
**STANDARDS OF ASSISTANCE
AU COMPOSITION AND NEED**

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CHAPTER 44-200 AU COMPOSITION AND NEED

44-200 RELOCATION OF ASSISTANCE UNIT REGULATIONS

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.1 The AU regulations have been relocated as follows:

<u>REGULATION CITATION</u>	<u>SUBJECT</u>	<u>NEW REGULATION CITATION</u>
44-203	PERSONS WHO MAY BE INCLUDED IN THE FBU - DEFINITIONS	
44-203.1	ELIGIBLE CHILD	
44-203.11	Definition	80.301(e)(1)
44-203.112	Income Eligibility	80-301(e)(1)
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44-203.115(a) Paragraph 1	Living in Home of Caretaker Relative	82-804.1 and .2
Paragraph 2	Temporary Absence	82-812
Paragraph 3	Examples of Temporary Absence	82-812.7 and .8
44-203.115(b)	Child Returning from AFDC-FC	Repealed
44-203.115(c)	Alternate Living Arrangements	82-808.41
44-203.12	Child Principal Earner	Repealed
44-203.2	CARETAKER RELATIVES	
44-203.21	Definition	80-301(c)(1) 82-808.1 and .2
44-203.211	Care and Control	82-808.2
44-203.212	Care and Control Factors	82-808.3

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44-205.62	Excluded Father	Retained
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

44-201 CHAPTER CONTENTS

Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU - DEFINITIONS

Renumbered by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.90(c)(2)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

44-205 ESTABLISHING THE AU

- .1 Aid Based on Pregnancy
- .11 When the unaided father of the unborn is living in the home with a pregnant woman who is in an AU of one without an eligible child, the father is an excluded parent and his income is treated in accordance with Section 44-133.3.
- .12 The application for aid based on pregnancy and/or the application for the pregnancy special need is considered an application for the "family". In addition to the pregnant woman, the family includes the following:
- .121 The unborn, when born and living with the mother.
- (a) The otherwise eligible newborn shall be added to the assistance unit effective the first of the month following the month in which the birth was reported if it results in an increase in cash aid and all conditions of eligibility have been met and verification has been provided.

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In most cases, the effective date of including the needs of the newborn will be the first of the month following the month in which the birth was reported.

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- .122 The father of the unborn when he is in the home at the time application is made and through the month of birth. See Section 82-832.13.
- (SAR) (a) The unaided father shall be added to the AU effective the first of the month following the month in which the birth was reported if adding him results in an increase to cash aid and all conditions of eligibility have been met and verification has been provided. If adding him results in a decrease, the father shall be added to the AU in the following SAR Payment Period, if all conditions of eligibility have been met and verification provided, pursuant to Section 44-318.16(SAR).

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 206.10(a)(1)(vii) and 250.34(c)(3); Federal Action Transmittal SSA-AT-86-01, Sections 10553, 10554, 10604, 11265.1, 11265.2, 11265.3, 11327.5(c)(3), 11450(b) and 11450.5, Welfare and Institutions Code; and Simon v. McMahan, Stipulation for Dismissal and Order, April 21, 1989, Contra Costa Superior Court, No. 272468.

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU)

- .1 The following persons shall be excluded from the assistance unit:
- (a) A person who is being sanctioned for any of the following reasons:
 - (1) A parent, pregnant woman, or needy caretaker relative who refuses to apply for or accept unconditionally available income. (Section 44-103.22).
 - (b) Any member of a federally eligible AU, other than the caretaker relative who is the natural or adoptive parent, who is participating in a strike, as defined in Section 41-703.22, on the last day of the month, shall be ineligible in that month. The person remains ineligible for any subsequent month(s) in which the county can reasonably estimate that such person's participation in the strike will continue through the last day of the month. If aid to such person is discontinued, reduced, or denied because the county estimated that he or she would be participating in a strike on the last day of the month and the applicant or recipient later reports that such person's participation in the strike ceased before the last day of the month, the county shall rescind the discontinuance, reduction, or denial and issue the correct grant.
- .2 The entire family is ineligible for aid payments when:
- .21 A federally eligible caretaker relative who is the natural or adoptive parent living in the home of the aided child is participating in a strike as defined in Section 41-703.22, on the last day of the month. The AU remains ineligible for any subsequent month(s) in which the county can reasonably estimate that participation in the strike will continue through the last day of the month. If aid is discontinued, reduced, or denied because the county estimated that the caretaker relative parent would be participating in a strike through the last day of the month and the applicant or recipient later reports that participating in the strike ceased before the last day of the month, the county shall rescind the discontinuance, reduction, or denial and issue the correct grant.
 - .211 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
 - .212 An applicant or recipient will be considered to be participating in a strike if he or she has voluntarily stopped or slowed down work or otherwise interrupted the business activities of the employer as part of a concerted activity described in .211 above. When the applicant or recipient has been denied Unemployment Insurance Benefits because he or she has voluntarily left work due to a trade dispute, that person will be considered to be participating in a strike, except as specified in .213 below.

**44-206 PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU)
(Continued)**

- .213 Stoppage or slowdown of work by employees in good faith shall not be considered a strike or participation in a strike when a lockout has occurred or when the action was necessitated by an imminent health and safety hazard or abnormally dangerous working conditions at the place of employment as determined by Division of Occupational Safety and Health.

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- .214 The entire family that is ineligible for aid under Section 44-206.21, may be eligible for benefits under the State-only AFDC-U Programs (see Section 41-703).

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- .22 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .23 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .24 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .25 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 42 USC 602(a)(19)(G)(i)(I) and (II); Section 202(a), Public Law 100-485; 45 CFR 244.0(c) and 250.34(c)(1) and (2); and Sections 10553, 10554, 10604, 11157 (Ch. 270, Stats. 1997), and 11327.5(c)(1), Welfare and Institutions Code.

44-207 INCOME ELIGIBILITY

- .1 The following financial eligibility test shall be applied to applicant cases.
- .11 An applicant family shall not be eligible for cash aid unless the family's income, exclusive of the first ninety dollars (\$90) of earned income for each employed person, is less than the Minimum Basic Standard of Adequate Care (MBSAC) for the family.
- .111 An individual who applies for CalWORKs after leaving aid due to expanded subsidized employment income as described in Section 42-716.81 shall be considered a current recipient for the purpose of determining CalWORKs financial eligibility.
- (a) During the three calendar month period after the subsidized employment ends, the county shall apply the recipient earned income disregards as described in Section 44-111.23.
- (b) If an individual applies for CalWORKs after this three-month period has passed, they shall be considered an applicant for the purpose of determining CalWORKs financial eligibility as described in Section 44-207.11.

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(SAR) Example: Applicant applies for assistance for herself and her one dependent child. The mother (applicant) works part-time for \$600 per month. The family is nonexempt and lives in Region 2.

Applicant Eligibility Determination

\$ 600	Earned Income
- 90	\$90 Earned Income Disregard
\$ 510	Total Net Nonexempt Income
\$ 920	MBSAC for two
	Family passes the MBSAC test (MBSAC is greater than Net Nonexempt Income)

HANDBOOK CONTINUES

44-207 INCOME ELIGIBILITY (Continued)

HANDBOOK CONTINUES

(AR/CO) Example: Timed out applicant applies for assistance for her two dependent children. The mother (applicant) works part-time for \$600 per month. The family is nonexempt and lives in Region 2.

Applicant Eligibility Determination

\$ 600	Earned Income
- 90	\$90 Earned Income Disregard
\$ 510	Total Net Nonexempt Income
\$ 920	MBSAC for two
	Family passes the MBSAC test (MBSAC is greater than Net Nonexempt Income)

See Section 44-207.2 for second step in the financial eligibility test for applicants.

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- .112 The MBSAC is the amount of money which is necessary to provide a family with the following:
- a. Housing.
 - b. Clothing.
 - c. Food.
 - d. Utilities.
 - e. Items for household operation, education and incidentals, recreation, personal needs, and insurance.
 - f. Essential medical, dental, or other remedial care not otherwise provided at public expense.

44-207 INCOME ELIGIBILITY (Continued)

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- .113 The MBSAC for the family applies in determining financial eligibility for applicants, the value of in-kind income for the AU, the amount of income from a sponsor available to a sponsored non-citizen, the period of ineligibility for non-qualifying withdrawals from restricted accounts and transfer of assets. The MBSAC amounts are set forth in Welfare and Institutions Code Section 11452.
- (a) The MBSAC figures are subject to a cost-of-living adjustment on July 1 of every year. These updates to the MBSAC figures are published by CDSS through an annual All County Letter. See the most recent All County Letter available on the [CDSS website](http://www.cdss.ca.gov/inforesources/letters-and-notice/all-county-letters) (<http://www.cdss.ca.gov/inforesources/letters-and-notice/all-county-letters>) by selecting the link for the most recent year, then select "Ctrl+f" from the keyboard and enter "MBSAC" in the pop-up search box labeled "Find:" within the tool bar. If no MBSAC ACL is located in the most recent year, use the "back arrow button" and select the prior year in sequence and reperform the above search steps.

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- .12 When estimating income for eligibility, all relevant information available to the county and the recipient shall be taken into consideration. See Section 44-113.21 for computations.
- .2 The following financial eligibility test shall be applied to both applicant and recipient cases.
- .21 The AU is financially eligible as follows:
- .211 An applicant AU is financially eligible for the SAR/AR/CO Payment Period if the family's combined reasonably anticipated monthly net non-exempt income for the SAR/AR/CO Payment Period, after the income and needs of the family are considered (pursuant to Sections 44-133 and 44-315.3), is less than the MAP for the AU.
- .212 A recipient AU will remain financially eligible during the SAR/AR/CO Payment Period if the family's combined monthly gross income does not exceed the AU's Tier Two Income Reporting Threshold (IRT) for more than one month of the SAR/AR/CO Payment Period in accordance with Section 44-316.324.

44-207 INCOME ELIGIBILITY (Continued)

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(SAR) Example:

Recipient receives aid for herself and her four children. Also living in the home is the recipient's spouse (unaided stepparent). Stepparent earns \$1612 per month from full-time employment. Mother receives \$300 per month in State Disability Insurance benefits. No other income is received by family members. The AU is exempt and resides in Region 2.

Eligibility/Grant Computation:

\$ 300	Disability-Based Unearned Income
<u>- 225</u>	\$225 DBI Disregard
\$ 75	Net Nonexempt Disability-Based Unearned Income
\$1612	Gross Family Earned Income
<u>- 806</u>	50% Earned Income Disregard
\$ 806	Net Nonexempt Income
<u>+ 75</u>	Disability-Based Unearned Income
\$ 881	Total Net Nonexempt Income
\$1087	Exempt MAP for Six
<u>- 881</u>	Total Net Nonexempt Income
\$ 206	Potential Grant
\$ 969	Exempt MAP for AU of Five
\$ 206	Potential Grant
\$ 206	Aid Payment (Lower of Potential Grant and MAP for AU)

(AR/CO) Example:

Timed out recipient mother receives aid for her five children. Also living in the home is the recipient's spouse (unaided stepparent). Stepparent earns \$1612 per month from full-time employment. Mother receives \$300 per month in State Disability Insurance benefits. No other income is received by family members. The AU is exempt and resides in Region 2.

HANDBOOK CONTINUES

44-207 INCOME ELIGIBILITY (Continued)

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Eligibility/Grant Computation:

\$ 300	Disability-Based Unearned Income
- <u>225</u>	\$225 DBI Disregard
\$ 75	Net Nonexempt Disability-Based Unearned Income
\$1612	Gross Family Earned Income
- <u>806</u>	50% Earned Income Disregard
\$ 806	Net Nonexempt Earnings
+ <u>75</u>	Disability-Based Unearned Income
\$ 881	Total Net Nonexempt Income
\$1087	Exempt MAP for Six
- <u>881</u>	Total Net Nonexempt Income
\$ 206	Potential Grant
\$ 969	Exempt MAP for AU of Five
\$ 206	Potential Grant
\$ 206	Aid Payment (Lower of Potential Grant and MAP for AU)

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.22 Net Nonexempt Income

.221 Net Nonexempt Income is gross income for the AU and other family members (if applicable), minus all applicable income exemptions (listed in Section 44-111) and income disregards (listed in Section 44-113).

- (a) Gross income includes: 1) earnings by part-time student applicants; and 2) current child support payments collected by the county.

.23 Once financial eligibility is established for the SAR/AR/CO Payment Period, financial eligibility continues for the AU for the entire SAR/AR/CO Payment Period unless the family's income exceeds the IRT (see Section 44-316.324) and the family's reasonably anticipated gross monthly income continues to exceed the Tier Two IRT for the AU for more than one consecutive month.

44-207 INCOME ELIGIBILITY (Continued)

- .24 If CalWORKs is discontinued because the monthly reasonably anticipated income is expected to result in financial ineligibility for the SAR/AR/CO Payment Period and the AU reports that the monthly reasonably anticipated income will no longer exceed the Tier Two IRT for the AU prior to the effective date of the discontinuance, the county shall rescind the discontinuance if the county determines the updated report is a reasonable estimate.
- .25 Adding Persons to the Assistance Unit

When adding persons to an existing AU, the AU is subject to the recipient financial eligibility test.

NOTE: Authority cited: Sections 10553, 10554, 11450, 11450.025, and 11453, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11017, 11157, 11255, 11265.1, 11265.2, 11265.3, 11280, 11322.64(f), 11450.025, 11450.5, 11450.12, 11450.13, and 11451.5, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.20(a)(2)(i) and (xiii); (a)(3)(ii)(F), (a)(3)(vi)(B), (a)(3)(xiv), and (a)(3)(xiv)(B); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgment; Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. ACF-AT-95-10 dated September 19, 1995; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF FINANCIAL PARTICIPATION

.1 General

If an FBU is determined to be financially eligible and an aid payment is to be issued, it is necessary to determine whether federal financial participation is available for each person in the FBU. For purposes of determining federal financial participation, AFDC recipients shall be categorized into two groups:

- a. Federally eligible persons and
- b. Essential persons.

What follows is a description of the categories of persons who shall be included in each group.

.2 Federally Eligible Persons

.21 Children

- .211 All children who are deprived of parental support and care due to the death (Section 41-420), incapacity (Section 41-430), or continued absence (Section 41-450) of a parent.
- .212 All children who are deprived of parental support and care due to the unemployment of a parent who meets federal eligibility conditions as specified in Section 41-440.4.

.22 Adults

- .221 The caretaker relative of any federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.
- .222 The second parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above, when the deprivation of at least one child is the incapacity or unemployment of a parent who meets federal eligibility conditions as specified in Section 41-440.4.
- .223 The spouse of an incapacitated caretaker relative when the caretaker relative is a parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.

.23 A pregnant woman:

44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF FINANCIAL PARTICIPATION (Continued)

- .231 who has no federally eligible children; and
 - .232 who has provided the county with medical verification of her pregnancy (see Sections 82-836 and 88-410); and
 - .233 whose child, if born, and living with the mother would have been federally eligible for AFDC in the month of payment; and either
 - .234 who is under the age of 19 and has not obtained a high school diploma or its equivalent; or
 - .235 whose pregnancy has reached the three-month period immediately before the month of anticipated birth. If the child is born prior to the originally estimated date of birth, the anticipated month of birth is changed to the month in which birth occurred and Federal Financial Participation is retroactively available for the three-month period prior to the month of birth.
- .3 Essential Persons
- .31 An essential person is a stepparent, California domestic partner of the child's parent, or ASP who is not an otherwise federally eligible person under .2 and who:
 - .311 Is related to a child determined to be federally eligible under .21, or
 - .312 Is related to a child who is either receiving SSI/SSP or sanctioned by GAIN who would otherwise be federally eligible under .21.
 - .32 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.
- .4 Repealed by Manual Letter No. EAS-96-07, effective 9/1/96.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.20(a)(2)(vii), FSA-AT-91-1 dated January 1, 1991; and Sections 10553, 10554, 10604, 11203, and 11450(b), Welfare and Institutions Code; and Section 297.5(a), Family Code.

44-211 SPECIAL NEEDS IN CALWORKS**.1 General**

(SAR).11 A special need is a need not common to a majority of recipients for certain goods or services which are essential for their support. The county is responsible for assisting the applicant or recipient in identifying any special needs which he/she may have. In order to meet this responsibility, the county shall give the applicant or recipient a clear explanation of the types of special need allowances which are available, and of the procedure for securing payment for those needs. See Section 44-316.312(d) (SAR).

(AR/CO) A special need is a need not common to a majority of recipients for certain goods or services which are essential for their support. The county is responsible for assisting the applicant or recipient in identifying any special needs which he/she may have. In order to meet this responsibility, the county shall give the applicant or recipient a clear explanation of the types of special need allowances which are available, and of the procedure for securing payment for those needs. See Section 44-316.312(d) (AR/CO).

.12 Repealed by Manual Letter 83-27, 5/5/83.

.13 Before a payment is made which includes a special need allowance, evidence is required to establish:

.131 That the conditions set forth below under which the need may be allowed are met,

.132 the total cost of the need and the payment plan,

.133 the proportion of the cost which should be borne by the recipient if the need is shared by others in the household,

.134 the period over which the need will continue.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)**.2 Recurring Special Needs**

(SAR) A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.

(SAR) The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified every six months on the SAR 7 or the SAWS 2 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need must be resubstantiated at least annually upon redetermination of eligibility and may be required more often considering the type of need and potential for change.

(SAR) The total allowance which is available for each AU per month for all recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the AU.

(AR/CO) A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.

(AR/CO) The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified at redetermination on the SAWS 2 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need may be resubstantiated more often considering the type of need and potential for change.

(AR/CO) The total allowance which is available for each AU per month for all recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the AU.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)**.21 Therapeutic Diets**

- .211 Special need for a therapeutic diet shall be authorized when recommended by a physician and therapeutic diets are not limited to those listed below, except that final determination of the need may be based upon consultation with the county medical consultant.
- .212 The recipient is entitled to establish actual expenses related to the diet plan if it is to his or her benefit to do so. However, if the recommended diet plan includes one or a combination of the following diets, the county may pay the amount indicated for the highest cost diet without verification of actual costs:

\$15 for the following diets:

Diabetic, 2200 calories or more
High Calorie -- High protein (including special formula for infant)
Lactation (while breast feeding)

\$9 for the following diets:

Diabetic, under 2200 calories
Bland
Low Fat -- Cholesterol
Low Salt (sodium, under three grams)

.22 Other Recurring Special Needs

A recipient is eligible for a special need allowance for the following recurring special needs when the county verifies that they occur for reasons not common to a majority of recipients and that they are essential for support. Determination of any allowance shall be consistent with the following guidelines and limitations:

- .221 The actual cost of special transportation except that the allowance shall not exceed the actual cost of the least expensive mode of the transportation (including common carrier) reasonably available to the recipient. The county may compute the costs for a private automobile according to the number of miles traveled at the rate of \$0.12 a mile without further documentation by the recipient. Examples of special transportation needs are where the recipient must journey an unusual distance or travel daily to receive required medical treatments.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- .222 The actual cost of special laundry. The county may allow \$3.00 per month without verification of actual cost by the recipient. An example of special laundry needs would be where a recipient is required to change and clean bedding or clothing more than usual because of a medical condition.
 - .223 The actual cost of employing someone to do the cooking, washing, ironing, household cleaning, and similar chore services for members of the FBU when the county verifies that the family caretaker is unable to perform any one or more of these functions, and that such duties cannot be performed without charge by persons in the household.
 - .224 The actual cost of special telephone service or equipment such as the cost of an amplifying device when a member of the household is handicapped by an auditory impairment.
 - .225 The actual costs of excessive use of utilities when the county verifies that the excessive use is required for a reason not common to a majority of recipients and is essential for their support. Excessive use of utilities means the FBU's share of the actual cost of utilities is in excess of the in-kind income values for utilities for that size FBU. The county may allow \$5.00 per month without verification of actual cost by the recipient.
- .23 Where a recurring special need also qualifies as an allowable service-connected expense pursuant to Section 10-305 or Chapter 30-500, the county may authorize any combination of such funds to meet the family's needs so long as there is no duplication in aid payment. When a special need is to be met from a combination of such funds, the allowance must be based on the actual costs and not the guidelines specified above.
- .3 Nonrecurring Special Need Payments
- .31 A payment for a nonrecurring special need shall be granted to an eligible AU when any of the following conditions exist:
 - .311 Household emergencies resulting from sudden and unusual circumstances beyond the AU's control. (See MPP 44-211.4.)
 - .312 Homelessness when the AU is seeking permanent housing. (See MPP 44-211.5.)
 - (a) Repealed by Manual Letter No. EAS 06-03, effective 11/16/06

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- .32 An AU is ineligible to receive a nonrecurring special need payment if it has over \$100 in nonexempt liquid resources with the exception of funds deposited in a restricted account described in Section 42-213.231.
- .321 The county shall evaluate nonexempt liquid resources when an AU requests a nonrecurring special need payment for any of the following:
- (a) An emergency resulting from sudden and unusual circumstances beyond the AU's control (see Section 44-211.4);
 - (b) Homeless assistance, at the time the AU applies for such assistance but not during the incident of homelessness as defined in Section 44-211.513(b).
- .33 Liquid resources of \$100 or less shall not be considered for purposes of computing the nonrecurring special need payment.

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See MPP 42-211.2 for definition of liquid resources; see MPP 40-129.21 for exceptions to the MPP 42-211.2 definitions.

HANDBOOK ENDS HERE**.4 Emergencies Resulting from Sudden and Unusual Circumstances Beyond the AU's Control**

- .41 An AU is entitled to receive a nonrecurring special need payment to repair or replace clothing or household equipment; to provide assistance for damages to the home; or to pay for interim shelter when the AU's home was destroyed or made uninhabitable or inaccessible. (See MPP 44-211.42, .43, and .44 respectively.)
- .411 The loss or damage must have been caused by sudden and unusual circumstances beyond the AU's control.
- .412 The CWD shall determine the most feasible and economic method of repair or replacement including the provision of donated or used serviceable items.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- .413 The total amount allowed for the payment for household emergencies shall not exceed \$600 for each incident resulting from the circumstances described in MPP 44-211.41 and .411.
- (a) The amount of the payment for each item to be repaired or replaced, or to assist with damage to the home, shall be the actual cost, including sales tax, up to a total maximum not to exceed the amount allowed in MPP 44-211.413.
 - (b) Payment shall not be made to repair or replace clothing, household items or damage to the home occupied by the AU, unless the clothing, household items or home belonged to a member of the AU.
- .42 Clothing and Household Equipment
- .421 Within the limit specified in MPP 44-211.413, a payment made to replace clothing may not exceed \$25 for each member of the AU.
- .422 Items of household equipment which may be repaired or replaced include, but are not limited to the following:
- (a) Bedding, dishes, kitchen utensils - \$12 for each person in the AU
 - (b) Cook stove - \$142
 - (c) Refrigerator - \$190
 - (d) Space heater - \$73
 - (e) Double bed including mattress - \$143
 - (f) Other essential furniture - \$50
- .43 Damage to the AU's Home
- .431 Within the limit specified in MPP 44-211.413, a payment may be made for the costs of essential repair or replacement resulting from damage to the AU's home.
- .432 The payment shall be allowed for the following costs:
- (a) Moving and/or storage costs necessitated by the damage to the home.
 - (b) Labor and material costs for repair of the home in which the AU lives and which a member of the AU owns.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)**.44 Interim Shelter**

- .441 An AU may receive a nonrecurring special need payment for the costs of interim shelter when its home has been destroyed, made uninhabitable or inaccessible.
- .442 An AU is not eligible to receive a nonrecurring special need payment for the costs of interim shelter if it is eligible to receive the nonrecurring special need payment for homeless assistance described in MPP 44-211.5.

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- (a) If an AU has received the nonrecurring special need for homeless assistance, and the AU's home is subsequently destroyed, made uninhabitable or inaccessible, the AU may qualify for interim shelter assistance in accordance with MPP 44-211.441.
- (b) When an AU's home is destroyed, made uninhabitable or inaccessible due to a state or federally declared disaster, the AU is eligible to receive 16 days of temporary homeless assistance benefits based on this disaster as described in Section 44-211.541(a). After the AU has received their 16 days of temporary homeless assistance benefits, they may be eligible to receive additional days of temporary shelter payments under this section.

HANDBOOK ENDS HERE**.5 Homeless Assistance****.51 General**

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing, preventing eviction and meeting the costs of temporary shelter while the AU is seeking permanent housing. Any AU applying for homeless assistance shall be informed that these benefits are limited to once every 12 months, with exceptions (see Sections 44-211.514 and .54).

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See Section 44-211.52 for specifics regarding the payment for temporary shelter assistance; see Section 44-211.53 for specifics regarding the payment for permanent housing assistance; see Section 44 211.527 for specifics regarding the expanded temporary homeless assistance for applicants that are fleeing domestic abuse.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

.511 An AU is considered homeless when:

- (a) It lacks a fixed and regular nighttime residence: or
- (b) It has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- (c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or
- (d) It has a need for housing in a commercial establishment, shelter, publicly-funded transitional housing, or from a person or establishment with whom the AU has a valid lease, sublease, or shared housing agreement; or
- (e) It receives a pay rent or quit notice.

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- (1) Example: An otherwise eligible AU, who temporarily resides with another family, requests homeless assistance payments to obtain separate housing. The county determines that the AU is eligible to receive homeless assistance payments because: (1) they have a need for shelter per Section 44-211.511(d), and (2) they lack a fixed and regular nighttime residence (e.g., they are "couch surfing"). This is in accordance with the preliminary injunction ordered in Merriman v. McMahon, which remains in full force and effect.

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.512 Although an AU may be considered homeless, in accordance with the definition in Section 44-211.511, a homeless assistance payment shall not be issued to an AU if the CWD establishes that the AU has ongoing shelter at no cost.

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- (a) A family residing in a shelter or car should not be considered to be in receipt of ongoing shelter at no cost and should be issued homeless assistance payments.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- .513 An AU is eligible for a nonrecurring special need payment for homeless assistance once every 12 months unless the exception criteria in Section 44-211.54 or .514 is met. For each 12-month period, homeless assistance shall only be granted for a continuous period of homelessness caused by the same specific circumstance and is limited to a maximum of 16 days of temporary assistance and one payment of permanent housing assistance, with exceptions. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing. An AU may only be granted temporary shelter assistance after a permanent housing payment has been received if certain requirements are met (see Section 44-211.522). A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued.
- (a) The AU must complete a separate Statement of Facts for Homeless Assistance (CW 42) to apply for a temporary shelter payment and/or permanent housing assistance. The Statement of Facts for Homeless Assistance is designed to gather information specific to the elements of eligibility for the nonrecurring special need for homeless assistance.
 - (b) The period of homelessness begins:
 - (1) For temporary and permanent homeless assistance, on the day the CWD issues the first payment of temporary shelter or permanent housing to the recipient or landlord. This also marks the beginning of the 12-month limit on eligibility described in Section 44-211.513.
 - (2) For emergency transfer of deposits in Section 44-211.538, on the date when the first homeless assistance payment is issued for either the once every 12-month benefit or for homeless assistance under an exception.
 - (3) For those exceptions limited to once in months, the period of homelessness begins on the date when the first temporary or permanent homeless assistance payment is issued under one of these exceptions.
 - (c) The period of homelessness ends when the AU receives the payment for permanent housing, except as specified in Section 44-211.522.
- .514 An otherwise eligible AU that has received a homeless assistance payment on behalf of an eligible child in the last 12 months shall not be eligible for further homeless assistance payments, except as specified in Section 44-211.54 or under the following conditions:
- (a) There is a new caretaker relative who was not living with the AU at the time the original homeless assistance payment was issued, and

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (b) The new caretaker has not received homeless assistance during the previous 12 months on behalf of or as part of another AU, and
- (c) The former caretaker relative is no longer living in the home with the AU.

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- (d) For additional exceptions, see Section 44-211.54.
 - (1) **EXAMPLE:**

An AU requests temporary shelter on April 1, 2017, but remains homeless following the issuance of temporary homeless assistance. On June 6, 2017, the AU secures housing and receives permanent homeless assistance. In this scenario, April 1, 2017, represents the beginning of the 12-month limit on homeless assistance. If otherwise eligible, the AU may receive temporary and/or permanent assistance again on April 1, 2018.
 - (2) **EXAMPLE:**

An AU receives two months of permanent housing assistance in the form of rent arrearages to prevent eviction on March 15, 2017. On July 1, 2017, the AU is facing eviction a second time. Unless the AU meets an exception, the AU is not eligible for temporary or permanent homeless assistance until March 15, 2018, which represents a new 12-month period.
 - (3) **EXAMPLE:**

An AU receives temporary homeless assistance on August 1, 2017, but fails to secure permanent housing. The AU is eligible to receive permanent homeless assistance during the same 12-month period as long as they have not secured permanent housing since they first received temporary homeless assistance benefits. The AU will not be eligible for temporary homeless assistance again until August 1, 2018, which represents a new 12-month period.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

HANDBOOK CONTINUES

(4) EXAMPLE

An AU receives temporary homeless assistance on April 4, 2018, but fails to secure permanent housing. On May 15, 2018, the AU finds permanent housing, secures this housing without county assistance and moves in on June 1, 2018, which ends the instance of homelessness. On September 3, 2018, the AU is facing eviction. Unless the AU meets an exception, they are not eligible for temporary or permanent homeless assistance until April 4, 2019, because this is a separate instance of homelessness.

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- .515 In intercounty transfer cases, the county where the AU is physically located and intends to reside shall be responsible for the homeless assistance eligibility determination and issuance of the homeless assistance payment from the date of the request.
- (a) The MAP amount for the county where the AU is physically located and intends to reside shall be used in the calculation of the total monthly household income for purposes of determining eligibility for permanent homeless assistance.
 - (b) The new county of residence must determine if the AU has received homeless assistance in the previous county in the last 12 months and if so, how many of their 16 days they received. If not all 16 days were issued, the AU may be eligible for the remaining days of homeless assistance benefits in the new county.
- .516 The county shall comply with an AU's written request to make payments to the AU or to the providers of temporary shelter, permanent housing or utilities unless the conditions in Section 44-211.517 exist.
- (a) The CWD shall determine the most appropriate method of payment to third parties which includes, but is not limited to, direct vendor payments, two-party or restrictive endorsement checks, or voucher payments.
- .517 The county shall make restricted payments when the county establishes a finding of mismanagement of CalWORKs cash assistance. A restricted payment is a vendor or two-party payment to a provider of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (a) Mismanagement exists only when:
 - (1) The county determines that the homeless assistance payment was not used for shelter; or
 - (2) The AU fails to provide verification
 - (A) that the temporary shelter payment was spent on shelter; and/or
 - (B) as required under Section 44-211.535(d) for permanent housing; or
 - (3) The AU provides verification which shows the homeless assistance payment was not paid to a person or establishment with whom the AU has a valid lease, sublease, or shared housing agreement.
 - (4) The recipient's homelessness is the result of the failure to pay rent, other than for the following:
 - (A) A rent increase which results in the AU's rent or share of the rent being over 80 percent of the AU's total monthly household income, without special needs, for an AU of that size.
 - (B) Reasonable exercise of a tenant's right to withhold rent for cause.
 - (C) Domestic violence by a spouse, partner, or roommate.
- (b) The CWD shall do all of the following when restricted payments are provided to an AU:
 - (1) Issue the payment by one of the following methods, at the discretion of the CWD:
 - (A) Mail or delivery to the AU for delivery to the service provider.
 - (B) Mail or delivery directly to the service provider.
 - (2) Develop greater ability on the part of the recipient to manage funds in such a manner as to protect the welfare of the family by:
 - (A) Providing each family with informational materials.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (B) Referring the family to appropriate services where such services exist.

.52 Temporary Shelter

The temporary shelter payment is available once every 12 months, with exceptions (see Section 44-211.541), to a homeless AU for temporary shelter, when the AU is also seeking permanent housing.

- .520 The temporary shelter payments are also available to homeless CalWORKs families receiving family reunification services, as defined in Section 80-301(r)(3), if they are otherwise eligible and the county determines that such benefits are necessary for reunification to occur.

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See Sections 82-812.674 and .675 for more information about services available to family reunification parents.

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- .521 The temporary shelter payment is also available to homeless applicant AUs who are apparently eligible for CalWORKs.

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- (a) Apparent eligibility is defined in Section 40-129.11.
- (1) The potentially eligible AU must meet technical conditions of eligibility as specified in Section 40-129.214(a).
- (2) Information from any source may be considered.
- (b) In determining an apparently eligible AU, do not include a person who is:
- (1) A non-citizen applicant who does not provide verification of their eligible non-citizen status; or
- (2) A person with no eligible children who does not provide medical verification of pregnancy; or
- (3) A person who is sanctioned.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- .522 An AU may receive temporary shelter assistance, after it has been granted permanent housing assistance, when the AU still needs temporary shelter prior to assuming occupancy of the permanent housing, provided they have not exhausted their 16 days of benefits.
- .523 The payment for temporary shelter shall be issued or denied within the same working day in which the AU requests homeless assistance.
- (a) When the CWD arranges for shelter in the interim, the temporary shelter may be issued no later than the close of business on the working day following the request.
 - (b) The temporary shelter payment, or CWD arranged interim shelter, shall be issued to an otherwise eligible AU on the last CWD working day before a weekend or holiday when it is established that the AU will lack shelter on the weekend or holiday.
- .524 An AU determined to be homeless may be eligible for up to 16 days of temporary shelter assistance, regardless of the CWD's schedule for issuance of payments.
- (a) The first day for which a temporary shelter payment is provided to an AU marks the beginning of the 12-month period during which the AU may receive their homeless assistance benefits.
 - (b) The AU must request all temporary shelter assistance before the end of the 12-month period. After the 12-month period has passed, the family may be eligible for a new issuance of up to 16 days of homeless assistance benefits.
 - (c) The AU must provide verification of shelter expenditures and a housing search to receive the next issuance of temporary shelter assistance or reimbursement for temporary shelter assistance for expenses incurred up to 16 days within the 12-month period.
 - (d) Unless homelessness and, when applicable, an exception have been verified, an initial temporary shelter payment shall be issued for up to three working days plus any nonworking days that are bracketed by the working days. If homelessness has been verified, payments are issued in accordance with Section 44-211.524(f) which permits an extension of benefits.
 - (1) Counties may waive the initial three-day limit and provide temporary shelter payments in increments of more than a week, up to a total of 16 days, when the family's homelessness is a direct and primary result of a state or federally declared natural disaster.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

HANDBOOK BEGINS HERE**(A) EXAMPLE:**

An AU requests temporary shelter on a Thursday. The following Monday is a national holiday and the CWD will be closed. The CWD may issue temporary shelter benefits for six days to pay for Thursday through Tuesday nights' shelter.

(B) EXAMPLE:

An AU's home burns down in a fire that is declared a natural disaster by the State. The family requests temporary shelter payments. The county knows that many families were displaced by the fire, and that this family will likely have to travel some distance to find an available motel. The county issues the family all 16 days of temporary shelter payments on the day they apply.

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- (e) The CWD shall verify the family's homelessness within the first three working days.
 - (1) The CWD shall refer the AU to its early fraud prevention and detection unit for assistance in the verification of homelessness when the AU meets the criteria outlined in Section 20-003.1 or 20-005.322.
 - (2) Other than referrals made pursuant to Section 44-211.524(e)(1), the CWD shall obtain the AU's consent for the release of information to verify homelessness.
 - (3) If the CWD is unable to verify that the AU is homeless, the AU must complete and sign a statement under penalty of perjury which includes the following information:
 - (A) A statement of liability for providing false information.
 - (B) Name, address and telephone number of previous landlord.
 - (C) Location where the AU is currently staying.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (f) After homelessness and, when applicable, an exception have been verified, benefits shall be issued on a weekly basis thereafter (up to seven days at a time) for a maximum total of 16 days. An extension of benefits beyond the initial payment shall be based upon:
- (1) The CWD's verification of the AU's homelessness within the first three working days.
 - (2) The AU's continuing need for temporary shelter benefits.
 - (3) The AU's documentation of a search for permanent housing while receiving temporary shelter benefits.
 - (A) The CWD shall issue a housing search form to the AU for the AU to document its search for housing.
 - (i) Other than cases of suspected fraud handled by the fraud unit, when the county chooses to make a collateral contact to verify housing search, the CWD must obtain the AU's consent.
 - (B) A minimum of one contact with prospective landlords for each day the AU receives temporary shelter benefits shall be required unless the AU has good cause for not searching for housing. An AU may contact prospective landlords in person, by telephone, or in writing.

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(i) EXAMPLE

An AU requests temporary shelter benefits on a Monday and is issued three days of benefits and a search form by the CWD. The AU returns to the CWD on Thursday. The search form shows that the only contacts were with three landlords on Thursday prior to returning to the CWD. If the CWD has verified the AU's homelessness and the AU still needs temporary shelter assistance, the CWD will consider the AU to have cooperated with the housing search requirement in Section 44-211.524(f)(3)(B), and issue up to seven more days of temporary shelter benefits.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (ii) Good cause for not searching for permanent housing includes, but is not limited to, the following situations:
 - a. The AU does not have access to a telephone, either through having one itself, or through a friend, shelter or accessible public place, and the AU also has no transportation and is living in a rural setting that makes public transportation unfeasible.
 - b. The permanent housing located by the AU is not yet available for occupancy.
 - c. The AU became homeless due to a state or federally declared natural disaster.
- (iii) Good cause for not providing proof of permanent housing search also includes situations when the county determines that the AU, to the extent it is capable, has made a good faith but unsuccessful effort to secure permanent housing while receiving temporary shelter.
- (C) Temporary shelter benefits shall be issued while the AU is cooperating, as outlined in Section 44-211.524(f)(3)(B) regarding housing search.
- (D) An AU shall not be issued temporary shelter benefits if the AU has not met the housing search requirement, as outlined in Section 44-211.524(f)(3)(B), and if applicable, has not submitted verification of an exception. If the AU subsequently meets the housing and/or verification of an exception requirement(s), the AU shall continue to receive temporary shelter benefits until the 16 days are exhausted, if otherwise eligible.
- (g) The applicant/recipient shall provide verification of the amount expended for temporary shelter after receiving a temporary homeless assistance payment but before receiving any subsequent homeless assistance payment made directly to the applicant/recipient.
- (1) Repealed by Manual Letter No. EAS-92-01, effective 1/1/92.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- .525 The amount of the nonrecurring special need payment for temporary shelter shall be specified by the State Department of Social Services pursuant to the Budget Act. See Welfare and Institutions Code Section 11450(f)(3)(A) for the latest daily shelter rates.
- (a) Effective January 1, 2019, an AU with four or fewer members shall receive a daily amount of \$85.
 - (b) Effective January 1, 2019, the fifth and each additional member of an AU shall each receive an additional \$15 a day, up to a maximum of \$145 a day.
- .526 In order for the homeless assistance program to be available to meet shelter costs, the AU shall use a provider of housing who is a commercial establishment, shelter, publicly funded transitional housing, or person or establishment with whom the AU has a valid lease, sublease, or shared housing agreement.
- (a) When the AU fails to pay a provider in accordance with this requirement, the county shall follow the restricted payment provisions of Section 44-211.517.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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(1) Example:

The AU receives three days of temporary shelter assistance in the amount of \$255. On the fourth day, the AU returns to the CWD for an extension of benefits. The AU provides a shared housing agreement that shows the AU stayed with a friend and paid the friend \$60 for three nights. The county determines that the AU has met the requirement to stay with a person with whom they have executed a valid shared housing agreement. There is no misuse of funds in this example.

(2) Example:

The AU receives three nights of temporary shelter in the amount of \$255. The AU returns on the fourth day to request an extension of benefits. The AU provides a receipt that shows the AU stayed in a shelter three nights at a cost of \$15. The AU has met the requirement of staying in a shelter or commercial establishment. There is no misuse of funds in this example.

(3) Example:

The AU receives \$255 for three nights of shelter. The AU returns on the fourth day for an extension of benefits. The AU provides verification that shows \$200 was spent on two nights of shelter at the XYZ Motel and the third night the AU paid a friend \$60 to stay with them. The AU has met the requirement of staying in a commercial establishment and with a person whom they have a valid shared housing agreement. There is no misuse of funds in this example.

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- .527 Expanded temporary homeless assistance for CalWORKs applicants that are fleeing domestic abuse

CalWORKs applicants who are apparently eligible pursuant to Section 40-129.11 and actively fleeing domestic abuse may be eligible for up to 32 consecutive days of temporary homeless assistance payments. These benefits are in addition to any temporary and permanent homeless assistance benefits the family may be eligible to receive under Section 44 211.51.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

CalWORKs applicants that are fleeing domestic abuse and applying for homeless assistance shall be informed that these 32 consecutive days of temporary homeless assistance benefits are only available once in a lifetime to CalWORKs applicants that are actively fleeing past or present domestic abuse. The applicant family shall also be informed that these temporary shelter payments are only available during this consecutive 32-day period and that once this period ends these benefits are exhausted, even if the family has not received all 32 days of shelter payments.

- (a) In addition to being apparently eligible for aid, the applicant must:
 - (1) Sign a sworn statement that they are actively fleeing past or present domestic abuse.
 - (A) This sworn statement is sufficient verification that the applicant is homeless.

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- (i) Example: A mother and her children apply for CalWORKs and homeless assistance. The mother signs a sworn statement that she is fleeing her abuser. The county determines that she is homeless without further verification, despite the fact that she has not yet spent a night unsheltered. The county issues her the first 16 days of her expanded temporary homeless assistance payments the same day she applied.

HANDBOOK ENDS HERE

- (2) Have no more than \$100 in liquid assets.
 - (A) Income and assets that are attributable to the abuser shall be disregarded.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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- (i) Example: A mother applies for aid for herself and her children and signs a sworn statement that she is fleeing domestic abuse by her husband. She reports that her husband has income and a bank account in his name and that she does not have access to these assets. The husband's income and assets will not count towards the applicant's \$100 homeless assistance resource limit. The husband's resources should also be disregarded when determining apparent eligibility.
- (ii) Example: A mother applies for aid for herself and her children and signs a sworn statement that she is fleeing domestic abuse by her husband. She reports that she has a joint bank account with her husband. This income is available to the applicant, so it does count towards the applicant's \$100 homeless assistance resource limit, unless the applicant signs a sworn statement that she does not have access to these assets.

HANDBOOK ENDS HERE

- (b) The 32 consecutive days of expanded temporary homeless assistance for applicants fleeing domestic abuse is available in two 16-day increments.
 - (1) The first 16 days shall be granted the same working day the applicant applied for benefits.
 - (A) The 32 consecutive-day period begins on the first day for which these benefits are provided to the applicant family.
 - (B) The family must request all benefits before the end of the 32-consecutive-day limit.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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- (i) Example: On March 20th a family receives 16 days of expanded temporary homeless assistance for applicants fleeing domestic abuse. These benefits will cover temporary shelter through April 4th and the last day of their consecutive 32-day limit is April 20th. The family doesn't request their second payment of 16 days until April 10th. They are only granted an additional 11 days of benefits, through April 20th, because April 20th is the last day of the 32 consecutive-day limit. This counts as full utilization of this once-in-a-lifetime benefit.

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- (2) The second 16-day period shall be issued on the last business day before the first 16 days have been exhausted, provided the CalWORKs application has not yet been approved or denied.

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Example: On Friday, April 5th a family applies and receives the first 16 days of expanded temporary homeless assistance for applicants fleeing domestic abuse. This payment covers shelter payments through Saturday, April 20th. The county office is closed on Fridays, so the county informs the applicant that they should come in to the county office on Thursday, April 18th to get their second 16-days' worth of benefits.

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- (A) If the CalWORKs application has been approved prior to issuing the second 16-day payment, the AU will not receive the second 16 days of expanded temporary homeless assistance for applicants fleeing domestic abuse but shall be evaluated for eligibility for regular homeless assistance and homeless assistance due to an exception, as necessary.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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Example: A family applies for aid and signs a sworn statement that they are fleeing past or present domestic abuse. The county determines them eligible for expanded temporary homeless assistance for applicants fleeing domestic abuse and issues them 16 days' worth of benefits. On day 14, the family's CalWORKs application is approved. The AU is no longer eligible for the expanded temporary homeless assistance for applicants fleeing domestic abuse because they are no longer applicants, but the county approves them for regular temporary homeless assistance. This counts as full utilization of the once in a lifetime benefit.

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- (B) If the CalWORKs application has been denied, the family will not receive the second 16 days of expanded temporary homeless assistance for applicants fleeing domestic abuse. This counts as full utilization of this once in a lifetime benefit.
- (3) If the applicant does not provide verification that they spent the first 16 days on shelter at a commercial establishment, shelter, publicly funded transitional housing, or from a person or establishment with whom they have a valid lease, sublease, or shared housing agreement, as required by Section 44 211.526, the second 16 days shall be issued as a restricted payment.

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See Section 44-211.517(b) for more information about restricted payments.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (c) Applicants receiving expanded temporary homeless assistance for applicants fleeing domestic abuse do not need to show proof of a daily search for permanent housing.
 - (1) Once the county issues an immediate need payment or issues CalWORKs benefits for the month of application, then the family must show proof of the daily search for permanent housing as required under Section 44-211.524(f)(3).
- (d) If the CalWORKs application is denied, the expanded temporary homeless assistance benefits that were issued to the applicant family will not be assessed as an overpayment, provided the family was apparently eligible at the time that they received these benefits.

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- (e) See Section 44-211.544, which mandates that a county shall immediately inform these victims of domestic abuse of the availability of domestic violence counseling and services and shall refer the victim to services upon request.

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.53 Permanent Housing

The permanent housing payment is available once every 12 months, with exceptions (see Section 44-211.541), to assist homeless recipient AUs in obtaining or retaining permanent housing.

.531 Permanent housing payments are available to:

- (a) Help homeless families secure a permanent residence; or

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (b) Pay up to two months of rent arrearages to prevent eviction. Each month of the rent arrearage payment shall not exceed 80 percent of the Total Monthly Household Income (TMHI), as defined in Section 44-211.534(b) and without special needs.
- .532 A nonrecurring special need payment for permanent housing assistance to secure a permanent residence shall be made only to AUs presenting evidence that the AU has found permanent housing which does not rent for more than 80 percent of the AU's TMHI, without special needs, for an AU of that size.
- (a) If the CWD determines that an AU intends to share housing costs, and the AU's share of the total housing costs does not exceed 80 percent of its TMHI, Section 44-211.532 above shall not apply.
- (b) Shared housing includes, but is not limited to, the following:
- (1) Two or more AUs residing together;
 - (2) SSI/SSP recipient(s) residing with CalWORKs recipient(s);
 - (3) An AU residing with unaided person(s) providing that the AU's share does not exceed 80 percent of the TMHI.
- .533 A nonrecurring special need payment for Permanent Housing Assistance to prevent eviction shall be made to AU's when payment of arrearages will prevent the AU from being evicted.
- (a) In order to be eligible for Permanent HA arrearage payments, the AU must also meet all of the following conditions:
- (1) The AU must provide proof of a proposed or pending eviction such as "notice to pay rent or quit" or court eviction papers;
 - (2) The AU must provide proof to the CWD that the eviction is a result of financial hardship and not for other lease or rental violations;
 - (3) The financial hardship must have been caused by extraordinary circumstances beyond the AU's control;

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (4) The financial hardship resulting in the AU's eviction must also render the AU homeless in accordance with MPP Section 44-211.511.
- (b) It is the county's responsibility to determine what constitutes a "financial hardship resulting from extraordinary circumstances beyond the AU's control" and this determination must be made after a careful assessment of the unique facts presented in each case.

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- (1) Examples of expenses that might cause the AU to experience financial hardship include, but are not limited to:
- High hospital bills or medical expenses not covered by Medi-Cal.
 - Car repairs.
 - Funeral expenses.
 - Cost required traveling to visit an ill or dying relative or to attend a funeral.
 - High utility bills resulting from unforeseen circumstances, such as weather extremes or repair problems.
 - Loss of wages due to illness of self or family members or temporary unemployment.

Examples of reasons that might cause financial hardship for an AU that would not be considered a result of extraordinary circumstances beyond the AU's control include, but are not limited to:

- Loss of income due to purchase of non-essential household goods, gambling debts, parties, or vacations.
- Failure to budget appropriately such as overspending on items not related to family need or mismanagement of household funds.
- Normal occurring credit card expenses, not related to unusual or unanticipated expense.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (c) The county shall pay up to two months of an AU's rent arrearage, provided each month's arrearage amount does not exceed 80 percent of the AU's TMHI without special needs.
- (d) If the CWD determines that the AU that is being evicted has been sharing housing costs as described in 44-211.532(b), the county shall pay only the eligible AU's share of the rent arrearages.
- (e) The CWD must ensure that payment of the Permanent HA arrearages in a shared housing situation will prevent eviction. If making these arrearage payments would not prevent eviction the CWD shall not approve permanent HA arrearage payments.

.534 Definitions

- (a) "Income" means income to be counted towards the TMHI which includes gross earned and unearned income, including the CalWORKs computed grant, or Supplemental Security Income (SSI) and State Supplementary Payment (SSP). An AU's CalWORKs Special Need payments and CalFresh benefits do not count as income and are not included in the TMHI.
- (b) "Total Monthly Household Income" means income that can be used to determine eligibility for Permanent HA. Counties must count the income of the AU members and of any other persons whose income is currently used in calculating the AU's grant, including but not limited to sanctioned and penalized household members and persons who are excluded by law due to their undocumented non-citizen or fleeing felon status.
 - (1) When an AU has asked to add a new person to their AU mid-period, any income of that person shall be included in the TMHI used to determine eligibility for and amount of Permanent HA, regardless of when the county will be increasing the AU size as a result of adding the new person.
 - (2) If the AU has reported that an AU member has left the home mid-period, and that person's income will no longer be available to help the AU pay rent, that person's income shall not be included as part of the AU's TMHI for Permanent HA.
 - (3) If an SSI/SSP recipient living in the home contributes toward the monthly rent, the family's total monthly rent amount to which the 80 percent standard is applied shall be reduced by the amount contributed by the SSI/SSP recipient.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (c) "Valid shared housing agreement" means that there is a written agreement between the AU and another person(s) stating that the parties will be sharing housing.
 - (1) Short-term shared housing agreements must include the name of the person the AU is sharing housing with, the address where they are staying, the dates they are staying there, and the amount being charged per night.
 - (2) Long-term shared housing agreements must include the name of the person the AU is sharing housing with, the address where they will be living, the move in date, and the amount of monthly rent being charged to the AU. If the person providing the shared housing is not the legal owner or landlord, the shared housing agreement should be accompanied by the rental agreement between the owner/landlord and the current tenant.
- .535 An amount not to exceed two months of an AU's rent, as described in MPP Section 44-211.531, is available to pay for the reasonable costs of security deposits when the deposits are a condition of securing a permanent residence.
- (a) Security deposits include last month's rent and any legal payment, fee, deposit or charge that is required by a landlord as a condition of assuming occupancy.
 - (b) That portion of the security deposit payment, available for last month's rent shall not exceed 80 percent of the AU's TMHI, without special needs, for an AU of that size.
 - (c) In order for the homeless assistance program to be available to meet the cost of security deposits, the recipient must pay the permanent housing assistance to a person or establishment with whom the AU has a valid lease, sublease, or shared housing agreement.
 - (d) The recipient shall provide verification within 30 calendar days of having received the permanent housing assistance payment of:
 - (1) The amount expended for permanent housing.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (2) The payment of the permanent housing assistance to a person or establishment with whom the AU has a valid lease, sublease, or shared housing agreement.
 - (e) Should the recipient fail to provide verification, the county shall make a determination as to whether the payment was used for permanent housing rented from a person or establishment with whom the AU has a valid lease, sublease, or shared housing agreement.
 - (1) A determination that the payment was not used for permanent housing or not used to pay a person or establishment with whom the AU has a valid lease, sublease or shared housing agreement shall result in a determination that mismanagement of funds exists for any future security deposit or utility payment associated with the same incident of homelessness.
- .536 The payment for permanent housing costs may include the actual costs of utility deposits in addition to the amount allowable for security deposits described in MPP 44-211.535.
 - (a) The payment shall cover deposits (turn-on-fees) required for gas, electricity and/or water.
 - (b) The payment shall not include the costs of overdue utility bills.
- .537 The county has one working day from the time the recipient provides the following information to issue or deny a payment for permanent housing assistance:
 - (a) A written rental agreement which demonstrates the landlord's intent to rent to the AU at a cost which does not exceed 80 percent of the AU's TMHI.
 - (1) If the county questions the validity of the rental agreement, or a rental agreement cannot be provided, the county shall verify that a rental agreement has been made by directly contacting the landlord or by some other means.
 - (2) If the county cannot directly contact the landlord, or verify by some other means that a rental agreement has been made, then the recipient must complete and sign a statement under penalty of perjury which includes the following information:
 - (A) A statement of liability for providing false information.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (B) Name and phone number of landlord.
 - (C) Location of rental.
 - (D) Terms of rental.
 - (E) Dollar amount of deposits and rent.
- (b) Information necessary for the CWD to establish eligibility for CalWORKs.
- (c) When applicable, verification of the exception to the once every 12-month homeless assistance benefit (see Section 44-211.541).
- .538 If due to an emergency, an AU must move within the 12-month time limit specified in MPP section 44-211.513, the AU shall be allowed to transfer deposits to meet the security deposits for the new residence.
- (a) An emergency cannot result from an intentional act on the AU's part.
 - (b) If the CWD determines that the transfer was within the 12-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.
- .539 The payment for permanent housing costs is not available to assist recipients to return to their most recent former residence unless there are unusual circumstances beyond the recipient's control.
- (a) For purposes of this section, a most recent former residence is the house or the same unit in a duplex or apartment complex in which the recipient lived just prior to being determined homeless.

HANDBOOK BEGINS HERE**EXAMPLE:**

A family left its residence in Shasta County in order to take advantage of a job opportunity in Los Angeles. When they arrived in Los Angeles, the job was no longer available. The family returned to Shasta County and was homeless. Their former residence was available to rent, so they requested a permanent housing payment to move into their former residence. Their request should be granted due to unusual circumstances which prompted their return to Shasta County.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

.54 Homeless Exceptions

.541 Temporary and permanent housing assistance payments are each limited to once every 12 months with the following exceptions:

- (a) Whenever a state or federally declared natural disaster is the direct and primary cause of homelessness.
- (b) Limited to a maximum of 16 days of temporary shelter and one payment of permanent housing assistance in 12 months (see Section 44-211.513(b)(2)) when homelessness is the result of any of the following exceptions:
 - (1) Domestic violence by a spouse, partner, roommate, or
 - (2) Uninhabitability of the former residence caused by sudden and unusual circumstances beyond the applicant/recipient's control which includes, but is not limited to, fire, natural catastrophe, or condemnation, or
 - (3) A medically verified physical or mental illness, excluding alcoholism, drug addiction or psychological stress.
- (c) Expanded temporary homeless assistance for applicants who are fleeing domestic abuse (per Section 44-211.527) are available once in a lifetime and do not count against the limits described in section (b) above.

.542 The AU shall provide verification of the exceptional circumstance(s), described in Section 44-211.541(b), which resulted in the AU's homelessness. The circumstances listed under Section 44-211.541(b)(2) and (b)(3) shall be verified through a third-party governmental or private health and human services agency. Domestic violence circumstances may be verified by sworn statement as provided in Section 44-211.543.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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- (a) A county may require that a recipient of homeless assistance benefits who qualifies under this paragraph a second time in a 24-month period shall participate in a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits.
- (b) Examples of verification for the exceptions specified in Section 44-211.541(b) include the following:
- (1) Domestic violence - copies of records or reports from police departments; medical facilities; battered women's shelters signed by an administrator, counselor or designated staff member; and Adult and Child Protective Services, Family Services Bureau, Crisis Counseling Services agencies. These types of third party verifications are acceptable when the county has determined that a sworn statement by the victim is not credible.
 - (2) Physical or mental illness - medical verification from the appropriate treating physician, state certified nurse, nurse practitioner, physician's assistant, therapist, psychologist, licensed counselor, medical or clinical personnel with access to the patient's records who can verify the diagnosis.
 - (3) Uninhabitability of the residence - written statements or copies of reports from police departments, fire departments, the Red Cross, health department or any other agencies authorized to verify uninhabitability of the former residence.
- (c) Example: An AU applies for homeless assistance, under the exception of a mental condition. The AU had been homeless for some time and had no interim contact with any governmental or private health or human services agency which could verify that homelessness was caused by the mental condition. The AU was able to provide proof of the mental condition from a psychologist and a written statement from the former landlord stating that the AU was evicted because of disruptive behavior toward the other tenants. Based on the verification provided by the AU, the county determines that the AU is eligible for homeless assistance due to the mental illness exception.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- .543 Sworn statement by a victim of past or present domestic abuse shall be sufficient to verify the AU meets a domestic violence exception unless the county documents in writing an independent and reasonable basis to find the applicant or recipient not credible, in accordance with domestic abuse regulations found at MPP Section 42-715.12.
- (a) A sworn statement by the victim shall be acceptable verification to meet an exception for up to two periods of temporary and two payments of permanent homeless assistance.
 - (b) If the county establishes the applicant or recipient is not credible, the county shall obtain third party verification of domestic violence pursuant to Section 44-542(b)(1).
- .544 A county shall immediately inform the victim who verifies domestic violence with a sworn statement of the availability of domestic violence counseling and services, and shall refer the victim to services upon request.
- .545 A county may require an applicant/recipient who verifies domestic violence by a sworn statement to participate in a homelessness avoidance case plan.
- (a) If a county requires an applicant/recipient who verifies domestic violence by a sworn statement to participate in a homelessness avoidance case plan, the plan shall include the provision of domestic violence services, if appropriate.
 - (b) If an applicant/recipient seeking an exception for homeless assistance based on domestic violence has previously received homeless avoidance service based on domestic violence, the county shall review whether services were offered to the applicant/recipient and consider what additional services would assist the recipient in leaving the domestic violence situation.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- .546 Payments for temporary shelter and permanent housing under an exception shall only be authorized for a continuous period of homelessness caused by the same specific circumstances.

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(a) **EXAMPLE:**

An AU is issued temporary shelter payments on April 1, 2017, and locates permanent housing later in the month. On October 1, 2017, the same AU becomes homeless again and begins receiving homeless assistance based on an exception listed in Section 44-211.541(b). The AU's 12-month limit on eligibility continues to be April 1, 2017, through March 31, 2018. The AU would not be eligible for homeless assistance again until April 1, 2018, unless the homelessness is caused by a state or federal natural disaster or under the circumstances described in Section 44-211.514.

(b) **EXAMPLE:**

An AU that is receiving CalWORKs also receives temporary shelter payments in January 2017 because of domestic violence. After receiving the temporary shelter payments, the AU returned to the former residence. In March 2017, the AU requests the permanent housing payment with the CW 42 showing uninhabitability as the reason for homelessness. Even though the AU had been homeless in January because of domestic violence, that instance of homelessness did not count as an exception under Section 44-211.541(b), because the AU had not received homeless assistance within the 12 months prior to January 2017. Eligibility for the January payment was not based on an exception, so the March payment may be considered an exception, and the AU may receive homeless assistance in March.

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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(c) EXAMPLE:

In January, 2017 an AU is issued homeless assistance payments under Section 44-211.51. In March 2017 the AU receives temporary shelter payments because of uninhabitability. The residence was condemned. The AU then becomes homeless in April 2017 because of a fire, which is declared a natural disaster by the state. The AU receives both the temporary shelter and permanent housing payments because of the disaster. In June 2017 the AU returns requesting the permanent housing payment for the exception which began in January 2017. The AU is again homeless because of uninhabitability. However, since the AU was not continuously homeless after the temporary shelter payment was issued in January 2017, and the current homelessness is not the result of the same specific circumstances, the county determines the AU is not eligible for the permanent housing payment. The AU may potentially be eligible again in January 2018 under the standard once every 12-month rule in Section 44-211.51.

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.6 Pregnancy Special Needs

.61 For the purposes of this section, the term "second trimester" is defined as the 13th week of the pregnancy which is the beginning of the fourth month of the pregnancy.

.62 In addition to the basic grant, a pregnancy special need payment shall be authorized for all eligible pregnant women who have provided medical verification, subject to the conditions in Sections 44-211.63 and .64.

.63 Eligible Applicants

(SAR) .631 A pregnant woman age 19 or older, with no eligible children who has applied for CalWORKs, is in her second trimester, and is eligible to receive CalWORKs shall be entitled to receive the pregnancy special need payment from the date of application through the end of the semi-annual period in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-period, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Sections 44-316.312(d)(SAR) and 44-318.15(SAR)).

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44-211 SPECIAL NEEDS IN CALWORKS (Continued)

- (SAR) .632 A pregnant teen with no other eligible children in an AU of one who is under the age of 19, has not obtained a high school diploma or its equivalent and is otherwise eligible to receive CalWORKs, shall receive the pregnancy special need payment from the date of application through the end of the semi-annual period in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-period, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.312(d)(SAR) and 44-318.15 (SAR)).
- (SAR) .633 A pregnant child age 18 or younger, with no other eligible children in the AU, and is otherwise eligible, shall receive CalWORKs, and the pregnancy special need payment once required verification has been provided, from the date of application through the end of the semi-annual period in which the child is expected to be born, even if the pregnant child reaches her 18 birthday prior to the third trimester.
- (SAR) .634 A pregnant woman who has applied for CalWORKs as part of an AU with other eligible persons or was the caretaker of a person in accordance with Section 82-820.22 and who is eligible shall be entitled to receive the pregnancy special need payment from the date of application through the end of the semi-annual period in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-period, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.312(d)(SAR) and 44-318.15 (SAR)).
- (AR/CO) A pregnant mother who has applied for CalWORKs as part of an AU with other eligible persons or was the caretaker of a person in accordance with Section 82-820.22 and who is eligible shall be entitled to receive the pregnancy special need payment from the date of application through the end of the AR/CO Payment Period in which the child is expected to be born once required verification has been provided. When the birth of the child is reported mid-period, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.312(d)(AR/CO) and 44-318.15 (AR/CO)).

44-211 SPECIAL NEEDS IN CALWORKS (Continued)**.64 Eligible Recipients**

(SAR) .641 The pregnancy special need payment for a pregnant woman who is receiving CalWORKs in an AU with eligible persons shall be granted from the month of the request continuing through the end of the semi-annual period in which the child is expected to be born or the end of the month prior to the newborn being added to the AU, pursuant to Section 44-318.15(SAR), once required verification has been provided.

(AR/CO) The pregnancy special need payment for a pregnant teen mother who is receiving CalWORKs in an AU with eligible persons shall be granted from the month of the request continuing through the end of the AR/CO Payment Period in which the child is expected to be born or the end of the month prior to the newborn being added to the AU, pursuant to Section 44-318.15(AR/CO), once required verification has been provided.

.642 The recipient is only required to verify pregnancy initially (when the pregnancy is reported) and when the pregnancy continues beyond the originally estimated date of birth.

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.65 A pregnancy special need payment is \$47 per month.

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NOTE: Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(f) and (g), Welfare and Institutions Code. Reference: Sections 11056, 11155.2(a), 11251.3, 11265.1, 11265.2, 11265.3, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450, 11450.5, 11452.018(a), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60; and 42 USC, Section 606(b).

44-212 MINIMUM BASIC STANDARD OF ADEQUATE CARE

- .1 Definition -- The Minimum Basic Standard of Adequate Care is set forth in W&I Code Section 11452, as the amount which is necessary to provide an Assistance Unit with the following:
 - .11 Housing
 - .12 Clothing
 - .13 Food
 - .14 Utilities
 - .15 Items for household operation, education and incidentals, recreation, personal needs, and insurance.
 - .16 Essential medical, dental, or other remedial care not otherwise provided at public expense
 - .17 Has been deleted per Manual Letter No. 77-045.
- .2 The Minimum Basic Standard of Adequate Care set forth in Welfare and Institutions Code Section 11452 and previously distributed to the counties for each size AU (see Chapter 82-800 for composition of the AU) is in Section 44-207.212.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.20(a)(1)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

44-213 MEDICAL NEEDS - GENERAL

Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

**44-215 PERSONS WHO DO NOT MEET REQUIREMENTS FOR INCLUSION IN THE
FAMILY BUDGET UNIT**

Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

44-217 SUBSTANDARD HOUSING

Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

44-223 A MOTHER IN A MATERNITY HOME

Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

**44-267 SPECIAL NEED PAYMENT FOR CHILD'S RETURN HOME FROM FOSTER
CARE**

Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.