

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



November 8, 2007

ALL COUNTY INFORMATION NOTICE NO. I-67-07

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM COORDINATORS
ALL FOOD STAMP COORDINATORS
ALL CONSORTIUM PROJECT MANAGERS
ALL QUALITY CONTROL COORDINATORS
ALL WELFARE TO WORK COORDINATORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS
(CALWORKs) ELIGIBILITY FOR EVACUEES OF SOUTHERN
CALIFORNIA MAJOR WILDFIRES

The purpose of this notice is to remind counties of the existing CalWORKs regulations and policy when processing Southern California wildfire evacuees from the federally designated disaster and/or State declared emergency areas in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura counties who apply for CalWORKs benefits. The danger and damage caused by the major wildfires have made it necessary for some families to be evacuated from the county areas where they live. The evacuees must be treated expeditiously if they request CalWORKs benefits.

Due to the circumstances of the evacuees' departures and the devastation that occurred in their home counties, it is anticipated that 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. 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 make contact with the evacuee's financial institutions or other necessary entity/institution, the county shall accept the evacuee's statements signed under penalty of perjury.

When an individual or family displaced by the Southern California wildfires applies for CalWORKs, counties shall do the following:

- Establish that the evacuee was living in an area designated as a federal disaster and/or State declared emergency zone as a result of the wildfires and
- Ask the evacuee if he/she is currently receiving CalWORKs in that county, or from a disaster county.

Additional Information

Diversion Services

Counties are encouraged to explore CalWORKs Diversion eligibility for the wildfire 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) "assistance." As such, these 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, these Diversion payments may impact evacuees' CalWORKs 60-month time limits per Manual of Policies and Procedures (MPP) Sections 42-302.22, 81-215.33, and .5).

Treatment of Disaster Relief Payments and Assistance in CalWORKs

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 [MPP Sections 44-111.61(i) and 42-213.515.] Therefore, Federal Emergency Management Agency (FEMA) and American Red Cross relief will not impact wildfire 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 the circumstances of evacuees, counties should pay special attention to the following regulatory sections:

Homeless Assistance (MPP Section 44-211.5)

Many evacuees may be homeless, and should be informed of their option to apply for temporary and permanent housing assistance. Applicant families who have already received homeless assistance can get an exception to the once-in-a-lifetime limit, in accordance with MPP Section 44-211.541(a).

Immediate Need Payments (MPP Section 40-129)

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 their evacuation.

Residency (MPP Sections 40-189.1, 42-400, 42-401, 42-403.1, 42-407.1)

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

Income [MPP Section 44-101(a)(QR)]

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 QR Payment Quarter. It is expected that some evacuees will have no anticipated income.

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 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. Personal property is treated under Food Stamps rules located in MPP Section 63-501.

Temporary Absence (MPP Section 82-812)

Since some families may have been separated from other members in the evacuation but anticipate being reunited in the near future, counties are reminded to consult this regulation when determining deprivation and Assistance Unit composition. 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 his/her family.

Welfare-to-Work Participation (MPP Section 42-712 and 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 as soon as possible. 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 wildfires, 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 these services as expeditiously as possible.

Authorizing and Continuing CalWORKs Benefits

Current CalWORKs recipient cases that request homeless assistance can get an exception to the once-in-a lifetime limit, in accordance with MPP Section 44-211.541(a).

CalWORKs evacuee recipients can maintain a home in a county different than the county where they are physically residing if they intend to return to that home within four months (MPP Section 40-189.2).

As with other CalWORKs applicants determined eligible for or recipients of ongoing cash assistance, wildfire evacuees shall be informed of their reporting responsibilities under Quarterly Reporting/Prospective Budgeting. 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 Quarter, 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 in the month following their third month of receiving cash assistance. For example, if an evacuee receives CalWORKs October through December 2007, the redetermination must take place in January 2008.

Flagging Evacuee Cases

Counties are asked to flag these evacuees' CalWORKs cases so that case data can be reported to CDSS upon request.

We have included a questions and answers attachment to further clarify these instructions. If you have any other questions regarding the contents of this letter, please contact your county CalWORKs consultant.

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

***Original Document Signed By:
Deborah Rose for***

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

c: CWDA
CSAC

Attachment