilities have been hooked up.)

Yes.

- 32) A recipient received TS payments and later moved into an apartment without requesting a PH payment. Two months later, the recipient became homeless and has requested a PH payment. Is the recipient entitled to a PH payment even though the recipient had moved into an apartment after receiving TS?

Yes. The recipient had received TS payments but had not received a PH payment. MPP 44-211.514(c) states that the incident of homelessness ends when the AU receives the payment for PH. There can be a break between the end of the TS payments and the request for PH.

- 33) The AU received 28 days worth of TS payments from 3/1 - 3/28. The AU has found PH and has supplied the CWD with verification on 3/30. The AU will not be able to assume occupancy until 4/5. Should the CWD issue the PH payment on 3/30, even though the AU will not be assuming occupancy before 4/5?

Yes. MPP 44-211.534 states that the CWD has one working day from the time the AU provides evidence of the availability of PH to issue or deny a PH payment.

- 34) Do utility deposits include deposits for telephones?

No. Only turn-on fees for gas, electricity, or water (44-211.533).

- 35) Some landlords require a credit check, which may cost approximately \$20, before they will consider renting to a prospective tenant. If the recipient passes the credit check, then the landlord will consider the recipient's application as a tenant. Can the CWD pay the cost of the credit check?

At the time the landlord requests the fee for the credit check, it is uncertain whether or not the landlord will offer housing to the AU. PH can only cover costs to assume occupancy once it has been determined that the AU will be renting housing. This is a cost which the AU will have to pay. However, if the AU passes the credit check and can assume occupancy, then the CWD can reimburse the recipient for the cost of the credit check as long as it is within the 2 x 80% MAP amount.

- 36) A recipient has found a house to rent for \$800 per month. 80% of MAP = \$602; however, the housing authority is going to pay a \$366 subsidy per month, so the AU's monthly rent will be \$434. Can the CWD approve PH under the circumstances?

Yes. In effect, this is similar to a shared housing situation because a portion of the rent is being paid by someone other than the AU. For subsidized situations, as long as the AU's share is within the 80% of MAP amount (44-211.531), PH can be approved.

- 37) An AU received TS payments and found PH during a weekend. The landlord was unwilling to hold the apartment until Monday when the CWD was open, so the AU borrowed money from a relative in order to move in. The AU requested a PH payment from the CWD on the Monday following the weekend. Should the CWD issue a payment in this situation?

Yes. They are eligible for a PH payment to reimburse the relative. The AU must, however, bring in documentation consisting of a signed statement from the relative regarding the amount, purpose, and repayment plan for the loan, so that the loan amount will not be treated as available income.

OVERPAYMENTS

- 38) When an applicant/recipient receives HA based on fraudulent information, is the HA payment recoverable as an overpayment (o/p)?

Yes. Aid received through fraudulent means is recoverable.

- 39) On 2/1, the AU received 7 days worth of TS money. On 2/4, the AU found PH and requested a payment for PH. Is the TS from 2/4 - 2/7 considered an o/p?

No. An o/p can only result from an aid payment which the AU was not eligible for. Due to their being homeless, the AU was eligible for the TS payment at the time it was issued. Therefore, it should not be treated as an o/p, nor should it be credited against the amount of the PH payment.

- 40) If the CWD makes an error and issues \$45 per day for TS rather than \$30 per day, is the \$15/day recoverable as an o/p?

Yes. The CWD made an administrative error.

- 41) CWD issued \$1,200 for PH based on verification which the recipient presented to the CWD. The recipient moved into a place which was less expensive. Is the excess amount considered an o/p?

Yes. If the CWD determines that the AU moved into a less expensive residence or did not expend the PH payment on PH, the amount not expended on PH should be considered an overpayment. The CWD may request verification of the amount expended for PH (MPP 44-211.514(d)(2)).

STATEMENT OF FACTS - Homeless Assistance

Important Information

- If you have no place to stay, have \$100 or less in resources and are apparently eligible for AFDC, you may get Homeless Assistance. However, you must be seeking permanent housing. While you are looking, you may get money for temporary shelter. If you find someplace to live, you may get money for permanent housing.
- You may get Temporary Shelter (TS) payments for up to 21 days in a row. The first day starts when you get the first TS payment. If you stay somewhere for free during the 21 days, you can't get a TS payment for the free days, but the free days count as part of the 21 days.
- If you don't want this money to count against your Food Stamps, ask that the payment be given directly to a shelter, landlord or others.
- You may be asked to prove that your payment was spent on shelter. If you can't, future payments will go to a shelter, landlord or others.

Instructions: Print all answers in ink. If you need help, ask your worker.

1. Name of Caretaker Relative (first, middle, last)

Social Security Number	Date of Birth	Message Phone
- - - - -	/ /	

2. Explain where you are staying now.

3. Explain why you have no place to stay.

4. Are you seeking permanent housing? YES NO
Explain:

5. Do you get Cash Aid? YES NO
If "YES," in which county:

6. Did you get Homeless Assistance from any county at any time? YES NO
If "YES," complete:
Which county: _____ When: _____

7. Did you or will you get money or other income this month? YES NO
If "YES," complete:
How much: \$ _____ When: _____ From Where: _____

8. List all liquid resources you own (include cash, checks, savings or checking accounts, credit union accounts, etc.). List each item and give its value.

9. Are you a refugee? YES NO
If "YES," did you get Housing Assistance from a voluntary agency/sponsor? YES NO
If "YES," dates covered: From _____ to _____

10. If you are eligible for Homeless Assistance, do you want to have your payment given directly to a shelter, landlord or others? YES NO

COUNTY USE ONLY	
CASE NUMBER	
DATE RECEIVED	
Disposition:	
<input type="checkbox"/> Shelter arranged prior to Temp. Asst.	
<input type="checkbox"/> Temp. Asst. Date:	
<input type="checkbox"/> Permanent HA. Date:	
<input type="checkbox"/> Vendor payment issued.	
<input type="checkbox"/> HA Denied	
Worker:	
Total resource value:	
Date of entry:	
Agency/Sponsor Name:	

CERTIFICATION

I understand there is a limit on how much Homeless Assistance I can get.

I understand I must provide proof of housing if it is requested, and if I cannot, I must have my Homeless Assistance payments sent to a shelter, landlord or others for me.

I understand that providing a Social Security Number (SSN) is required by Section 402(a)(25) of the Social Security Act. The number will be used to check identity, to prevent duplicate participation and to verify my eligibility and benefits.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the information contained on this statement of facts is true and correct.

SIGNATURE OF CARETAKER RELATIVE

DATE

Description of Method Used to Illustrate
Changes to Original Text

In the attached document, existing regulatory language is underlined. Deletions to existing regulatory language are shown by hyphen-strikeout. Revisions made subsequent to public testimony are shown as follows:

Added language - typewritten and double underlined
Deleted language - diagonal strikeout

Adopt MPP Section 40-001 to read:

40-001 IMPLEMENTATION OF NONRECURRING SPECIAL NEEDS

40-001

This regulatory action consisting of repeal of MPP Section 44-211.3, amendment of 40-125.5 and 40-187.2, renumbering of 44-211.4 and adoption of new 44-211.3, 44-211.4, and 44-211.5. SHALL BE EFFECTIVE FEBRUARY 1, 1988, CONTINGENT UPON FEDERAL APPROVAL OF CALIFORNIA'S STATE PLAN AMENDMENT TO REVISE NONRECURRING SPECIAL NEEDS TO PROVIDE FOR HOMELESS ASSISTANCE.

THE IMPLEMENTATION DATE OF THE REGULATIONS SHALL BE THE DATE OF FEDERAL APPROVAL, IF THIS DATE IS LATER THAN FEBRUARY 1, 1988.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Section 11450(f) of the Welfare and Institutions Code.

Amend MPP Section 40-125.5 to read:

.5 Applicant or Recipient Moves After Signing Application or Requesting Restoration (Continued)

.51 For cases in which an application has been signed in the first county, and the applicant requests homeless assistance (see Section 44-211.5) in a second county prior to eligibility being established and/or authorization of aid in the first county, the application process shall be reinitiated in the second county. The second county is responsible for issuing the payment for homeless assistance from the date of the request. The first county shall take denial action of the application signed in the first county.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Section 11450(f) of the Welfare and Institutions Code.

Amend MPP Section 40-187 to read:

40-187 INTERCOUNTY TRANSFERS - GENERAL (Continued)

40-187

.2 Responsibility for Payment of Aid when a Recipient Moves from One County to Another to Make His/Her Home (Continued)

.22 Exceptions to Intercounty Transfer Rule (Continued)

.224 When an AU is applying for requests homeless assistance the second county is responsible for following up with the first county as part of the determination of eligibility for homeless assistance. (Handbook: See Section 44-211.5.)

(a) The second county is responsible from the date of the request for issuing the payment for homeless assistance.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Section 11450(f) of the Welfare and Institutions Code.

Amend MPP Section 44-211 to repeal 44-211.3:

44-211 SPECIAL NEEDS FOR AFDC (Continued)

44-211

43 Nonrecurring Special Needs

431 A recipient FBU is eligible for a nonrecurring special need allowance to repair or replace any of the items listed in 434 below which are owned by the recipient family when loss or damage of these items occurs which in the judgment of the county is due to sudden and unusual circumstances beyond the control of the family. Loss or damage caused by wear and tear, breakdown or obsolescence is not considered due to sudden and unusual circumstances beyond the control of the family. A recipient FBU is also eligible for a nonrecurring special need allowance for verified expenses for housing needs which are caused by sudden and unusual circumstances beyond the control of the family as described in 435 below.

432 The county shall determine the most feasible and economic method of repair or replacement including the provision of used, serviceable items and such method shall be binding upon the recipient. Repair or replacement shall be allowed only when the item is not available to the family without cost from any source or if the recipient is to purchase the item(s) verification of purchase may be required by the county.

433 The costs of any nonrecurring special needs shall be met by first requiring the applicant/recipient to utilize all his available liquid assets. When the amount of a nonrecurring special need can be met only in part by the applicant's/recipient's available liquid assets, the balance shall be allowed as a part of the grant.

Property items that are immediately available as cash or that which can be converted immediately to cash, such as negotiable stocks or bonds, bank accounts, etc., shall be considered available liquid assets. The cash surrender value of insurance, mortgages, trust deeds, the market value of household furnishings and personal effects, automobiles, real property, tools of trade, equipment and materials necessary to implement and continue an approved plan of employment, etc., shall not be considered available liquid assets.

income which was appropriately exempt from consideration in determining the public assistance grant for the current month such as the \$30 and 1/3 exemption for earned income shall be considered a liquid asset provided it is still available. Relocation assistance benefits, educational loans or grants, incentive payments and training allowances received for participation in rehabilitation, training and employment services to the extent these payments do not exceed actual expenses, and other monies received for a specific purpose shall not be considered available liquid assets.

*34 The amount of the allowance for each item to be repaired or replaced shall be determined by the lesser of the actual cost including sales tax or the maximum amount listed below:

*341 Clothing -- \$25 for each person in the Family Budget Unit.

*342 Bedding, dishes, and kitchen utensils -- \$12 for each person in the Family Budget Unit.

*343 Cook stove -- \$142.

*344 Refrigerator -- \$190.

*345 Space heater -- \$73.

*346 Double bed including mattress -- \$143.

*347 Other essential furniture -- \$50.

*35 Housing needs considered to be caused by sudden and unusual circumstances beyond the control of the family shall only include instances in which the housing is destroyed or made uninhabitable or unavailable by a sudden and unusual circumstance or instances in which the family is evicted by a public authority on the grounds of substandard housing and such eviction is due to sudden and unusual circumstances beyond the control of the family.

*36 The allowance shall include:

a. The cost of moving.

b. The cost of electric and gas utilities deposited.

- c. Cleaning and security deposits or charges (including the first and last month's rent) to the extent such deposits or charges cannot be met from the return of cleaning and security deposits or charges from the family's prior residence.
- d. If there is no telephone in the new residence or in the common area of the new residence the installation (connection) cost of the least expensive telephone service available.
- e. Labor and material costs for repairs to housing in which the FBU lives and which a member of the FBU owns.
- f. The cost of interim shelter.

36 The total amount allowed for nonrecurring special needs in addition to liquid assets utilized by the applicant/recipient shall not exceed \$600 for each incident described in Section 44-211.31.

37 The county may pay the nonrecurring special need allowance in multiple payments over a period not to exceed three months. A nonrecurring special need paid in this manner shall not be considered recurring.

Authority Cited: Section 10553 and 10554 of the Welfare and Institutions Code.

Reference: Section 11450(f) of the Welfare and Institutions Code.

Amend Section 44-211 to adopt subsections .3, .4, and .5, and renumber .4 to .6 to read:

44-211 SPECIAL NEEDS FOR AFDC (Continued)

44-211

.3 Nonrecurring Special Need Payments

.31 A payment for a nonrecurring special need shall be granted to an eligible AU when any of the following conditions exist:

.311 Household emergencies resulting from sudden and unusual circumstances beyond the AU's control. (See MPP 44-211.4).

.312 Homelessness when an AU is seeking permanent housing shelter. (See MPP 44-211.5).

(a) Refugee Cash Assistance (RCA) applicants/recipients are not eligible to receive AFDC homeless assistance as provided in MPP 44-211.5.

.32 An AU is ineligible to receive a nonrecurring special need payment if it has over \$100 in nonexempt liquid resources.

.321 The CWD shall evaluate nonexempt liquid resources when an AU requests a nonrecurring special need payment for any of the following:

(a) An emergency resulting from sudden and unusual circumstances beyond the AU's control (see Section 44-211.4);

(b) Once per incident of homelessness, as defined in MPP 44-211.514.

.33 Liquid resources of \$100 or less shall not be considered for purposes of computing the nonrecurring special need payment.

HANDBOOK

See MPP 42-211.2 for definition of liquid resources; see MPP 40-129.21 for exceptions to the MPP 42-211.2 definitions.

.4

Emergencies Resulting from Sudden and Unusual Circumstances
Beyond the AU's Control

.41

An AU is entitled to receive a nonrecurring special need payment to repair or replace clothing or household equipment; to provide assistance for damages to the home; or to pay for interim shelter when the AU's home was destroyed or made uninhabitable or inaccessible. (See MPP 44-211.42, .43 and .44 respectively.)

.411

The loss or damage must have been caused by sudden and unusual circumstances beyond the AU's control.

.412

The CWD shall determine the most feasible and economic method of repair or replacement including the provision of donated or used serviceable items.

.413

The total amount allowed for the payment for household emergencies shall not exceed \$600 for each incident resulting from the circumstances described in MPP 44-211.41 and .411.

(a) The amount of the payment for each item to be repaired or replaced, or to assist with damage to the home, shall be the actual cost, including sales tax, up to a total maximum not to exceed the amount allowed in MPP 44-211.413.

(b) Payment shall not be made to repair or replace clothing, household items or damage to the home occupied by the AU, unless the clothing, household items or home belonged to a member of the AU.

.42

Clothing and Household Equipment

.421

Within the limit specified in MPP 44-211.413, a payment made to replace clothing may not exceed \$25 for each member of the AU.

.422

Items of household equipment which may be repaired or replaced include, but are not limited to the following:

- (a) Bedding, dishes, kitchen utensils - \$12 for each person in the AU
- (b) Cook stove - \$142
- (c) Refrigerator - \$190
- (d) Space heater - \$73
- (e) Double bed including mattress - \$143
- (f) Other essential furniture - \$50

.43

Damage to the AU's Home

.431

Within the limit specified in MPP 44-211.413, a payment may be made for the costs of essential repair or replacement resulting from damage to the AU's home.

.432

The payment shall be allowed for the following costs:

- (a) Moving and/or storage costs necessitated by the damage to the home.
- (b) Labor and material costs for repair of the home in which the AU lives and which a member of the AU owns.

.44

Interim Shelter

.441

An AU may receive a nonrecurring special need payment for the costs of interim shelter when its home has been destroyed, made uninhabitable or inaccessible.

.442

An AU is not eligible to receive a nonrecurring special need payment for the costs of interim shelter if it is eligible to receive the nonrecurring special need payment for homeless assistance described in MPP 44-211.5.

HANDBOOK

- (a) If an AU has received the nonrecurring special need for homeless assistance, and the AU's home is subsequently destroyed, made uninhabitable or inaccessible, the AU may qualify for interim shelter assistance in accordance with MPP 44-211.441.)

.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing and is also available to meet the costs of temporary shelter/ TO THE EXTENT THAT SUCH SHELTER ASSISTS AN AU WHILE SECURING PERMANENT HOUSING while the AU is seeking permanent housing.

HANDBOOK

See MPP 44-211.52 for specifics regarding the payment for temporary shelter assistance; see MPP 44-211.53 for specifics regarding the payment for permanent housing assistance.

.511 An AU is considered homeless when:

- (a) It lacks a fixed and regular nighttime residence; or
- (b) It has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, or
- (c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

.512 An AU is not considered homeless when it is sharing housing, UNLESS THE HOUSING IS BEING SHARED ON AN EMERGENCY BASIS AND IS TEMPORARY.

.513 Although an AU may be considered homeless, in accordance with the definition in MPP 44-211.511, a homeless assistance payment shall not be issued to an AU if the CWD establishes that the AU has shelter at no cost.

.5134 An AU is eligible for the nonrecurring special need payment for homeless assistance for one incident of homelessness in a consecutive twelve-month period. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing.

(a) The AU must complete the Written Statement of Facts for homeless assistance. The Statement of Facts for Homeless Assistance is designed to gather information specific to the elements of eligibility for the nonrecurring special need for homeless assistance.

~~(b)~~ The twelve-month period begins in the month in which the first homeless assistance payment is issued.

~~(c)~~ The incident of homelessness ends when the AU receives the payment for permanent housing.

~~(1)~~ An AU is not eligible for temporary shelter assistance, once it has been granted permanent housing assistance, until the end of the twelve-month period.

(2)(1) An AU is eligible to receive permanent housing assistance regardless of whether or not it has been issued the payment for temporary shelter.

(d) The CWD may request verification of the following:

(1) The AU has incurred a cost for temporary shelter and

(2) The amount expended for permanent housing.

(e) An AU's failure or inability to provide verification constitutes a presumption of mismanagement of AFDC funds (see MPP 44-211.519).

.515 An otherwise eligible AU that has received a homeless assistance payment within the preceding 12 months may be eligible to a new homeless assistance payment under the following conditions:

(a) There is a new caretaker relative who was not living with the AU at the time the original homeless assistance payment was issued, and

(b) The former caretaker relative is not living in the home with the assistance unit.

.516 When homeless assistance has been granted under MPP 44-211.5, the beginning date of aid is the date of the first homeless assistance payment.

.51K7 In intercounty transfer cases, the CWD from which the homeless assistance payment is requested is responsible for following up with the transferring other CWD as part of the homeless assistance eligibility determination.

(a) The CWD from which homeless assistance is requested is responsible from the date of the request for making the homeless assistance eligibility determination and issuing the homeless assistance payment.

.5158 The CWD shall comply with an AU's written request to make direct payments to the AU or to the providers of temporary shelter, permanent housing or utilities unless the conditions in MPP 44-211.519 exist.

(a) The CWD shall determine the most appropriate method of payment to third parties which includes, but is not limited to, direct vendor payments, two-party or restrictive endorsement checks, or voucher payments.

.519

The CWD shall make direct payments to providers of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness when the CWD establishes a finding of mismanagement of AFDC cash assistance.

- (a) Mismanagement exists only when the CWD determines that the homeless assistance payment was not used for shelter (see MPP 44-211.514(e)).

.52 Temporary Shelter

.521

The temporary shelter payment is also available to homeless applicant AUs who are apparently eligible for AFDC.

HANDBOOK

- (a) Apparent eligibility for AFDC exists when evidence and/or the information provided on the application documents indicate that there would be eligibility for AFDC if the evidence and information were verified.
- (1) The potentially eligible AU must agree to cooperate with the CWD in meeting the AFDC procedural requirements specified in MPP 40-129.431(b), unless good cause, as defined in MPP 43-107.4 exists.
- (2) Information from any source may be considered.
- (b) In determining an apparently eligible AU, do not include a person who is:
- (1) An alien applicant who does not provide verification of his/her eligible alien status; or
- (2) A woman with no eligible children who does not provide medical verification of pregnancy; or
- (3) A person who is sanctioned.

.522

An AU is not eligible to receive the temporary shelter payment if it has already been granted permanent housing assistance during the twelve-month period described in MPP 44-211.5184 except:

- (a) An AU may receive temporary shelter assistance, after it has been granted permanent housing assistance, when the AU still needs temporary shelter prior to assuming occupancy of the permanent housing, provided that the temporary shelter 21 (28) consecutive day limit has not expired.

.523

The payment for temporary shelter shall be issued or denied within the same working day in which the AU requests homeless assistance, or no later than the close of business on the next working day when the CWD arranges for shelter in the interim.

- (a) When the CWD arranges for shelter in the interim the temporary shelter may be issued no later than the close of business on the working day following the request.

- (b) The temporary shelter payment, or CWD arranged interim shelter, shall be issued to an otherwise eligible AU on the last CWD working day before a weekend or holiday when it is established that the AU will lack shelter on the weekend or holiday.

.524

The temporary shelter payment shall be paid up to twenty-one consecutive days to eligible homeless AUs.

An AU determined to be homeless may be eligible for up to 21 consecutive days (or 28 days when good cause is established) of temporary shelter assistance, regardless of the CWD's schedule for issuance of payments.

- (a) The AU must request all temporary shelter assistance before the end of the 21 (28) consecutive day limit.

(b) The AU must provide verification of shelter expenditures to receive reimbursement for temporary shelter assistance for expenses incurred within the 21 (28) day period.

(A)(c) The twenty-one consecutive day limit shall be extended an additional seven consecutive days for good cause.

(1) Good cause includes, but is not limited to, the following situations:

(A) The CWD determines that the AU, to the extent it is capable, has made a good faith but unsuccessful effort to find permanent housing within the twenty-one day limit; or

(B) The permanent housing located by the AU will not be available for occupancy within the twenty-one day temporary shelter period.

.525 The amount of the nonrecurring special need payment for temporary shelter shall be specified by the State Department of Social Services pursuant to the Budget Act.

(a) An AU with four or fewer members shall receive a daily amount specified in law. (HANDBOOK: (1) Effective February 1, 1988, the amount is \$30.)

(b) The fifth and each additional member of an AU shall each receive an amount equal to one-fourth of the amount specified in MPP 44-211.525(a).

(1) The total amount available to an AU with five or more members shall not exceed a maximum of two times the amount specified in MPP 44-211.525(a).

HANDBOOK

- (2) Effective February 1, 1988, the amount for the fifth and each additional member of an AU shall be \$7.50 ~~SEE MPP 44-211.523(b)~~.

(c) ~~THE CWD SHALL NOT REQUIRE RECEIPTS OR VERIFICATION OF THE EXPENDITURE OF THE PAYMENT.~~

.526 CWDs may grant the temporary shelter payment in increments ranging from one day's to one week's worth of payment. Within the 21 (28) consecutive day limit, the minimum payment shall cover the period from issuance to the next CWD workday unless MPP 44-211.523(b) applies.

.53 Permanent Housing

The permanent housing payment is available to assist homeless recipient AUs in obtaining permanent housing.

.531 A nonrecurring special need payment for permanent housing assistance shall be made only to AUs presenting evidence that the AU has found permanent housing which does not rent for more than 80% of the AU's MAP, without special needs, for an AU of that size.

(a) If the CWD determines that an AU intends to share housing costs, and the AU's share of the total housing costs does not exceed 80% of its MAP, .531 above shall not apply.

HANDBOOK

Shared housing includes, but is not limited to, the following:

- (1) Two or more AUs residing together;
- (2) SSI/SSP recipient(s) residing with AFDC recipient(s);
- (3) An AU residing with unaided person(s) providing that the AU's share does not exceed 80% of the MAP.

.532

An amount not to exceed two months of an AU's rent, as described in MPP 44-211.531, is available to pay for the reasonable costs of security deposits when the deposits are a condition of securing a permanent residence.

(a) Security deposits include last month's rent and any legal payment, fee, deposit or charge that is required by a landlord as a condition of assuming occupancy.

(b) That portion of the security deposit payment, available for last month's rent shall not exceed 80% of the AU's MAP, without special needs, for an AU of that size.

.533

The payment for permanent housing costs may include the actual costs of utility deposits in addition to the amount allowable for security deposits described in MPP 44-211.532.

(a) The payment shall cover deposits (turn-on-fees) required for gas, electricity and/or water.

(b) The payment shall not include the costs of overdue utility bills.

.534

The CWD has one working day from the time the AU provides the following information to issue or deny a payment for permanent housing assistance:

(a) Evidence of the availability of permanent housing costing not more than 80% of the AU's MAP, and

(b) Information necessary for the CWD to establish eligibility for AFDC.

.5385

If due to an emergency, an AU must move within the twelve-month time limit specified in MPP 44-211.5184, the AU shall be allowed to transfer deposits to meet the security deposits for the new residence.

(a) An emergency cannot result from an intentional act on the AU's part.

(b)

If the CWD determines that the transfer was within the twelve-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.

.#6 Pregnancy Special Needs

.#61 In addition to the basic grant, a pregnancy special need payment shall be authorized for all aided pregnant women, subject to the following conditions:

.#611 A pregnant woman who is not included in an FBO AU with any federally eligible persons shall be entitled to receive the pregnancy special need payment from the date of medical verification of pregnancy through the month of birth.

.#612 A pregnant woman who is included in an FBO AU with any federally eligible persons shall be entitled to receive the pregnancy special need payment beginning with the third month immediately prior to the month of anticipated birth and continuing through the month of birth, but not prior to the date of medical verification of pregnancy.

HANDBOOK

.#62 A pregnancy special need payment is \$70 per month.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Section 11450(f) of the Welfare and Institutions Code.

Amend MPP Section 44-317.15 as follows:

44-317 BEGINNING DATE OF AID (Continued)

44-317

.1 Basic Date of Aid Determination (Continued)

.15 When homeless assistance has been granted in accordance with MPP 44-211.5, the beginning date of aid is the date of the first homeless assistance payment.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Sections 11056 and 11450(F) of the Welfare and Institutions Code.