

Date of Hearing: April 9, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 1403 (Carrillo) – As Amended March 19, 2019

SUBJECT: General assistance: eligibility

SUMMARY: Deems as eligible for General Assistance/General Relief (GA/GR) any parent who is ineligible for California Work Opportunity and Responsibility to Kids (CalWORKs) due to exceeding the 48-month limit on aid, unless the parent is receiving CalWORKs cash benefits on behalf of an eligible child, and states that a parent who is otherwise ineligible for CalWORKs aid (for reasons other than exceeding the 48-month time limit), or whose needs are otherwise not taken into account when determining aid to the family due to sanctions or penalties, is eligible for GA/GR unless they are receiving CalWORKs cash benefits on behalf of a child or children, as specified.

EXISTING LAW:

- 1) Establishes under federal law the Temporary Assistance for Needy Families (TANF) program to provide aid and welfare-to-work services to eligible families and, in California, provides that TANF funds for welfare-to-work services are administered through the CalWORKs program. (42 United States Code Section 601 *et seq.*, Welfare and Institutions Code [WIC] Section 11200 *et seq.*)
- 2) States Legislative intent that the annual Budget Act appropriate state and federal funds in a single allocation to counties for the support of administrative activities undertaken by the counties to provide benefit payments to recipients of aid, as specified, and to provide required work activities and supportive services. (WIC 15204.2 (a))
- 3) Requires all individuals over 16 years of age, unless they are otherwise exempt, to participate in welfare-to-work activities as a condition of eligibility for CalWORKs. (WIC 11320.3, 11322.6)
- 4) Establishes the 48-month lifetime limit on CalWORKs benefits for eligible adults, including a period beyond the “24-month clock” during which a recipient must meet federal work requirements in order to retain eligibility. (WIC 11454, 11322.85)
- 5) Delineates conditions under which a month of receipt of CalWORKs aid shall not be counted against an individual’s 48-month limit on aid, including, among other conditions, disability, advanced age, or providing care for a young child, as specified. (WIC 11454.5 (a)(7))
- 6) Requires every city and county to provide relief and support to all residents who are indigent, incapacitated by age, disease, or accident, and not supported and relieved by their relatives or friends, by their own means, or by state hospitals or other state or private institutions. (WIC 17000)
- 7) Authorizes the board of supervisors in any county to adopt a general relief standard of aid, including in-kind benefits, as specified. (WIC 17000.5)

- 8) Authorizes the board of supervisors of each county, or the agency authorized by the county charter, to establish eligibility standards for GA provided to indigent and dependent poor individuals living in the county, which may include prohibiting an employable individual from receiving general assistance for more than three months in any 12-month period, as specified, if the individual has been offered an opportunity to attend job skills or job training sessions. (WIC 17001.5 (a))
- 9) Prohibits an individual who is not eligible for CalWORKs benefits as a result of having exceeded the 48-month time limit from being eligible to receive GA/GR assistance until all of the children of the individual on whose behalf aid was received, whether or not currently living in the home with the individual, are 18 years of age or older. (WIC 10721(a))
- 10) Prohibits any individual who is receiving CalWORKs assistance on behalf of an eligible child, but is otherwise ineligible for aid or whose needs are not otherwise taken into account in determining the amount of aid to the family due to the imposition of a sanction or penalty, from being eligible to receive GA/GR. (WIC 17021 (b))
- 11) Specifies that certain prohibitions related to eligibility for GA/GR not apply to specified indigent health care benefits. (WIC 17021 (c))

FISCAL EFFECT: Unknown

COMMENTS:

CalWORKs: California's CalWORKs program provides monthly income assistance and employment-related services to eligible individuals in order to move children out of poverty and ensure families can meet basic needs. CalWORKs also includes a Welfare-To-Work (WTW) component which can include public or private sector subsidized or unsubsidized employment, on-the-job training, community service, secondary school, adult basic education and vocational education and training, as well as certain mental health, substance use, or domestic violence services, if they are determined to reduce barriers to employment for participants. Funding for the CalWORKs program comes from the federal TANF block grant, and a family's grant amount is based on specific eligibility criteria, including citizenship, age, income, resources, and assets, among others. In Fiscal Year (FY) 2018-19, the average monthly cash grant was \$568 per household, and the average monthly grant, per person, was \$238. In FY 2017-18, the average CalWORKs caseload was 423,121 households.

California's time limit: In 1996, when Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act, Aid to Families with Dependent Children (AFDC) was replaced by TANF, and Congress instituted a 60-month lifetime limit on receipt of TANF benefits. However, beginning in July 2011, California further limited the number of months for which an individual can receive CalWORKs benefits from 60 months (5 years) to 48 months (4 years) in a recipient's lifetime. California does, however, provide for "clock-stoppers," which are circumstances in which a month of cash aid does not count towards a recipient's 48-month time limit if certain criteria are met, including: if a person has a disability, is 60 years or older, is caring for an ill or incapacitated person living in their home and which impairs a recipient from working or participating in WTW, or is a victim of domestic violence, among other circumstances. Other instances in which a month does not count is if an individual was sanctioned or ineligible for any other reason, or if an individual was off cash aid, employed, or only getting supportive services such as child care, transportation, or case management. The 48-

month time limit does not apply to child care, Medi-Cal benefits, CalFresh benefits, or to children. A case in which a parent is no longer eligible for benefits pursuant to the 48-month time limit, but still receives benefits on behalf of an eligible child, is known as a child-only case. Beginning in January 2013, California implemented a 24-month time clock within the 48-month time limit which provided more flexibility for WTW participants when choosing WTW activities during a limited period of 24 months, and then mandated participants to meet more stringent federal requirements.

General Assistance/General Relief (GA/GR): Pursuant to current law, each county is required to establish a GA/GR program to provide relief to indigent adults who are not supported by their own means, other public funds, or other assistance programs. GA/GR programs are 100% funded by a county's Board of Supervisors, and benefits, payment levels, and eligibility criteria are determined at the local level. As such, eligibility criteria and program rules vary across counties. Because of this, the way in which benefits are delivered varies throughout the state; some counties provide either cash grants or in-kind grants, such as direct housing payments, utilities payments, medical expenses, or a combination of cash and in-kind grants. Additionally, some counties consider GA/GR benefits as a type of loan that recipients are required to pay back; for example, Sacramento County requires all GA applicants to sign a Repayment Agreement and Lien on Real Property to reimburse the county for all GA benefits received. Still, other counties do not require repayment; for example, Santa Clara, beginning January 1, 2014, no longer considers GA/GR grants as loans and does not require benefits be paid back to the county. According to data provided by the Public Interest Law Project, in 2018 there were approximately 127,925 GA/GR cases throughout state and the average monthly grant amount was approximately \$307.97. The counties with the highest caseload of GA/GR recipients was Los Angeles (78,945 individuals), Alameda (12,576 individuals), and Orange (5,358 individuals).

Need for this bill: Current law prohibits individuals who are no longer eligible to receive CalWORKs because they have reached the 48-month time limit from receiving GA/GR until any/all children on behalf of whom they received CalWORKs reach 18 years old, even if those children do not live in the individual's home. This means parents who are ineligible for CalWORKs assistance are also ineligible for GA/GR due to the fact that the child for whom they used to receive benefits is not yet 18 years old, even if the youth no longer lives with them for a variety of reasons, such as residence with another parent, placement in the foster care system, or placement in the juvenile justice system, among other reasons. The provisions of this bill seek to make these parents, unless they are receiving CalWORKs cash benefits on behalf of a child, eligible for GA/GR by deeming parents who have timed off of CalWORKs eligible for GA/GR. This bill also states that parents who do not receive CalWORKs due to sanctions or other reasons are also eligible for GA/GR, provided that they are not receiving CalWORKs cash benefits on behalf of a child.

According to the author, "When the CalWORKs program was enacted, the Legislature wanted to ensure that CalWORKs parents, mostly women, who have reached their time allotment for assistance but are still receiving CalWORKs through their children, are not eligible for County General Assistance. However, if the children are under 18 and removed from the custody of the parent, often because they are in foster care or with a relative, the parent who may often be destitute, is ineligible for General Assistance. [This bill] would correct an oversight in the law to ensure that these deeply impoverished individuals would be eligible for GA, thereby allowing them to access to critical resources."

Recommended amendments: In order to clarify that individuals under the provisions of this bill are eligible to receive GA/GR when all other county-determined criteria are met, *committee staff recommends the following amendments:*

Beginning on line 28 on page 3 of the bill, make the following amendments:

21 17021. (a) Any parent who is ineligible for aid under Chapter
 22 2 (commencing with Section 11200) of Part 3 as a result of the
 23 time-on-aid limitation specified in subdivision (a) of Section 11454,
 24 who is otherwise ineligible for aid under Chapter 2 (commencing
 25 with Section 11200) of Part 3, or whose needs are not otherwise
 26 taken into account in determining the amount of aid to the family
 27 pursuant to Section 11450 due to the imposition of a sanction or
 28 penalty, shall be eligible for aid and assistance under this part, **provided**
 all other eligibility criteria are met,
 29 unless the parent is receiving cash assistance under Chapter 2
 30 (commencing with Section 11200) of Part 3 on behalf of an eligible
 31 child.

PRIOR LEGISLATION:

SB 282 (Wiener), Chapter 355, Statutes of 2017, increased access to employment services for noncustodial parents of children receiving CalWORKs benefits, among other things.

ABX8 4 (Evans), Chapter 8, Statutes of 2009, revised CalWORKs time limits to provide that an adult may not receive aid for more than 48 months in any 60-month period.

H.R. 3734 (Kasich), P.L. 104-193, 1996, also known as the Personal Responsibility and Work Opportunity Act (PRWORA), replaced AFDC with TANF and imposed a 60-month time limit on certain federally funded assistance.

REGISTERED SUPPORT / OPPOSITION:

Support

Coalition of California Welfare Rights Organizations (Sponsor)
 Diablo Valley College

Opposition

None on file

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