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## HURRICANES HARVEY AND IRMA INFORMATION

September 18, 2017

ALL COUNTY WELFARE DIRECTORS LETTER

TO: ALL COUNTY WELFARE DIRECTORS

FROM: TODD BLAND, Deputy Director  
Family Engagement and Empowerment Division

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO  
KIDS (CalWORKs) ELIGIBILITY FOR EVACUEES OF  
HURRICANES HARVEY AND IRMA

REFERENCE: [ALL COUNTY WELFARE DIRECTORS LETTER \(ACWDL\) DATED SEPTEMBER 7, 2017, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES \(TANF\)-POLICY INSTRUCTIONS \(PIS\)-2005-06 ISSUED OCTOBER 11, 2005 AND 2007-08 ISSUED NOVEMBER 28, 2007, MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTIONS 40-109, 40-129.15, 42-201.1, 42-712, 42-713, 44-101\(a\), 44-211.5, 63-501 AND 82-812, WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 11450 \(f\)\(3\)\(E\)\(ii\), 42 USC 5515\(d\), 8 USC 1642, 44 CFR 206.110\(f\), 45 CFR 205.56\(a\)\(1\), SOCIAL SECURITY ACT SECTIONS 1137\(a\), 1137\(b\), 1137\(c\), 1137\(d\), 1137\(d\)\(1\)\(A\), 1137\(d\)\(2\)\(B\), 1137\(d\)\(4\)\(A\), 1137\(d\)\(4\)\(A\)\(i\), SAENZ v ROE 526 U.S. 489 \(1999\)](#)

The purpose of this letter is to provide County Welfare Departments (CWDs) with guidance on processing CalWORKs applications submitted by evacuees from Hurricanes Harvey and Irma. Due to the conditions and mandatory evacuations throughout Southern Texas, Florida and the U.S. Virgin Islands evacuees have begun to arrive in counties across California. The damage caused by Hurricanes Harvey and

Irma has made it necessary for people to be evacuated from the declared disaster areas. The evacuees must be treated expeditiously if they request benefits in California. The goal is to help them integrate as quickly as possible into local communities, preferably with family, relatives or friends if possible.

Due to the circumstances of evacuees' departures and the devastation that occurred in their home states, it is anticipated many evacuees will lack documentation of various items (such as identification, age, Social Security Number, value of property/resources and income) and may not be able to obtain such verification within standard application processing time periods. The streamlined or abbreviated eligibility determination and verification processes addressed herein are triggered by the Federal or State disaster declaration.

In order to promptly aid displaced families applying for CalWORKs, counties shall employ the following guidance: If the applicant and county make good-faith effort to obtain verification of the evacuee's identity, Temporary Assistance for Needy Families (TANF) eligibility, time on aid, and linking and non-linking conditions of CalWORKs eligibility, and are unable to make contact with the evacuee's home state, financial institutions, or other entity/institute, CWDs are to follow the guidance contained in this letter using the streamline application and verification processes.

### **Diversions Services**

Based on federal guidance, counties are encouraged to explore CalWORKs Diversion eligibility for Harvey and Irma evacuees. Diversion payments are designed to deal with a specific crisis situation 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). As such, Harvey and Irma evacuees who receive CalWORKs Diversion payments are not subject to federal requirements for individuals receiving TANF assistance, including child support assignment, 48-month time limits, and work requirements.

Policies governing eligibility with respect to property shall be administered with consideration to the ability and circumstances of the person to ensure undue hardship not be imposed upon her/him in making her/his plans to comply with property provisions.

### **When an individual or family displaced by Hurricane Harvey or Irma applies for CalWORKs, counties shall do the following:**

- Establish the evacuee was living in an area affected by Hurricane Harvey or Irma when the hurricane struck (see attachments A for Texas and B for Florida. The entire U.S. Virgin Islands were declared a disaster area.); and
- Ask the evacuee if he/she was currently receiving TANF in that area, or any other area. Any counties in Texas, Florida or the U.S. Virgin Islands should be able to

verify information on the family in need including whether or not the adults have reached the 60-month TANF assistance time limit. Counties will need to attempt to contact the other states' or U.S. territory's agencies through phone numbers they may already have on-hand until more information is available. Attachment C provides additional contact numbers for states and areas with counties or zones declare disaster areas due to the hurricanes.

### **Determining CalWORKs Eligibility for Evacuees Not Currently Receiving TANF**

Evacuee applicants must meet all conditions of eligibility, including but not limited to deprivation, age, residency, immigration status, income and property limits. However, given the circumstances of evacuees' arrival in California, counties shall use streamlined or abbreviated eligibility determination and verification processes to serve evacuees if the information is not readily available.

The Administration for Children and Families (ACF) released guidance in 2005 and 2007 for states use of TANF and maintenance of effort (MOE) dollars when state and federal disasters are declared to assist evacuees seeking relief.

When evacuees come into a county to apply for CalWORKs, many individuals may not have the necessary verifications needed under normal circumstances to qualify for CalWORKs (TANF) assistance. Under the emergency streamline provisions, the following policies shall apply as these evacuee families are trying to recover from the crisis.

### **Social Security Numbers (SSNs)**

In some or many instances evacuees may not have their Social Security Card, remember their SSN or may be a relative applying for a child and not know the child's SSN and not have immediate access to the information.

States may **not delay, deny, or discontinue** any benefits if the evacuee does not know, does not have, or cannot remember his/her SSN. The individual may need time to obtain a replacement SSN card from the Social Security Administration. CWDs shall give the individual the additional time to do so.

Evacuee clients who cannot provide SSNs shall be reminded to provide the SSNs as soon as they receive them. Eligibility will be redetermined at the Semi-Annual Reporting (SAR) or Annual Reporting Period depending on the case type and it is expected the client will have received the missing SSN(s) within that timeframe. As a reminder, CWDs are required to assist applicants and recipients in obtaining verifications when the client is having trouble obtaining the verifications or documentation themselves. In the case of SSNs, CWDs should assist clients with

obtaining the documents needed to apply for a replacement card (such as birth certificates and state issued identification cards) or a new card for newborns.

## **Citizenship**

Pursuant to section 1137(d) of the Social Security Act and 8 U.S.C. 1642, States, or in California, CWDs must verify that a non-citizen is in satisfactory immigration status –i.e., is a qualified non-citizen. CWDs should ask for a **declaration of status** and documentation of immigration status. However, if the person is unable to provide documentation of immigration status, section 1137(d)(2)(B) of the Act allows States (CWDs) to accept “such other documents as the State determines constitutes reasonable evidence indicating a satisfactory immigration status.” States could, for example, determine that **the declaration** required by section 1137(d)(1)(A) of the Act that an individual is a citizen or national of the U.S. or that **the individual is in satisfactory immigration status** is reasonable evidence under the current emergency circumstances created by the declared disaster.

Alternatively, under section 1137(d)(4)(A)(i) a State could provide an extended period of time to a non-citizen applicant to produce the requisite immigration documentation on the grounds that the person will need to seek replacement documentation from the United States Citizenship and Immigration Services (USCIS).

In the meantime, the State may **not delay, deny, reduce, or terminate** the individual’s TANF benefit per section 1137(d)(4)(A) of the Act. States may also accept a claim on the declaration that the individual is a citizen or national of the U.S. without further verification

Therefore, CWDs **shall accept** the declaration in lieu of immigration or citizenship documentation under the emergency provisions. For non-citizens, the individuals shall have until the end of the SAR period when eligibility is redetermined as part of the SAR 7 process to provide a replacement document from the USCIS.

For Annual Reporting – Child Only (AR/CO) cases, eligibility shall be redetermined at the annual redetermination. If verifications are provided through the SAR 7 process for CalFresh, CWDs shall accept those verifications at that time but shall follow AR/CO rules for mid-period reporting prior to taking any action on the case.

## **IEVS Processing Timeframes**

The IEVS requirement under section 1137 of the Social Security Act applies to any applicant or recipient receiving assistance or non-assistance benefits under the TANF program where income or citizenship and alienage are a condition of eligibility. Sections 1137(a) and (b) of the Act require States to have in effect a computer matching system that uses an applicant or recipient’s SSN to screen for income and assets toward verifying eligibility or benefit amounts. States conduct the requisite data

exchanges with the Internal Revenue Service, State Wage Information Collection Agencies, Social Security Administration and the USCIS within the Department of Homeland Security. When a “hit” occurs which shows information that differs from the case record information, then the State must independently verify or follow-up on the information. ACF is not holding states to the time-frame specified in 45 CFR 205.56(a)(1) for follow-up action on information received from a data match – i.e., generally within 45 days for these evacuee cases. In the meantime, section 1137(c) prohibits states (CWDs) from denying, terminating, suspending or reducing any benefits of an individual until the agency has independently verified the information.

### **Treatment of Disaster Relief Payments and Assistance in CalWORKs**

Federal Law explicitly exempts payments from Federal Emergency Management Agency (FEMA) and the Individuals and Household Program (IHP) from consideration as income or a resource in determining eligibility for TANF (welfare), income assistance, or income-tested benefit programs funded by the federal government (.42 USC 5155(d) and 44 CFR 206.110 (f)).

Additionally, CalWORKs and CalFresh regulations exclude federal disaster, emergency assistance and comparable disaster assistance provided by the state, local governments and disaster assistance organizations from consideration as income or property/resources. Therefore, FEMA, IHP, and American Red Cross relief will not impact Harvey or Irma evacuees’ CalWORKs eligibility and grant amounts.

### **Other CalWORKs Policies**

#### **Immediate Need Payments**

These families are in an emergency situation and should be evaluated for an Immediate Need payment. Pursuant to MPP 40-129.15, liquid resources mean items of value which are immediately available and reasonably convertible to cash in time to meet the emergency situation. Many evacuees will not have been able to convert resources to cash prior to or after the hurricane. Please see MPP section 40-109 for immediate need guidance.

#### **Homeless Assistance**

Many evacuees may be homeless, and should be informed of their option to apply for temporary and permanent housing assistance. Per statute (WIC section 11450(f)(3)(E)(ii)), a family that becomes homeless as a direct and primary result of a state or federally declared natural disaster shall be eligible for temporary and permanent homeless assistance. As mentioned above, these families should receive an abbreviated eligibility determination and verification processes due to the disaster declaration. This means that Harvey and Irma evacuees will not have to verify their homelessness or resources in order to be eligible for Homeless Assistance benefits and

should not be held to the normal requirements of verifying their homelessness within 3 days of receiving benefits. Please refer to MPP 44-211.5 for complete homeless assistance guidance.

## **Residency**

The written statement of the applicant is acceptable to establish his/her intention to establish residency in California for the foreseeable future. For example, many evacuees may wish to eventually return to their home state once it is allowable, safe and feasible to do so, but are unlikely to know when that will occur.

It is permissible to do so and CWDs are to grant CalWORKs under these circumstances even if the applicant may eventually return to the home state at some date in the future.

## **Temporary Absence or Children Evacuated to Relatives**

Families in crisis situations following a disaster may often get separated. Some parents or relative guardians may send their child(ren) to live or stay with relatives in other states while they try to clean up or repair damage to their homes.

Options available to these families can be Non-needy caretaker cases when the child(ren) are sent to live or stay with a relative who does not need or want aid for themselves or the relative can choose to apply for CalWORKs with the child(ren). In this case the streamline application and verification process would still apply to the child(ren) as the relative may not have the information or verifications needed right away.

Some families may have been separated from other members in 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 CWD shall consider that member to be temporarily absent from his/her family if requested by the applicant. Temporary absence rules are provided in MPP section 82-812.

## **Income**

MPP 44-101(a) defines reasonably anticipated income 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 or Annual period. It is expected that most evacuees will have no anticipated income.

## **Property/Resources**

MPP 42-201.1 states 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. Personal property is treated under CalFresh rules located in MPP section 63-501.

### **Pregnancy**

CalWORKs requires pregnancy verification for various reasons. For families fleeing a disaster, it is unlikely a pregnant woman or teen will have proof of pregnancy on hand and may not have access to medical care in California. For the purposes of Pregnant Women Only (PWO) applicants and Pregnancy Special Needs (PSN) payments, CWDs are to follow the simplified verification process for disasters in this letter.

As a reminder, those eligible to CalWORKs are also eligible to cash-linked Medi-Cal. Once these women and teens are approved they can seek out medical care and provide pregnancy verification. CWDs shall allow these pregnant women and teens additional time of 90 days to establish medical care, choose a physician and obtain verification of pregnancy. However, disasters such as the one experienced by these evacuees are stressful, therefore, if during the 90-day period the pregnancy ends for reasons other than a live birth with proof such as a birth certificate for the child, for example a miscarriage of the pregnancy, the PWO case shall be discontinued or PSN payment ended and no overpayment shall be established.

### **Welfare-to-Work Participation**

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 or exemption determination as soon as possible. This could be completed at the eligibility determination so families are not needlessly required to attend a WTW orientation and appraisal. Because of the devastation caused by Hurricane Harvey or Irma, 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, and counties should provide the services or refer the recipient to services as expeditiously as possible. Further guidance in this area can be found in MPP 42-712 and 42-713.

### **Authorizing and Continuing CalWORKs Benefits**

As with other CalWORKs applicants determined eligible for ongoing cash assistance, Hurricane Harvey or Irma evacuees shall be informed of their reporting responsibilities under SAR or AR/CO. 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 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.

Because evacuees' circumstances are likely to change in the weeks following their CalWORKs application approval and because they may have obtained documentation substantiating their sworn statements, counties shall redetermine these families' CalWORKs eligibility for the SSNs, Immigration status and pregnancy verifications by the end of the sixth month (SAR 7 process) or annual redetermination process for AR/CO cases. As stated before in this letter, if the AR/CO case is receiving CalFresh and the AU submits any verification through the CalFresh SAR 7 process, CWDs shall accept the verifications at that time but shall use the AR/CO mid-period reporting rules prior to taking any action on the case.

### **Flagging Evacuee Cases**

Counties shall flag the cases "Harvey" for Harvey evacuees and "Irma" for Irma evacuees in their individual Statewide Automated Welfare Systems (SAWS) as previously agreed upon by CDSS, CWDs and SAWS representatives so data can be easily extracted upon request of the CDSS.

### **If the Evacuee is Eligible for TANF Benefits from an Affected Area:**

- Assure the person that he/she can use his/her current Electronic Benefit Transfer (EBT) card in local stores, and that he/she may continue to access TANF cash benefits during their eligibility period; and
- Call the home state or U.S. territory for information and/or to report a lost EBT card and request a replacement card. As mentioned earlier in this letter, attachment C provides a list of contact numbers. CWDs may already have contact information for other states TANF 60-month Coordinators and may use those contacts to seek out information from the other states. OR
- Assist the individual in getting a California EBT card, if eligible for benefits in California.

As a reminder, CWDs may not restrict the applicant to the amount of aid they were eligible to in their home state and if eligible in California, must pay the difference between the aid received in their prior state and the aid entitled to in California (U.S. Supreme Court decision *Saenz v. Roe* – 526 U.S. 489(1999)).

During this crisis, even if an evacuee has received benefits in their home state but attests to the fact they wish to reside in California, even if only for the foreseeable future, and signs the attestation to that effect, CWDs must grant the evacuee CalWORKs using the streamline application and verification process outlined in this ACWDL due to the disaster. CWDs shall make every effort to assist the client in



accessing the benefits already paid by the home state, and if available to the client, CWDs shall reduce the CalWORKs benefit by that amount.

**Other Emergency Numbers to Assist Evacuees:**

- Red Cross Hotline 1-800-733-2767
- Federal Emergency Management Agency (FEMA) Disaster Assistance:
  - Online at: <https://www.disasterassistance.gov/>
  - By phone at 1-800-621-3362

**CalFresh**

CalFresh has issued Expedited Services instructions for CalFresh applicant evacuees from Hurricane Harvey in an ACWDL dated September 7, 2017. A separate CalFresh ACWDL regarding instructions for Hurricane Irma evacuees, which will mirror the guidance given for Hurricane Harvey, is forthcoming under separate cover.

**REMINDER:** Individuals determined eligible for CalWORKs cash aid are also eligible to receive Medi-Cal benefits.

Attachments

<b>Counties</b>	<b>Individual Assistance Declaration</b>
Aransas	Declared
Austin	Declared
Bastrop	Declared
Bee	Declared
Brazoria	Declared
Calhoun	Declared
Chambers	Declared
Colorado	Declared
DeWitt	Declared
Fayette	Declared
Fort Bend	Declared
Galveston	Declared
Goliad	Declared
Gonzales	Declared
Hardin	Declared
Harris	Declared
Jackson	Declared
Jasper	Declared
Jefferson	Declared
Karnes	Declared
Kleberg	Declared
Lavaca	Declared
Lee	Declared

## Texas Disaster Declared Counties

## Attachment A

Liberty	Declared
Matagorda	Declared
Montgomery	Declared
Newton	Declared
Nueces	Declared
Orange	Declared
Polk	Declared
Refugio	Declared
Sabine	Declared
San Jacinto	Declared
San Patricio	Declared
Tyler	Declared
Victoria	Declared
Walker	Declared
Waller	Declared
Wharton	Declared

<b>Counties</b>	<b>Individual Assistance Declaration</b>
Brevard	Declared
Broward	Declared
Charlotte	Declared
Citrus	Declared
Collier	Declared
Clay	Declared
DeSoto	Declared
Duval	Declared
Flagler	Declared
Glades	Declared
Hardee	Declared
Hendry	Declared
Hernando	Declared
Highlands	Declared
Hillsborough	Declared
Indian River	Declared
Lake	Declared
Lee	Declared
Manatee	Declared
Marion	Declared
Martin	Declared
Miami-Dade	Declared
Monroe	Declared

## Florida Disaster Declared Counties

## Attachment B

Okeechobee	Declared
Orange	Declared
Osceola	Declared
Palm Beach	Declared
Pasco	Declared
Pinellas	Declared
Polk	Declared
Putnam	Declared
Sarasota	Declared
Seminole	Declared
St. Johns	Declared
St. Lucie	Declared
Sumter	Declared
Volusia	Declared

Contact Numbers for States and U.S. Territories  
with Disaster Declared Counties or Areas

Texas Temporary Assistance for Needy Families

Texas Workforce Commission, TANF work program

Temporary Assistance for Needy Families (HHSC), cash assistance

General Information:

(877) 541-7905

State Office:

Workforce Commission  
101 E. 15th Street  
Austin, TX 78778-0001  
512) 463-2222

State Office:

Texas Health and Human Services Commission  
Brown-Heatly Building  
4900 N. Lamar Blvd.  
Austin, TX 78751-2316  
(512) 424-6500

Florida Temporary Cash Assistance

General Information:

(866) 762-2237

State Office:

Department of Children and Families  
1317 Winewood Boulevard Bldg. 1 Room 202  
Tallahassee, FL 32399-0700  
(850) 487-1111

Contact Numbers for States and U.S. Territories  
with Disaster Declared Counties or Areas

Virgin Islands Family Improvement Program (FIP) (All U.S. Virgin Islands declared)

Main Offices:

Department of Human Services

Knud Hansen Complex

1303 Hospital Ground

Building A

Charlotte Amalie, VI 00802

(340) 774-0930

DHS St. Croix Central Offices

3011 Golden Rock

Christiansted

St Croix, VI 00820

(340) 773-2323

St. John Multipurpose Building

DHS Head Quarters in St. John

Cruz Bay, St. John

(340) 776-6334

States may also contact the Administration for Children and Families Main Regional  
Office for the U.S. Territory at:

US Virgin Islands and Puerto Rico-ACF/OFA Regional Office in New York City, New  
York at: 212-264-2890