

September 11, 2020

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 Fresno, Madera, Mariposa, San Bernardino and San Diego Counties due to the effects of the Creek, El Dorado and Valley Fires.



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**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
GOVERNOR

September 11, 2020

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 SEPTEMBER FIRES IN  
FRESNO, MADERA, MARIPOSA, SAN BERNARDINO AND SAN  
DIEGO COUNTIES

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 September 6, 2020, Governor Newsom issued an [Emergency Proclamation](#) due to the effects of the Creek Fire in Fresno, Madera and Mariposa Counties, the El Dorado Fire in San Bernardino County, and the Valley Fire in San Diego County. The danger and damage caused by the fires have made it necessary for some families to evacuate their home counties.

Current recipients of CalWORKs may be eligible for several exceptions or 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 (WTW) 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 evacuees' 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. Temporary homeless assistance may be granted to apparently eligible applicant families prior to the final determination of eligibility. 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\(a\)](#). When the homelessness is the direct and primary result of a state or federally declared disaster, the county may issue all 16 days of temporary homeless assistance in one lump sum payment. In addition, counties are strongly encouraged to utilize additional programs like the Housing Support Program (HSP) once a family is approved for CalWORKs, or other homeless services that may be available in their communities through the local homeless Continuum of Care.

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

These families are in an emergency 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. 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\(a\)](#). Disaster affected counties must coordinate with disaster response entities to identify and inform current CalWORKs recipients of their eligibility for temporary and permanent housing assistance. 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.

## **Civil Rights**

It is imperative that CWDs continue to uphold civil rights laws and regulations to ensure all individuals, including the most vulnerable populations, have access to important social services programs during emergency situations. As a reminder, individuals who have disabilities, Limited English Proficiency (LEP), are transgender, non-binary, or gender-nonconforming, and/or are experiencing homelessness are often the most impacted in emergency situations. These populations may continue to face mounting challenges after a disaster or emergency has passed and the state or affected region has entered a recovery phase.

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.

**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\(a\)](#)].