

Date of Hearing: March 26, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES  
Eloise Gómez Reyes, Chair  
AB 960 (Maienschein) – As Amended March 20, 2019

**SUBJECT:** CalWORKs: homeless assistance

**SUMMARY:** Expands California Work Opportunity and Responsibility to Kids (CalWORKs) homeless assistance benefits by broadening eligibility, increasing the frequency of eligibility for temporary and permanent homeless assistance, and including additional approved housing types eligible for permanent homeless assistance. Specifically, **this bill:**

- 1) Extends eligibility for CalWORKs temporary shelter assistance to families with gross countable income less than the minimum basic standard of care including the amount(s) resulting from the granting of temporary shelter and who are apparently eligible for aid, as specified.
- 2) Expands the reasons for which a family may be considered homeless for purposes of CalWORKs benefits to include instances in which a family has provided the county with verification that the family is unable to pay rent that is past due.
- 3) Authorizes a county to waive the 16-day limit on CalWORKs temporary shelter assistance and authorize additional days of such assistance if the county determines that the additional authorization is necessary to prevent homelessness while the household is transitioning to receiving CalWORKs permanent homeless assistance, as specified.
- 4) Deletes the requirement that receipt of CalWORKs temporary shelter assistance be limited to 16 consecutive days per year and instead requires it to be limited to 16 days per instance of homelessness.
- 5) Deletes the requirement that receipt of CalWORKs permanent shelter assistance be limited to once per year and instead requires it to be limited to once per instance of homelessness.
- 6) Expands the types of housing for which a CalWORKs housing assistance payment, as specified, may be made by:
  - a) Deleting the requirement that a provider of housing who is in the business of renting properties must have a history of renting properties in order for a payment to be made; and,
  - b) Including among approved housing providers an individual with whom a family requesting assistance has executed a valid lease, sublease, or shared housing agreement.
- 7) Prohibits a continuous appropriation, as specified, from being made for purposes of provisions of this bill.
- 8) Makes technical and conforming changes.

**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 601 *et seq.*, Welfare and Institutions Code [WIC] Section 11200 *et seq.*)
- 2) Establishes income, asset and real property limits used to determine eligibility for the program, including net income below the Maximum Aid Payment (MAP), based on family size and county of residence. (WIC 11150 to 11160, 11450 *et seq.*)
- 3) Establishes a 48-month lifetime limit on CalWORKs benefits for eligible adults, including a period beyond the “24-month time clock” during which a recipient must meet federal work requirements in order to retain eligibility. (WIC 11454, 11322.85)
- 4) 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)
- 5) Establishes the number of weekly hours of welfare-to-work participation necessary to remain eligible for aid, including requirements for an unemployed parent in a two-parent assistance unit, as specified. (WIC 11322.8)
- 6) Entitles a family to receive an allowance for nonrecurring special needs related to housing or homelessness after that family has used all available liquid resources in excess of \$100, as specified, and grants this allowance for different purposes and amounts, as follows:
  - a) Replacement of clothing and household equipment and for emergency housing needs other than temporary shelter;
  - b) Temporary shelter assistance for homeless families receiving CalWORKs, as specified, for one period annually of 16 consecutive days, except as specified, and counts a break in the consecutive use of this assistance as exhaustion of the benefit; and,
  - c) Permanent housing assistance available to pay for last month’s rent and security deposits when these payments are reasonable conditions of securing a residence, or to pay for up to two months of rent arrearages, when these payments are a reasonable condition of preventing eviction. (WIC 11450 (f))
- 7) Prohibits the sum of all housing assistance for nonrecurring special needs provided from totaling an amount in excess of \$600 per event. (WIC 11450 (f)(1))

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**CalWORKs:** CalWORKs is the state’s TANF program, providing eligible low-income families with cash grants and supportive services aimed at helping them to secure education, training, and

employment. CalWORKs is administered at the county level; it is funded largely through the federal TANF block grant and state maintenance-of-effort contributions. Families participating in CalWORKs have access to a range of services that can include child care and services aimed at addressing mental health needs, substance use disorders, experiences of domestic violence, and learning disabilities, among other issues. Unless deemed exempt or otherwise not required to participate per CalWORKs rules, parents are required to develop and participate in a welfare-to-work plan. CalWORKs-approved welfare-to-work activities 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 when the education is needed for the recipient to become employed; specific mental health, substance abuse, or domestic violence services if they are necessary to obtain or retain employment; and a number of other activities necessary to assist a recipient in obtaining unsubsidized employment.

A number of changes to the CalWORKs program were adopted with the passage of SB 1041 (Senate Committee on Budget and Fiscal Review), Chapter 47, Statutes of 2012. These changes included the establishment of the 24-month time clock. Unless exempted per CalWORKs rules, an adult recipient is expected to participate in welfare-to-work activities during the up to 48 months for which they may receive assistance. For 24 of those 48 months, welfare-to-work participation requirements can include a broad range of activities, such as employment, training, education, and mental health, domestic violence, and substance abuse services. Once this 24-month time clock “runs out,” CalWORKs welfare-to-work participants must meet the more stringent federal TANF requirements in order to maintain their eligibility for aid. If a CalWORKs recipient does not meet the requirements of their welfare-to-work plan and does not have a permissible exemption or exception to those requirements, they are subject to sanction; sanction results in an individual’s portion of the family’s grant being subtracted from the total grant amount provided to the family to meet basic needs.

The current maximum CalWORKs grant for a family of three living in a high-cost county, if the family has no other income, is \$714 per month. On April 1st of this year, maximum grants will increase by 10% pursuant to changes adopted in the 2018 Human Services Trailer Bill, AB 1811 (Assembly Committee on Budget), Chapter 35, Statutes of 2018. This 10% increase will raise the maximum CalWORKs grant for a family of three living in a high-cost county to \$785 per month. However, many families earn some income and do not qualify for the maximum grant amount. For Fiscal Year (FY) 2018-19, the average monthly CalWORKs cash grant is estimated to be \$568 per household. In FY 2017-18, the average monthly CalWORKs caseload was 423,121 households.

***CalWORKs homeless assistance program:*** CalWORKs families may be considered homeless for purposes of receiving additional assistance if the family lacks a fixed and regular nighttime residence, if the family's primary nighttime residence is a shelter, or if the family is residing in a public or private place that is not an appropriate sleeping place for human beings. Additionally, if a family has received an eviction notice and the cause of eviction is the result of a verified financial hardship, that family can also be considered to be homeless for CalWORKs purposes.

There are a variety of ways in which the CalWORKs may provide assistance designed to address homelessness and ameliorate its effects. These include temporary shelter assistance and permanent housing assistance. Temporary shelter assistance is provided to families experiencing homelessness, and can be received for up to 16 consecutive days per year (with exceptions), with any break in the use of the assistance (such as spending one night at the home of a friend or

relative) automatically terminating a family's ability to receive shelter assistance for any days remaining within the 16 consecutive day limit. Families may receive temporary shelter assistance for two periods of up to 16 consecutive days in a year if the family's homelessness is the direct result of domestic violence as verified by a sworn statement. Temporary shelter assistance for a family of up to four people is \$85 per day, and \$15 is provided for each additional family member, with the maximum amount of temporary shelter assistance any family can receive capping off at \$145 per day.

Additionally, CalWORKs permanent housing assistance can be provided to help secure or maintain permanent housing and help prevent eviction for a family, and can be received once every 12 months. This benefit can only be used to pay for housing provided in a commercial establishment, a shelter, or an established rental property where the person renting the property has a history of renting properties. There have been some reports where otherwise-eligible individuals have been unable to access CalWORKs permanent housing assistance because they have obtained housing, through a sublease or other shared housing arrangement, currently prohibited by law. This bill seeks to address this issue by expanding housing settings eligible for CalWORKs permanent housing assistance.

In Fiscal Year 2017-18, 57,614 families were approved for temporary shelter assistance and 6,276 families were approved for permanent housing assistance.

***Need for this bill:*** Homelessness in California remains a pervasive issue, as many low-income families struggle to find and maintain affordable housing. This bill seeks to expand, in various ways, the availability of homeless assistance via the CalWORKs program. According to the author, "The 16 consecutive days of temporary housing assistance available to families under current law, inadvertently creates an additional obstacle for families to overcome when they come across out-of-area travel for job opportunities, childcare obligations, or medical related travel that interrupt their hotel stay. Additionally, some interruptions in the 16-day consecutive stay are caused by unsuitable environments for children or temporary offers to stay with a family or friend. Whether or not the family has a choice to stop aid before the 16th day, the rule itself establishes a disincentive to find alternative arrangements, seek prospective opportunities for employment, or to tend to pressing health or family obligations during this time period. In cases where a family has been able to secure an alternative housing arrangement after the 16 consecutive days, it is common that the new housing opportunity will not be readily available, and families are left homeless yet again, while in transition. The purpose of the CalWORKs temporary housing assistance is to enable homeless families with children to stay off of the street and more quickly secure permanent housing. Furthermore, families experiencing homelessness not only need more options for temporary housing, but need more opportunity to be placed in a permanent home. The utilization of the permanent housing assistance towards shared housing opportunities will help families find a forever home, and allowing for an extension for housing assistance will help ease families' transition into permanent housing when it is appropriate. [This bill] strengthens the ability of the program to achieve that goal by increasing options for our state's poorest families with children and improving program administration."

***Recommended amendments:*** In order to maintain direct eligibility for housing assistance for CalWORKs recipients, to clarify that the expanded eligibility for housing assistance proposed by the provisions of this bill applies specifically to temporary shelter, and to provide technical clean-up, ***committee staff recommends the following amendments beginning on line 34 of page 5 of the bill:***

33 (2) (A) (i) Homeless assistance is available to a homeless  
 34 family seeking shelter when the family is eligible for aid under this chapter. ~~family's net~~  
~~countable income;~~  
 35 ~~gross countable income of the family, calculated pursuant to~~  
 36 ~~paragraph (1) of subdivision (a), is less than the minimum basic~~  
 37 ~~standard of adequate care, as specified in Section 11452.~~  
 38 ~~subdivision (a) of Section 11452, including, consistent with~~  
 39 ~~subdivision (b) of that section, the amount or amounts resulting~~  
 40 ~~from the granting of temporary shelter under subparagraph (E)~~  
 P6 1 ~~of paragraph (3), and the family is apparently eligible for aid~~  
 2 ~~under this chapter pursuant to clause (ii).~~  
(ii) Homeless assistance for temporary shelter is also available to a family seeking shelter  
when the gross countable income of the family, calculated pursuant to paragraph (1) of  
subdivision (a), is less than the minimum basic standard of adequate care, as specified in  
subdivision (a) of Section 11452, including, consistent with subdivision (b) of that section, the  
amount or amounts resulting from the granting of temporary shelter under subparagraph (E)  
of paragraph (3).  
 3 (ii) (iii) Homeless assistance for temporary shelter is also available  
 4 to homeless families that are apparently eligible for aid under this  
 5 chapter. Apparent eligibility exists when evidence presented by  
 6 the applicant, or that is otherwise available to the county welfare  
 7 department, and the information provided on the application  
 8 documents indicate that there would be eligibility for aid under  
 9 this chapter if the evidence and information were verified.  
 10 However, an alien applicant who does not provide verification of  
 11 their eligible alien status, or a person with no eligible children who  
 12 does not provide medical verification of pregnancy, is not  
 13 apparently eligible for purposes of this section.  
 14 (iii) (iv) Homeless assistance for temporary shelter is also available  
 15 to homeless families that would be eligible for aid under this  
 16 chapter but for the fact that the only child or children in the family  
 17 are in out-of-home placement pursuant to an order of the  
 18 dependency court, if the family is receiving reunification services  
 19 and the county determines that homeless assistance is necessary

#### PRIOR LEGISLATION:

**AB 1811 (Assembly Committee on Budget), Chapter 35, Statutes of 2018**, was the Human Services trailer bill that, among many other changes adopted, increased as of January 1, 2019, the daily rate for CalWORKs temporary homeless assistance from \$65 a day to \$85 a day for a family with up to four members, and increased the daily maximum from \$125 to \$145.

**AB 1921 (Maienschein and Santiago) of 2018** would have expanded, beginning July 1, 2019, the housing arrangements for which a CalWORKs housing assistance payment may be used. AB 1921 was vetoed by the Governor.

**AB 236 (Maienschein), Chapter 545, Statutes of 2017**, adopted changes to CalWORKs housing assistance for temporary shelter to make the assistance available to certain families receiving reunification services through the child welfare services system and required DSS to work with

certain entities to report to the Legislature on shelter costs and best practices for transitioning families to permanent shelter.

**AB 557 (Rubio), Chapter 691, Statutes of 2017**, authorized, as of July 1, 2018, applicants for and recipients of CalWORKs benefits who have experienced domestic violence to be eligible for CalWORKs homeless assistance and good-cause exemptions from school participation and immunization requirements under specified circumstances.

**AB 1603 (Assembly Committee on Budget), Chapter 25, Statutes of 2016**, among other things, permitted CalWORKs families receiving a temporary or permanent benefit under the Homeless Assistance Program to, as of January 1, 2017, receive this benefit once every 12 months, versus once in a lifetime.

**AB 2631 (Santiago) of 2016** would have removed the once-in-a-lifetime limit on CalWORKs homeless assistance benefits and extended from 16 days per lifetime to 30 days, per year, the permissible length of time for receipt of temporary shelter assistance. AB 2631 was held on the Assembly Appropriations Committee suspense file.

**AB 702 (Maienschein) of 2015** was substantially similar to AB 264 (Maienschein), 2014. AB 702 was held on the Senate Appropriations Committee suspense file.

**AB 264 (Maienschein) of 2014** would have deleted the requirement that CalWORKs temporary shelter assistance be provided consecutively to a limit of 16 days and instead allowed a family to receive temporary shelter assistance for a total of 16 calendar days to be used at any time they were both homeless and receiving CalWORKs aid. AB 264 was held on the Senate Appropriations Committee suspense file.

**AB 1452 (Stone) of 2014** would have provided additional temporary assistance to homeless families receiving CalWORKs benefits by increasing the daily temporary shelter assistance amount from \$65 to \$75 and attaching an annual cost of living adjustment to that amount. AB 1452 was held on the Senate Appropriations Committee suspense file.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Coalition of California Welfare Rights Organizations (Sponsor)  
 California Apartment Association  
 California Catholic Conference  
 Community Clinic Association of Los Angeles County  
 County of Santa Clara  
 Food for People, The Food Bank for Humboldt County  
 Hunger Action Los Angeles Inc.  
 Public Interest Law Project

### **Opposition**

None on file

**Analysis Prepared by:** Daphne Hunt / HUM. S. / (916) 319-2089