



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

June 29, 2018

ALL COUNTY LETTER (ACL) NO. 18-78

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL CALFRESH PROGRAM SPECIALISTS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY REFUGEE PROGRAM COORDINATORS
ALL CONSORTIA PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CALWORKS): IMPLEMENTATION OF ASSEMBLY BILL
(AB) 557: VICTIMS OF DOMESTIC ABUSE AND EXPANDED
TEMPORARY HOMELESS ASSISTANCE ELIGIBILITY

REFERENCE: [AB 557](#) (CHAPTER 691, STATUTES OF 2017); ALL COUNTY
LETTER [\(ACL\) NO. 18-34](#); MANUAL OF POLICIES AND
PROCEDURES [\(MPP\) SECTIONS 40-129.534\(b\)](#); [MPP 42-205.3](#);
[MPP 42-213.11\(h\)](#); and [MPP 44-211.5](#)

The purpose of this letter is to inform County Welfare Departments (CWDs) of an expansion of CalWORKs temporary Homeless Assistance (HA) benefits for domestic abuse victims who are fleeing their abusers. AB 557 was signed by Governor Brown on October 12, 2017, and the provisions outlined in this letter become effective on July 1, 2018. AB 557 mandates that a CalWORKs applicant who provides a sworn statement of past or present domestic abuse and who is fleeing his or her abuser, shall be deemed homeless and eligible for up to 32 days of temporary HA benefits regardless of his or her abuser's income or assets. For purposes of this ACL, these benefits will be referred to as AB 557 benefits and applicants for these benefits as AB 557 applicants. For information about the other changes due to the passage of AB 557, please see [ACL No. 18-34, dated March 29, 2018](#).

Background/Current Law

Temporary HA is available to homeless families to help pay for up to 16 days of temporary shelter while the family is searching for permanent housing. In order to be eligible for temporary HA payments, the family must be:

1. On, or apparently eligible, for CalWORKs (including meeting income and asset limitations);
2. homeless;
3. seeking permanent housing; and
4. have no more than \$100 in available liquid resources.

Payments for temporary HA must be issued or denied within the same working day. Recipients are given the first three days of benefits unless homelessness has been verified, in which case they are given the first seven days. Once homelessness has been verified and the client provides the county with proof of his or her daily search for permanent housing, the initial benefits may be increased in weekly increments up to a maximum of 16 consecutive days. HA benefits are available to eligible CalWORKs recipients once every 12 months, with exceptions. An applicant may request both HA and immediate need, but if the family's eligibility for immediate need is based on a housing crisis and HA benefits have been issued within one working day of the request and resolve the crisis, the county shall deny the request for immediate need and process the application normally ([MPP Section 40-129.534\(b\)](#)).

When determining an applicant's income and assets, each spouse is presumed to own a one-half interest in community property, regardless of which spouse holds the property. All property held in the name of the spouse of a married person is presumed to be community property unless evidence establishes it to be separate property ([MPP Section 42-205.3](#)). Regulations further state that property of an absent parent that is unavailable to the CalWORKs family or child, which accordingly cannot be used to meet current needs, is to be excluded in evaluating real property ([MPP Section 42-213.11\(h\)](#)).

AB 557 Changes

Effective July 1, 2018, AB 557 mandates that a CalWORKs applicant who provides a sworn statement of past or present domestic abuse and who is fleeing his or her abuser shall be deemed to be homeless and shall be eligible for up to 32 days of temporary HA, if determined apparently eligible for CalWORKs, disregarding any income or assets attributable to the alleged abuser. If the AB 557 applicant is fleeing domestic abuse, he or she is eligible for temporary HA even if he or she has not yet spent a night homeless and/or has a joint bank account that he or she claims belongs to his or her abuser. Any income and assets that the applicant has available to them (such as cash on hand) to meet their needs at the time of the application will still be evaluated towards the \$100

limit referenced above. There shall be no requirement to verify homelessness beyond the sworn statement that he or she is fleeing domestic abuse.

AB 557 HA benefits are allowed only once in a lifetime, are in addition to regular temporary and permanent HA benefits, and do not count against the once-a-year HA exception, including exceptions based on domestic abuse. These AB 557 HA benefits are also in addition to any other payments for which the applicant, if he or she becomes a CalWORKs recipient, may later qualify.

When the CalWORKs applicant is fleeing domestic abuse, he or she shall receive a lump sum equal to 16 days of temporary HA benefits on the day of his or her application, rather than in weekly increments. AB 557 applicants shall receive one additional lump sum payment for 16 additional days immediately following the initial 16-day period, equaling a total of 32 consecutive days of temporary HA payments, if they are still homeless and if the CalWORKs application has not yet been approved or denied. Counties shall comply with the applicant's written request to make payments directly to the applicant or to the provider of temporary shelter. If a county issued the first 16 days directly to the applicant and they do not show verification that they spent the money on shelter, the second issuance of 16 days should be issued by vendor/voucher. Please note that when issuing vendor/voucher payments, counties must take all health and safety concerns of these applicants into consideration.

AB 557 applicants are also exempt from providing the county proof of their search for permanent housing, unless they are granted an immediate need payment or are issued their first month of CalWORKs aid. If the case is approved, the recipient should be evaluated for both regular once-a-year HA and HA based on a once-a-year exception due to domestic abuse. While CalWORKs recipients in receipt of regular HA are not exempt from providing proof of their search for permanent housing, as these cases are fleeing domestic abuse, counties are strongly encouraged to grant these cases good cause if they do not meet the housing search criteria.

AB 557 applicants must be apparently eligible for CalWORKs to be eligible to receive these expanded HA benefits. "Apparent eligibility" means that the information provided on the statement of facts and information otherwise available to the county indicates that the applicant would be eligible for CalWORKs if the information on the statement of facts was verified. Income and assets of the abuser are not evaluated when determining eligibility for AB 557 benefits. Additionally, the applicant must either have a child or provide medical verification of pregnancy, and the applicant or the applicant's child must have a Social Security number or be an eligible non-citizen. Not all of these applicants will end up being determined eligible for CalWORKs; however, as long as they were eligible for these benefits at the time they received them, the HA payment will not be considered an overpayment.

While AB 557 does expand eligibility for temporary HA for CalWORKs applicants fleeing domestic abuse, it does not change the basic CalWORKs eligibility rules for these

applicants. While the income and assets that are attributable to the alleged abuser are disregarded for these expanded temporary HA benefits, when determining CalWORKs eligibility, counties must still determine whether the income and assets of the alleged abuser are unavailable to the applicant and if they should be considered separate property based on the CalWORKs regulations cited above. If these applicants sign a sworn statement that they do not have access to their abuser's assets, counties are strongly encouraged to disregard these assets for purposes of CalWORKs eligibility unless they have evidence to the contrary.

Example 1: On February 15, a mother applies for CalWORKs and HA and states that she is fleeing domestic abuse. She provides a Social Security number for herself and her two children. She tells the county that she left her children at her husband's house, but plans to get them as soon as she has somewhere to take them. She has a joint bank account with her husband, but is afraid to access the money. She signs a sworn statement that she is fleeing domestic abuse, the county determines her apparently eligible for CalWORKs, and the county immediately issues her 16 days of temporary HA. On March 2, she comes back to the county office, shows the county worker her motel receipts and is given another lump sum payment for 16 additional days of temporary HA. (As the 32 days have to be consecutive, if she had not come in for the second payment until March 4, she would only have gotten another 14 days.) On March 15, the county determines that the income and assets of her abuser are not available to meet her family's needs, so her CalWORKs application is approved. Once she is a CalWORKs recipient, if still homeless, she is potentially eligible for regular, once-a-year temporary and permanent HA benefits, HA based on a domestic abuse exception, as well as additional housing supports through the Housing Support Program (HSP).

Example 2: On February 15, a mother who is fleeing her abuser applies for CalWORKs and HA. She signs a sworn statement that she is fleeing her abuser and is given 16 days of temporary HA that day. On March 1, her CalWORKs application is approved so the second 16 days of expanded HA would not be issued. However, she is issued prorated back pay for her February grant, her full March grant, and, if still homeless, is potentially eligible for regular temporary and permanent HA beginning on March 3, as well as HA based on a domestic abuse exception. She is reminded that she now needs to show the county proof of her daily permanent housing search or request good cause. The county is also encouraged to utilize HSP as appropriate as well as domestic abuse counseling and services.

Example 3: On February 15 a mother applies for CalWORKs and HA and signs a sworn statement that she is fleeing domestic abuse. On February 15 she receives her first 16 days of temporary HA payments. On March 1 the county denies her CalWORKs application because she reports that she got a job that puts her over the CalWORKs income limit. As she is no longer an apparently eligible applicant, she is not eligible for the second 16 days of temporary HA benefits; however, the county should ensure she is connected to all other available resources in the community. Additionally, since she

was eligible for the first 16 days of AB 557 benefits when she received them, they will not be an overpayment.

Example 4: On March 1 a mother applies for CalWORKs and HA and signs a sworn statement that she is fleeing domestic abuse. On March 1 she receives her first 16 days of temporary HA payments. On March 5 she moves back in with her abuser. She leaves her abuser and comes back to the county office on March 23, at which time she is eligible for her last 10 days of benefits, through April 1. Despite the household movement during this time, as long as she was eligible at the time that she received the benefits, no overpayment will be assessed.

The California Department of Social Services (CDSS) encourages CWDs to do as much outreach and informing for prospective clients as possible, including outreach to domestic abuse organizations and local shelters to help increase awareness to people who might benefit from these expanded AB 557 benefits. CWDs are strongly encouraged to design a poster or flyer to be displayed in their county offices that notifies their clientele of these benefits. CWDs are also reminded of the requirement to inform CalWORKs applicants and recipients, both verbally and in writing, of the availability of services designed to assist individuals to identify, escape, or stop future domestic abuse. This notification should include all of the changes in AB 557, including the expanded eligibility for temporary HA, as well as the availability of good cause for not meeting immunization or school attendance requirements due to domestic abuse (see [ACL No. 18-34](#) for more information about the latter). Lastly, CWDs should make every effort to connect these families to domestic abuse shelters, and any domestic abuse services that are available in their communities.

Forms

To apply for these expanded temporary HA benefits, applicants must fill out a CalWORKs application (SAWS 1 or SAWS 2 PLUS), a Homeless Assistance application (CW 42), and sign a sworn statement that they are fleeing domestic abuse. The CW 42 form will be revised to include a reference to fleeing domestic abuse; however, until this form is revised, CWDs must ask all HA applicants if they are fleeing domestic abuse and explain the AB 557 benefits available to them. A new Notice of Action (NOA) will also be created and released under separate cover. CWDs should use their existing forms and procedures regarding sworn statements.

Tracking/Claiming

Counties must track these cases separately from regular HA benefits, since this benefit is limited to once in a lifetime. In the absence of evidence to the contrary, if a client self-certifies that they have never received AB 557 benefits, that should be considered sufficient proof. Further, the CA 237 HA (CalWORKs HA Program Monthly Statistical Report) will be revised to include a line to report how many people have received these

expanded temporary HA benefits. Until tracking instructions are released, counties must track these cases manually.

Claiming information for AB 557 cases will be issued through a forthcoming County Fiscal letter (CFL).

Contacts

If you have any questions related to this letter, please contact the Housing and Homelessness Bureau by phone at (916) 651-5155 or email at Housing@dss.ca.gov.

Sincerely,

Original Document Signed By

TODD R. BLAND
Deputy Director
Family Engagement and Empowerment Division