

February 3, 2023

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 statewide declaration of emergency due to the winter storms.



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GAVIN NEWSOM
GOVERNOR

February 3, 2023

ALL COUNTY WELFARE DIRECTORS LETTER

TO: ALL COUNTY WELFARE DIRECTORS

FROM: JENNIFER TROIA, CHIEF 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 WINTER STORMS IN
CALIFORNIA

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 January 4, 2023, Governor Newsom issued a statewide [Emergency Proclamation](#) due to the effects of the winter storms. The danger and damage caused by the winter storms 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](#)), 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 that were first enacted in response to the COVID-19 pandemic related to pregnancy verification, in-person photo identification requirements, and signature requirements which were made permanent through statute and are described in [All County Letter 21-134](#). While counties should not consider all eligibility rules to be waivable under the general allowance for verification through statements signed under penalty of perjury described above, these existing policies that relaxed the rules for verifying pregnancy, photo identification, and signatures should allow for effective response to disasters going forward. Any families receiving ongoing CalWORKs assistance beyond an emergency should comply with regular verification rules as soon as practicable.

Disaster evacuees applying for or receiving CalWORKs aid shall be informed of their reporting responsibilities under SAR or AR, as appropriate. Since it is anticipated that 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 a disaster applies for CalWORKs, counties shall do the following:

- Establish that the evacuee was living in a county designated as a federal disaster and/or State-declared emergency zone as a result of the disaster during the period that the disaster 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 winter storms. 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. With the exception of CalWORKs Homeless Assistance ([ACL 21-121](#)), 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](#). As outlined in [ACL 21-121](#), [Senate Bill 1065](#) removed the liquid resource limit for CalWORKs Homeless Assistance.

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 disaster evacuees, as appropriate. 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](#))

Families who are in an emergency 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 impacted 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.

CalWORKs Homeless Assistance and Housing Support Programs

CalWORKs Homeless Assistance

Timely Access to and Issuance of CalWORKs HA benefits. The CDSS reminds counties that despite any changes in county office practices or hours of operation, families must maintain the ability to apply for HA benefits during normal business hours and receive those benefits timely. Please see pages 8-9 of [ACWDL dated March 13, 2020](#) and [ACIN I-17-08](#) for guidance regarding what procedures CWDs must follow to ensure that families can apply for benefits, including HA, when county offices are closed during regular business hours. The timeframe to issue HA benefits must also still be met, as required by law. The payment for temporary HA shall be approved and issued or denied within the same working day in which the Assistance Unit (AU) requests HA (MPP section 44-211.523). This means that the family requesting temporary HA must have these benefits issued and available to them on the same day their application is approved. For permanent HA, the county has one working day to issue or deny payment from the time the recipient provides the information, as specified in MPP section 44-211.537.

Administrative Flexibilities for Issuing HA Benefits. The CDSS reminds counties of the following administrative flexibilities for issuing HA benefits, none of which are time limited:

1. Families may receive their HA benefits in one lump sum payment of 16 days any time a family's homelessness is a direct and primary result of a state or federally declared disaster pursuant to WIC section 11450(f)(3)(A)(v) and [ACL 21-121](#). Counties are strongly encouraged to issue all 16 days of HA benefits at once to families whose homelessness is a direct and primary result of winter storms.
2. Counties may accept sworn statements from clients as verification that HA benefits were appropriately spent, or counties may grant good cause for not providing paper verifications, such as motel receipts or daily permanent housing
3. searches. Counties are strongly encouraged to accept sworn statements as a valid form of verification given that these families are in an emergency.
4. As a reminder, HA applications are not required to be made in person or to include a face-to-face interview. Counties always have the discretion to complete the CW 42 on behalf of the family and electronic signatures on the CW 42 are always an allowable option. Moreover, effective July 1, 2021, AB 135 (Chapter 85, Statutes of 2021) allows for the acceptance of oral attestation for CalWORKs applications, including HA. An applicant may complete an affirmation by means of oral attestation in lieu of a written declaration if the applicant is unable to provide a physical signature or the county human services agency is unable to accept an electronic signature. HA benefits are further exempt from the requirement to submit a physical signature within 30 working days following oral attestation for benefits to continue. (WIC section 11054(b)).

CalWORKs Housing Support Program

The [WIC section 11330.5\(c\)\(2\)](#) specifies that CalWORKs Housing Support Program (HSP) funds can be used on a range of financial and supportive services, including case management, outreach and engagement, rental assistance, and landlord recruitment. Resources and supports for program participants may include, but are not limited to: providing interim housing options consistent with interim guidance for homeless assistance providers; helping participants navigate systems of care and resources needed to remain stably housed; providing rental assistance, or incentives and payments in the form of goods to landlords participating in the CalWORKs HSP program to move families into or maintain permanent housing; and supplies necessary to ensure participants' homes remain habitable. For example, counties administering CalWORKs HSP can provide landlord mediation and discussions of tenant rights to avoid evictions or housing displacement for families impacted by reduced employment earnings, school or child care closures, or experiencing any other impact to their financial stability and ability to maintain housing.

As a reminder, supporting interim housing solutions, including motels and hotels for eligible recipients, can be critical to family stabilization and safety as families seek alternative options to shelters or other congregate spaces during this time. CDSS

strongly encourages counties to seek out safe interim housing options for CalWORKs families experiencing and at risk of homelessness. Further, counties are reminded that state guidance does not limit the number of days a family participating in CalWORKs HSP can access hotels or motels; counties are strongly encouraged to expand or provide greater flexibilities in county policies related to motel and hotel stays in response to extreme weather.

Counties are required to coordinate with their homelessness response system, including participation in the local homelessness Continuum of Care (CoC) and Coordinated Entry System (CES), and are strongly encouraged to collaborate with partners, such as local child welfare, behavioral health and emergency response systems, local Medi-Cal managed care plans, Public Housing Authorities (PHAs), educational and family resource networks, domestic violence agencies, legal aid organizations, and other relevant networks to connect participants to additional resources and supportive services.

HSP clients may meet eligibility criteria for additional assistance through other public benefit programs. Families should be provided warm-hand offs if and when a referral is needed. CDSS will continue to provide updates to guidance as available.

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), who are transgender, non-binary, or gender-nonconforming, and/or who 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.

Office Closures (General and During Disasters)

CWDs are required to notify CDSS whenever offices will be closed outside of normal business days. Normal business days are defined as Monday through Friday, excluding holidays. CWDs must inform CDSS of the locations, days and times the of the closures and how they intend to ensure needy families and individuals can get assistance with emergency benefits during office closures (field calls, process immediate need requests, homeless assistance etc.).

During a declared disaster, the Governor's Office of Emergency Services (OES) is the primary agency that will coordinate with state, county and local agencies to ensure the health, safety and needs of those affected by the disaster are met. CDSS asks that CWDs that must close due to a disaster report office closures to CDSS as soon as it is safe to do so.

All closures, regardless of the reason affecting the CalWORKs program should be reported to the CalWORKs policy mailbox referenced below or by calling the county's assigned CalWORKs analyst if there is no access to email during a disaster.

For questions concerning CDSS Housing and Homelessness Programs, please contact the Housing and Homelessness Division at housing@dss.ca.gov. For any other questions regarding the contents of this letter, please contact the CalWORKs Early Engagement and Eligibility Bureau at CWEligibilityPolicy@dss.ca.gov.

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