



# CCWRO Welfare News-2021-07

Coalition of California Welfare Rights Organizations, Inc.  
1111 Howe Ave • Suite 635 • Sacramento • CA 95825-8551  
Telephone (916) 736 0616 • Fax (916) 736-2645

July 22, 2021

## In Brief

- On June 30, 2021, the Biden Administration withdrew the 12-5-19 Final Federal Regulations limiting state-implemented waivers of the work requirements on which receipt of SNAP food assistance may be conditioned and found to be unlawful by U.S. District Court for the District of Columbia. This action implemented the 10-18-20 decision known as D.C. and Bread for the City, et. al. v. USDA, et.al, No. 20-cv-00119-BAH(D.D.C. 2020). The federal government estimated that, nationwide, the 12-5-19 rule would have affected over one million individuals receiving SNAP benefits.
- According to the DSS the average grant for a CalWORKs family of three in 2020-2021 is \$723 a month or \$8,676 a year. According to the Children's Defense Fund about 737,640 children lived in extreme poverty in 2019.

CalWORKs maximum grants are below 50% of the federal poverty level – with only 33% of the CalWORKs families eligible to receive the maximum grant. The remaining 67% of CalWORKs families survive on an income that is below 30% of the federal poverty level.

It does not have to be this way. Governor and legislative budget writers transfer at least \$1 billion from TANF each year to use it for non-CalWORKs programs that should be used to make sure that no child in California endures deep poverty.

- Statewide, 65% of the unduplicated participants are not receiving transportation. During the month of April 2021 there were 43,368 unduplicated WtW participants and only 15,184 of them was issued a transportation payment. Was this true for CWDA meeting attendees who work for the county when they came to Sacramento for meetings?

- California's 58 counties run welfare fraud squads also known as special investigative units (SIU). County district attorney offices operate 22 SIUs; County Sheriff's departments operate 3; County Probation Department operate 1 SIU and the welfare departments operate the remaining 32 SIUs. During the first quarter of 2020, SIUs conducted 10,595 investigation and only referred 2 cases for prosecution. How much money did the taxpayers spend for these SIUs? No public record exists relating to the costs of the 58 SIUs. When will California decide to come clean with the public and show exactly how welfare administrators are spending taxpayer dollars?

## In This Issue

- In Brief - Page 1
- Majority of Welfare Fraud Allegations Lack Evidence - Millions of Dollars Wasted - Page 2
- County Failure to Obey Federal & State Laws Cause More CalWORKs and CalFresh Overpayments - Now Hidden from the Public - Page 3
- CalSAWS Advocacy Update - Page 7

## County Welfare Department Victim Report

• **Los Angeles County** - Ms. 104722560, working during the pandemic while LADPSS was shut down, received a notice of action from the child care contractor, Mexican American Opportunity Foundation (MAOF) that her child care will stop because she failed to provide the child care contractor with a copy of her paycheck stubs. She filed for a state hearing.

At the hearing it was revealed that the request for the check stubs by the county child care contractor, was mailed to the wrong address so Ms.104722560 never received the request for the check stubs.

The date on the notice of action was 12-22-20 and effective 12-31-20. NOAs that terminate child care must comply with the 10-day advance notice as required by §§ 22-001(t)(1) and 22-072.4.

§22-001 (t)(1) Timely Notice - A written notice that is mailed to the person affected at least 10 days before the effective date of the action. See Section 22-072.4 for computation of the 10-day period.

§22-072.4 In computing the notice period required by Section 22-072.1, the 10-day period shall not include the date of mailing, or the date that the action is to take effect.

Los Angeles County did not issue a 10-day advance notice as required by law.

Despite the inadequate notice period, the CDSS Administrative Judge (ALJ) did not rule that the notice was untimely, so aid paid pending was not ordered. This unfair hearing decision results from the ALJ's failure to comply with the ministerial duty to render due process of law.

LA County failed to comply with ACL 19-99 which states "This All County Letter (ACL) provides direction to County Welfare Departments

(CWDs) on the implementation of [Senate Bill \(SB\) 80 \(Chapter 27, Statutes of 2019\)](#). SB 80 increases access to child care services for CalWORKs participants by authorizing CalWORKs Stage One Child Care immediately upon CalWORKs cash aid approval **continuously for 12 months** or until the participant is transferred to Stage Two. This ACL supersedes any regulations or ACLs governing Stage One Child Care to the extent they are inconsistent with SB 80 and this ACL." (Our emphasis added)

In this case it appears that child care benefits were terminated before the 12 month continuous ACL 19-99 child ended.

Please note, Los Angeles County received \$91,845,541 for child care for 2018-2019 but only spent \$68,947,838 returning \$22,897,705 to the State. In 2019-2020 Los Angeles received \$103,064,170 and returned \$14,183,495 to the State. Clearly the Los Angeles County has plenty of funds to provide child care to Ms. 104722560

• **Orange County** - On December 13, 2019, Orange County sent a NOA to Mrs. 104634719 and her spouse. The NOA stated that the CalWORKs (CW) cash aid would be reduced from \$1060 to \$696 effective February 1, 2020, because they failed to comply with Welfare to Work (WTW) Program requirements.

The hearing was conducted on August 13, 2020. Present at the hearing were the claimant, her spouse, three Orange County welfare fraud investigators and an Orange County appeals specialist (AS).

The hearing decision states that on November 22, 2019, Mr. 104634719 called Orange County to explain that he did not attend the assessment because he was homeless. He also requested an exemption for his wife.

Orange County demanded medical proof from the doctor. Mr. 104634719 told Orange County that he was having difficulty with the doctor completing the medical exemption form for his wife. He said that the doctor was charging \$50 to complete the form and they did not have the money to pay for the form.

On January 6, 2020 Mr. 104634719 called and stated that he could not attend Job Search Review due to not having child care and gas to attend. Orange County informed Mr. 104634719 that **child care could be provided for hours in which the children were not in school**. The Case Manager explained that **if the couple started a WTW activity, a child care packet could be requested** and that bus passes were available in order for them to attend the activity.

The Case Manager's advice is contrary to ACL 19-99. ACL 19-99 supersedes any regulations or ACLs governing Stage One Child Care to the extent they are inconsistent with SB 80 and this ACL. Effective October 1, 2019, CWDs shall begin authorizing immediate and continuous Stage One Child Care for 12 months or until CalWORKs recipients are transferred to Stage Two. The term "immediate child care" is defined as the concurrent approval of CalWORKs cash aid and authorization for full-time CalWORKs Stage One Child Care services. Immediate and continuous Stage One Child Care begins the date the child care authorization is provided or the first day child care is used, whichever is later.

Child care shall be authorized full-time unless the recipient specifically requests part-time care. Full-time care is defined as care provided 30 or more hours per week ([5 CCR Section 18075\(d\)](#)).

Orange County knew that the 104634719 family was entitled to full time child care unless the 104634719 family, tells the county that "I want part-time child care." On January 6<sup>th</sup>, Mr. 104634719 mentioned that he could not obtain the medical exemption form because he did not have \$50 to pay the doctor. The County case manager explained that he could be reimbursed for the fee if he provided a receipt from the doctor. The Case Manager failed to inform Mr. 104634719 that the county could provide an advance payment for the \$50 that the doctor wanted to complete the county paperwork.

The Case Manager notified Mr. 104634719 that the county will not provide child care and if the couple did not complete a compliance plan without child care they would be sanctioned effective February 1, 2020. Mr. 104634719 reiterated his request for child care numerous times without success, in contravention of ACL 19-99 that states:

"Verification of Child Care Prior to Mandating Program Activities

CWDs must verify that suitable child care has been both authorized and secured before mandating participation in any activities, and before initiating any sanction or non-compliance process. The term "authorized" means that the county has authorized 12 months of Stage One Child Care services for the participant."

Orange county verified that the victim here asked for child care and the county admittedly refused to issue child care that the victim was entitled to and then proceeded to achieve the primary purpose of the WtW program- sanction – that was illegal.

## Counties Fail to Submit Mandated Reports to CDSS

For Fiscal Year 2020-2021, counties received \$668 million dollars for CalFresh administration. This funding allows counties to make eligibility determination and comply with other lawful directives of the single state agency responsible for the administration of the CalFresh program.

**Sanctions have been halted by CDSS for now, but counties are now asking CDSS that they be allowed to start sanctioning again, even though counties have not all reopened.**

One directive is to submit required reports to CDSS, which is the single state agency for CalFresh. One such report is the CF 296. The CF 296 are monthly CalFresh case load activity reports that are due on the 20<sup>th</sup> day of the following month per ACL 16-39. Unlike CalFresh beneficiaries who fail to submit a SAR 7 timely and are discontinued from benefits, there are no consequences for counties who fail to submit the CF 296.

As of July 2021, 36 counties or 62% of the counties, had not submitted their CF 296 reports for April 2021. According to the CA 253 Report, during April 2021 these same counties terminated CalWORKs and CalFresh benefits to families living in deep poverty for not turning in their SAR 7s.

### The April 2021 Welfare-to-Work (WtW) Update

According to the WtW 25 and 25A Reports, while most county welfare offices were closed, counties were busily issuing sanctions. Offices in counties such as Fresno and Ventura were finding WtW participant to be in compliance with the WtW plan, even though only essential

services were being provided.

Five counties have more people in sanction status that they have people participating in the program. These counties have been doing this although the pandemic. See Table #2.

**Table #2 - County has more sanctioned families than families participating in WtW.**

County	WTW Unduplicated Participants	WTW Sanctions
Kern	1,283	2,103
Lake	11	39
Madera	65	170
Merced	364	614
San Bernardino	2,551	3,927

## CalWORKs Maximum Aid Payments - Effective October 1, 2021

Persons aided	Region 1 - MAP	Region 2 - MAP
1	\$579	\$548
2	\$733	\$696
3	\$925	\$878
4	\$1,116	\$1,060
5	\$1,308	\$1,243
6	\$1,499	\$1,425
7	\$1,691	\$1,607
8	\$1,883	\$1,789
9	\$2,074	\$1,971
10 or more	\$2,266	\$2,152



## Legislature Extends COVID-19 Protections: AB 832 in Plain English for Tenants and Advocates

**On June 28, 2021, Governor Newsom signed AB 832 into law,** extending and enhancing protections for tenants in financial distress due to COVID-19. Overall, this bill is a big win for tenants and tenant advocates. Below is a summary of the changes and how they'll affect you and/or your clients:

The bill **expands and extends many of the prior tenant protections, including:**

1. Until **October 1, 2021**, prohibiting landlords from: turning off utilities to try and evict you; selling debt you owe to your landlord to a third party (like a debt collection agency); bringing an action in court to evict you for non-rent reasons (like noise or nuisance) out of retaliation for you not being able to pay.
2. Until **September 1, 2021**, prohibiting a bank or other mortgage servicer from denying your request to pause (forbear) a foreclosure without providing specified written notice to the borrower.
3. Until **October 1, 2025**, requiring that all lawsuits to recover COVID-19 rental debt go through the Small Claims Court (not eviction court).
4. Until **October 1, 2027**, requiring that a landlord trying to recover COVID-19 debt demonstrate that they have made good faith efforts to seek government assistance for the debt, and

worked with their tenant to obtain such assistance. This provision also requires that courts take a landlord's refusal to do so into account when determining damages, and limits attorney's fees.

5. Until **October 1, 2025**, extends the COVID-19 Tenant Relief Act, which allows tenants who have received an eviction notice to attach a declaration of COVID-19-related financial distress to their answer to prevent being considered in default for that rent.

This provision also further specifies the language landlords must use when they serve such eviction notices.

6. Requires a landlord seeking to recover money from a lease that came due between April 1, 2020 and **September 30, 2021** to verify certain information relating to state rental assistance:

- That your landlord has not received rental assistance or other financial compensation from any other source for the rent owed, and
- That your landlord does not have any pending application for rental assistance or other financial compensation from any other source for this money.

Please note that this is a simplified list for reference and ease of use, and not a substitute for legal advice from your attorney. If you have comments or questions, please reach out to the author at [andrew.chen@ccwro.org](mailto:andrew.chen@ccwro.org).