

October 29, 2019

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY WELFARE DIRECTORS LETTER

This letter reminds counties of existing CalWORKs regulations and policy when processing applications or documents on behalf of disaster victims and evacuees from the federally designated disaster and/or State declared emergency areas in Sonoma and Los Angeles Counties due to the effects of the Kincadee and Tick fires, and statewide due to extreme fire weather conditions.



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GAVIN NEWSOM
GOVERNOR

October 29, 2019

ALL COUNTY WELFARE DIRECTORS LETTER

TO: ALL COUNTY WELFARE DIRECTORS

FROM: JENNIFER HERNANDEZ, Deputy Director
Family Engagement and Empowerment Division

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CalWORKs): ELIGIBILITY FOR DISASTER VICTIMS AND
EVACUEES AFFECTED BY THE OCTOBER FIRES IN SONOMA
AND LOS ANGELES COUNTIES AND STATEWIDE DUE TO
EXTREME FIRE WEATHER CONDITIONS

The purpose of this letter is to remind counties of existing CalWORKs regulations and policy for processing applications or documents on behalf of disaster victims and evacuees. On October 25, 2019, Governor Newsom issued an [Emergency Proclamation](#) due to the effects of the Kincadee Fire in Sonoma County and the Tick Fire in Los Angeles County. The danger and damage caused by the fires have made it necessary for some families to evacuate their home counties. On October 27, 2019, the Governor proclaimed a [State of Emergency](#) to exist in California due to extreme fire weather conditions throughout the state.

Current recipients of CalWORKs are eligible for several waivers of existing rules, including the once-every-12-month limit for Homeless Assistance [Manual of Policies and Procedures (MPP) Section [44-211.541\(a\)](#)] and Welfare-to-Work requirements.

It is anticipated some evacuees will apply for CalWORKs in disaster counties or counties other than those in which they reside, due to disaster-related relocation. Many evacuees will lack documentation of various items (such as identification, age, social security number, value of property/resources, income, etc.) and may not be able to obtain such verification within standard application processing time periods.

In order to promptly aid displaced families applying for CalWORKs, counties shall employ the following general guidance: If the applicant and county make a good-faith effort to obtain verification of the evacuee's identity, time on aid, and linking and non-linking conditions of CalWORKs eligibility and are unable to contact the evacuee's financial institutions or other necessary entities/institutions, the county shall accept the evacuee's statements signed under penalty of perjury in lieu of such verification.

When an individual or family displaced by fires applies for CalWORKs, counties shall do the following:

- Establish the evacuee was living in a county designated as a federal disaster and/or State-declared emergency zone as a result of the major fires during the period the fires occurred; and
- Ask the evacuee if anyone in their family is currently receiving CalWORKs in that county, or from a disaster county.

Additional Information

Diversion Services

Counties are encouraged to explore CalWORKs Diversion eligibility for fire evacuees. Diversion payments are designed to address a specific crisis or item of need, and may be appropriate for displaced families. Since Diversion payments are short-term, non-recurring benefits, they are not considered Temporary Assistance for Needy Families (TANF) "assistance." As such, evacuees who receive CalWORKs Diversion payments are not subject to federal requirements for individuals receiving TANF assistance including child support assignment and work requirements. However, Diversion payments may impact evacuees' CalWORKs 48-month time limits per MPP Sections [42-302.22](#), [81-215.33](#), and [81-215.5](#).

Treatment of Disaster Relief Payments and Assistance in CalWORKs

CalWORKs regulations exclude federal disaster and emergency assistance and comparable disaster assistance provided by the state, local governments, and disaster assistance organizations from consideration as income, property or resources (MPP Sections [44-111.61\(i\)](#) and [42-213.515](#)). Therefore, Federal Emergency Management Agency (FEMA) relief, American Red Cross relief, and D-CalFresh benefits, if applicable, will not impact evacuees' eligibility for CalWORKs.

Determining CalWORKs Eligibility for Evacuees Not Currently Receiving CalWORKs

Evacuee applicants must meet all conditions of eligibility, including, but not limited to: deprivation, age, residency, immigration status, income, and property limits. However, given evacuee's circumstances, counties should pay special attention to the following regulatory sections:

Homeless Assistance (MPP Section [44-211.5](#))

Many evacuees may be homeless and should be informed of the option to apply for temporary and permanent housing assistance. Applicant families who have already received homeless assistance in the last 12 months are entitled to an exception to the once-every-12-month limit, in accordance with MPP Section [44-211.541\(a\)](#). In addition, counties are strongly encouraged to utilize additional programs like the Housing Support Program (HSP).

Immediate Need Payments (MPP Section [40-129](#))

These families are in an emergency situation and should be evaluated for an immediate need payment. Pursuant to MPP Section 40-129.15, liquid resources are defined as items of value which are immediately available and reasonably convertible to cash in time to meet the emergency situation. Many evacuees will not have been able to convert resources to cash prior to or after evacuation.

Residency (MPP Sections [40-189.1](#), [42-400](#), [42-401](#), [42-403.1](#), and [42-407.1](#))

The written statement of the applicant is acceptable to establish their intention to establish residency in California and in the county of application for the foreseeable future. For example, many evacuees may wish to return to their home counties once it is allowable, safe, and feasible to do so, but are unlikely to know when (or if) that will occur. In these cases, neighboring counties should accept applications, carry the case if approved, and initiate inter-county transfers to the home disaster county if appropriate.

Income (MPP Section [44-101\(a\)\(SAR\)\(AR/CO\)](#))

Reasonably anticipated income is defined as income expected to be available to or received by an applicant/recipient, and available to needy members of the family in meeting their needs during the Semi-Annual Reporting (SAR) or Annual Reporting/Child Only (AR/CO) Payment Period. It is expected that some evacuees, due to the disaster, will no longer have income that can be reasonably anticipated.

Property/Resources (MPP Sections [42-201.1](#), [42-211.2](#), and [42-213.2](#))

MPP Section [42-201.1](#) states that real and personal property shall be considered in determining eligibility for CalWORKs benefits when it is actually available to the applicant. Many evacuees will not be able to access, occupy, or sell their property at the time of application. The county shall take into consideration the applicant's ability and circumstances in meeting the property provisions and shall make a good faith effort to assist the applicant to obtain needed verification or accept a statement signed under penalty of perjury.

Temporary Absence (MPP Section [82-812](#))

Counties are reminded to consult this regulation when determining deprivation and Assistance Unit composition since some families may have been temporarily separated during the evacuation, but anticipate being reunited in the near future. If an evacuee family member expects to reunite with the applicant family within one full calendar month, consider that member to be temporarily absent from their family. CalWORKs evacuee recipients can maintain a home in a county different from the county where they are physically residing if they intend to return to that home within four months (MPP Section [40-189.21](#)).

Welfare-to-Work Participation (MPP Sections [42-712](#) and [42-713](#))

Many families are in a state of crisis and will not be able to participate in Welfare-to-Work (WTW) activities. To ensure these families receive appropriate assistance, counties should make a WTW good cause exemption determination. This could be completed at the eligibility determination so that families are not needlessly required to attend a WTW orientation and appraisal. Because of the devastation caused by the fires, it may be difficult to verify some information for these determinations. Therefore, counties are encouraged to exercise flexibility in this regard. All good cause determinations or WTW exemptions must be made on a case-by-case basis. In addition, counties should determine if an applicant or recipient needs CalWORKs barrier removal services, such as mental health services, HSP or temporary homeless assistance, and counties should provide the services or refer the recipient to these services as expeditiously as possible.

Authorizing and Continuing CalWORKs Benefits

Current CalWORKs recipient cases that request homeless assistance can get an exception to the once-every-12-month limit, in accordance with MPP Section [44-211.541\(a\)](#). The effects of the fires are likely to continue in the coming months, even after the initial crisis subsides. Counties should remain diligent in serving evacuees to the fullest extent possible under the program.

Fire evacuees applying for, or receiving CalWORKs aid shall be informed of their reporting responsibilities under SAR or AR, as appropriate. Since it is anticipated many evacuees will have provided statements under penalty of perjury as verification of various conditions of eligibility, counties shall advise them to make every effort to obtain and provide documentation of factors impacting their eligibility during the payment period, and to seek assistance from the county if they need help in obtaining such documentation.

Flagging Evacuee Cases

Counties are asked to flag these evacuees' CalWORKs cases so that case data can be reported to the CDSS upon request.

We have included a questions and answers attachment to further clarify these instructions. If you have any other questions regarding the contents of this letter, please contact the Early Engagement and Eligibility Bureau at (916) 654-1322.

Thank you for your commitment to providing quality service to needy families during this difficult time.

Attachment

**California Work Opportunity and Responsibility to Kids (CalWORKs)
Eligibility for Evacuees of Devastating Fires
Questions and Answers**

1. Will evacuees have to meet work requirements, and will the months count against their clock?

If evacuees are eligible for CalWORKs cash aid (rather than CalWORKs Diversion), they are subject to work requirements and time limits. However, many evacuee families are in a state of crisis and will not be able to participate in welfare-to-work (WTW) activities. In these cases, counties should make a WTW good cause or exemption determination as appropriate.

2. Do we continue to follow normal regulations in regard to evacuees who are fleeing felons?

Yes. Evacuee applicants for CalWORKs must meet all conditions of eligibility.

3. We are seeing an influx of evacuees and need directions regarding verifications from clients (birth certificates, social security cards, etc.). How do we verify whether they are truly victims or can we just have them sign an affidavit?

If the applicant and county make a good-faith effort to obtain verification of the evacuee's identity, TANF eligibility, time on aid, and linking and non-linking conditions of CalWORKs eligibility, and are unable to make contact with the evacuee's financial institutions or any other entity/institution, the county shall accept the evacuee's statements signed under penalty of perjury in lieu of verification.

4. What do we do with evacuees who have lost their social security cards or do not know their Social Security Numbers (SSNs)?

As a condition of CalWORKs eligibility, applicants/recipients are required to submit SSNs. Individuals who are unable to furnish SSNs must apply to the Social Security Administration (SSA) to get a replacement card and supply verification of their completed application before aid may be authorized MPP Section [40-105.2](#). However, if the applicant has made a good-faith effort to apply but is unable to quickly obtain verification of a completed application, the county shall temporarily accept the evacuee's statements regarding these facts signed under penalty of perjury.

5. Are homeless evacuee families subject to Semi-Annual/Annual Reporting (as appropriate) requirements for CalWORKs?

Yes, all AUs subject to Semi-Annual/Annual Reporting and are expected to file their reports in a timely manner. However, the good cause rules for late filing apply to reports filed late because of the disaster. For semi-annual reports, if the report is filed in the first month after it is due, the county must evaluate good cause for late filing and if good cause is found, the discontinuance for late filing is rescinded [MPP Section [40-125.94\(SAR\)](#)]. If the report is filed after the first month after it is due, the county must evaluate good cause on request of the parent, other caretaker relative, or an authorized representative [MPP Section [40-181.231\(SAR\)](#)].

For annual redetermination, if the report is filed in the first month after it is due, the county must evaluate good cause for late filing upon the recipient's request [MPP Section [40-181.215\(b\)](#)]. If good cause is found, the discontinuance for late filing is rescinded. If the report is filed after the first month after it is due, the county must evaluate good cause upon request of the parent, other caretaker relative, or an authorized representative [MPP Section [40-181.216\(a\)](#)].