

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



January 23, 1991

ALL COUNTY LETTER NO. 91-04

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: THORNTON v. McMAHON

REFERENCES: ALL COUNTY INFORMATION NOTICE I89-90

Please refer to All County Information Notice I89-90 dated December 5, 1990, same subject, in which you were advised that we believed the Amended Order Granting Preliminary Injunction (copy attached) was stayed by operation of law pending appeal and, therefore, did not have to be implemented at that time.

Subsequently, the plaintiffs returned to the Alameda County Superior Court to compel this department to comply with the Order pending the appeal. On December 17, 1990, Presiding Judge Agretelis clarified his order and stated that paragraphs numbered 1 through 3 were prohibitory in nature and were not stayed by the filing of our appeal. He further said that paragraph 4 was mandatory and, therefore, was stayed pending appeal.

All counties are required to immediately comply with the first three paragraphs on the second page of the attached Amended Order Granting Preliminary Injunction. A further explanation of the meaning of those three paragraphs is as follows:

1. The county shall not require an eviction notice, a written notice from a public agency, or other independent documentation of a forced move from unsafe or unhealthful housing or of an eviction as proof of the recipient's unmet shelter needs. The county shall rely on other means of determining the existence of an eviction or a forced move. (See MPP 46-425.23).
2. The county shall give the moving allowances, up to the amounts provided in MPP 46-425.65 and .66, to recipients for the costs of temporary shelter when the recipient is unable to immediately secure permanent housing.
3. The county shall give an allowance to recipients who reside in rental housing to enable those persons to prevent eviction and remain in their present rental housing, when an unusual circumstance or emergency (e.g., lost or stolen check, unforeseen medical expenses) has prevented them from paying rent. The amounts set forth for supplemental moving expenses at MPP 46-425.661 and .662 would apply.

Payments under these and the other provisions of the Special Circumstances Allowance Program are limited to the allocations provided to each county.

If you have any questions, please contact the staff of the Adult Program Management Bureau at (916) 324-4184.



ROBERT A. HOREL
Deputy Director

Attachment

cc: CWDA

**ENDORSED
FILED**

SEP 24 1990

RENE C. DAVIDSON, County Clerk
By CATHY MILLS, Deputy

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

SHIRLEY THORNTON, DENISE WEINBERG,) NO. 664292-3
HAZEL KITCHEN, VIOLA PINTO, et al.,)
)
Plaintiffs,) AMENDED
) ORDER GRANTING
) PRELIMINARY INJUNCTION
vs.)
)
LINDA McMAHON,)
)
)
)
Defendants.)
)
_____)
AND RELATED ACTIONS)
_____)

Plaintiffs' Motion for Preliminary Injunction was argued and submitted for decision on July 31, 1990. All parties were represented by counsel. The court having considered the memoranda of points and authorities and exhibits thereto, the declarations in support and in opposition thereto and the verified Complaint and Answer, and having heard and considered the arguments of counsel, and good cause appearing,

IT IS HEREBY ORDERED that defendant McMAHON, together with here agents, employees and successors in interest, and all persons

1 persons acting by, through or under her, shall be and are hereby
2 preliminarily enjoined and restrained, during the pendency of
3 this action, from:

4 1. Denying Special Circumstances assistance to otherwise
5 eligible SSI recipients who have unmet shelter needs on the
6 grounds that they are unable to provide independent documentation
7 of an eviction or a forced move from unsafe or unhealthful
8 housing;

9 2. Denying Special Circumstances assistance to otherwise
10 eligible SSI recipients who are unable to immediately secure
11 permanent housing and whose unmet shelter need is for temporary
12 shelter;

13 3. Denying Special Circumstances assistance to otherwise
14 eligible SSI recipients who reside in rental housing to enable
15 such persons to prevent eviction and remain in their present
16 housing;

17 4. Failing to employ reasonable means of giving notice of
18 the availability to Special Circumstances assistance to all SSI
19 recipients; and

20 IT IS FURTHER ORDERED that defendant shall effectuate this
21 Order as follows:

22 1. Within thirty (30) days of the date of this Order,
23 defendant shall, in consultation with counsel for plaintiffs,
24 prepare a plan reasonably calculated to provide effective notice
25 to SSI recipients of the Special Circumstance Program. In the
26 event the parties are unable to agree on the content of such
27 plan, either party may by noticed motion seek additional relief
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1 from this court.

2 The Court finds that plaintiffs are indigent; accordingly no
3 bond shall be required.

4 Dated: SEP 24 1990

5 HOWARD SCHWARTZ

6 DEMETRIOS P. AGRETELIS
7 JUDGE OF THE SUPERIOR COURT

8 PURSUANT TO C.C.P. 635

9 for Hon. **DEMETRIOS AGRETELIS** judge

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