

Date of Hearing: July 11, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

SB 491 (Durazo) – As Amended July 3, 2023

**SENATE VOTE:** 40-0

**SUBJECT:** Public social services: county departments

**SUMMARY:** Requires local county entities administering public benefits to develop and implement a program for homeless residents to receive and pick up government-related mail; and requires each county to provide participants with information on program requirements and hours of operation. Specifically, **this bill**:

- 1) Requires each local county entity that administers public benefits to develop and implement a program to ensure that, at a minimum, homeless residents of a county without a permanent mailing address can receive and pick up all government-related mail addressed to them, at county office locations designated by the local county entity.
- 2) Requires the program to be optional for homeless residents of the county to participate in, and requires the local county entity to provide participants with information regarding the hours of operation during which they can pick up mail and program requirements.
- 3) Provides that participation of the program does not establish residency.
- 4) Defines “government-related mail” to mean mail sent by any of the following:
  - a) A city;
  - b) A county;
  - c) The state;
  - d) A tribal government;
  - e) The federal government; and,
  - f) Entities contracted to provide services on behalf of a city, county, state, tribal government, or federal government, including, but not limited to, mail from low-income housing authorities.
- 5) Requires the California Department of Social Services (CDSS), on or before January 1, 2025, to adopt regulations about the mail program, and to receive stakeholder input when developing the regulations. The regulations may include, but are not limited by, all of the following:
  - a) How a program participant is to be notified, if at all, about having mail at a location, including, but not limited to, receiving text notifications;
  - b) The responsibilities of the program participant to participate in the program; and,

- c) Informing eligible individuals about the availability of the mail program.
- 6) Requires CDSS to implement and administer the program by means of all-county letters or similar instructions that requires the same force and effect as regulations until regulations are adopted, notwithstanding the rulemaking provisions of the Administrative Procedure Act.
- 7) Defines “homeless” in accordance with federal law described in 1) below.
- 8) Provides legislative intent to provide minimum standards for county mail programs, and encourage counties to expand upon these standards by holding all types of mail for homeless residents, providing various mail pickup points, and informing homeless residents when they have mail.
- 9) Makes legislative findings and declarations related to the need of having a reliable mailing address to receive correspondence from the government on social services programs and ballots to vote in elections, and that research indicates people lose Supplemental Nutritional Assistance Program (SNAP) benefits because they cannot receive mail.

**EXISTING LAW:**

- 1) Defines “homeless” as:
  - a) An individual or family who lacks a fixed, regular, and adequate nighttime residence;
  - b) An individual or family who will imminently lose their primary nighttime residence;
  - c) An unaccompanied youth under the age of 25, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
    - i) Are homeless under the Runaway and Homeless Youth Act, the Head Start Act, the Violence Against Women Act of 1994, the Public Health Service Act, the Food and Nutrition Act of 2008, the Child Nutrition Act of 1966 or the McKinney-Vento Homeless Assistance Act;
    - ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
    - iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and,
    - iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance use disorders; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment. (24 Code of Federal Regulations 578.3)

- 2) Defines “public social services” as activities and functions of state and local government administered or supervised by CDSS or the California Department of Health Care Services (DHCS) and involved in providing aid or services or both, including health care services and medical assistance, to those people of the state who, because of their economic circumstances or social condition, are in need thereof and may benefit thereby. (Welfare and Institutions Code Section [WIC] 10051)
- 3) Declares that the administration of public social services is a county function and responsibility; requires each county to establish a department or agency to administer and promote public understanding of the public services. (WIC 10800)
- 4) Defines “services” as those activities and functions performed by social work staff and related personnel of CDSS and county departments with or in behalf of individuals or families, which are directed toward the improvement of the capabilities of the individuals or families maintaining or achieving a sound family life, rehabilitation, self-care, and economic independence. (WIC 10053(a))
- 5) Requires every county and every city and county to relieve and support all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are 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)
- 6) Requires each parent or guardian, upon their appearance before the court, to designate for the court their permanent mailing address. Requires the court to advise each parent or guardian that the designated mailing address will be used by the court and the social services agency for notice purposes unless and until the parent or guardian notifies the court or the social services agency of a new mailing address in writing. (WIC 316.1(a))

**FISCAL EFFECT:** According to the Senate Appropriations Committee analysis on May 8, 2023, for a prior version of the bill:

- CDSS anticipates minimal impact on workload.
- Unknown costs to counties for implementing the program. Cost to counties for administration would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

**COMMENTS:**

**Background:** *Homelessness in California.* The United States (U.S) Department of Housing and Urban Development (HUD) conducts an Annual Homelessness Assessment Report (Report) using data from local Continuums of Care (CoCs), known as the point-in-time count. CoCs provide data to HUD regarding the number of individuals experiencing homelessness on any given night, including individuals experiencing homelessness who are "sheltered" and living in temporary shelters and those who are "unsheltered" or living out in the open.

The 2022 Report found that 30% of all people in the U.S. experiencing homelessness resided in California. Specifically, 145,983 individuals experiencing homelessness lived in California, and of those, 111,206 were also unsheltered. For at least a decade, California continues to top the list

for the state with the largest homeless population. Not only is California the state with the largest absolute increase in homelessness between 2020 and 2022 (10,212 more people), but homelessness impacts a majority of marginalized communities, including Black, LGBTQ+, foster youth, justice-involved, people with disabilities, and other vulnerable populations. People of color represent a disproportionate percentage of those experiencing homelessness. The U.S. Census shows that while about 6.5% of Californians (more than 2.5 million) identify as Black or African American, about 40% of the state's homeless population is Black or African American. Families with children experiencing homelessness accounted for 16% (25,538) of people in California, which is less than for people experiencing homelessness as individuals at 35%. Veterans accounted for 32% (10,395) of those experiencing homelessness and more than half (7,392) are unsheltered. On a single night in 2022, there were 57,760 individuals with chronic patterns of homelessness, accounting for nearly 56% of the all unsheltered individuals experiencing chronic homelessness in the U.S.

The impacts of homelessness are substantial and lasting. Housing insecurity is correlated with adverse health effects, including high rates of chronic disease, illness, and a broad range of mental health and substance use issues. The health, personal, and economic challenges that homeless individual's face and the lack of coordinated services to address these problems often lead to a cycle of housing instability and health deterioration. These compounded factors only make it more difficult to exit homelessness and create barriers to the resources necessary for self-sufficiency.

*Public Social Services Programs.* California provides various public assistance programs aimed at uplifting individuals in poverty. These programs include child welfare and foster care services, senior and adult support programs, child care, healthcare, food and nutrition benefits, housing, cash assistance, and others. Many safety net programs are housed within CDSS or DHCS, and then administered at the local level by each county. These public social services programs rely on U.S. mail service to communicate important eligibility information with prospective and current program recipients, including, but not limited to:

- The California Work Opportunity and Responsibility to Kids (CalWORKs) program (federally known as the Temporary Assistance for Needy Families or TANF), which provides cash assistance and other benefits to qualified low-income families and individuals. Specific eligibility requirements take into account an applicant's citizenship, age, income, resources, assets, and other factors. Services are available to single parent families that have a child(ren) in the home, two-parent families with a child(ren) in the home, caretaker relatives caring for a child, which includes a child who is receiving other financial assistance such as Supplemental Security Income/State Supplementary Payment (SSI/SSP), foster care payments like Aid to Families with Dependent Children-Foster Care, Approved Relative Caregiver, or Kin-GAP, a pregnant teen age 18 or younger who is in her first trimester, and a pregnant woman age 19 or over who is in her second trimester.
- The CalFresh program (federally known as SNAP) provides supplemental nutrition assistance benefits to eligible low-income individuals, including immigrants. The amount of benefits depends on the household size, income, and expenses. Eligible individuals in the state receive benefits through electronic cards, known as electronic benefit transfer (EBT) cards, to purchase food items and seeds and plants that can be grown as food at home; and,

- The Medi-Cal program (federally known as Medicaid) offers free and low-cost healthcare, vision, dental, and long-term care benefits to low-income individuals in California, including families with children, seniors, persons with disabilities, foster care, pregnant women, and undocumented individuals.

There are also county-level programs that assist persons who are not eligible for public social services through the state or federal government, including:

- General Assistance/General Relief (GA/GR) programs are state-mandated and county-funded programs that provide cash-grants (a gift with no strings attached) or in-kind benefits to disadvantaged adults who are not supported by their own means, other public funds, or other assistance programs. As the state is not involved, each county has flexibility in how they choose to administer the program, including determining eligibility requirements, time limits, its own benefits, and payment levels. The populations GA/GR programs serve vary by locality.

*United States Postal Service (USPS).* The mission of USPS is to “provide the American public with trusted, affordable, universal service” and “bind the nation together” through mail delivery. To accomplish this, USPS is governed by a series of statutes outlined as the universal service obligation (USO) that encompasses the following dimensions: geographic scope, range of products, access to services and facilities, delivery frequency, affordable and uniform pricing, service quality, and security of all mail. Congress established the Private Express Statutes, which placed restrictions on the carriage and delivery of letters by all other carriers other than USPS, and the Mailbox Access Rule, which allows USPS exclusive access to private mailboxes. Together with the USO, USPS has become a postal monopoly. In 2022, USPS processed and delivered hundreds of millions of pieces of mail and generated, on average, \$260.3 million in revenue each day.

USPS originally started because many people did not have a fixed address, and instead would pick up their mail from their local post office. Currently, mail is delivered to people’s home, but for individuals who do not have a permanent address, USPS offers General Delivery, which allows people to receive their mail anywhere there is a post office at no cost. However, while there are General Delivery standards found in the Domestic Mail Manual, each post office operates their services significantly different from one another, including whether they will accept General Delivery mail. For example, in order to locate a post office that accepts General Delivery, a person may need to search the USPS website, which is especially difficult for homeless residents who lack access to the internet.

To further add to complexity, even when a location states it offers General Delivery services on their website, the information may be outdated, prompting individuals to call the post office’s local number to confirm whether the information is accurate. In more populated areas, General Delivery is often routed to a more central location – typically the downtown of that city. This means that when a location is secured for General Delivery services, it may not be geographically accessible. Again, this is particularly challenging for unhoused individuals who may lack a cell phone or any means of transportation to travel to a particular post office. In *Currier v. Potter*, three unhoused individuals sued USPS because it only provided General Delivery at the main downtown Seattle post office and were denied no-fee postal boxes. Furthermore, each post office can also decide the timeframe to pick up mail, even when post offices are open during normal business hours due to being short-staffed. Some locations may

apply fees or require individuals to meet additional requirements, including handling or storage fees, additional postage, and registering in advance to receive mail. While the Domestic Mail Manual states that General Delivery is intended as “temporary” delivery for “transients and customers not permanently located,” USPS has made statements that indicate unhoused people may receive indefinite General Delivery services, so long as they present identification or unless the post office cannot accommodate their mail volume. Yet, according to a 2023 report by the Western Center on Law and Poverty (WCLP) titled, “*Return to Sender: How an Unreliable Mail System Harms Californians Living in Poverty*,” there are counties, like Contra Costa County that will not let people use the service indefinitely. Overall, given the variability of each county’s services and only have one post office in a postal jurisdiction being required to provide this service, General Delivery has become unpredictable and is severely limited in the way it is supposed to provide reliable, ongoing mail to Californians without a mailing address.

As an alternative, Californians without a permanent address may rent a Post Office (P.O) box. However, there are many online retailers that will not deliver to P.O. boxes, and this option can be costly for those who are unhoused. The WCLP report shares that the smallest P.O. box in Sacramento is \$48 for three months, and in more rural counties like Kern County, the cost for a P.O. box is \$52 for three months. Apart from General Delivery services and P.O. boxes, residents without a reliable address have also relied on receiving their mail at county offices that administer public social services. For example, Los Angeles County (LAC) allows people to pick up mail at their local social services district office, which is only available for those who are unhoused and receive public benefits. LAC primarily holds mail from the Department of Public Social Services, but will also accept mail from other government entities, such as the IRS, school districts, and the District Attorney’s offices, for 90 days and by appointment only – another barrier for unhoused people who do not have access to a phone. When applying for public social services, homeless families and individuals may use the designated mailing address of other locations to pick up mail, including shelters, non-profits, and friends or family members’ mailing address. However, some organizations may have to discontinue service if they lack staff or resources to manage what can be a very difficult project.

*Government-Related Mail.* As discussed earlier, mail delivery is necessary, especially for those on public social service programs. If a person does not have reliable access to their mail, they are more likely to temporarily lose their government assistance benefits, including CalWORKs, CalFresh, Medi-Cal, and GA/GR. This is because Californians who are recipients of social services receive notices through the mail, including notices of recertification, overpayments, housing programs and others notices, which often require people to respond in a timely manner. If they do not, their benefits or services can be disrupted or cut off, also known as “churn”. A report by the U.S. Department of Agriculture cited that a key reason why participants lose benefits was due to not receiving their mail. The report further indicated that churning persists more consistently among people who are housing insecure, migrant workers who move often, and people living in apartment complexes where mail may become mixed up with others. In addition to churning, not having a permanent address also leads to people having no access to benefits that have been granted. For example, recipients of CalFresh and CalWORKs who use EBT cards must be mailed their physical EBT card in order to utilize funding that is provided on the card. Additionally, not having a reliable address has led unhoused patients to not receive critical Medi-Cal documents related to enrollment, primary care provider assignment, renewals, appointments, and more.

Apart from having an inconsistent mail system that causes people to miss their social services related-mail or not receive it in a timely manner, some individuals who are unhoused may also miss notices of being summoned for jury duty, election ballots, student report cards, tax returns, acceptance letters into public universities, drivers licenses and identification cards and so much more mail that is critical to supporting recipients of social safety net programs. Other types of mail that go missing include medication, banking information, paystubs, child support, personal communications from friends and family or notices when their child's school closes. When a person does not have reliable mail access, it can touch every aspect of their life and create ripple effects.

The "potential solutions" section of the WCLP report states people should have multiple options for receiving mail, including at a county office. It suggests "California should strengthen statutory and regulatory requirements to ensure that counties provide reliable and accessible methods for individuals without mailing addresses to receive government-related mail." Specifically, it suggests that the county welfare office holding of mail system could be improved by: requiring counties to hold more than just county mail; requiring counties to hold mail for a longer period of time; increasing locations where people can pick up mail; requiring county workers to contact clients when they have mail at the county; requiring dated receipt listing what mail the consumer picked up; and state oversight and compliance enforcement of county policies to serve special populations. As currently written, this bill does not achieve all of these objectives.

This bill requires local county entities that administer public benefits to develop and implement a mail program to ensure that, at a minimum, homeless residents can pick up and receive government-related mail addressed to them at a place designated by the local county entity. This bill further makes legislative intent that encourages counties to expand upon these standards by holding all types of mail for homeless residents, providing mail pickup points, and informing homeless residents when they receive mail.

**Author's Statement:** "This bill is about providing a clear and consistent way for Californians without a stable address to be able to receive critical mail from their government. Currently, government agencies utilize the United States Postal Service to send critical pieces of mail including: government forms of I.D.s, ballots, prescriptions, and public benefits. These notices often require people to respond in a timely manner if not, their benefits or services can be interrupted or cut off. According to a report by the U.S. Dep. of Ag. (USDA), participants not receiving mail was a key reason they lost food benefits, especially impacting people facing housing insecurity who need access to critical social safety net programs and want to participate in our democracy."

The author continues, "[This bill] provides assurance for unhoused Californians to receive all government-related mail by requiring that counties develop programs to ensure such residents have a designated place to receive and pick up this correspondence. This will assure that unhoused Californians have reliable and consistent access to critical safety net services, programs, and other important government related mail."

**Need for this bill:** This bill aims to ensure homeless individuals have access to social services by requiring counties that administer public benefits to develop and implement a program for government mail to be delivered for those persons without a permanent mailing address. Increasing mail access for the unhoused population could result in lower churn rates of public

benefits, as well as a greater likelihood that recipients can utilize their granted benefits, and receive critical social service documents and other types of mail.

**Equity Implications:** The provisions of this bill seek to make it easier to access mail for California’s unhoused population and recipients of the state’s social services programs, a population that is overwhelmingly Black, Latinx, low-income, senior, disabled, lacks a high school diploma and overburdened by the daily costs of living, including housing, transportation, food, and health care. USPS General Delivery service is designed to make it easier for those who do not have a reliable mailing address to receive mail; however, this service is not available at all post offices, some are centrally located in a downtown area, and others require additional verification, such as a letter confirming they are unhoused or submitting an application. These inconsistencies disproportionately impact homeless residents who lack the resources to pinpoint and travel to an accessible location.

According to USPS, each day USPS processes and delivers an average of 421.4 million pieces of mail and processes 50,227 address changes. Increasing the number of mailing addresses a homeless person may use to apply to social services and receive mail will help ensure recipients do not lose access to their benefits. Given that many counties do not keep track of when or whether people check their mail, how long they hold their mail, and having only a single location in the county for mail pick-up, implementing statewide standards and structures may expand access to receiving mail, which can potentially impact an estimated 145,983 Californians who are unhoused.

**Policy Considerations:** The provisions of this bill seeks to require a local county entity that administers public benefits provide reliable and accessible methods for individuals without mailing addresses to receive government-related mail, which includes important public benefit information.

Considering that mailing addresses of other locations, like shelters and nonprofits, may be used when applying to public social services, adding a designated county office to the list of options a homeless person may utilize to receive mail may increase mail accessibility. At the same time, while this bill intends to create a standardized statewide program that ensures homeless residents have reliable access to their mail, each county would nonetheless have different programs to meet the needs of their communities. Some counties are larger than others, while others have fewer residents. For example, LAC is 4,753 square miles and has a population of over 9.83 million people as of 2021, whereas Sacramento County is about 994 square miles and has a population of over 1.5 million people. Another example is Alpine County which is approximately 743 square miles and has a population of 1,235. The designated location of the mail program by the county may result in similar barriers to the General Delivery service offered by USPS, wherein it may be inaccessible for those who lack transportation and live in large counties, compared to an unhoused resident living in a smaller county. This translates to certain people in one county who might take advantage of the program while others might not.

*To accommodate for the size and population density of each county, the author may want add language that considers parity based on square miles and population size of a county to specify how many locations with such a program should have within a county.*

On page 3, line 11, the use of “public benefits” is currently not defined in statute, and may be interpreted as encompassing any public benefits outside CDSS’ jurisdiction of providing social services, which is defined in existing law.



*The author may want to consider amending the bill to replace “public benefits” with “public social services.”*

This bill lacks logistical specificity that may result in unintended consequences. It is not clear how long counties should hold the mail – a week or a month? This bill does not include requirements for county mail locations. The “Return to Sender” study could be enhanced.

*The author may wish to include further recommendations in the “Return to Sender” study such as specifying a time limit for how long mail should be held, hour and day availability for individuals to pick up mail, and locations in each county.*

## **RELATED AND PRIOR LEGISLATION:**

**AB 5 (Ammiano) of 2013**, would have made legislative findings and declarations related to people being denied housing and employment as a result of not having a fixed or residential mailing address or having a post office box as a mailing address. *AB 5 was held on the Assembly Appropriations Committee suspense file.*

**SB 1741 (Killea), Chapter 288, Statutes of 1992**, among other things, required each parent or guardian, upon their appearance before the court, to designate for the court their permanent mailing address. Required the court to advise each parent or guardian that the designated mailing address will be used by the court and the social services agency for notice purposes unless and until the parent or guardian notifies the court or the social services agency of a new mailing address in writing.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Coalition of California Welfare Rights Organizations (Co-Sponsor)  
Western Center on Law & Poverty (Co-Sponsor)  
California Health+Advocates, Subsidiary of The California Primary Care Association  
Jewish Family Service of Los Angeles (UNREG)  
National Association of Social Workers, California Chapter

### **Opposition**

None on file

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