

**State of California
Office of Administrative Law**

In re:
Department of Social Services

Regulatory Action:

**California Code of Regulations
Manual of Policies and Procedures (MPP)**

Adopt sections:
Amend sections: 44-211
Repeal sections:

**NOTICE OF FILING AND PRINTING ONLY
OF EMERGENCY REGULATION**

Government Code Section 11343.8


OAL Matter Number: 2017-0419-01

**OAL Matter Type: Emergency File and Print
Only (EFP)**

This emergency rulemaking by the Department of Social Services makes several amendments in the Manual of Policies and Procedures in response to passage of Assembly Bill 1603 (Chapter 25, Statutes of 2016). AB 1603 made changes to the California Work Opportunity and Responsibility to Kids Homeless Assistance Program by removing the once-in-a-lifetime limit currently placed on homeless assistance and expanding the provision of temporary shelter assistance and permanent housing assistance to be available every 12 months. This emergency rulemaking implements those changes.

This matter is a deemed emergency, exempt from OAL review pursuant to section 36 of AB 1603 (Chapter 25, Statutes of 2016). OAL filed this emergency regulation with the Secretary of State. The emergency language is effective on 4/25/2017 and will expire on 10/24/2017. The Certificate of Compliance for this action is due no later than 10/23/2017.

Date: April 25, 2017


Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Will Lightbourne
Copy: Oliver Chu

EMERGENCY File

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

See Instructions on
Print

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2017-0419-01EFP
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For use by Office of Administrative Law (OAL) only

2017 APR 19 A 11: 22

OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

APR 25 2017

2:06 pm

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Department of Social Services

AGENCY FILE NUMBER (if any)
ORD # 0117-01

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input checked="" type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CalWORKs Homeless Assistance Payments	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND Section 44-211
	REPEAL
TITLE(S) MPP	

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		per agency request	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Oliver Chu	TELEPHONE NUMBER (916) 657-3588	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) oliver.chu@dss.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 4/17/2017
TYPED NAME AND TITLE OF SIGNATORY Pete Cervinka, Chief Deputy Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 25 2017

Office of Administrative Law

Amend Section 44-211.5 to read:

44-211 SPECIAL NEEDS IN CALWORKS

44-211

.1 (Continued)

.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-in-a-lifetime~~once every 12 months, with exceptions (see Sections 44-211.514 and .54). Further, the AU shall be informed that the temporary shelter payment of up to 16 consecutive days is only available during this period and that once this period ends, these benefits are exhausted, even if the AU has not received all 16 days of temporary shelter payments.

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(Continued)

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.511 (Continued)

.513 An AU is eligible for a ~~once-in-a-lifetime~~ 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 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 one period of up to 16 consecutive calendar 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 be granted a 16-consecutive-day period of temporary shelter assistance, if eligibility requirements are met (see Section 44-211.52), after a permanent housing payment has been received. A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued. The initial issuance of temporary shelter and/or permanent housing payments ~~is considered~~ represents the beginning of the 12-month period ~~once-in-a-lifetime~~ for a homeless assistance benefit regardless of the reason for the homelessness.

(a) (Continued)

(b) The 12-month 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 and ends 12 months later.
- (1)(2) For emergency transfer of deposits in Section 44-211.535.538, on the date when the first homeless assistance payment is issued for either temporary shelter or permanent housing ~~the once-in-a-lifetime benefit~~ or for homeless assistance under an exception.
- (2)(3) For those ~~once-in-a-lifetime~~ exceptions limited to once in 12 months, on the date when the first temporary or permanent homeless assistance payment within the past 12 months 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 44-211.52.

.514 An otherwise eligible AU that has received a homeless assistance payment at any time on behalf of an eligible child shall not be eligible for further homeless assistance payments until the start of a new 12-month period, except as specified in Section 44-211.54 or under the following conditions:

- (a) (Continued)
- (b) The new caretaker has not ~~previously~~ received homeless assistance during the previous 12 months on behalf of or as part of another AU, and
- (c) (Continued)

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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 period for homeless assistance while March 31, 2018, represents the end of the 12-month period. If otherwise eligible, the AU may receive temporary and/or permanent assistance beginning 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.

(3) EXAMPLE:

An AU receives temporary homeless assistance on August 1, 2017, but fails to secure permanent housing during the 12-month period of homelessness. The AU is eligible to receive temporary homeless assistance again on August 1, 2018, which represents a new 12-month period.

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.515 (Continued)

.52 Temporary Shelter

The temporary shelter payment is available ~~once in a lifetime~~ 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.

.521 (Continued)

.53 Permanent Housing

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

.531 (Continued)

.534 Definitions

(a) "Income" means income to be counted towards the TMHI which includes gross earned and unearned income, including the CalWORKs computed grant, ~~CalWORKs Special Need payments~~, 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) (Continued)

.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) (Continued)

(c) When applicable, verification of the exception to the ~~once in a lifetime~~ once every 12-month homeless assistance benefit (see Section 44-211.541).

.538 If due to an emergency, an AU must move within the ~~24-month~~ 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) (Continued)

(b) If the CWD determines that the transfer was within the ~~24-month~~ 12-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.

.539 (Continued)

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EXAMPLE: (Continued)

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.54 ~~Once In A Lifetime~~ Homeless Exceptions

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

(a) (Continued)

.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) (Continued)

(b) If an applicant/recipient seeking a ~~once in a lifetime~~ 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.

.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 period 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.

(a)(b) EXAMPLE:

An AU receives temporary shelter payments in January, 1996~~2017~~ because for a verified exception of domestic violence. After receiving the temporary shelter payments, the AU returned to the former residence. In March, 1996~~2017~~, the AU requests the permanent housing payment with the CA 42 showing uninhabitability as the reason for homelessness. Since the AU had not been continuously homeless and the exception is different from that under which the temporary shelter payment was issued, the county determines the AU is not eligible for the permanent housing payment. 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 44-211.54(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, and the AU may receive homeless assistance in March.

(b)(c) EXAMPLE:

In January, 1996~~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 February, 1996~~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 April, 1996~~June~~ 2017 the AU returns requesting the permanent housing payment for the exception which began in January, 1996~~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, 1996~~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-in-12-month rule in Section 44-211.51.

.6 (Continued)

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(a)(1), (b), (c), and (f), 11450(f)(2)(A)(i), 11450(f)(2)(B), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii), (iii), (v), and (vi), 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 U.S.C.A., Section 606(b).