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## CDSS Response to the Coronavirus Pandemic

The COVID-19 pandemic is the latest tragedy for California's poor. We commend the Newsom administration for taking steps to assure that current beneficiaries do not lose benefits. The administration has also taken some baby steps to address the huge influx of safety net program applications arriving at an alarming rate.

There is still an open question regarding the liability that CalWORKs and CalFresh beneficiaries may encounter for alleged failure to report, since county office drop boxes do not provide the SAR-3 report form and counties do not have the capacity to accept reports or provide a receipt when verification is submitted. See W&IC§ 11023.5.

Counties and CDSS have failed to take necessary steps to assure that families with children and other program applicants are able to receive emergency assistance payments mandated by law. Applications for benefits are piling up and CalWORKs telephone interviews are being scheduled beyond 30 days from the date of application, even for households in need of emergency CalWORKs benefits.

- Many counties have shut down their offices and the counties prefer that families and individuals apply for benefits online. This assumes that everybody has access to the internet and is computer savvy. There are many who do not have access to internet or computers. There are also many who cannot use the internet or a computer even if they had one.

- The law requires that homeless families are issued

homeless assistance benefits on an EBT card on the date of application, if eligible.<sup>1</sup> Many counties are not providing homeless assistance benefits to families with children as required by law. Most counties do not make the CA-42 - homeless assistance application - available in about 70% of the cases, living in counties where they are locked out of the office. In Sacramento County, only 1 of 7 offices make the CA-42 homeless application available. Santa Clara County none, San Francisco none. The same is true in most counties of California.

- Families who need CalWORKs emergency assistance are required to be interviewed on the date of application, but no later than the next working day, and if eligible, benefits shall be issued on the date of application, but no later than the next working day. Most counties, if not all, are violation this law.<sup>2</sup>

- Applicants who do not have a photo I.D. have 15 days to get a photo ID. If they do not produce a photo I.D., their benefits will be stopped by the county. It reminds us of the **“photo I.D. requirement to vote”**. The difference is, here all benefits are stopped and the family and children are sentenced to total poverty.

- CalWORKs applicants must be interviewed within seven (7) working days from the date of their application.<sup>3</sup>

1. See Welfare & Institutions Code Section 11450(f)(3)(D) for permanent homeless assistance and 11450(f)(3)(iii) for Temporary Homeless Assistance. Also see MPP§ 44-211.523 “The payment for temporary shelter shall be issued or denied within the same working day in which the AU requests homeless assistance.”

2. Welfare & Institutions Code Section 11266(b)

3. Welfare and Institutions Code Section 11052.5.

(cont'd from page 1)

On March 13, 2020, CDSS issued an ACWDL letter stating:

**“County Office Closure Requirements.** If CWD offices close during regular business hours, they must make it possible for individuals to apply for and receive CalFresh and CalWORKs, including emergency benefits, within the timeframes prescribed by state and federal law. CWDs must also provide notice of their hours of operation, and of the procedures during these hours of closure for applying for and receiving these benefits. CWDs must also:

Notify the Department of the office closure as soon as possible by calling the CalFresh and Nutrition Branch main line at (916) 651-8047.

Be ready to provide the following information:

- The name and location of the closed CWD office(s)
- The services normally offered at the closed CWD office(s)
- The anticipated timeframe, if available, of the closure
- The name and location of the office nearest the closed office within the county, if operating
- A county point of contact who can provide more information regarding the status of the office closure(s)”

CCWRO received a copy of the counties’ responses to the ACWDL and they contain inaccurate information. For example, Los Angeles County asserts that all offices are open from 8am am to 5pm. However, LAPDSS Director, Antonina Jiménez, stated in April 2020 that all offices are inaccessible to the public. The same is true for Orange County, most of Sacramento and Stanislaus County.

Counties that admit to have shut down their offices, thus violating the above-cited laws, include; Amador, Contra Costa, Del Norte, Glenn, Imperial, Madera, Nevada, Orange, San Bernardino, San Diego, San Francisco, Sonoma, and Santa Clara. The information on office closures gathered by CDSS is helpful, but is not an accurate representation as to what is really happening on the ground.

Counties have been processing 145,000 CalFresh applications a month, and 34,000 CalWORKs applications. And counties are running below 50% capacity. See **TABLE # 1 on page 3.**

During the April 16<sup>th</sup> and 20<sup>th</sup> 2020 budget hearings, the Governor proposed to appropriate another \$143 million dollars for the 2019-2020 county block grant program known as the “single allocation.” Allocating additional money to counties is not the solution. Counties do not even have the capacity to spend all newfound money and it will not address the current “application crisis” in California.

We propose that the new allocation of funds be coupled with a revision of the way applications are processed which could resolve the lengthy delays in benefits and bring the counties back into compliance with state and federal law.

Additionally, counties should only receive additional funding if they meet their statutory and regulatory mandates for the CalWORKs Homeless Assistance, CalWORKs Immediate Need and CalFresh Expedited Services so as not to endanger the lives of California’s needy.

## FNS Issues Summary Waiver Denials

On April 10, 2020, FNS denied all waiver requests for waiting students’ eligibility at 7 CFR § 273.5(a), denying benefits that exceed the maximum allowable for the household size. In addition, FNS also denied the following waiver requests:

- Waiving the state agency’s responsibility to reduce or terminate benefits when a household’s circumstances change, or the household is found to be ineligible;
- Treating all applications as if they are eligible for expedited processing under 7 CFR 273.2(i);
- Waiving requirements at 7 CFR 273.2(f)(4) to use documentary evidence as the primary source of verification for all items except residency and household size; and
- Waiving requirements to verify gross non-exempt income at 7 CFR 273.2(f)(1)(i) and 273.2(f)(8)(i).

<b>TABLE # 1</b> Application Filing Month/Week	March 2020 Week 2- Shut Down	March 2020 Week 3	March 2020 Week 4	April 2020 Week 1	April 2020 Week 2	April 2020 Week 3	April 2020 Week 4
<b>CalFresh Applications Received</b>	41,918	57,177	95,516	87,234	93,153	90,561	97330
Application Filing Month/Week	March 2020 Week 2- Shut Down	March 2020 Week 3	March 2020 Week 4	April 2020 Week 1	April 2020 Week 2	April 2020 Week 3	April 2020 Week 4
<b>CalWORKs Application Received</b>	6,765	6,284	14,380	12,156	11,564	9,369	10,636

## California Counties Blatantly Ignore State Transparency Laws

On March 17, 2020, Governor Newsom issued Executive Order 20-29 stopping any negative actions against current CalWORKs and CalFresh beneficiaries and stopping the 48-month time clock for CalWORKs.

On March 30, 2020, CCWRO emailed a California Public Records Act (CPRA) request to all 58 California Counties asking for copies of any and all county welfare department writings relative to the county implementation of Governor Newsom’s Executive Order and DHCS and CDSS policy guidance’s issue thereunder relative to the CalWORKs, Cal-Fresh, Medi-Cal, GA/GR, WtW, GAIN, RCA and CAPI for the period of March 15, 2020 through March 30, 2020.

CCWRO wanted to know how counties were implementing the Governor’s executive order. Given the fact that counties have always been reluctant to share information for the most part, it was imperative that we know what counties were doing. The CPRA included

a copy of Government Code Section 6253 which states that the county agency shall make the public document available to the CPRA requester within 24 days.

The California Welfare Directors Association Executive Director Frank Mecca’s reaction was “why don’t you just go away”. Most counties followed suit and did not respond to the legal CPRA. Some alleged that this would take a lot of time. All we were asking for were copies of their policy issuances based on the Governor’s EO-N-20-29.

A total of 42 counties violated California Gov. Code § 6253(c). We acknowledge that 10 counties did respond. Six counties acknowledged the CCWRO CPRA request, but refused to comply with their duty embodied in Gov. Code § 6253(c) to provide the requested information. **TABLE # 2 on page 4** identifies how the counties responded to the California Public Records Act request.

**TABLE # 2**

County	Only Initial Response	Provided Information	Refused to provide information in 24 days	Totally Ignored State Law	County	Only Initial Response	Provided Information	Refused to provide information in 24 days	Totally Ignored State Law
Alameda				X	Orange	X		X	X
Alpine				X	Placer	X	X		
Amador				X	Plumas				X
Butte	X	X			Riverside				X
Calaveras				X	Sacramento	X	X		
Colusa				X	San Benito	X	X		X
Contra Costa	X		X	X	San Bernardino				X
Del Norte	X	X			San Diego	X		X	X
El Dorado				X	San Francisco	X		X	X
Fresno				X	San Joaquin				X
Glenn				X	San Luis Obispo				X
Humboldt				X	San Mateo				X
Imperial				X	Santa Barbara	X	X		X
Inyo				X	Santa Clara	X	X		
Kern				X	Santa Cruz				X
Kings	X		X		Shasta				X
Lake				X	Sierra	X		X	X
Lassen				X	Siskiyou				X
Los Angeles				X	Solano				X
Madera				X	Sonoma				X
Marin				X	Stanislaus	X	X		
Mariposa				X	Sutter				X
Mendocino				X	Tehama	X	X		
Merced				X	Trinity				X
Modoc				X	Tulare				X
Mono				X	Tuolumne				X
Monterey				X	Ventura				X
Napa	X	X			Yolo				X
Nevada				X	Yuba				X

## Many California Counties Ignore Due Process for State Hearings

CDSS' State Hearings Divisions reported that 11 counties are not doing administrative hearings, even by phone. Five counties have not decided when they will resume hearings. Even though Contra Costa and Glenn are on the "No Hearing List" the hearing representatives in both counties are working cases and Glenn County stated that they had at least one scheduled hearing.

We believe that if the claimant files for a state hearing, a hearing MUST be scheduled within 30 days as mandated by state law - See W&IC § 10952. If the County fails to appear, then the claim should be granted just like any other due process hearing. **Beneficiaries of public social services should not have "second class" due process.** The claimants are the moving party and the counties are the respondents. If they do not respond, they forfeit and the claim must be granted for the moving party. That is due process 101.

1. Amador
2. Contra Costa – expedited phone hearings only, resume in 6/2020
3. Glenn
4. Humboldt
5. Kern – resume on 5/11/20
6. Lake – resume in 6/2020
7. Marin – resume in 6/2020
8. Monterey
9. Solano
10. Sonoma – resume in 6/2020
11. Yolo – resume in 6/2020

*§10952 (a) The department shall set the hearing to commence within 30 working days after the request is filed, and, at least 10 days prior to the hearing, shall give all parties concerned written notice of the time and place of the hearing.*

*(b) The 30 working day and 10-day requirements described in subdivision (a) shall not apply to a request filed by a beneficiary of a Medi-Cal managed care plan who meets the criteria for an expedited resolution of an appeal as described in subdivision (a) of Section 10951.5. (Amended by Stats. 2017, Ch. 738, Sec. 5. (AB 205) Effective January 1, 2018.)*

## CalWORKs Sanctions Update

Effective October 1, 2019 California's law changed to require that counties affirmatively verify that CalWORKs participants had childcare before asking them to participate in a WtW activity.

Welfare and Institutions Code §11323.3. (a) An applicant for, or a recipient of, CalWORKs benefits shall be informed of the availability of childcare services upon enrollment in the CalWORKs program, and at later times when a participant expresses to the county a need for childcare. The county shall verify if childcare is needed to participate in a program activity, as defined in subdivision (c) of Section 11323.2, and, if needed, that childcare services are authorized and that the participant has secured appropriate childcare prior to requiring a participant to participate in any mandatory activity. Verification that childcare has been secured may be established by the participant, the childcare contractor, or the childcare provider.

CDSS adopted ACL 19-99 to implement this statute. ACL 19-99 states: "CWDs must verify that suitable childcare has been both authorized and secured before mandating participation in any activities, and before initiating any sanction or non-compliance process."

At the time of the enactment of §11323.3, 15,689 families were sanctioned. In many of these cases the county did not have verification that the family had childcare.

During January 2020, 65,677 persons participated in a WtW activity, while a whopping 48,435 families were sanctioned. Counties imposed many of these sanctions without complying with ACL 19-99. It should be noted that 4,183 apparent sanctions were imposed during December 2019.

**Table # 3, pg 6** reveals how many counties have more CalWORKs families being sanctioned compared to the number of persons participating in a WtW program. In San Bernardino County, 8,933 parents were sanctioned while only 5,093 received WtW services.

(cont'd. on pg 6)

**TABLE #3****January 2020 WtW Sanctions v. Participants**

County	Sanctions	Participants	Percentage of Sanctions	Percentage of Participants
Statewide	49435	65677	43%	57%
Imperial	1029	735	58%	42%
Kern	5534	2202	72%	28%
Lake	160	116	58%	42%
Los Angeles	14064	17835	44%	56%
Madera	391	122	76%	24%
Merced	1262	681	65%	35%
San Bernardino	8933	5093	64%	36%
San Joaquin	2848	1067	73%	27%
Shasta	409	311	57%	43%
Siskiyou	59	31	66%	34%
Stanislaus	1283	1083	54%	46%
Sutter	214	179	54%	46%
Ventura	667	583	53%	47%

Statewide number of **families** sanctioned for over one year- **26,378**

**Source: County Reports via WtW 25 and WtW 25A**