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A person Fighting for the Poor - Senator John Burton

Today, the Sacramento Bee had a nice write up about John Burton, the California State Senate Majority leader, who has been the major force behind stopping the wholesale slaughter of the poor aged, blind, disabled and families with children of California.

Year ago, John said, "I did not come here to f--k welfare recipients." Many have come to Sacramento for that reason - Democrats and Republicans. And he has kept true to his promise.

While the California State Assembly could not wait to f--k the poor aged, blind, disabled and families with children of California, Senator Burton stopped the slaughter in its tracks and today SSI and CalWORKs recipients are getting their June, 2003 COLA - Thanks to John Burton and the Senate Democratic Caucus.

TANF Reauthorization Update

As we reported last week, the United State Senate Finance Committee plans to mark-up the TANF reauthorization bill.

The Republican Senate bill will have the name

of PRIDE, which stands for Personal Responsibility and Individual Development for Everyone.

This is simply another terrorist attack upon the poor by mean-spirited Republicans who get off on terrorizing poor moms and their babies who cannot fight back.

This chairman's mark, which means the chairman's proposal, will emulate the Bush proposal and H.R. 4, the Republican controlled House of Representatives bill.

Chairman Grassley showed pride by not including the following provisions of the chair's mark:

- * Restoration of benefits for legal immigrants in TANF and Medicaid/SCHIP.
- * Expansion of education and training as activities that count toward the core work requirement.
- * Improved procedures for assessing and treating barriers to employment that may result in sanctions because families are unable to comply with work rules, or for protecting families from unfair treatment.
- * No less than a \$5.5 billion increase in funding for child care.
- * Transitional Medicaid Assistance (TMA).
- * A more inclusive provision to allow individuals caring for sick or disabled family members to count that care toward the work participation requirement.

These are the provisions that 41 Democratic Senators say needs to be in the bill for them to vote for it.

The 41- Senator letter also opposes the chair's mark that reflect the mean-spirited George Bush attack on the poor parents and babies of America's poor.

For Senator Grassley to call this vicious attack on poor families - PRIDE - is condescending and demoralizing.

DSS NEWS

-- **ACIN I-42-03** contains questions and answers relative to Immediate Need (IN) expedited Food Stamp (ES) and Homeless Assistance (HA).

The first question asks if a persons seeking HA need an eviction notice. DSS responds "no", but then continues to say that the county can ask for a copy of the eviction notice. The final sentence states "When the applicant is unable to provide documentation of homelessness within three working days, the county may accept a sworn statement by the applicant."

As to where DSS got this new policy is a mystery. There is no law or regulations saying that homeless babies and their parents have to fry in the hot sun or the cold for three working days before the county "may" accept the sworn statement.

The law is clear. Look at 40-115.22 which states:

"When such evidence does not exist, the applicant's sworn statement under penalty of perjury will be considered sufficient, except in the areas of verification of U.S. citizenship or alienage status and/or medical verification or pregnancy. See Section 42-433 for verification of citizenship or eligible alien status and 80-300(m)(2) for verification of pregnancy."

In addition MPP 44-211.521(a)(1) provides that the test for eligibility for HA is apparent eligibility where you only have to verify alien status, preg-

nancy and meet the conditional eligibility requirements, such as applying for a social security and unconditionally available income.

The true answer is that if the applicant does not have a copy of the eviction notice, then the county "shall" accept their statement.

Some counties who have no respect for the law require homeless recipients to live in a shelter for three (3) days before they are allowed to apply for HA. This is another example of county's deviant behavior terrorizing poor homeless families. Question #4 states: Can a county require a family to reside in a shelter for 3 days prior to applying for HA?" The DSS answer is "no".

It also appears that some counties have been erecting barriers between homeless families and the application for HA. In answer to question #6 DSS

The biggest problem with these kinds of ACINs is that they never go to a public hearing and there is no informal review of before they go public, except for allowing county officials to look at them. DSS meets with counties every month. Advocates cannot even get a quarterly meeting with DSS. DSS did agree to allow legal services advocates to review the ACL and ACINs before they are published, but that did not happen for this ACIN.

makes it crystal clear - "no".

Question #10 addresses the issue of, when is a family considered homeless. Many counties have been practicing illegal policies of requiring an eviction notice in order to get HA, or showing a letter from the place they stayed last night that they cannot return to that place. Question # 10 states" Is a family that is temporarily residing with another

family considered homeless?

DSS Response: "Yes. An otherwise eligible AU or FS household that temporarily resides with another family is considered eligible to receive HA because they lack a fixed and regular nighttime residence (MPP 44-211.511 and MPP 63-102(h)(2))

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County Victim of the Week

-- Ms. 022560134 and her husband have been told that they have to work, work, work by Los Angeles County.

To meet this work-work-work thing, Mr. 022560134 got a job as an apartment manager getting \$500 a month plus free rent at a value of \$1.225. He works from 8 to 5 everyday, on call for emergency problems 24 hours a day. If there is a vacancy, he works additional hours to get the vacancies filled.

Los Angeles County decided that Mr. 022560134 was not working 35 hours a week and denied Mr. 022560134 request to be exempted from WtW because he is working 35 hours a week.

Los Angeles County wanted him to stop working and go to orientation, then job club, to find a job. There is nothing in the state law or the federal law that would not count these legitimate hours to be counted towards meeting his participation hours.

But Los Angeles County decided that he was only earning \$500 plus in-kind income of \$293. Thus, LA county alleged that his earning are \$793. LA County stated that he was working 118 hours a month, which is less than 35 hours a week.

In reality, he is earning \$ 1,725 a month and if you divide that by the state minimum wage of \$6.75 an hour, he would be working 59 hours a week. That would satisfy the federal TANF participation rates, but then DSS and DPSS believe that sanctioning CalWORKs participants is more important than meeting the federal participation rates.

Mr. 022560134 was represented by Kathleen Sheffield of Neighborhood Legal Services, which may be the primary reason Mr. 022560134 won his case - the exemption was granted by Administrative Law Judge Casimiro Tolentino, who is a fair ALJ.

Statistic of the Week

This week DSS published the Welfare to Work sanctions on their web page. WtW 25 and WtW 25A. As complaints about sanctions, most of them unlawful, have increased, we looked at the county sanction rates of May of 2002 and May of 2003. It turns out that there is a 9% sanction rate.

During May of 2003, there were 137,282 unduplicated participants. During that same month 52,831 of those participants were sanctioned. Of the 137,282 participants only 65,849 received transportation assistance. A whopping 71,433 participants did not receive transportation assistance. It is estimated by CCWRO that many of these victims were entitled to transportation and were unlawfully denied such benefits by the county welfare department personal. The willful and unlawful failure of the county to provide transportation can easily explain why so many people are being

sanctioned for failing to participate - how can they participate without transportation? But the real purpose of the WtW is being met - sanctions are on the rise and this should keep the state and county welfare administrators happy.

The counties exceeding the statewide average are:

COUNTIES	MAY, 2002 SANCTION	MAY, 2003 SANCTIONS	DIFFERENCES BETWEEN 2002 AND 2003
ALPINE	16.67%	58.33%	41.67%
MONO	30.00%	69.23%	39.23%
NAPA	51.24%	85.34%	34.11%
TULARE	30.10%	61.87%	31.77%
SIERRA	0.00%	30.77%	30.77%
PLUMAS	45.83%	73.17%	27.34%
KERN	17.70%	40.58%	22.88%
FRESNO	75.09%	97.81%	22.72%
L.A	36.48%	59.06%	22.58%
SAN JOAQUIN	51.02%	70.47%	19.45%
SHASTA	27.47%	46.26%	18.79%
KINGS	15.16%	33.20%	18.04%
SUTTER	42.90%	60.56%	17.66%
SAN DIEGO	33.30%	50.32%	17.01%
SISKIYOU	39.53%	55.28%	15.74%
BUTTE	27.18%	42.31%	15.13%
COLUSA	52.24%	65.12%	12.88%
TUOLUMNE	12.44%	25.20%	12.76%
MENDOCINO	30.39%	39.54%	9.15%
SAN MATEO	12.25%	21.00%	8.75%
STATEWIDE	29.80%	38.48%	8.68%

**CCWRO SERVICES
AVAILABLE TO LEGAL
SERVICES PROGRAMS &
WELFARE RECIPIENTS
REFERRED TO US BY
LEGAL SERVICES PROGRAMS**

Types of Services Offered: Litigation, Fair Hearing Representation, Fair Hearing Consultation, Informational Services, and Research Services, in depth Consultation.

Programs Covered: CalWORKs, Welfare to Work (WtW), Food Stamps, Media Cal, General Assistance and Refugee Immigration