

July 26, 2022

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 area of Mariposa County due to the Oak Fire.



CDSS

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DIRECTOR

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GAVIN NEWSOM
GOVERNOR

July 26, 2022

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 OAK FIRE IN MARIPOSA
COUNTY

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 July 25, 2022, Governor Newsom issued an Emergency Proclamation for Mariposa County due to the effects of the Oak Fire. The danger and damage caused by the fire 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 nonrecurring special needs payments ([Manual of Policies and Procedures \(MPP\) Section 44-211.4](#)), the once-every-12-month limit for Homeless Assistance ([MPP Section 44-211.541\(a\)](#)) and Welfare-to-Work (WTW) requirements.

It is anticipated that 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.

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.

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

CalWORKs Nonrecurring Special Needs Payments ([MPP Section 44-211.4](#))

CalWORKs recipients may be eligible for nonrecurring special needs payments due to emergencies resulting from sudden and unusual circumstances beyond the AU's control, such as damage to or loss of shelter or belongings as the result of the wildfires. Funds may be used to repair or replace clothing or household equipment, to provide assistance for damages to the home, or to pay for interim shelter when the AU's home was destroyed or made uninhabitable or inaccessible. The total amount allowed for the payment of household emergencies shall not exceed \$600 for each individual incident. An AU is ineligible for a nonrecurring special need payment if it has over \$100 in nonexempt liquid resources, with the exception of funds deposited in a restricted account pursuant to [MPP Section 42-213.231](#).

Treatment of Disaster Relief Payments and Assistance in CalWORKs ([MPP Section 44-111.61\(i\)](#) and [MPP Section 42-213.515](#))

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. 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:

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 Section 42-302.22](#), [MPP Section 81-215.33](#), and [MPP Section 81-215.5](#).

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 Section 40-189.1](#), [MPP Section 42-400](#), [MPP Section 42-401](#), [MPP Section 42-403.1](#), [MPP Section 42-407.1](#), [MPP Section 42-407.242](#))

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.

Furthermore, receipt of an aid payment at an address outside of California for two consecutive months or longer shall not be apparent evidence of the applicant's or recipient's intent to have changed their place of residence to outside of California where their return to California was prevented by displacement due to a state or federal declared disaster or emergency.

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 Section 42-201.1](#), [MPP Section 42-211.2](#), and [MPP Section 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 Section 42-712](#) and [MPP Section 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 required to complete determinations. Therefore, counties are encouraged to exercise maximum 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.

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.

If you have any other questions regarding the contents of this letter, please contact the Early Engagement and Eligibility Bureau at CWEligibilityPolicy@dss.ca.gov.

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