

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

August 15, 1991

ALL COUNTY LETTER NO. 91- 82

TO: ALL COUNTY WELFARE DIRECTORS

**SUBJECT: HOMELESS ASSISTANCE PROGRAM - TEMPORARY RESTRAINING ORDER IN THE
LANGSTON V. CARLSON COURT CASE**

**REFERENCE: MPP 44-211.514
ACL No. 91-58 and Its Errata**

On August 14, 1991 the Superior Court of Sacramento County issued a temporary restraining order pertaining to ACL No. 91-58 and its errata. This errata contained implementation provisions concerning the new 24 month period of ineligibility following receipt of homeless assistance. The court has not yet decided whether the policy announced in the errata can be enforced. It will make this decision on August 23, 1991 when it hears plaintiffs' motion for a preliminary injunction. In the meantime, effective August 15, 1991, it ordered the Department to instruct counties to hold any request for homeless assistance benefits received from a family which had also received homeless assistance benefits more than 12 months but less than 24 months previously. These requests are to be held without taking any action until the court rules on the injunction. At that time, we will instruct you whether these requests are to be approved or denied. A copy of the court's order is attached.

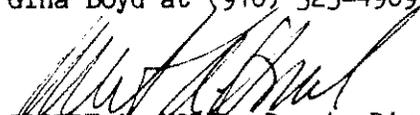
This "temporary hold" only pertains to cases which meet all requirements for homeless assistance except for the 24 month rule. For instance, if a family received homeless assistance in January 1991, a new request for homeless assistance benefits would be denied because the family had received benefits within the last 12 months. However, if the family received homeless assistance in June 1990, a new request for homeless assistance made on or after August 15, 1991 would come under the "temporary hold." In this latter example, the family had received homeless assistance benefits more than 12 months but less than 24 months previously. The "temporary hold" does not apply to any cases denied because of the 24 month rule prior to August 15, 1991.

The counties must give a notice to all cases affected by the temporary restraining order. The following language shall be used in the notice. Counties may add additional information (e.g., a contact person for questions) as necessary.

"IMPORTANT NOTICE"

"We can't grant or deny your request for homeless aid yet because there is a new law. It says you can only get homeless aid once every 24 months. You got homeless aid less than 24 months ago. The new law might apply to you. A court should decide on August 23, 1991. Until then we will hold on to your request. When the court decides, we will grant or deny your homeless aid, and let you know."

If you have any questions about this temporary restraining order, please contact Gina Boyd at (916) 323-4969.



ROBERT A. HOREL, Deputy Director
Welfare Program Division

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MELINDA R. BIRD
ROBERT D. NEWMAN
CLARE PASTORE
Western Center on Law and Poverty, Inc.
3535 West Sixth Street
Los Angeles, California 90020
(213) 487-7211

YOLANDA VERA
Legal Aid Foundation of Los Angeles
1636 West Eighth Street, Suite 313
Los Angeles, California 90017
(213) 389-3581

ROBERT CAPISTRANO
San Francisco Neighborhood Legal Assistance Foundation
49 Powell Street
San Francisco, California 94102
(415) 627-0200

Attorneys for Plaintiffs

(Counsel continued on following page)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

GAIL LANGSTON, DIANE GASKILL,)
HARRIETT ROBINSON, SUE ANNA)
BRUNO, VICKIE PURDOM, JANE)
DOE, on behalf of themselves)
and all others similarly)
situated,)

v.)

LONNIE CARLSON, Acting)
Director, California State)
Department of Social Services,)
STATE OF CALIFORNIA)
DEPARTMENT OF SOCIAL SERVICES)
AND DOES I-IX,)

Respondent.)

ENDORSED

AUG 14 1991

By P. ALLEN, Deputy

CASE NO. 522182

CLASS ACTION

TEMPORARY RESTRAINING
ORDER AND ORDER TO
SHOW CAUSE RE:
PRELIMINARY INJUNCTION

Date: August 23, 1991
Time: 9:00 a.m.
Dept: 27

1 CURTIS CHILD
Legal Services of Northern California
2 515 - 12th Street
Sacramento, California 95814
3 (916) 444-6760

4 ALAN LIEBERMAN
Legal Services of Northern California
5 541 Normal Avenue
Chico, California 95927
6 (916) 345-9491

7 VERONIKA KOT
Legal Aid Society of Alameda County
8 22531 Watkins Street
Hayward, California 94541
9 (415) 444-6717

10 JODIE BERGER
Contra Costa Legal Services Foundation
11 1017 MacDonald Avenue
P.O. Box 2289
12 Richmond, California 94802
(415) 233-9954

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1 TO: DEFENDANT LONNIE CARLSON:

2 Based on the declarations, exhibits and other supporting
3 papers submitted by the parties, and upon the arguments of
4 counsel,

5 YOU ARE HEREBY ORDERED TO SHOW CAUSE AT 9:00 A.M. ON
6 August 23, 1991 or as soon thereafter as counsel may be heard in
7 Department 27 of the above-entitled Court, located at 720 Ninth
8 Street, Sacramento, California 95814, why you, your agents,
9 servants, employees, successors in interest and all those acting
10 in concert with you, should not be restrained and enjoined pending
11 trial of this action from:

12 1. Applying the two year disqualification period in Welf.
13 and Inst. Code § 11450(f)(2)(E), as amended by SB 724, Stats.
14 1991, ch. 97, §6, to the receipt of Aid to Families With Dependent
15 Children ("AFDC") homeless assistance prior to August 1, 1991, so
16 as to deny benefits to otherwise eligible applicants for homeless
17 assistance;

18 2. Implementing any regulation or policy interpretation
19 which would result in the application of the two-year
20 disqualification rule to the receipt of AFDC homeless assistance
21 prior to August 1, 1991.

22 3. Failing to notify and to secure the compliance of each
23 and every county welfare department with the provisions of this
24 order.

25 PENDING THE HEARING on the above order to show cause, you,
26 your agents, servants, employees, successors in interest and all
27 those acting in concert with you, ARE HEREBY TEMPORARILY ENJOINED
28 FROM:

