

October 10, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY WELFARE DIRECTORS LETTER

This annual letter reminds counties of existing CalWORKs policies for processing applications, utilizing program flexibilities, and providing support to applicants and recipients who are victims and evacuees of state and/or federally declared disasters.



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GAVIN NEWSOM
GOVERNOR

October 10, 2023

ALL COUNTY WELFARE DIRECTORS LETTER

TO: ALL COUNTY WELFARE DIRECTORS

FROM: ALEXIS FERNÁNDEZ GARCIA, DEPUTY DIRECTOR
FAMILY ENGAGEMENT AND EMPOWERMENT DIVISION

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CALWORKS): ELIGIBILITY FOR DISASTER VICTIMS AND
EVACUEES AFFECTED BY A STATE OR FEDERALLY
DECLARED EMERGENCY

REFERENCE: [WELFARE & INSTITUTIONS CODE \(WIC\) SECTIONS 11330, 11330.5 AND 11330.5\(C\)\(2\); ALL COUNTY LETTER \(ACL\) 21-134; ACL 21-121, ALL COUNTY INFORMATION NOTICE \(ACIN\) I-17-08; ALL COUNTY WELFARE DIRECTORS LETTER DATED MARCH 13, 2020; MANUAL AND POLICIES AND PROCEDURES \(MPP\) SECTIONS 40-115.22, 40-126.33, 40-126.34, 40-129, 40-189.1, 42-201.1, 42-211.2, 42-213.231, 42-213.515, 42-302.22, 42-400, 42-401, 42-403.1, 42-407.1, 42-711, 42-712, 42-713, 44-101, 44-211.4, 44-211.523, 44-211.53, 44-211.541, 81-215.33, 81-215.5 AND 82-812](#)

This letter reminds counties of existing CalWORKs policies for processing applications, utilizing program flexibilities, and providing support to applicants and recipients who are victims and evacuees of a state and/or federally declared disaster. While counties must not consider all eligibility rules to be waivable, existing program flexibilities support effective disaster response for applicants and recipients.

Current recipients of CalWORKs impacted by a state and/or federally declared disaster 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 (HA) ([MPP Sections 44-211.541\(a\) and \(b\)\(2\)](#)), and Welfare-to-Work (WTW) requirements ([MPP Section 42-711](#)). Counties are also reminded that current recipients may be eligible for housing supports and services through the CalWORKs Housing

Support Program (HSP) ([Welfare & Institutions Code \(WIC\) Sections 11330 and 11330.5](#)).

New CalWORKs applicants impacted by a state and/or federally declared disaster may require the application of existing program flexibilities, including those related to verification requirements, to ensure access to benefits and services.

Due to disaster related relocation, it is anticipated that some evacuees will apply for CalWORKs outside of their home county. Evacuees may lack the documentation needed to verify eligibility and determine their grant amount (i.e., identification, age, social security number, value of property/resources, income, etc.) and may not be able to obtain such documentation within standard application processing time periods.

If 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 necessary entities/institutions, the county must accept the evacuee's statement signed under penalty of perjury in lieu of verification ([MPP Sections 40-115.22, 40-126.33 and 40-126.34](#)). Additionally, counties are reminded of existing flexibilities related to pregnancy verification, in-person photo identification requirements, and signature requirements as outlined in [ACL 21-134](#).

Families receiving ongoing CalWORKs assistance through the recovery period, must comply with regular verification rules as soon as practicable. Counties must advise families 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 assistance doing so.

When an individual or family displaced by an emergency situation applies for aid, counties must do the following:

- Establish that the evacuee was living in a county designated as a state and/or federally declared emergency zone because 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 another county designated as a state and/or federally declared emergency zone.

This information will prove essential to applying policies for processing applications, utilizing program flexibilities, and providing support to applicants and recipients who are victims and evacuees of an emergency situation.

FLAGGING EVACUEE CASES

Counties must flag evacuees' CalWORKs cases in CalSAWS so that case data can be reported to CDSS upon request.

POLICY REMINDERS

Evacuee applicants and recipients 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:

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

Recipients may be eligible for nonrecurring special needs payments due to emergencies resulting from sudden and unusual circumstances beyond the control of the family receiving assistance, such as damage to or loss of shelter or belongings as a result of the disaster. Funds may be used to repair or replace clothing or household equipment, repair damage to the home, or to pay for interim shelter when a family's home is destroyed, is uninhabitable, or inaccessible. The total amount paid for household emergencies must not exceed \$600 for each incident.

With the exception of CalWORKs HA ([ACL 21-121](#)), a family receiving assistance is ineligible for a nonrecurring special needs 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 HA.

Diversion Services ([MPP Sections 42-302.22](#), [81-215.33](#), and [81-215.5](#))

Diversion payments 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. Counties are reminded that Diversion payments may impact 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](#))

Immediate need payments support families facing an emergency who are apparently eligible. Emergencies include, but are not limited to, a lack of housing, food, or transportation. Applicants seeking an immediate need payment must not have liquid resources of a value that could be converted to cash in time to meet the immediate need, per [MPP Section 40-129.15](#). Many applicants may not be able to convert resources to cash prior to, or after evacuation.

Residency ([MPP Sections 40-189](#), [42-400](#), [42-401](#), [42-403.1](#), [42-407.1](#), and [42-407.242](#))

An applicant's written statement is acceptable to establish their intent to become a California resident in the county of application for the foreseeable future. While evacuees may wish to return to their home counties once it is allowable, safe, and feasible to do so, they may be unlikely to know when (or if) that will occur. In these

cases, neighboring counties must accept the application, carry the case if approved, and initiate an inter-county transfer to the original or final county of residence as needed.

Receipt of an aid payment at an address outside of California for two consecutive months or longer must not be considered evidence of the recipient's intent to move out of state if their return to California is prevented by displacement due to an emergency situation.

Income ([MPP Section 44-101\(a\)](#))

Reasonably anticipated income is defined as income expected to be available to or received by an applicant/recipient, and available to members of the family during the Semi-Annual Reporting or Annual Reporting/Child Only (AR/CO) Payment Period. It is expected that some applicants/recipients, due to the emergency situation, may no longer have reasonably anticipated income.

Treatment of Disaster Relief Payments and Assistance in CalWORKs ([MPP Sections 44-111.61\(i\)](#) and [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 relief, American Red Cross relief, and Disaster CalFresh, if applicable, will not impact eligibility for CalWORKs.

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 must be considered in determining eligibility for CalWORKs benefits when it is available to the applicant. Many applicants will not be able to access, occupy, or sell their property at the time of application. The county must take into consideration the applicant's ability and circumstances in meeting the property provisions and must 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 composition of the assistance unit 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, the county must consider that individual to be temporarily absent. 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](#))

Impacted families are in a state of crisis and may not be able to participate in WTW activities or provide the verifications required to determine an exemption. To ensure families receive appropriate assistance, counties are encouraged to exercise maximum flexibility in determining good cause and should evaluate if the family is eligible for other WTW participation exemptions. This should 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 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 applicant/recipient to these services as expeditiously as possible.

CALWORKS HOMLESS ASSISTANCE AND HOUSING SUPPORT PROGRAM

CalWORKs Homeless Assistance ([MPP Sections 44-211.523](#) and [44-211.53](#))

Timely Access to and Issuance of CalWORKs HA benefits

Despite any changes to 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. The timeframe to issue HA benefits must be met, as required by law. The payment for temporary HA must be approved and issued or denied within the same working day in which the family 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](#). Please see pages 8-9 of [ACWDL dated March 13, 2020](#) and [ACIN I-17-08](#) for guidance regarding what procedures counties must follow to ensure that families can apply for benefits, including HA, when county offices are closed during regular business hours.

Administrative Flexibilities for Issuing HA Benefits

Counties are reminded of the following administrative flexibilities for issuing HA benefits, none of which are time-limited:

1. Families may receive their HA in one lump sum totaling 16 days of benefits 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 impacted families.
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 searches. Counties are strongly encouraged to accept sworn statements as a valid form of verification given that these families are experiencing an emergency.

3. 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 Statement of Facts – Homeless Assistance (CW 42) on behalf of the family and electronic signatures on the CW 42 are always an allowable option. Moreover, effective July 1, 2021, Assembly Bill 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 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

[WIC section 11330.5\(c\)\(2\)](#) specifies that CalWORKs HSP funds can be used for 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 HA 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. 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 the emergency situation.

Counties are required to coordinate with their homelessness response system, including participation in the local homelessness Continuum of Care and Coordinated Entry System, 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, 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.

CIVIL RIGHTS

It is imperative that counties 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, who are transgender, non-binary, or gender-nonconforming, and/or who are experiencing homelessness are often disproportionately impacted in emergency situations. These populations may continue to face mounting challenges after an emergency situation has passed and the state or affected region has entered a recovery phase.

OFFICE CLOSURES (GENERAL AND DURING DISASTERS)

Counties are required to notify CDSS whenever offices will be closed during normal days and hours of operation. Normal business days are defined as Monday through Friday, excluding holidays. Counties must inform CDSS of the location(s), days, and hours of the closures and how they intend to ensure needy families and individuals can get assistance with emergency benefits (e.g., how will counties accept phone calls, process immediate need requests, accept application for and issue HA benefits, etc.).

All closures, must be reported to the CalWORKs policy mailbox at CWEligibilityPolicy@dss.ca.gov or via phone call to the county's assigned CalWORKs analyst if there is no access to email during an emergency situation.

During a declared disaster, the Governor's Office of Emergency Services 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.

CONTACT INFORMATION

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.