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The Truth About CalWORKs County Single Allocation

CalWORKs and Employment Services are funded with a single allocation. This means counties get over a billion dollars to use for CalWORKs related programs. In truth, this is really a "block grant program" that is given to the 58 counties to hire eligibility workers, fraud investigators and other staff. It is essentially a Paul Ryan and Ronald Reagan SNAP and Medicaid type of block grant program that many opposed, including the County Welfare Directors Association (CWDA), the creators of the California block grant CalWORKs program.

For 2024-2025 the Governor's budget proposes a $55 million cut in the single allocation. At a Senate budget committee hearing held April 25, 2024, CWDA was asked which of the over $300 million proposed cuts will they prioritize to be restored. The CWDA response was the "single allocation". The truth is that counties fight for increases to the "single allocation" that they do not use. It goes back to the state general fund rather than the Family Support Subaccount to fund the CalWORKs annual COLA.

TABLE #1 is a recent history of the allocation and utilization of the appropriated single allocation money.

TABLE # 1	Millions Not Spent by Counties
FY 2014-15	$168,293
FY 2015-16	$00.00
FY 2016-17	$71,935
FY 2017-18	$319,221
FY 2018-19	$376,204
FY 2019-20	$403,272
FY 2020-21	$688,685
FY 2021-22	$368,716
FY 2022-23	$336,000

This table represents over $2.7 billion unspent funds, an average of $342 million a year received by counties but not used to aid CalWORKs families. These are families living on an average fixed income that is below 50% of the federal poverty level, which is living in toxic poverty.

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CalWORKs Applications Rampant Denials

During November 2023, 67% of all CalWORKs applications processed by California's antiquated county administration system were denied.

One may wonder why that is. Why would 67% of the applications be denied? California has 58 counties. They each have their unique so-called "county business practices". These business practices generally result in creating major barriers to qualifying for CalWORKs. In fact, over 50% of the denials are generally for failure to meet the county "procedural requirements".

The November 2023 report reveals that three (3) counties, Alameda, San Francisco, and San Mateo simply refused to report their CalWORKs application data. And why should they when there are zero consequences for not reporting, unlike CalWORKs recipients who face discontinuance of all their CalWORKs benefits for refusal to report timely. So much for equity.

The report does not include data 11 counties under the guise of protecting the confidentiality of CalWORKs applicants. These include Alpine, Amador, Calaveras, Colusa, Del Norte, El Dorado, Glen, Inyo, Lassen, Marin, Mariposa, Modoc, Mono, Napa, Nevada, Placer, Plumas, Sierra, Siskiyou, Trinity, and Santa Cruz counties. Given the lack of data, we are unable to determine how many poor families in these counties were denied CalWORKs.

The CalWORKs program is designed to give maximum flexibility to the county and very little flexibility to the applicants.

In Los Angeles, to apply in person, one must stand in line for up to an hour to get into some of the district offices and make an application. Some counties accept applications through "call centers". But call centers are not easily accessible to applicants who wait for 1,2 or 3 hours to make an application which is common in California. Calls regularly get disconnected during the application process. Uploaded county-requested verifications, and verifications not required by law but requested by welfare departments anyway, often do not reach the workers and are 'lost'. Often, counties demand verification that is not even available to the applicant. An applicant who had previously worked months ago is asked to provide proof that they are no longer working. For instance, the place where the applicant previously worked has gone out of business, but the county still demands verification. No verification within 10 days – application denied.

The law requires that CalWORKs be administered through a single state agency to comply with Welfare & Institutions Code 10500 which states:

> *"Every person administering aid under any public assistance program shall conduct himself with courtesy, consideration, and respect toward applicants for and recipients of aid under that program, and shall endeavor at all times to perform his duties in such manner as to secure for every person the amount of aid to which he is entitled, without attempting to elicit any information not necessary to carry out the provisions of law applicable to the program, and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of the program."*

Clearly, counties are violating §10500 in that they do not "perform their duties in such a manner as to secure for every person the amount of aid to which he is entitled." In fact, counties violate this law by erecting artificial barriers (procedural requirements) to prevent applicants from securing the benefits they are entitled to. Moreover, Welfare & Institutions Code § 11208 states "Caseworker services shall be made available immediately to an applicant for aid under this chapter upon the filing of his application." In many counties, CalWORKs applicants are never assigned a caseworker in blatant violation of §11208.

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TABLE # 2 shows that the statewide average for November 2023 was 67% and Humboldt County lead the pack with a 90% denial rate, followed by Yuba County coming in second at 87%, and a large county like Riverside came in 4th with a whopping 78% denial rate.

TABLE # 2. CalWORKs applications denied during November 2023

	Cases Processed	Cases Approved	Cases Denied	% of Approved	% of Denied
Statewide	32724	10663	22061	33%	67%
Humboldt	110	11	99	10%	90%
Yuba	84	11	73	13%	87%
Tehama	77	14	63	18%	82%
Riverside	3014	666	2348	22%	78%
Solano	419	97	322	23%	77%
Mendocino	46	11	35	24%	76%
Shasta	249	62	187	25%	75%
Tuolumne	43	11	32	26%	74%
San Diego	2628	701	1927	27%	73%
Sonoma	206	55	151	27%	73%
Contra Costa	594	165	429	28%	72%
San Bernardino	3155	880	2275	28%	72%
Orange	1613	458	1155	28%	72%
Stanislaus	709	204	505	29%	71%
Santa Barbara	266	79	187	30%	70%
Yolo	130	40	90	31%	69%
Ventura	363	113	250	31%	69%
Butte	162	52	110	32%	68%
San Benito	33	11	22	33%	67%
Los Angeles	10322	3512	6810	34%	66%
Kern	1238	446	792	36%	64%
Imperial	222	81	141	36%	64%
San Joaquin	856	314	542	37%	63%
San Luis Obispo	107	40	67	37%	63%
Merced	268	105	163	39%	61%
Lake	71	28	43	39%	61%
Kings	247	98	149	40%	60%
Santa Clara	512	206	306	40%	60%
Madera	176	71	105	40%	60%
Sutter	83	36	47	43%	57%
Monterey	640	278	362	43%	57%
Fresno	1411	613	798	43%	57%
Sacramento	1154	528	626	46%	54%

CalFresh Expedited Service this Christmas

During the month of December of 2023, 13% of the 55,995 cases that were eligible for expedited services CalFresh were not issued their emergency assistance food assistance within the 3 days required by state law. That is 7,279 households who endured food insecurity because California counties violated state law. It is worth noting that we have no idea what happened in the second largest county in California – San Diego. They simply did not report.

TABLE #3 below shows the top 10 large and medium county violators of Welfare & Institutions Code §18914 which requires issuance of expedited service CalFresh benefits issued within 3 days, following the date of application.

Table #3 - Percentage of Expedited Service Requests taking longer than three days during December 2023	
Statewide	87%
Sacramento	39%
Sonoma	50%
Sutter	55%
Yolo	61%
Marin	63%
Shasta	73%
Stanislaus	74%
Fresno	77%
Kern	77%
Merced	80%

Many families in these counties had very little to eat for Christmas. Nothing happens to county administrators who break the law. What do county administrators do when they suspect a CalFresh beneficiary has broken the law? They refer them to a welfare fraud investigator with a gun. Hungry families and children are terrorized, but have broken no laws, unlike the county administrators in the counties set forth in Table #3 above.

New SSA Payee Rules

by Daphne Macklin, CCWRO

In the area of federal benefit payments through the Social Security Administration, a perennial issue is the use or involvement of a "representative payee". The definition of representative payee is a person or organization who receives SSA benefits (including both SSDI, federal disability benefits otherwise known as Title 2 benefits and/or SSI or "supplemental security income" known as "SSI") on behalf of a child or an adult person with diminished or lessened capacity or an actual cognitive or mental disability that prevents the named beneficiary (person entitled to payment) from handling his or her own financial affairs.

SSA maintains a web page focused on representative payees at https://www.ssa.gov/payee/faqrep.htm?tl=5.

According to the SSA website, federal law and regulations "requires minor children and all legally incompetent adults to have payees to receive the monthly disability payment on behalf of the qualifying person."

SSA presumes an adult can manage his or her own financial affairs. This includes using SSA benefits to pay for the necessities of life including housing, utilities, clothing, and food. The website, quoting SSA regulations, states that "If it appears this may not be true, SSA will gather evidence to decide if a representative payee either as an individual or as a professional payee is needed. See *"What is an SSA representative payee and who needs one"*

The term "minor children" refers to a child younger than age 18. This is reasonable given that very young children and those with profound disabling conditions are practically not able to manage funds (have bank accounts, pay bills, purchase groceries or medications without help.

The term "legally competent adult" may be more difficult to understand. This term covers any person who is currently the subject of a California probate conservatorship or a similar legal limit for their person to act on their own behalf. Example: Marina Esparza, who was recently widowed, within her family circle was known to rely on her late husband, Marco, to handle anything related to their home, bills, taxes, and money. A concerned neighbor calls Mrs. Esparza's granddaughter when the elderly woman asks the neighbor to translate a notice found hanging on her door -- a notice from the electric utility company that threatens to shut off

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power to the Esparza home for non-payment.

Although most other things about the widow's home seem to be in order, when her granddaughter makes an urgent visit at the neighbor's insistence, it becomes clear that the elderly woman has not paid key bills for utility services and is at risk of a property tax default that may put her housing at risk. This is a common experience for social workers and family who work with elderly persons or individuals who primarily speak a language other than English and some people, primarily women who live in communities, that rigidly define gender roles.

Some not entirely dependent but not comfortably self-sufficient elderly and even disabled persons may fear the involvement of others in "things they ought to know how to handle". The range of resources available to help may include (1) money management classes with coaching on how to budget and pay bills using the available resources she has; (2) having a family member or close friend step in to serve as Mrs. Gomez' SSA representative payee at the recommendation of a doctor or social worker. If no private individual is available, SSA may appoint a private organization to assist with financial management of SSA funds using a private representative payee agency who will charge a minor fee to the beneficiary for this service. The rules for operating as an official SSA representative payee are outlined in the publication https://www.ssa.gov/payee/faqrep.htm?tl=7.

If certain agreements may be met, it is possible for an individual to resume the management of his or her own resources from SSA. On the other hand, some situations are not easily resolved. Young adults who have been disability benefit recipients for much of their lives may chafe under the rules and responsibilities that were once handled by their parents and guardians. This group of disability beneficiaries often do well with a professional or an institutional payee who may condition termination of their services on the individual meeting certain standards, i.e. a budgeting class, demonstrating increased self-sufficiency skills.

Final thoughts: This article is meant to serve as an introduction to the representative payee issues. It was prompted by SSA's announcement of regulatory changes that relaxed the standards for supervising and monitoring representative payee services usually provided by parents or guardians. This and other changes are included in a comprehensive report on SSA's goals as an agency at https://www.ssa.gov/equity/assets/materials/2023.pdf.

A key point in the series of changes in the responsibilities of private (typically family) SSA Representative payees that became effective in June 2023 is as the title of the legislative and administrative proposal plan announces is, "to lessen the burden on parents and guardians primarily of children with disabilities of compliance with SSA rules about annual reporting and regular accounting for the use of SSA funds".

While this is generally a good idea or perhaps a good set of ideas, it is worth noting that an annual reporting requirement is an efficient and not particularly onerous burden especially when family or life circumstances may make the meeting of such obligations to record, if not report how SSA funds are being spent, seem less important than they really are. The reporting requirements are, especially critical

-- when a youth transitions to adult beneficiary status at a higher payment level; or
-- when living arrangements change and the disabled person may have new costs for housing, transportation and clothing may change (increase) because the person with a disability is now working or attending school or a training program; or
-- when there is reason to be concerned about the private representative payee's personal financial stability because of health or other issues.
-- when there is a need to change the representative payee because of death or unavailability.

The new rules are worth reviewing as a consideration of whether the "relief" from seemingly burdensome requirements may weigh in favor of changing the private payee to another person who may be more reliably consistent about documenting expenditures or even opting for the use of a private payee or private fiduciary, The new rules as written seem to prioritize the interests of the payee which may not fully align with the concerns and interests of the person with disabilities. Advocates for the disabled or persons who have challenges when speaking for themselves, should become familiar with these rules and advise clients including family members about possible negative consequences.

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Johnson v. Grants Pass at Oral Argument in the Supreme Court

By Andrew Chen, Homeless Prevention Staff Attorney CCWRO

Recently the Supreme Court heard oral argument in Johnson v. Grants Pass, the case that has dominated this space and hung over the heads of unhoused persons and their advocates for months. The question: can government criminalize sleeping outside when homeless folks have nowhere else to go? The Ninth Circuit, since *Martin v. Boise* in 2018, has said *no*, and expanded that ruling in *Johnson*. The city of Grants Pass appealed, and the case came before the full Court at oral argument.

While arguments were not nearly as lopsided as one might expect from the 6-3 conservative majority, the conservative Justice's nevertheless expressed a lot of skepticism about the lower court's holding. In particular, they showed concern about where to draw the line between "status" and "conduct". If sleeping outside is protected conduct because it is an invariable proxy for the status of homelessness, then what other behavior does that include? Perhaps not surprisingly, the Court's conservatives focused on things like starting a fire, or stealing food, etc. While the representative from the Solicitor General's office had difficulty explaining the line, Kelsi B. Corkran, counsel for the respondents, had quick, detailed answers ready: the other examples are distinguishable, she said, because they imply underlying criminal conduct. Sleeping in public, she said, was only criminalized for homeless individuals, as evidenced by the legislative and enforcement history. Homeless people were singled out, while other, housed, people napping on a bench or in their car temporarily were not subject to the ordinance.

Conservative justices, especially J. Alito, also expressed concern with the permanence of protected status. Addiction, he pointed out, under a modern medical understanding, is not considered a temporary condition, while homelessness can be temporary. This line of questioning seemed to imply some kind of administrability or vagueness argument against the 9th Circuit's judgment. Again, Corkran had an excellent answer ready to go: not only did the Court's precedent in *Robinson v. California*, which prohibited the government from creating and enforcing laws criminalizing drug addiction, not consider the temporality of protected status (as medical science hadn't reached modern understanding in 1962), but other protected statuses, such as someone's being a cancer patient, are also temporary but no less protected.

Justices Sotomayor, Kagan, and especially Jackson did their best to keep the discussion on track and redirect the narrative away from these line-drawing hypotheticals and back to the core of the issue: that the Supreme Court's precedent applies squarely in this case also, and the law allows for reasonable time, place, and manner restrictions on public behavior without allowing laws prohibiting *existing as a homeless person* in public.

Surprisingly, the full Court expressed broad skepticism of the City's arguments in favor of its laws, including Justice Kavanaugh, who questioned the practicality of the City's law and whether it was, in fact, an appropriate public safety intervention. The three liberal justices, meanwhile, noted that criminalizing universal attributes of homelessness (sleeping in public) was akin to making breathing illegal.

Justice Jackson further noted that given that the Oregon legislature recently passed a law codifying *Martin v. Boise* into state law, the whole case should be mooted. That outcome would be the cleanest, if not the most rhetorically satisfying, way for the Court to avoid adjudicating the 8th Amendment question. Additionally, several conservative justices indicated they thought a necessity defense, raised in criminal court, should be the driving force nullifying the prosecution of homeless people under this law

While it's still unlikely that the full Court will choose to uphold the 9th Circuit's ruling and protect the rights of homeless individuals, this oral argument was much better than many advocates, myself included, expected. If nothing else, we should expect a fierce dissent from the Court's liberals that a more just Court, in a more enlightened time, can apply in the years to come.

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