

August 1, 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 State declared emergency area of Siskiyou County due to the McKinney, China 2 and Evans Fires.



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DIRECTOR

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GAVIN NEWSOM
GOVERNOR

August 1, 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 MCKINNEY, CHINA 2 AND
EVANS FIRES IN SISKIYOU COUNTY

The purpose of this letter is to remind counties of existing CalWORKs regulations and policy for processing applications, providing support to, and utilizing program flexibilities for applicants and recipients who are victims and evacuees of state and/or federally declared disasters. On July 30, 2022, Governor Newsom issued an [Emergency Proclamation](#) for Siskiyou County due to the effects of the McKinney, China 2 and Evans Fires. The danger and damage caused by the fires have made it necessary for some families to evacuate their home counties.

Additionally, 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](#)), an exception to the once-every-12-month limit for Homeless Assistance ([MPP Sections 44-211.541\(a\) and \(b\)\(2\)](#)), and Welfare-to-Work (WTW) requirements ([MPP Section 42-711](#)). Counties are also reminded that recipients may be eligible for housing supports and services through the CalWORKs Housing Support Program ([Welfare & Institutions Code \(WIC\) Sections 11330 and 11330.5](#))

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 for CalWORKs eligibility and grant calculations: If the evidence does not exist, or 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. ([MPP Sections 40-115.22, 40-126.33](#) and [40-126.34](#)).

Counties are reminded of the additional flexibilities enacted in response to the COVID-19 pandemic related to pregnancy verification, in-person photo identification requirements, and signature requirements in accordance with [All County Letter 21-134](#). To the greatest extent possible, counties should comply with these rules when responding to this emergency and should not consider all eligibility rules to be waivable under the general allowance described above. These existing flexibilities should allow for effective response to disasters going forward.

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 from third parties.

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 who are apparently eligible but do not want ongoing CalWORKs assistance. As such, counties are reminded that Diversion payments may impact evacuees' CalWORKs 60-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. Immediate need payments are available to families facing an emergency situation and who are "apparently eligible" for CalWORKs based on the information provided in their Statement of Facts. Emergency situations may include factors such as a lack of housing, food, or transportation. Applicants seeking an immediate need payment must also not have liquid resources of a value that could be converted to cash in time to meet the immediate need. 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 or provide verifications required for determinations. To ensure these families receive appropriate assistance, counties are encouraged to exercise maximum flexibility in making WTW good cause exemption determinations and should evaluate if the family is eligible for other WTW participation exemptions. This could be completed at the eligibility determination so that families are not needlessly required to attend a WTW orientation and appraisal. All determinations for good cause exemptions

and other WTW participation 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 and temporary housing assistance. If so, 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.