



CDSS

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November 5, 2008

ALL COUNTY LETTER NO. 08-56

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CalWORKs): HOMELESS ASSISTANCE PROGRAM –
QUESTIONS AND ANSWERS

REFERENCE: All County Letter (ACL) 06-25, ACL 06-58, and Assembly Bill (AB) 1808
(Chapter 75, Statutes of 2006)

The purpose of this letter is to provide questions and answers pertaining to the CalWORKs Homeless Assistance Program, including changes that were implemented in July 2006, as a result of the passage of AB 1808 (Chapter 75, Statutes of 2006).

If you have any questions or need additional information regarding the information in this letter, please contact your CalWORKs County Consultant.

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

c: CWDA
CSAC

REASON FOR THIS TRANSMITTAL

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

CalWORKs – Homeless Assistance Program Question and Answers

Question 1: When does an “incident of homelessness” end?

Example: Client was granted temporary Homeless Assistance (HA) and eventually found a family member to live with, without using permanent HA. After a period of time (e.g. two months), the family member does not allow the client to stay with them, and the client becomes homeless again. The client had not yet received a permanent HA payment. Would the client still be eligible for permanent HA?

Answer: Yes, given the following conditions. In accordance with Manual of Policies and Procedures (MPP) 44-211.511, the CalWORKs HA program provides for a once-in-a-lifetime nonrecurring special need payment for applicants and recipients who are seeking permanent housing if:

1. The family lacks a fixed and regular nighttime residence; or
2. They have a primary residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
3. They are residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
4. And they have a need for housing in a commercial establishment, shelter, publicly funded transitional housing, or from a person in the business of renting properties or who has a history of renting properties.

However, if a family meets one of the exceptions at MPP 44-211.514 and 44-211.54, the family may be entitled to additional payments, with restrictions.

HA payments shall only be granted for a continuous period of homelessness caused by the same specific circumstance. It is limited to a maximum of one period of up to 16 consecutive calendar days of temporary assistance and one payment of permanent housing assistance, with exceptions as noted in 44-211.514 and .54.

A permanent housing payment may be granted whether or not a payment of temporary HA has been issued. The initial issuance of temporary shelter and/or permanent housing payments is considered the once-in-a-lifetime homeless assistance benefit regardless of the reason for the homelessness, and the period of homelessness ends when the Assistance Unit (AU) receives the payment for permanent housing, except as specified in Section 44-211.522. When a family has received temporary HA, but has not received a payment for permanent HA, the critical question in determining whether an incidence of homelessness has ended is whether or not the family has found a permanent place to reside. Each request for temporary and/or permanent HA must be

handled on a case by case basis to make this determination, and the Eligibility Worker (EW) must ask relevant questions to determine what the family's living arrangements are. There may be times when family has exhausted their 16 days of temporary HA, but does not request permanent HA, because they temporarily find a place to stay, such as a friend or family member's house. Later, when those temporary living arrangements end (for whatever reason), this family may be entitled to receive permanent HA, because they have not yet received permanent HA, and because they are still in the original continuous period of homelessness that they were under when they first applied for temporary HA. Based on the example provided, the County Welfare Department (CWD) should determine whether the living arrangement with the other family member was intended to be permanent or temporary at the time the CalWORKs family moved in with them. In order to make such a determination, the county should ask the recipient various questions, including but not limited to:

- Did either or both parties consider the arrangement to be temporary or permanent?
- Were there any agreements regarding the living arrangements? If so, what were those agreements?
- Did the other family members offer the CalWORKs family a place to stay only until they could find their own permanent place?
- Was the CalWORKs family added to the lease agreement or rental contract?
- Any other factors brought up by the AU or family with which the AU is residing if those factors are relevant (e.g. space limitations, lease violation, etc.).

If it's determined that both parties, and/or the people with whom the HA applicant stayed considered the living arrangement to be temporary, the initial incidence of homelessness did not end. The family would still be eligible for permanent HA benefits, if they meet all other conditions of eligibility for HA.

If the agreement between the HA applicant family and the people with whom they stayed was that the living arrangement was a permanent shared housing arrangement, then the family's original incidence of homeless ended when they moved in with other family members. They will not be eligible for either temporary or permanent HA benefits again unless they meet an exception.

Question 2: If a client reports on the CW 42 (Statement of Facts for Homeless Assistance) that they have a new job, but they won't receive their first check until the future month, but we know how much the client will be paid and when they will receive their paychecks, can we use the income from the new job in the Total Monthly Household Income (TMHI) for determining eligibility for and amount of permanent HA?

Answer: Yes. In order to consider income that should be included in the TMHI, CWDs must follow general Quarterly Reporting requirements for “reasonably anticipated income.” If a client has already started a new job and he/she knows how much he/she will be paid and when he/she will get their first check, this income can be considered “reasonably anticipated,” and must be included in the TMHI for the family. However, if the client only anticipates getting a job, but hasn’t started working yet, or if (s)he has gotten the job, but doesn’t know how much they will be paid or when, that income must not be included as part of the family’s TMHI. The CWD must determine how much income is actually going to be available to the family so that it will determine whether the family is securing a home they can afford.

Question 3: A homeless AU is living in a shelter at no cost. The family decides they no longer want to live in a shelter but at a motel. Can the CWD grant temporary HA to the AU so they can stay at another location?

Answer: Yes. Pursuant to MPP Section 44-211.511(b), families living in a publicly or privately operated shelter designed to provide temporary living accommodations, even at no cost, still meet the definition of being homeless. If the family living in the free shelter wishes to live elsewhere while seeking permanent housing, and the new shelter/housing will require payment, since the family is considered to be homeless, and they will incur a cost for housing, the CWD must grant temporary HA, as long as the family is otherwise eligible for HA. However, in accordance with MPP Section 44-211.512, if they wish to continue staying at the free shelter, the county is not obligated to grant and pay temporary HA in order to allow them to continue staying there, because the family is not incurring any costs.

Question 4: If an AU is homeless and is temporarily living with friends or family members at no cost, are they eligible to receive temporary HA if they wish to live somewhere else (e.g. a motel) that will require payment?

Answer: Yes. An AU that is homeless and temporarily living with friends or family at no cost is also considered homeless, because they also lack a fixed and regular nighttime residence, pursuant to MPP Section 44-211.511(a). Therefore, as long as the AU is otherwise eligible for HA (and CalWORKs) and is seeking permanent housing, they may also be entitled to receive temporary HA benefits to stay in a commercial establishment (as described in 44-211.511.526) if they will incur a cost for staying there.

Question 5: How should counties handle the determination of an AU’s eligibility for permanent HA when the AU is requesting aid for a new household member mid-quarter if the person being added has income that would result in a decrease to the AU’s grant? Under this circumstance, the new household member could not be added to the AU until the beginning of the next quarter. Do we count the new household member’s income as part of the TMHI for the AU, and if we do, does this person’s TANF and CalWORKs clock tick for

the month in which the AU receives a permanent HA payment? If this person's clock does tick, would this count as his once-in-a-lifetime HA?

Answer: Yes, the income counts and no the CalWORKs and TANF clocks will not tick. Even though the new household member will not be included in the AU until the next quarter, his/her income must be counted as part of the TMHI when determining the AU's eligibility for and amount of permanent HA, because his/her income will be available to the AU to help pay for the rent of the new residence. The permanent HA is paid to the current AU, which does not include the new family member yet. Because the new family member is not in receipt of cash aid at the time HA is paid to the AU, the time clock for this person will not begin to tick. In addition, the HA benefits will not count as his once-in-a-lifetime HA in this case.

Question 6: What if adding a new household member will make the AU ineligible at the end of the quarter (e.g. Father returns to home and is full-time employed, leaving no deprivation for the aided children)? Should the county consider this person's income in the TMHI, and will his/her clock tick?

Answer: The answer to question #6 is the same as the answer to question #5. Even though the AU will become ineligible at the end of the quarter because the addition of the new household member would render them ineligible, they remain eligible in the current quarter in which permanent HA has been requested. As long as the AU is otherwise eligible for permanent HA, the county must pay them the HA benefits. Even though the new household member has not yet been added to the AU, his/her income would be considered as part of the TMHI for the family. Again, as in question #5, because this new household member is not a member of the AU and is not receiving any of the permanent HA payment, his/her TANF and CalWORKs time clock would not tick.

Question 7: How would we handle the TANF/CalWORKs time clock for a person who can't be added to the AU until the first of the next quarter when the AU is requesting temporary HA? In the response to question #13 in ACL 06-58, counties were instructed to count the new person when determining the daily rate of temporary HA the family is entitled to receive. If the county includes the new person in the daily rate for temporary HA, don't we have to tick his/her time clock?

Answer: Yes, the CalWORKs clock will tick and the federal clock will not. As stated in ACL 06-58, if the new person for whom the AU is requesting aid is apparently eligible for CalWORKs, but cannot be added to the AU until the beginning of next quarter (because his income would cause the AU's grant to decrease), (s)he would still be required to be counted when determining the daily rate amount of temporary HA to pay the AU. If counting the person results in the temporary HA daily rate being increased, the person's CalWORKs

clock must be ticked even though (s)he hasn't been added to the AU yet. Because temporary HA is a Special Need payment, and Special Needs are considered to be part of the CalWORKs cash grant, the payment counts against the CalWORKs clock. However, because temporary HA is a short-term, non-recurring payment designed to deal with a specific crisis situation, it is considered to be a "non-assistance" TANF payment for federal purposes, and the federal TANF clock is not ticked under these circumstances.

Example: Mom and her two children are receiving CalWORKs, and the quarter is January/February/March. The children's father moves into the home at the end of January and is receiving Unemployment Insurance Benefits. The county determines that unemployed parent deprivation exists and that adding the father to the AU would result in the grant being decreased. Dad cannot be added to the AU until April 1. In February, the family becomes homeless and requests temporary HA. After determining that the family would be eligible for temporary HA, they must pay the AU the daily rate for four people, or \$65.00. In this case, the father's time clock would not tick.

If the AU originally consisted of mom and three children and then dad moved into the home, given the same circumstances as above, the AU would be entitled to receive \$15 more than the daily rate of \$65, because they would be paying the daily rate for five people. Because including the dad when determining what daily rate to pay the AU increases the amount of HA paid to the AU, dad is considered to have received aid in this case. Therefore, his CalWORKs time clock must tick, but his federal TANF clock would not.

Question 8: Now that the SAWS 2A (Rights and Responsibilities) have been modified to include language regarding new HA rules implemented in July 2006, are counties still required to provide the Temp 2226 HA informing document to clients?

Answer: Counties may discontinue use of the Temp 2226 now that the appropriate language regarding HA program changes has been incorporated into the SAWS 2A.