

REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-0721-02	REGULATORY ACTION NUMBER 2015-10/4-045	EMERGENCY NUMBER
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 30 2015

3:46 PM

For use by Office of Administrative Law (OAL) only

2015 NOV 30 A 10:07
OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Department of Social Services

AGENCY FILE NUMBER (if any)
ORD # 0515-07

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2015, 312	PUBLICATION DATE 7/31/2015

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Drug Felon Eligibility in CalWORKs	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND Sections 40-034, 44-211, 44-303, 44-307, 44-316, 82-832
	REPEAL
TITLE(S) MPP	

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Oliver Chu	TELEPHONE NUMBER (916) 657-3588	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) oliver.chu@dss.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR RESIGNEE 	DATE 11/25/15
TYPED NAME AND TITLE OF SIGNATORY Brian Dougherty, Deputy Director, Administration Division	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 30 2015

Office of Administrative Law

Amend Section 40-034 to read:

**40-034 IMPLEMENTATION OF CALWORKS DRUG AND FLEEING
FELON PROVISIONS**

40-034

- | | | |
|----|--------------------|--|
| .1 | General | (Continued) |
| .2 | Effective Date | (Continued) |
| .3 | Sections Repealed | (Continued) |
| .4 | Sections Adopted | (Continued) |
| .5 | Sections Amended | (Continued) |
| .6 | <u>Repeal Date</u> | <u>The regulatory provisions excluding persons with a prior drug felony conviction from eligibility for CalWORKs are repealed effective April 1, 2015.</u> |

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11251.3 and 11486.5, Welfare and Institutions Code; AB 1542 (Ch. 270, Stats. of 1997) and AB 1468 (Chapter 26, Statutes of 2014).

Amend Section 44-211 to read:

44-211 SPECIAL NEEDS IN CALWORKS

44-211

.1 (Continued)

.5 Homeless Assistance

.51 (Continued)

.53 Permanent Housing (Continued)

.531 (Continued)

.534 Definitions

(a) (Continued)

(b) "Total Monthly Household Income" means income that can be used to determine eligibility for Permanent HA. Counties must count the income of the AU members and of any other persons whose income is currently used in calculating the AU's grant, including but not limited to sanctioned and penalized household members and persons who are excluded by law due to their undocumented non-citizen or ~~drug~~fleeing felon status. (Continued)

.535 (Continued)

.6 (Continued)

Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(f) and (g), Welfare and Institutions Code.

Reference: Sections 11056, 11155.2(a), 11251.3, 11265.1, 11265.2, 11265.3, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), (c), and (f), 11450(f)(2)(A)(i), 11450(f)(2)(B), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii), (iii), (v), and (vi), 11450.5, 11452.018(a), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60; and 42 U.S.C.A., Section 606(b).

Amend Section 44-303 to read:

44-303 AID PAYMENTS - DEFINED

44-303

Aid payments are:

.1 (Continued)

.3 Vendor payments, i.e., payments made directly to a person or agency supplying goods or services to the recipient or family. Vendor payments are applicable:

.31 (Continued)

~~.33~~ In CalWORKs cases in which a member of the AU becomes ineligible for aid due to a felony conviction related to the use or distribution of a controlled substance (see Section 44-307.11); and

.33.34 In CalWORKs cases in which a parent or caretaker relative is in sanction status for at least three consecutive months (see Section 44-307.12). A county shall establish when to begin to issue vouchers or vendor payments or at least rent and utilities after this three-month period in sanction status. This timeframe shall be included in a county's written policies and procedures.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11251.3, 11327.5(d), 11453.2, and 17012.5, Welfare and Institutions Code; Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988 and California Department of Health Services Manual Letter 77-1.

Amend Section 44-307 to read:

44-307 VOUCHER/VENDOR PAYMENTS

44-307

- .1 Voucher/Vendor Payments A county shall issue vouchers or vendor payments for at least rent and utilities payments ~~in the following instances:~~
- ~~.11 Felony Conviction~~ ~~A member of the AU becomes ineligible for aid due to a felony conviction after December 31, 1997, related to the possession, use, or distribution of a controlled substance, or~~
- ~~.12 Sanction~~ ~~A any time a parent or caretaker relative is in sanction status for at least three consecutive months. A county shall establish when to begin to issue vouchers or vendor payments for at least rent and utilities after this three-month period in sanction status. This timeframe shall be included in a county's written policies and procedures. The vouchers or vendor payments shall continue until the parent or caretaker relative is no longer subject to sanction.~~
- .2 Grant not Sufficient (Continued)
- .5 Optional Voucher/Vendor Payments (Continued)
- .51 Other Need Items When vouchers or vendor payments are issued pursuant to Section 44-307.11 ~~or .12~~, counties have the option to issue additional vouchers or vendor payments for other need items if they deem it in the best interest of the recipient child(ren), or
- .52 Over Time Limit (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections ~~11251.3~~, 11320.15, 11327.5(d), 11450.13, 11453.2, 11454, 11454.2, and 17012.5, Welfare and Institutions Code; and Section 1942, Civil Code.

Amend Section 44-316 to read:

**44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND
GRANT DETERMINATIONS AND COUNTY ACTIONS**

44-316

.1 Reserved

.2 (Continued)

(SAR).3 Mid-Period Actions (Continued)

(SAR).31 (Continued)

(SAR).32 Recipient Mid-Period Mandatory Reports (Continued)

(AR/CO) .32 Recipient Mid-Period Mandatory Reports (Continued)

.321 The following occurrences shall be reported by the recipient to the county:

(a) ~~Drug felony convictions~~ Reserved

(b) (Continued)

(AR/CO) (f) (Continued)

.322 The county shall discontinue cash aid to the recipient at the end of the month in which timely and adequate notice can be provided when changes specified in Sections 44-316.321(a), (b), and (c) are reported.

.323 (Continued)

.324 (Continued)

Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code.

Reference: Section 10063, 11251.3, 11265, 11265.1, 11265.2, 11265.3, 11265.45, 11265.47, 11450.5, 11454, and 11454.2, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12 (a)(1)(vii)].

Amend Section 82-832 to read:

82-832 EXCLUDED PERSONS

82-832

.1 Person Who Is Excluded by Law (Continued)

(a) (Continued)

(j) ~~Convicted Drug Felon~~ ~~Has been convicted in a state or federal court of a felony that has as an element, the possession, use or distribution of a controlled substance. The conviction must be after December 31, 1997. Controlled substance is defined in Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)) or Division 10 (commencing with Section 11000) of the Health and Safety Code. The term 'convicted' also includes a plea of guilty or nolo contendere. Reserved~~

(k) (Continued)

Authority cited: Sections 10553, 10554, 10604, 11270, and 11369, Welfare and Institutions Code.

Reference: 8 CFR 213a. and 299; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11253.3, 11263.5, 11265.1, 11265.2, 11265.3, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5, 11450, 11450.5, 11454, 11454.5, 11477, 11477.02, 11486, and 11486.5, Welfare and Institutions Code; and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].