

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

172-1

A payment for a nonrecurring special need shall be granted to an eligible AU when either of the following conditions exists: (1) There is a household emergency resulting from sudden and unusual circumstances beyond the AU's control. (2) Homelessness exists and the AU is seeking permanent housing. An AU is not eligible to this payment if it has over \$100 in nonexempt liquid resources, but liquid resources of \$100 or less shall not be considered for purposes of computing the nonrecurring special need payment. (§44-211.3)

173-1 REVISED 8/04

Under MR/RB, the following applicants are eligible for the pregnancy special need payment from the date of application through the month of birth:

- .631 A pregnant woman, in her third trimester, who has applied for and is eligible to receive CalWORKs.
- .632 A pregnant teen, under 19 years of age without a high school diploma or its equivalent, who is in an eligible AU of one.
- .633 A pregnant woman who is eligible for CalWORKs in an AU with other persons, or an eligible person "who was the caretaker of a person in accordance with Section 82-820.22."

(§44-211.63, as revised effective June 1, 2001 prior to the implementation of QR/PB in the county.

When a pregnant woman is a recipient of CalWORKs in an AU with other eligible recipients, she shall be granted the pregnancy special need from the first of the month in which the county received the medical verification through the month of the child's birth. (§44-211.641, revised effective June 1, 2001 prior to the implementation of QR/PB in the county.)

173-1A

State law provides for a \$47 monthly payment to meet special needs resulting from pregnancy to all pregnant persons qualified for aid. Payments for the first five months of pregnancy are not to be made if the payment is considered income under federal law. (W&IC §11450(c))

"Federal law no longer determines what is income for welfare recipients.

"Effective immediately pregnancy special needs payments will begin after medical verification of the pregnancy is received and continue for the duration of the pregnancy. Regulations will be modified to reflect this change. An otherwise eligible pregnant woman with one or more needy children shall be considered eligible for the \$47 supplemental grant effective the month of verification of pregnancy, up through the month in which birth is anticipated." (All-County Letter

**SHD Paraphrased Regulations - CalWORKs**  
**170 Special-Needs-and-Diversion**

(ACL) No. 00-45, July 13, 2000, effective July 13, 2000 per this ACL; §44-211.641 was amended to reflect this change effective June 1, 2001)

173-1B REVISED 2/16

Beginning January 1, 2013, a pregnant teen age 18 or younger, with no other eligible children in the home, can be eligible for CalWORKs cash aid and \$47 in pregnancy special need (PSN) payments upon verification of pregnancy. This rule applies when the Cal-Learn Program is operative. The Cal-Learn Program was temporarily suspended from July 1, 2011 through June 30, 2012, as a result of SP 1041, and was reinstated July 1, 2012. (W&IC 11450; All County Letter (ACL) No. 14-04, January 14, 2014)

Between September 1, 1996 and January 1, 2013, a pregnant teen under age 19 with no other eligible children in an AU of one, and without a high school diploma or its equivalent, who is otherwise AFDC eligible shall receive a pregnancy special need payment from the date of application through the month of birth. (44-211.632, effective September 1, 1996)

173-1C REVISED 2/16

Effective July 1, 2015, a pregnant woman age 19 or older, with no other eligible children in the home, may be eligible for CalWORKs cash aid and \$47 in pregnancy special need (PSN) payments beginning in the second trimester of pregnancy. The second trimester begins at the six-month period immediately prior to the month of the anticipated birth. Consistent with existing law, eligibility begins after verification of pregnancy is provided. (W&IC 11450; All County Letter (ACL) No. 15-38, April 23, 2015)

Between September 1, 1996 and July 1, 2015, otherwise eligible pregnant-only teens who apply on or after September 1, 1996, who subsequently reach the age of 19 or obtain a high school diploma or its equivalent, and are not in their third trimester of pregnancy are not eligible for CalWORKs (formerly AFDC) or the pregnancy special need payment. (ACL 96-45, August 29, 1996 interpreting §§ 44-209.23 and 44-211.632) Eligibility resumes at the third trimester of pregnancy if the pregnant woman is otherwise eligible for CalWORKs. (All Count Information Notice (ACIN) I-09-97, February 21, 1997)

173-1D ADDED 8/04

REVISED 2/16

Under prospective budgeting, the following applicants are eligible for the pregnancy special need (PSN) payment from the date of application through the end of the quarter in which the child is expected to be born once required verification is provided:

- .631 A pregnant woman, with no eligible children, in her third trimester (or in her second trimester, effective July 1, 2015), who has applied for and is eligible to receive CalWORKs.

**SHD Paraphrased Regulations - CalWORKs**  
**170 Special-Needs-and-Diversion**

- .632 A pregnant teen, under 19 years of age without a high school diploma or its equivalent, who is in an eligible AU of one.
- .633 A pregnant woman who is eligible for CalWORKs in an AU with other persons, or an eligible person "who was the caretaker of a person in accordance with Section 82-820.22."

If the birth of the child is voluntarily reported during the quarter, the PSN payment shall be discontinued at the end of the month prior to the month in which the newborn is added to the AU.

(§ 44-211.63, as revised effective July 1, 2004; All County Letter (ACL) No. 15-38, April 23, 2015)

When a pregnant woman is a recipient of CalWORKs in an AU with other eligible recipients, she shall be granted the PSN payment from the month of the request continuing through the end of the quarter in which the child is expected to be born or the end of the month prior to the newborn being added to the AU once the county has received the required medical verification. (§ 44-211.641, revised effective July 1, 2004)

173-2

A pregnancy special need payment in CalWORKs (formerly AFDC) is \$47 per month. (Handbook §44-211.65)

174-1

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, preventing eviction and meeting the costs of temporary shelter while the AU is seeking permanent housing. (§44-211.51)

174-1A

The county shall only make HA payments if the provider of housing is a commercial establishment, shelter, publicly funded transitional housing, or person in the business of renting properties who has a history of renting properties. (§44-211.526)

174-1B MODIFIED  
12/15

An otherwise eligible AU that has received a homeless assistance payment at any time on behalf of an eligible child shall not be eligible for further homeless assistance payments, except under the following conditions:

**SHD Paraphrased Regulations - CalWORKs**  
**170 Special-Needs-and-Diversion**

- 1) There is a new caretaker relative who was not living with the AU at the time the original homeless assistance payment was issued, the new caretaker has not previously received homeless assistance on behalf of or as part of another AU, and the former caretaker relative is no longer living in the home with the AU.
- 2) Whenever a state or federally declared natural disaster is the direct and primary cause of homelessness.

The following additional exceptions are limited to one period of 16 calendar days of temporary shelter and one permanent payment in 12 months. The recipient is required to verify that these conditions exist:

- 3) Domestic violence by a spouse, partner, roommate, or
- 4) Uninhabitability of the former residence caused by sudden and unusual circumstances beyond the applicant/recipient's control which includes, but is not limited to, fire, natural catastrophe, or condemnation, or
- 5) A medically verified physical or mental illness, excluding alcoholism, drug addiction or psychological stress.

The verification of domestic violence can be made by sworn statement. Should the county have credibility issues with such statement, the county may require additional verification with police or social service records. Physical and mental illness can be verified with medical verification from the appropriate treating physician, state certified nurse, nurse practitioner, physician's assistant, therapist, psychologist, licensed counselor, medical or clinical personnel with access to the patient's records who can verify the diagnosis. Uninhabitability of the residence can be verified by written statements or copies of reports from police departments, fire departments, the Red Cross, health department or any other agencies authorized to verify uninhabitability of the former residence.

(§§44-211.514 and 44-211.514)

174-1C

Any AU applying for HA must be informed that: HA is limited to once-in-a-lifetime; temporary shelter benefits are only available during a 16-consecutive-day period; and, temporary shelter benefits are exhausted at the end of the 16-consecutive-day period, even if payments for all 16 days are not authorized.

An informational notice must be mailed to all CalWORKs (formerly AFDC) recipients by January 1, 1996 or given to those in the HA application process on January 1, 1996.

(All-County Letter No. 95-62, October 30, 1995; §44-211.51)

174-1D

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

It is the interpretation of the CDSS that an AU which receives a permanent housing payment that meets one of the HA exception criteria (e.g., domestic violence) has received its once-in-a-lifetime HA payment. (All-County Letter No. 96-40, August 6, 1996)

174-1E ADDED 9/06

Homelessness criteria are expanded to include families who receive a notice to pay rent or quit. (All-County Letter 06-25, August 1, 2006)

174-1F ADDED 12/08

Welfare and Institutions Code (W&IC) section 11450(f)(2)(E)(iii) allows a family to be eligible for temporary and permanent homeless assistance (HA) under an exception to the once-in-a-lifetime HA rule when homelessness is a direct result of domestic violence (DV) by a spouse, partner, or roommate. Prior to January 1, 2008, under these circumstances, DV was required to be verified by a third-party governmental or private health and human services agency.

The provisions of Assembly Bill 335 permit recipients to verify DV as an exception to the once-in-a-lifetime HA rules with a sworn statement made by the victim, unless the agency documents in the case file, in writing, an independent, reasonable basis to find the recipient not credible. The DV may be verified by a sworn statement for up to two periods of temporary HA payments and two payments of permanent HA. (All County Letter 08-42, October 17, 2008)

174-1G ADDED 10/10

Sworn statement by a victim of past or present domestic abuse shall be sufficient to verify the AU meets a domestic violence exception unless the county documents in writing an independent and reasonable basis to find the applicant or recipient not credible, in accordance with domestic abuse regulations found at MPP Section 42-715.12.

A sworn statement by the victim shall be acceptable verification to meet an exception for up to two periods of temporary and two payments of permanent homeless assistance.

If the county establishes the applicant or recipient is not credible, the county shall obtain third party verification of domestic violence.

(§44-211.543)

174-2

The county shall comply with an AU's written request to make payments to the AU or to the providers of temporary shelter, permanent housing or utilities unless the county has established a finding of mismanagement of AFDC cash assistance. In that case, the county shall make direct payments to the providers. (§§44-211.516 and .517)

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

174-2A

The county shall make direct payments to HA shelter providers for HA payments when the county establishes a finding of mismanagement of AFDC cash assistance. Mismanagement only exists when the county determines the HA was not used for shelter; when the AU fails to provide verification as required under §§44-211.526 and 44-211.532; or when the recipient's homelessness results from the failure to pay rent unless this failure is due to a rent increase in excess of 80% of the MAP for the AU, or reasonable exercise of a tenant's right to withhold rent for cause, or domestic violence. (§44-211.519)

174-3

A temporary shelter payment is available to CalWORKs (formerly AFDC) AUs, and homeless applicant AUs which are apparently eligible for CalWORKs. (§44-211.521)

174-4 REVISED 10/10

The temporary shelter (TS) payment is limited to 16 days to eligible homeless AUs. (§44-211.524) The TS payment increased from \$30 to \$40 per day effective July 22, 1999, for an AU of four or fewer, and from \$7.50 to \$10 per day for each additional person. (All-County Letter No. 99-69, September 21, 1999 implementing W&IC §11450(f)(2))

Effective July 12, 2006, the TS is increased to \$65 per day for families of four or fewer and is increased an additional \$15 per day for each additional family member up to a maximum of \$125 per day.

(All-County Letter 06-25, August 1, 2006; §44-211.525))

174-4A ADDED 3/07

**Question 12:** In a continuing case, whose income do you use in the TMHI to determine eligibility for temporary homeless assistance when a person is being added to the AU?

**Answer:** Determining eligibility for temporary homeless assistance does not require figuring out the TMHI for an AU. TMHI is used for purposes of determining eligibility for permanent Homeless Assistance payments.

(All County Letter 06-58, December 14, 2006 Q and A #12)

174-4B ADDED 3/07

**Question 13:** Do we include the person being added in the AU for purposes of determining the daily rate for temporary homeless assistance?

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

**Answer:** Yes. As long as the person is apparently eligible and will be added to the AU according to QR regulations. The regulations for determining who is entitled to temporary Homeless Assistance were not affected by changes resulting from AB 1808.

(All County Letter 06-58, December 14, 2006 Q and A #13)

174-4C ADDED 3/07

**Question 15:** Do the daily rates for temporary homeless assistance apply to excluded family members, such as Drug Felons, Ineligible Non-Citizens, and/or Timed-Out individuals?

**Answer:** No. The regulations for determining who is entitled to temporary HA were not affected by changes resulting from AB 1808. The daily temporary HA rates only apply to eligible or apparently eligible AU members.

(All County Letter 06-58, December 14, 2006 Q and A #15)

174-5 REVISED 9/06

Homeless AU recipients may obtain a permanent housing payment to obtain, or retain permanent housing. Permanent housing payments are available to help homeless families secure a permanent residence or pay up to two months of rent arrearages to prevent evictions. Each month of rent arrearage payment shall not exceed 80% of the total monthly household income (TMHI). The cost of the permanent housing may not exceed 80% of the AU's Maximum Aid Payment. (§44-211.53 and .531)

The rent threshold for Permanent Homeless Assistance is changed from 80% of MAP to 80% of the total monthly household income. (All County Letter 06-25, August 1, 2006)

174-5A ADDED 3/07

**Question 23:** Please clarify the different types of homeless assistance benefits.

**Answer:** There are two basic types of Homeless Assistance – Temporary and Permanent. The AU can get temporary HA for shelter costs if the AU has no place to stay while they are looking for a permanent place to live. There are also two types of permanent HA. The AU can receive permanent HA to help pay for costs of securing a new permanent residence if they have no fixed or regular nighttime residence. The AU can also get a new type of permanent HA if the landlord has given the AU a pay rent or quit notice. This second type of homeless assistance can be for up to two months of back rent.

(All County Letter 06-58, December 14, 2006, Q and A #23)

174-5B ADDED 10/10

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

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

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 percent of its TMHI, this section 44-211.532 above shall not apply.

Shared housing includes, but is not limited to:

- Two or more assistance units residing together;
- SSI/SSP recipients residing with CalWORKs recipients;
- An assistance unit residing with unaided persons providing that the assistance unit's share does not exceed 80% of TMHI.

- (§44-211.532)

174-5C ADDED 10/10

A nonrecurring special need payment for Permanent Housing Assistance to prevent eviction shall be made to AU's when payment of arrearages will prevent the AU from being evicted.

In order to be eligible for Permanent HA arrearage payments, the AU must also meet all of the following conditions:

- (1) The AU must provide proof of a proposed or pending eviction such as "notice to pay rent or quit" or court eviction papers;
- (2) The AU must provide proof to the CWD that the eviction is a result of financial hardship and not for other lease or rental violations;
- (3) The financial hardship must have been caused by extraordinary circumstances beyond the AU's control;
- (4) The financial hardship resulting in the AU's eviction must also render the AU homeless

(§44-211.533(a))

174-5D ADDED 10/10

It is the county's responsibility to determine what constitutes a "financial hardship resulting from extraordinary circumstances beyond the AU's control" and this determination must be made after a careful assessment of the unique facts presented in each case.

The county shall pay up to two months of an AU's rent arrearage, provided each month's arrearage amount does not exceed 80 percent of the AU's TMHI without special needs.



## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

If the CWD determines that the AU that is being evicted has been sharing housing costs as described in 44-211.532(b), the county shall pay only the eligible AU's share of the rent arrearages.

The CWD must ensure that payment of the Permanent HA arrearages in a shared housing situation will prevent eviction. If making these arrearage payments would not prevent eviction the CWD shall not approve permanent HA arrearage payments.

(§44-211.533(b)-(e))

174-5E ADDED 10/10

An amount not to exceed two months of an AU's rent 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 percent of the AU's TMHI, without special needs, for an AU of that size.

(c) In order for the homeless assistance program to be available to meet the cost of security deposits, the recipient must pay the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.

(d) The recipient shall provide verification within 30 calendar days of having received the permanent housing assistance payment of:

- (1) The amount expended for permanent housing.
- (2) The payment of the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.

(e) Should the recipient fail to provide verification, the county shall make a determination as to whether the payment was used for permanent housing rented from a commercial establishment or a person in the business of renting properties.

- (1) A determination that the payment was not used for permanent housing or not used to pay a commercial establishment or a person in the business of renting properties shall result in a determination that mismanagement of funds exists for any future security deposit or utility payment associated with the same incident of homelessness.

(§44-211.535)

174-6

An AU is considered homeless when it lacks a fixed and regular nighttime residence; or is in a supervised publicly or privately operated shelter designed to provide temporary living

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

accommodations; or is residing in a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings; or it has a need for housing in a commercial establishment, shelter, publicly funded transitional housing, or from a person in the business of renting properties; or it receives a pay rent or quit notice. An AU is not considered homeless when it is sharing housing, unless the housing is being shared on an emergency basis and is temporary. (§§44-211.511 and .512; Merriman v. McMahon, Summary Judgment, July 26, 1989, Alameda County Superior Court)

174-6A ADDED 12/08

Pursuant to MPP Section 44-211.511(b), families living in a publicly or privately operated shelter designed to provide temporary living accommodations, even at no cost, still meet the definition of being homeless. If the family living in the free shelter wishes to live elsewhere while seeking permanent housing, and the new shelter/housing will require payment, since the family is considered to be homeless, and they will incur a cost for housing, the CWD must grant temporary HA, as long as the family is otherwise eligible for HA. However, in accordance with MPP Section 44-211.512, if they wish to continue staying at the free shelter, the county is not obligated to grant and pay temporary HA in order to allow them to continue staying there, because the family is not incurring any costs.

(All County Letter 08-56, answers to question 3, November 5, 2008)

174-6B ADDED 12/08

An AU that is homeless and temporarily living with friends or family at no cost is considered homeless, because they lack a fixed and regular nighttime residence, pursuant to MPP Section 44-211.511(a). Therefore, as long as the AU is otherwise eligible for HA (and CalWORKs) and is seeking permanent housing, they may also be entitled to receive temporary HA benefits to stay in a commercial establishment (as described in 44-211.511.526) if they will incur a cost for staying there

(All County Letter 08-56, answers to question 4, November 5, 2008)

174-7A

An AU is not eligible to receive the temporary shelter payment if it has been granted permanent housing assistance during the 24-month period described in §44-211.513 except when it still needs temporary shelter prior to assuming occupancy of approved permanent housing and the 16-consecutive-day temporary shelter limit has not expired. (§44-211.522)

174-8 REVISED 3/07

Prior to November 16, 2006, RCA applicants/recipients were not eligible to receive CalWORKs (formerly AFDC) homeless assistance payments. (§44-211.312(a) repealed effective November 16, 2006)

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

174-9

In intercounty transfer cases, the county in which the AU resides is responsible for the HA eligibility determination and HA payment from the date of the request. For HA purposes, an AU resides in the county in which the AU is physically located and intends to reside. (§44-211.515, effective January 1, 1997)

174-10

Eligibility for and the amount of payment for HA shall be determined using the MAP amount for the county where the AU resides, as defined in §44-211.515. (§44-211.515(a), effective January 1, 1997)

174-11

An AU which is homeless in a month in which the CalWORKs (formerly AFDC) grant is in suspense is eligible for the full benefit of HA (temporary shelter and permanent housing) when other conditions for HA eligibility are met. (All-County Letter No. 97-09, February 25, 1997; §44-315.8)

174-12

It is the position of the CDSS that when an AU which is receiving housing assistance (e.g., from HUD) requests a special need permanent assistance housing payment, the amount of the security deposit payable to the AU is to be based on the total rent obligation of the AU including any assistance or subsidy, as opposed to the amount of monthly rent the AU will actually pay.

Once initial eligibility for Homeless Assistance (HA) has been determined, there is a two step process to determine the amount of a security deposit payment.

First, under MPP §44-211.531, a permanent housing payment shall be made only when the AU proves that it has found housing where the rent does not exceed 80 percent of the AU's maximum aid payment (MAP). In cases when the AU is in a shared housing situation the AU's share of the rent shall not exceed 80 percent of the AU's MAP.

Second, the county determines the amount of a security deposit that can be paid to the AU as a special need payment. Under MPP §§44-211.531 and .532, an amount not to exceed two months of an AU's rent is available to pay for the reasonable costs of security deposits when the deposits are a condition of securing a permanent residence. In subsidized or shared housing cost situations, the amount that the AU is obligated to pay to secure housing (that is, the total rental cost) shall be used. The portion of the deposit attributed to last month's rent cannot exceed 80 percent of the AU's MAP under MPP §44-211.532.

The following example illustrates the two step process.

Step 1:

An AU of four finds permanent housing that rents for \$800 per month. The AU has obtained a monthly subsidy of \$160. With the subsidy, the family's share of the monthly rent is \$640. The MAP for an AU of four is \$811 and 80 percent of this is \$648. In this example, the family's monthly rent is less than 80 percent of MAP. Therefore, this housing arrangement is acceptable under MPP §44-211.531.

Step 2:

The same AU requests \$1,440 for the security deposit and last month's rent. The \$1,440 requested by the AU is acceptable because it is less than \$1,600, which is twice the monthly rent the AU is obligated to pay (prior to the subsidy). The portion of the deposit attributed to last month's rent cannot exceed \$648, which is 80 percent of the AU's MAP.

(All-County Letter No. 01-43, July 18, 2001)

174-13

Permanent Homeless Assistance is available to pay up to two months of rent arrearages to prevent eviction. Each month of the rent arrearage payment shall not exceed 80 percent of total monthly household income. (All-County Letter 06-25, August 1, 2006)

174-13A ADDED 3/07

**Question 1:** Is payment of Permanent Homeless Assistance (HA) in the form of rent arrearages also considered a once-in-a lifetime (OLT) program?

**Answer:** Yes. Once a client receives either form of permanent HA (payment of rent arrearages to prevent eviction or payment of last month's rent/security deposit for a new residence), a CalWORKs Assistance Unit (AU) will have exhausted their OLT payment, unless they meet one of the exceptions listed at Manual of Policies and Procedures (MPP) Section 44-211.541.

(All County Letter 06-58, December 14, 2006, Q and A #1)

174-13B ADDED 3/07

**Question 2:** Are clients who previously received temporary and/or permanent homeless assistance once before eligible again under this bill to receive permanent homeless assistance?

**Answer:** No. A client who had previously exhausted his/her OLT HA benefits before would not be eligible to receive the permanent HA rent arrearage payments unless they meet an exception.

(All County Letter 06-58, December 14, 2006, Q and A #2)

174-13C ADDED 3/07

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

**Question 6:** In order for an AU to be eligible for permanent HA rent arrearage payments, does the AU need to be seeking permanent housing per MPP Section 44.211.51.

**Answer:** For purposes of eligibility for temporary HA, an AU would be required to be seeking permanent housing. However, in order for an AU to receive Permanent HA rent arrearage payments, the AU would not need to be seeking housing, because the AU already has a residence.

(All County Letter 06-58, December 14, 2006, Q and A #6)

174-13D ADDED 3/07

**Question 16:** Does the change in the definition of homeless only apply to the application for Homeless Assistance rent arrearage payments or for ongoing temporary homeless assistance as well?

**Answer:** Expanding the definition of homelessness to include families who receive a notice to pay rent or quit only applies to families seeking assistance to prevent eviction, and is therefore limited to permanent HA. CWDs will not be required to pay temporary HA to families who have a notice to pay rent or quit, because they do not lack a fixed and regular nighttime residence.

(All County Letter 06-58, December 14, 2006, Q and A #16)

174-13E ADDED 3/07

**Question 18:** What is the timeframe required for issuing rent arrearage payments?

**Answer:** Since the payment of rent arrearages is one form of Permanent HA, the CWD must make the determination of eligibility for rent arrearages within one working day of the AU providing all required verification.

(All County Letter 06-58, December 14, 2006, Q and A #18)

174-13F ADDED 3/07

**Question 19:** How would the county determine a shared housing situation? And would the county compute the rent arrearage payment in situations of shared housing?

**Answer:** Shared housing is defined in MPP Section 44-211.531(b). The county would be responsible for paying only the AU's share of the arrearages, and each month of the AU's arrearage payment cannot exceed 80% of their TMHI. The household will be responsible for providing verification to the county regarding how much their portion of the rent payment is.

(All County Letter 06-58, December 14, 2006, Q and A #19)

174-13G ADDED 3/07

**Question 24:** Can CWDs also pay for utility arrearages, or are the permanent HA rent arrearage payments only allowable for payment of rent arrearages?

**Answer:** HA rent arrearage payments are to be paid for rent only unless utilities are included as part of the rent.

(All County Letter 06-58, December 14, 2006, Q and A #24)

174-13H ADDED 3/07

**Question 25:** Does payment for rent arrearages only cover up to two prior months' rent, or can one of the two months be current? Example: Customer requests homeless assistance on July 12, 2006, based on receipt of a pay or quit notice and has not paid rent for June or July 2006. Rent for July was due on July 1 and was considered overdue or late as of July 10. Can the CWD pay for June and July rent as arrearages?

**Answer:** Yes. If the landlord provides the AU with a pay rent or quit notice and requires payment of one month of arrears and the current month's rent to avoid eviction, the CWD could issue permanent HA to prevent eviction in this case. Once rent for a current month is overdue, it should be considered as an arrearage.

(All County Letter 06-58, December 14, 2006, Q and A #25)

174-13I ADDED 3/07

**Question 33:** If a client uses their permanent HA to pay back rent of two months, are they still eligible to use temporary homeless assistance for a different instance?

**Answer:** A client is only eligible for homeless assistance benefits once-in-a-lifetime, with exceptions. Once they receive permanent HA in the form of rent arrearage payments, the AU will have exhausted their once-in-a-lifetime HA benefits, unless the AU meets an exception as specified at MPP Section 44-211.541. Receipt of Permanent HA would end this AU's incidence of homelessness and they would not be entitled to a temporary HA payment.

(All County Letter 06-58, December 14, 2006, Q and A #33)

174-13J REVISED 10/10

"Income" means income to be counted towards the TMHI includes gross earned and unearned income, including the CalWORKs computed grant, CalWORKs Special Need or SSI payments

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

and SSP payments, An assistance unit's CalFresh benefits do not count as income and are not included in the TMHI.

"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.

(1) When an AU has asked to add a new person to their AU mid-quarter, any income of that person shall be included in the TMHI used to determine eligibility for and amount of Permanent HA, regardless of when the county will be increasing the AU size as a result of adding the new person.

(2) If the AU has reported that an AU member has left the home mid-quarter, and that person's income will no longer be available to help the AU pay rent, that person's income shall not be included as part of the AU's TMHI for Permanent HA.

(3) If an SSI/SSP recipient living in the home contributes toward the monthly rent, the family's total monthly rent amount to which the 80 percent standard is applied shall be reduced by the amount contributed by the SSI/SSP recipient.

(§44-211.533 and .534)

174-14A ADDED 3/07

**Question 4:** What portion of the MFG child's income can be counted in the Total Monthly Household Income (TMHI)? Would you also include the MFG child's child support in the TMHI?

**Answer:** Yes. All income of the AU will be considered in calculating the TMHI, including the MFG child's child support income. Income of AU and non-AU members whose income is required to be used in determining the AU's grant must be considered in the TMHI. Although the MFG child's child support income is exempt for purposes of calculating an AU's grant, it shall be included in the TMHI.

(All County Letter 06-58, December 14, 2006, Q and A #4)

174-14B ADDED 3/07

**Question 5:** Please define extraordinary circumstance, reasonable conditions of preventing eviction, and financial hardship.

**Answer:** Due to the broad and general nature of these terms, the ability to create one definition that would cover all possible circumstances for these terms is not feasible. Counties will be required to make a reasonable assessment of the facts and use discretion to determine if a family's situation meets the standards for these conditions. Below are some examples to help

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

guide counties in their determination of situations that would meet the standards for finding a family eligible for payment of rent arrearages.

When the AU is unable to pay for rent as a result of other necessary expenses they incurred that were beyond their control and for which they are obligated to pay, this would be considered a financial hardship situation that resulted from “extraordinary circumstances beyond the AU’s control.”

Examples of expenses that might place an AU in a financial hardship situation include, but are not limited to:

- High hospital bills not covered by Medi-Cal.
- Car repairs.
- Funeral expenses.
- Cost required traveling to visit an ill or dying relative or to attend a funeral.
- Repair of household appliances not otherwise covered by CalWORKs non-recurring special needs.
- High utility bills resulting from unforeseen circumstances, such as weather extremes.
- Loss of wages due to illness of self or family members.

Situations that might not be considered resulting from extraordinary circumstances beyond the AU’s control include, but are not limited to the following:

- Loss of income due to purchase of non-essential household goods, gambling debts, parties, or vacations.
- Failure to budget appropriately.
- Paying off regular credit card debts.

(All County Letter 06-58, December 14, 2006, Q and A #5)

174-14C ADDED 3/07

**Question 9:** What income does the county consider when determining an AU’s eligibility for Permanent HA?

**Answer:** In determining whose income should be included in the TMHI, counties must count all earned and unearned income of all AU members and of any other persons whose income is currently used in calculating an AU’s grant, including but not limited to sanctioned and penalized household members and persons who are excluded by law for their undocumented non-citizen, drug felon, or timed-out status. In addition, the TMHI also includes the CalWORKs grant amount that the family receives excluding special needs.

(All County Letter 06-58, December 14, 2006, Q and A #9)

174-14D ADDED 3/07



## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

**Question 11A:** How do we handle HA applications when the AU composition is changing when the family applies for HA? For example, in a continuing case, when adding a new person to the AU would result in a decrease to the grant, that person can't be added to the AU until the first of the next quarter. If the AU is applying for permanent HA mid-quarter, and the new person in the home can't be added to the AU until the beginning of the next quarter, would this be considered a shared housing situation between the AU and the family member who can't be added to the AU until next quarter, thus splitting responsibility for rent payment? Or would the CWD count the new person's income in the TMHI for permanent HA purposes?

**Answer 11A:** The determination of TMHI for permanent HA is a separate process from the process of determining an AU's grant amount. The intent of the new law when determining TMHI is to count all of the income of family members, rather than just considering the Maximum Aid Payment (MAP) of AU members. Considering all income available to a family allows the family to potentially secure a larger or more suitable residence that rents at a higher amount than they could secure with 80 percent of MAP. For purposes of determining whose income should be considered in the TMHI, the CWD would only include income of those individuals who are either in the AU or who are otherwise required to be mandatorily included in the AU, but who may be excluded from the AU by law or as a result of a sanction, with the exception of an SSI/SSP individual. In addition, anyone whose income must be used in determining the AU's grant should have their income considered in the TMHI. This would include optional persons, such as step-parents.

The situation described in 11A does not constitute a shared housing situation. In this situation, the CWD must count the income of the new person in the home for purposes of the TMHI if that person will be added to the AU or if that person's income will be used to help calculate the AU's grant.

(All County Letter 06-58, December 14, 2006, Q and A #11A)

174-14E ADDED 3/07

**Question 30:** In determining income to be used as part of the AU's TMHI, do we use income from the AU's most recent Quarterly Reporting (QR) Report Month (used to determine the cash aid for the QR Payment Quarter) or do we also consider current income that may be less than that of the QR Report Month?

**Answer:** The determination of TMHI does not rely on income reported on the QR 7 from prior months or income reported on the QR 7 that was anticipated for the future quarter. The county must use the current amount of income available to the AU that they list on the CW 42 form at the time of application for homeless assistance.

(All County Letter 06-58, December 14, 2006, Q and A #30)

175-1

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

Prior to approving CalWORKs aid, every applicant shall be informed of the availability of lump sum diversion services to resolve the circumstances that led the family to apply for assistance. (W&IC §11265(a), effective January 1, 1998; 82-215.2, effective July 1, 1998)

#### 175-2

Applicants for aid must, at a minimum, be "apparently eligible" for assistance under §40-129.11, before diversion can be offered. (All-County Letter (ACL) No. 97-68, October 29, 1997; §81-215.31, effective July 1, 1998)

Once apparent eligibility is established, the county shall make its determination in its sole discretion. However, the applicant, even if approved for diversion, must be given the opportunity to decline participation and instead pursue the CalWORKs application. (W&IC §§11266.5(b) and (d); §81-215.33, effective July 1, 1998)

#### 175-3

In determining whether to offer diversion, the county in its sole discretion shall consider whether the applicant is likely to be able to avoid the need for extended assistance beyond the diversion period if the family receives the lump sum payment or service. In making this determination the county may consider any of the following:

- .321 The applicant's employment history;
- .322 The likelihood of obtaining full-time employment;
- .323 The general prospect of obtaining full-time employment;
- .324 The need for cash assistance to pay for work-related expenses, for housing, or for substantial and unforeseen expenses;
- .325 Housing stability; and
- .326 The adequacy of child care arrangements, if applicable.

(W&IC §11266.5(b), effective January 1, 1998; §81-215.32, effective July 1, 1998)

#### 175-4

If a diversion recipient applies for CalWORKs within the diversion period and is determined eligible for aid, the diversion payment shall be recovered. The recipient may choose whether to allow the county to recoup from the grant the value of the diversion payment or service within a time period to be determined by the county, and to count no months towards the 60 month limit; or to count the total diversion period against the 60-month time limit (as set forth in W&IC §11454) and not repay the diversion services. (W&IC §11266.5(f); All-County Letter No. 97-68, October 29, 1997; §81-215.51, effective July 1, 1998)

## SHD Paraphrased Regulations - CalWORKs

### 170 Special-Needs-and-Diversion

175-5

If the diversion recipient reapplies for aid after the diversion period has ended, one month shall be counted toward the 60-month maximum time limit for receiving cash assistance, as set forth in W&IC §11454. (W&IC §11266.5(f); All-County Letter No. 97-68, October 29, 1997; §81-215.52, effective July 1, 1998)

175-6

The "diversion period" is the time period represented by the value of the diversion payment/service divided by the appropriate MAP amount for the apparently eligible AU at the time of the diversion payment/service. In the case of noncash services, the county shall determine the fair market value of the services in calculating the diversion period. (All-County Letter No. 97-68, October 29, 1997; §81-215.4, effective July 1, 1998)