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**December  
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## **CCWRO New Welfare News 2023-11-12**

# **CalSAWS & County Abuse Victim of the Month**

**CalSAWS will Not Allow Families in Need to apply for CalWORKs or CalFresh.** – Ms. B1178T56 applied for cash aid and food assistance on 11-14-23. CalSAWS said “You are not authorized to access this application”. She tried again on 11-22-23 and again CalSAWS said “You are not authorized to access this application. On December 1, 23 she decided maybe CalSAWS will allow her to apply for cash aid and food assistance. Again, CalSAWS said “You are not authorized to access this application.

Finally, she was able to contact somebody after waiting on hold for three hours to accept her application. She is homeless and a victim of domestic violence. LADPSS did not issue any homeless assistance to her notwithstanding state law that makes a victim of domestic violence exempt from the California Barbaric once a year homeless assistance policy from the 18<sup>th</sup> century.

# **California’s CalWORKs & CalFresh (SNAP) anti-work features.**

In the post pandemic period the federal food stamp program, also known as SNAP federally and CalFresh in California, and the CalWORKs cash aid program for families, counties are terminating benefits for failure to report gross earned income every six (6) months that they do not have. The SAR7 due in November requires the beneficiary to report all changes and any gross earned income and unearned income for the month of October. All reported income must have verification showing the gross income otherwise the SAR7 is deemed incomplete, and benefits are stopped effective December 1.

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Most beneficiaries view this as a punishment for working. If they were not working, their benefits would not have been stopped in December and they would have had a better Christmas if not working.

Many Californians do not get a check stub that shows their gross and net income like they did in the 20<sup>th</sup> century. Most of the 21<sup>st</sup> century earned income is deposited in their checking accounts or on a card – and that is the net income.

To calculate how to treat earned income for CalWORKs families, the laws require the county welfare office determine the gross income, apply certain work incentive deductions and the remainder will be deducted from their monthly maximum cash aid benefits. If the maximum aid for a family of three \$900 and after deductions there is \$500 left, then the monthly grant will be \$400 and not \$900.

The CalFresh program also looks at the gross income and has a standard deduction of 20% from the gross income and not the “net income”.

Many CalFresh beneficiaries cannot satisfy the demands of the system because they simply do not have the gross income information-period. The CalFresh rules demands gross income – period. Yes, there is language in the laws and regulations that beneficiaries cannot be terminated from failure to provide information that they do not have. But most counties ignore this rule and simply close the case. It is a more efficient process – closed the case.

It should be said that if the county uses the net income in lieu of gross income, the federal government will call that a “Quality Control Error, also known as a “QC error”. The CalFresh remedy is in the hands of the federal government. If the county does not receive verification of the gross income, the annual recertification is not complete, and benefits are stopped. If the semi-annual SAR7 report show earned income, but no verification of the gross income, the SAR 7 is determined to be incomplete, and benefits are stopped for CalFresh and CalWORKs.

**WHAT CAN CALIFORNIA DO?** California can ask for a federal FNS for a waiver to use net income in lieu of

gross income to show that it would reduce churning and help beneficiaries maintain eligibility and not go food insecure.

**CalWORKs or CalAntiWORKs?** The CalWORKs program, that is known among some working CalWORKs beneficiaries as the “CalAntiWORK” program. The law should be change to have the earned income deducted from the net income and not the gross income, reflecting the realities of the 21<sup>st</sup> century employment realities.

Before the punitive Reagan Welfare Deform Act of 1970, the county started with the “net income” and not the “Gross Income”. But then the Reagan “bean-counters” at Department of Finance insisted that using the gross would save the State money. Unfortunately, this was the only piece of the Reagan Welfare Deform that was not stopped in court by the legal aid lawyers lead by legendary legal aid lawyer Ralph Abascal of San Francisco Neighborhood Legal Services, now Bay Area Legal services.

Some beneficiaries can get their gross income verification, but this comes with issues. The beneficiary has to take time off work to go to the office, if there is one to go to. In the 21<sup>st</sup> century offices are often virtual, or not even in California. They then must explain why they need the gross income. Now the employer knows that they have a “welfare recipient” working for them. This can often lead to loss of the job as employers do not want welfare recipients working for them. They do want welfare recipients to work, but just not for me.

Many CalWORKs working Californians who can help the State meet the federal work participation rates are excluded from the caseload for failure to provide what they do not have.

If California lawmakers and the Administration want welfare recipients to work, they should change the current antiquated 20<sup>th</sup> century laws to reflect the realities of the 21<sup>st</sup> post pandemic reality and the gig economy that many CalWORKs and CalFresh beneficiaries use to get earned income that are mostly low wages.

# The Wonderful World of San Bernardino County

On December 7, 2023, an advocate called San Bernardino County welfare office with a victim of San Bernardino regarding assistance with CalWORKs family who was homeless.

A San Bernardino representative K.P. informed us that in San Bernardino the county has three (3) working days to determine CalWORKs Immediate Need. But MPP § 40-129.41 says this must be done on the date of application, but no later than the next working day:

*EAS §40-129.4 The Immediate Need Interview*

*.41 If the applicant indicates on the initial application or the Immediate Need Payment Request (CA 4, 9/90) that the family has an emergency as defined in MPP 40-129.13, the county shall conduct an Immediate Need interview no later than the next working day following the date the Immediate Need request is received.*

But then so there is a law says on the date of application, but no later than the next working - in San Bernardino means three working days. End of story.

Ms. K.P. also informed us that in San Bernardino temporary homeless assistance is issued through vouchers made out to the hotel/motel of the county choosing.

*EAS §42-211.517 The county shall make restricted payments when the county establishes a finding of mismanagement of CalWORKs cash assistance. A restricted payment is a vendor or two-party payment to a provider of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness.*

Ms. K.P. was also adamant that our homeless family get homeless assistance because her CalWORKs case was not approved. We asked Ms. K.P whether in San Bernardino County homeless assistance is limited to those CalWORKs cases has been approved and the answer was “yes”.

Welfare and Institutions Code 11450(g)(1)(A)(ii) states:

*(ii) Homeless assistance for temporary shelter is also available to homeless families that are apparently eligible for aid under this chapter.*

The state regulations expand on this embodied in MPP §44-211.521:

*.521 The temporary shelter payment is also available to homeless applicant AUs who are apparently eligible for CalWORKs.*

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## **HANDBOOK BEGINS HERE**

*(a) Apparent eligibility is defined in Section 40-129.11.*

*(1) The potentially eligible AU must meet technical conditions of eligibility as specified in Section 40-129.214(a).*

*(2) Information from any source may be considered.*

*(b) In determining an apparently eligible AU, do not include a person who is:*

*(1) A non-citizen applicant who does not provide verification of their eligible non-citizen status; or*

*(2) A person with no eligible children who does not provide medical verification of pregnancy; or*

*(3) A person who is sanctioned.*

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## **HANDBOOK ENDS HERE**

We wonder what other laws San Bernardino County officials are violating given the lack of any accountability that current law imposes on counties breaking the law that results in extreme hardship and often child abuse that results when children endure extreme poverty.