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21 PAUL BANDA and BOBBI MORRISON

22 SUPERIOR COURT OF THE STATE OF CALIFORNIA
23 COUNTY OF SAN BERNARDINO

24 PAUL BANDA and BOBBI MORRISON
25 Petitioners,
26 vs.
27 COUNTY OF SAN BERNARDINO; SAN
28 BERNARDINO COUNTY BOARD OF
SUPERVISORS; SAN BERNARDINO
COUNTY TRANSITIONAL ASSISTANCE
DEPARTMENT; and GILBERT RAMOS,
Director of the San Bernardino County
Transitional Assistance Department, in his
official capacity,
Respondents.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

DEC 18 2019

BY 
NICOLE CANTWRIGHT, DEPUTY

CIV DS 1938489

Case No.:
ASSIGNED FOR ALL PURPOSES TO:

**VERIFIED PETITION FOR WRIT OF
MANDATE**

**(Code Civ. Proc., §§ 1085; 1060; 1094.5;
1094.6)**

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1 **INTRODUCTION**

2 1. Petitioners PAUL BANDA and BOBBI MORRISON challenge San Bernardino County's
3 failure to operate its General Relief ("GR") program in conformity with state law. GR is the
4 state-mandated public benefits program of last resort for low-income residents of the County
5 who have no other means of supporting themselves.

6 2. The Welfare and Institutions Code requires counties to provide aid to all indigent
7 residents without other means of support (§ 17000) and to provide assistance to people in need in a
8 "prompt and humane" manner, so "as to encourage self-respect [and] self-reliance" (§ 10000). A
9 county must also administer GR in a manner that is reasonably necessary to effectuate the legitimate
10 purposes of this state mandated program and "to secure for every person the amount of aid to which he
11 is entitled" (§ 10500).

12 3. However, San Bernardino County violates these mandates by administering a GR program
13 that unlawfully denies eligible GR applicants and recipients the benefits they need to meet their
14 most basic needs. From imposing onerous and unnecessary application requirements, to
15 unlawfully excluding applicants who are homeless, to denying and terminating benefits without
16 notice or opportunity for a hearing, the County's GR program imposes barriers to access at every
17 stage of applying for and receiving benefits.

18 4. As a result of the County's unlawful policies and practices, only 203 residents of San
19 Bernardino County were receiving GR as of September 2019.

20 5. Further, by excluding homeless people (who are disproportionately living with
21 disabilities) from receipt of GR, and by failing to provide reasonable accommodations to people
22 with disabilities in its GR Program, the County unlawfully discriminates against people with
23 disabilities, in violation of state and federal law. Gov. Code, § 11135; Welf. & Inst. Code, §
24 10000.

25 6. Respondents' practices have caused serious harm to Petitioners PAUL BANDA and
26 BOBBI MORRISON, who have been denied aid that they need and to which they are entitled,
27 and to an estimated thousands of other indigent County residents similarly harmed by the
28 Respondents' policies and practices.

1 7. Petitioners seek a peremptory writ of mandate to compel the County to bring its program
2 into compliance with state and federal law.

3 **PARTIES**

4 **A. Petitioners**

5 8. Petitioner PAUL BANDA is, and was at the time of his application for General Relief
6 benefits, a resident of San Bernardino County, California. Mr. Banda has a direct beneficial
7 interest in Respondents' performance of their legal duties alleged below. Mr. Banda also has a
8 beneficial interest as a citizen of California since this lawsuit involves questions of public right
9 and seeks to enforce public duties.

10 9. Petitioner BOBBI MORRISON is, and was at the time of her application for General
11 Relief benefits, a resident of and taxpayer in San Bernardino County, California. Ms. Morrison
12 has a direct beneficial interest in Respondents' performance of their legal duties alleged below.
13 Ms. Morrison also has a beneficial interest as a citizen of California since this lawsuit involves
14 questions of public right and seeks to enforce public duties.

15 **B. Respondents**

16 10. Respondent COUNTY OF SAN BERNARDINO ("County") is a political body of the
17 State of California and, pursuant to Welfare and Institutions Code section 17000, is statutorily
18 required to "relieve and support all incompetent, poor, indigent persons, and those incapacitated
19 by age, disease, or accident."

20 11. Respondent BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY is the
21 legislative body charged by law with adopting standards of general assistance aid and care for
22 the County's indigent residents pursuant to Welfare and Institutions Code section 17000.5.

23 12. Respondent SAN BERNARDINO COUNTY TRANSITIONAL ASSISTANCE
24 DEPARTMENT ("TAD") is the department of the County that is responsible for administering
25 San Bernardino County's GR program.

26 13. Respondent GILBERT RAMOS is the current Director of TAD. Petitioners sue Mr.
27 Ramos in his official capacity only. Mr. Ramos is responsible for the enforcement, operation,
28 and execution of laws pertaining to TAD's administration of the County's GR program.

1 Sacramento County had 4,126 on its GR caseload, with a population of 1,541,000 people. Tulare
2 County, which has a population of only 466,000, had 778 people on its GR caseload.¹

3 Burdensome Application and Recertification Processes

4 20. The County's GR application and recertification policies create many unnecessary
5 barriers to establishing and maintaining eligibility for GR. These barriers make it incredibly
6 difficult—and in many cases impossible—for eligible individuals without any other means of
7 support to access the County's benefit of last resort.

8 21. Petitioners are informed and believe and on that basis allege that the County's GR
9 application requires multiple in-person office visits, and that the County requires GR applicants
10 to sit through a lengthy orientation process before they are even allowed to submit their
11 application paperwork.

12 22. Many of the documents the County requires applicants to submit are not essential to
13 determining GR eligibility and may be extremely difficult to obtain for GR applicants, many of
14 whom are homeless. For example, the County's GR Policy Handbook indicates that applicants
15 must provide a Social Security card, a DMV identification, and a birth certificate. The County
16 required all of these documents from Petitioner Bobbi Morrison, even though she was already
17 receiving CalFresh benefits from the County and the County had, therefore, already verified her
18 identity.

19 23. The County does not consider an applicant to be eligible for GR benefits until they have
20 turned in all of the required documents and verifications, and it does not pay benefits back to the
21 initial date of application.

22 24. The County requires individuals who are separated or divorced from their former spouses
23 to submit documentation of the legal separation or divorce before their application is complete. If
24 an applicant is separated from their spouse but is not divorced or legally separated, the County
25 imputes the spouse's income and resources to the applicant and will not consider the application
26 until the County receives application materials and verifications from the spouse—even where
27

28 ¹ General Relief data is for September 2019 from GR 237 General Relief and Interim Assistance Report
received from CDSS on November 18, 2019. All other demographic data is from
<https://www.census.gov/quickfacts>

1 the applicant has not lived with their spouse for years, has no way of contacting their spouse, and
2 receives no financial support from their spouse. Although the policy has narrow exceptions for
3 certain victims of domestic abuse and applicants whose spouses are incarcerated, the verification
4 requirements create significant and potentially insurmountable barriers to obtaining GR.

5 25. On information and belief, the County does not provide assistance in obtaining the
6 documents and verifications that it requires of GR applicants.

7 26. The County also requires all GR applicants to apply for all potentially available public
8 benefits, including Medi-Cal, CalFresh, cash aid, and Supplemental Security Income (SSI),
9 before it will approve them for GR. If an individual cannot provide an award letter for the other
10 benefits, a denial letter for the other benefits, or verification that the application for the other
11 benefits is still pending within 90 days of approval of their GR benefits, then the County
12 discontinues their GR.

13 27. The County also imposes work requirements on applicants prior to approval of their
14 application. Employable GR applicants are required to comply with work requirements on the
15 day after they apply for benefits, and *before* being approved for aid, or face denial of their
16 applications.

17 28. On information and belief, both the work requirements themselves and the reporting
18 requirements create significant barriers to obtaining and maintaining GR benefits, and they do
19 not result in gainful employment for most people.

20 29. After the County approves a GR application, it requires the GR recipient to reestablish
21 eligibility every month by completing a "GR 7" form and providing corresponding verifications
22 regarding income, property, residence, and resources. The County requires these verifications
23 even where they are irrelevant to the individual's ongoing receipt of GR.

24 30. On information and belief, the County requires recipients to submit monthly third-party
25 verifications of their housing expenses and does not allow recipients to self-certify those
26 expenses.

1 31. The County's GR Handbook and staff training materials instruct workers not to accept
2 the GR 7 after the last day of the month in which the report is due, and it provides no opportunity
3 for a person to turn in the GR 7 late, even if they have good cause for late filing.

4 Due Process Violations

5 32. In both policy and practice, the County denies applications for GR benefits without
6 providing written notice to the applicant, and without providing the applicant with an opportunity
7 to appeal the denial.

8 33. If an applicant who has begun the application process fails to submit the GR 2 form, the
9 "Statement of Facts Supporting Eligibility to General Relief", the County's policy is to deny
10 benefits without sending any written notice to the applicant.

11 34. The County does not have any policy to allow applicants to demonstrate a good cause
12 reason for failing to submit requested forms or verifications.

13 35. Likewise, the County does not provide any written notice of termination or opportunity
14 for a hearing in certain terminations of GR benefits. If an individual who is receiving GR misses
15 the monthly deadline to file their GR 7 form or does not submit all the verifications that the
16 County requires, the County's policy is to cut off their GR benefits without any notice, and
17 without opportunity for a hearing.

18 Grant Amount Less Than Statutory Minimum Grant Level

19 36. Welfare and Institutions Code section 17000.5 authorizes counties to provide a GR
20 benefit that is less than the amount needed to meet the actual needs of GR recipients only if the
21 benefit is at least a certain amount that is tied to the CalWORKs Maximum Aid Payment (MAP).
22 Section 17000.5 (a) specifically provides:

The board of supervisors in any county may adopt a general assistance standard of aid . . .
that is 62 percent of a guideline that is equal to the 1991 federal official poverty line and
may annually adjust that guideline in an amount equal to any adjustment provided under
Chapter 2 (commencing with Section 11200) of Part 3 for establishing a maximum aid
level in the county.

26 San Bernardino may reduce this amount by an additional 3%. Welf. & Inst. Code §17000.5
27 (e)(2).
28

1 37. The County's grant amount does not meet the actual needs of GR recipients for food,
2 clothing, and shelter.

3 38. Applying 17000.5's formula to the MAP required the County to have had a total benefit
4 amount for a single individual that was at least \$358.90 from October 2018 to September 2019,
5 and requires a total benefit amount of at least \$504.40 ongoing as of October 1, 2019.

6 39. The County's maximum GR grant for an individual is \$280.

7 40. The County's GR payments for households of two or more are likewise smaller than the
8 amounts required by section 17000.5.

9 41. The County allocates its GR grant among four categories of need: housing, utilities, food,
10 and personal and incidental. The amounts allocated to these categories are taken from the
11 County's maximum GR grants by household size. For example, for a single individual, the
12 maximum grant of \$280 is allocated as follows:

- 13 Rent: \$170
- 14 Utilities: \$35
- 15 Food: \$66
- 16 Personal and Incidental: \$9

17 42. Additionally, the County has a policy of not paying GR for any month where the monthly
18 benefit amount calculated by the County is less than \$10.

19 Unlawful Resource Limits

20 43. According to the County's policies, applicants and recipients are ineligible for GR if they
21 have more than \$50 in liquid assets.

22 44. Further, the County imposes a \$500 asset limit on personal property.

23 45. Vehicles are subject to the \$500 personal property limit, although the County's policy
24 includes a \$3000 exemption for vehicles that are needed to seek or maintain employment or to
25 access medical care.

26 46. The County does not provide an exemption beyond the \$3000 for vehicles used for work
27 or for vehicles that have special accessibility features. If such vehicles exceed \$3500, the
28 applicant must choose between keeping their vehicle or qualifying for GR.

1 47. Likewise, the County does not provide any exemptions for cars used for shelter. If a GR
2 applicant lives in their car but cannot prove that they use it for work or medical appointments,
3 the County applies the \$500 personal property limit, and, if the vehicle is worth more than \$500,
4 the applicant is ineligible for GR.

5 48. As a result, GR applicants who live in their cars must choose between maintaining their
6 sole source of shelter and qualifying for GR.

7 49. The County's policies also presume that resources that an individual had in the past will
8 be available in the future, regardless of whether they are actually available. Under the County's
9 policies, when a person receives lump sum income that causes the household net income to be
10 greater than the maximum grant, the County deems the individual ineligible for GR for a fixed
11 period of time, regardless of whether the resource is actually available to support the individual
12 in future months.

13 Denial of Ongoing Benefits to Homeless Recipients

14 50. The 2019 San Bernardino County Homeless Count identified 2,607 homeless persons in
15 the County, a 23.1% increase over the 2018 count.² Nearly three quarters of those individuals
16 were unsheltered.

17 51. However, San Bernardino County has a deficit of over 65,000 affordable rental homes
18 relative to its existing need.³

19 52. GR is a critically important benefit for individuals who are homeless and who have no
20 other means of supporting themselves. GR benefits, though modest, can help someone find a
21 room—or even just a couch—to rent, to get a motel room, or to pay the registration on the car
22 that they use for both transportation and shelter. But, because affordable housing is scarce, many
23 people experiencing homelessness are unable to find permanent shelter.

24 53. The County requires applicants who are homeless to obtain housing by the end of their
25 first full month of receiving aid as a condition of ongoing eligibility for GR. If a person cannot
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27 ² See San Bernardino 2019 Homeless Count and Subpopulation Survey Final Report (April 2019) at p. 7,
available at <http://wp.sbcounty.gov/dbh/sbchp/wp-content/uploads/sites/2/2019/05/2019-homeless-count-and-survey-report.pdf>.

28 ³ See California Housing Partnership, *San Bernardino County Housing Need Report 2019* (May 2019),
available at <https://chpc.net/resources-library/>.

1 produce written verification of a permanent residence, the County discontinues aid to the
2 individual, even though they are still in need of assistance.

3 54. This policy effectively disqualifies nearly all homeless residents of the County from
4 receiving GR for more than one month, and acts as a deterrent to those seeking aid.

5 Disqualification Categories Not Authorized by Statute

6 55. The County excludes individuals who are “awaiting felony prosecution” from receiving
7 GR.

8 56. Similarly, the County excludes adults who are ineligible for “. . . CalFresh assistance due
9 to time limits, sanctions, or Intentional Program Violations.”

10 57. These exclusions are not authorized by statute.

11 Denial of Access to People with Disabilities

12 58. On information and belief, San Bernardino County residents who are eligible for GR are
13 disproportionately living with disabilities.

14 59. In the County’s most recent point-in-time homeless count, 18.5% of respondents
15 identified as having a chronic or life-threatening health condition, and 19.7% identified as having
16 a mental health problem.⁴

17 60. By excluding homeless individuals from receipt of GR, the County disproportionately
18 excludes people with disabilities from the program.

19 61. On information and belief, many of the County’s policies and practices that exclude
20 County residents who are homeless from receiving GR benefits have a significant and
21 disproportionate impact on persons with disabilities, preventing full access to the GR program.

22 62. On information and belief, the County does not provide reasonable accommodations to
23 people with disabilities in the administration of its GR program.

24 63. On information and belief, the County does not have policies or procedures to ensure
25 that GA applicants and recipients with disabilities are able to obtain reasonable accommodations.
26

27
28 ⁴ See 2019 Homeless Count, *supra*, at 12. In contrast, only 7.6 of the population under age 65 in the
County has a disability. See
<https://www.census.gov/quickfacts/fact/table/sanbernardinocountycalifornia/AFN120212>.

1 64. On information and belief, individuals who are unable to comply with County rules due
2 to mental, intellectual, or physical disabilities lack a way to request a reasonable accommodation
3 or modification of program requirements and are likely to be prevented from applying for relief,
4 improperly denied assistance, or terminated from aid.

5 Unlawful Sanctions

6 65. Under Welfare and Institutions Code section 17001.5(a), a County may only terminate or
7 sanction a GR recipient for failure to comply with program requirements if the failure is willful
8 or a third negligent failure.

9 66. The County sanctions employable applicants and recipients if an individual fails to meet
10 the “employable requirements and linkage criteria,” regardless of whether that failure was
11 willful. Upon information and belief, the County does not conduct an inquiry about whether
12 conduct was willful or negligent.

13 **Denial of Benefits to Paul Banda**

14 67. Paul Banda is a senior who is a veteran of the United States Marine Corps. Mr. Banda has
15 been a resident of San Bernardino County since January 2019.

16 68. Mr. Banda is living with both physical and mental disabilities. His physical impairments
17 include mobility limitations and pain in both his knee and his back due to injuries. He also
18 experiences symptoms of depression and anger, for which he is receiving mental health
19 treatment.

20 69. Mr. Banda last worked as a prep cook but had to stop working in 2014 when he ruptured
21 a disc in his back.

22 70. Mr. Banda is unable to work because of his disabilities and does not have any means of
23 supporting himself.

24 71. Mr. Banda receives CalFresh benefits from the County, but they are insufficient to meet
25 his nutritional needs.

26 72. Mr. Banda has been homeless since September 2019 and currently lives in his car.

27 73. Mr. Banda has applied for GR in San Bernardino County on three separate occasions
28 since January 2019 but has never received GR.

1 74. Mr. Banda first applied for GR on January 18, 2019. The County required Mr. Banda to
2 return to the TAD office to submit three separate County forms (GR 2, GR 61, and GR 7 for
3 December 2018), plus his Social Security card, rent receipts, proof of having applied for SSI and
4 Veteran's benefits, a copy of his divorce decree from 2015, bank statements, birth certificate, and
5 vehicle registration. The County gave Mr. Banda a deadline of February 1, 2019, to submit all of
6 these documents, and informed him that application documents must be completed in person at
7 the TAD office.

8 75. Mr. Banda did not have access to all the required documents; some were in storage in
9 another part of the County, while others were not in his possession at all and had to be obtained
10 from third parties.

11 76. Mr. Banda's physical and mental disabilities, and his lack of financial resources, further
12 limited his ability to obtain the verifications that the County required.

13 77. The County did not assist—nor offer to assist—Mr. Banda to obtain the required
14 verifications.

15 78. The County denied Mr. Banda's January 18 application for GR based on his alleged
16 failure to submit a GR 2 form, the County's "Statement of Facts Supporting Eligibility to
17 General Relief."

18 79. The County did not send Mr. Banda any written notice of denial. Nor did it provide him
19 with any opportunity to reopen his application or to demonstrate good cause for his alleged
20 failure to submit the GR 2 form.

21 80. The County's denial of benefits to Mr. Banda without notice was consistent with the
22 County's policy of failing to provide notice to applicants.

23 81. Mr. Banda applied for GR a second time on July 9, 2019. The County required Mr.
24 Banda to submit documentation of his finances, including third-party verifications from two
25 friends who had made one-time loans to Mr. Banda in June 2019.

26 82. Mr. Banda obtained and submitted the documentation the County required. Mr. Banda's
27 two friends sent third-party verifications to the County regarding the one-time loans they had
28 made to Mr. Banda. However, the County determined that it had not received verification from

1 Mr. Banda's friend Mike regarding the nature of an \$80 payment made to Mr. Banda in June
2 2019.

3 83. Mr. Banda's file at the County includes a notice dated July 30, 2019, denying GR
4 benefits to Mr. Banda. The notice's stated basis for denial is: "You failed to provide written
5 statement of loan received 6/2019."

6 84. However, Mr. Banda did not receive the July 30 notice, nor any other written notice
7 denying his July 9, 2019, application for GR benefits.

8 85. On or about August 13, Mr. Banda learned in a phone call with a County worker that the
9 County had denied his application. The County worker did not advise Mr. Banda of his right to
10 appeal the denial, instead telling him he could begin the application process over again.

11 86. On that call, Mr. Banda told the County worker that he had not received a written notice
12 of the denial.

13 87. The County did not resend the denial notice to Mr. Banda.

14 88. Mr. Banda applied for GR a third time on August 27, 2019.

15 89. The County again denied Mr. Banda's application. The County's notice of denial, dated
16 September 18, 2019, simply states the reason for denial as: "Your resources (property) exceeded
17 the allowable limit." The notice includes no information about what the allowable limit is nor
18 what resources were alleged to exceed it.

19 90. A letter sent from the County to Mr. Banda's attorneys, dated September 25, 2019, stated
20 that Mr. Banda's application was denied because "[a] bank statement and Doctors note was not
21 returned", contradicting the above notice's given reason for denial.

22 91. The County's file regarding Mr. Banda's application indicates that it denied him because
23 the value of his car, a 2004 Chevy Tahoe, which he uses for both transportation and shelter, is
24 allegedly more than \$500.

25 92. Mr. Banda appealed the County's denial of his applications for GR benefits both in a
26 letter from his attorneys on September 26, 2019, and on the County's appeal form, submitted
27 October 9, 2019.

1 93. The September 26, 2019, letter from Mr. Banda's attorneys, sent before Mr. Banda had
2 received the September 18, 2019 denial notice, also requested that the County, as a reasonable
3 accommodation of his disabilities, provide a list of any documentation required to complete his
4 application for GR benefits, and additional time to provide the documentation as a reasonable
5 accommodation of his disabilities.

6 94. The County did not respond to Mr. Banda's reasonable accommodation request,
7 effectively denying it without engaging in an interactive process with Mr. Banda.
8 Mr. Banda's October 9, 2019, appeal also included a civil rights complaint regarding the
9 County's failure to provide a reasonable accommodation of his disabilities.

10 95. The County held a hearing regarding Mr. Banda's appeal on October 30, 2019.

11 96. The Program Integrity Division of TAD issued a written hearing decision dated
12 November 25, 2019, which denied Mr. Banda's appeal.

13 97. In the decision, the Hearing Officer determined that the County had no jurisdiction over
14 Mr. Banda's January 2019 application for benefits. The Hearing Officer upheld the County's
15 denial of Mr. Banda's July 2019 application based on a finding that the County had not received
16 third-party verification regarding the \$80 loan that Mr. Banda had received in June. The Hearing
17 Officer upheld the County's denial of Mr. Banda's August 2019 application based on a finding
18 that he has a vehicle that exceeds the County's \$500 allowable resource limit, even though Mr.
19 Banda testified at the hearing that he uses his vehicle as his sole source of shelter and needs it for
20 transportation.

21 **Denial of Benefits to Bobbi Morrison**

22 98. Petitioner Bobbi Morrison has multiple physical and mental disabilities; the symptoms of
23 these disabilities were exacerbated by injuries from a recent car accident, which have required
24 multiple surgeries and physical therapy. Ms. Morrison is unable to work because of her
25 disabilities.

26 99. Ms. Morrison does not own a vehicle.

27 100. Ms. Morrison currently receives GR in the amount of \$41 per month. This amount is
28 insufficient to meet her basic needs.

1 101. Ms. Morrison applied for GR benefits on July 11, 2019. On July 16, County staff
2 informed her that, to complete her application, she would need to provide a variety of
3 documents, including: a Social Security card, a proof of citizenship/alien status, a medical
4 authorization form proving her disabled status, a copy of her lease and proof of the utility
5 assistance she receives from San Bernardino County, her June and July utility bills, a letter from
6 the Social Security Administration issued within the last 30 days regarding the pending status of
7 her SSI application, a photo ID card, and proof of divorce or legal separation. The County
8 required Ms. Morrison to obtain these documents even though the County had already collected
9 much of the requested information to verify her identity and eligibility for CalFresh benefits,
10 which she has been receiving from the County since 2014.

11 102. One of the most onerous verification requirements was the County's requirement that Ms.
12 Morrison demonstrate that she had filed for dissolution of her marriage, even though she and her
13 ex-spouse had been separated for 13 years; they do not live together; her husband was abusive;
14 and she feared retribution for initiating dissolution proceedings. The County did not help Ms.
15 Morrison to obtain the required documents or with the dissolution of her marriage. It did not
16 offer her the option to self-certify that her ex-husband no longer supported her.

17 103. Ms. Morrison was not able to complete submission of all the documents that County
18 required until late August 2019. The County's application process required her to attend at least
19 three separate in-person meetings at the County's Ontario office. These trips were very
20 burdensome considering Ms. Morrison's disabilities and lack of reliable transportation, but the
21 County did not provide her with any alternative means of completing her application.

22 104. On or about September 13, 2019, Ms. Morrison received a Notice of Action, dated
23 September 12, 2019. The Notice of Action denied Ms. Morrison GR benefits for August 2019 on
24 grounds that her benefits for that month were less than \$10.

25 105. The Notice indicated that Ms. Morrison's benefits ongoing would be \$41 per month. This
26 figure was calculated using the County's \$280 maximum grant amount for an individual.

27 106. As a condition of receiving ongoing benefits, Ms. Morrison must submit a GR 7 monthly
28 report to the County every month. Along with this report she must submit a proof of her utility

1 payment. This requirement has already caused at least one delay in Ms. Morrison receiving
2 benefits because the County did not properly process one of her GR 7 reports even though she
3 submitted it to the TAD office in Ontario.

4 107. The County did not pay Ms. Morrison benefits retroactive to her date of application, July
5 11, 2019.

6 108. The County's failure to pay Ms. Morrison benefits retroactive to her date of application
7 was the result of the County's policy of not treating applications as received until the applicant
8 has submitted all required forms and verifications, even if the process takes more than a month.

9 109. Ms. Morrison filed an appeal of (1) the County's denial of retroactive benefits and (2) its
10 unlawfully low benefit amount on September 26, 2019.

11 110. The County held a hearing on Ms. Morrison's appeal on October 29, 2019.

12 111. The Program Integrity Division of TAD issued a written hearing decision dated
13 November 14, 2019, which granted in part and denied in part Ms. Morrison's appeal. The
14 Hearing Officer determined that Ms. Morrison's monthly benefit amount was properly
15 calculated. However, the Hearing Officer determined that her date of application was August 21,
16 2019, not August 27, and instructed TAD to recalculate her benefits for August 2019.

17 **A Writ of Mandate Is Necessary**

18 112. The barriers to accessing the GR program experienced by Mr. Banda and Ms. Morrison
19 are emblematic of the systemic legal deficiencies that pervade the program.

20 113. Petitioners sought to resolve these systemic deficiencies prior to filing of this action
21 through multiple letters to the County, but the County has not taken action to remedy the GR
22 program's legal violations, and these violations persist.

23 114. As a result of the violations described above, Petitioners estimate that the County has
24 unlawfully denied or reduced aid to thousands of individuals.

25 115. As persons eligible for GR, Petitioners have a direct and beneficial interest in
26 Respondents' performance of their duties set forth herein.

27 116. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law
28 other than the issuance by this Court of a writ of mandamus pursuant to the authority set forth in

1 Code of Civil Procedure sections 1084 *et seq.* A writ of mandate is necessary for Petitioners to
2 enforce their rights and Respondents' duties as set forth above.

3 **FIRST CAUSE OF ACTION**
4 **Administrative Mandamus**
5 **(Code Civ. Proc. §1094.5 and 1094.6)**
6 **(Petitioner Paul Banda Against All Respondents)**

7 117. Petitioners incorporate by reference each and every allegation of the preceding
8 paragraphs as though fully set forth herein.

9 118. This verified Petition is brought under, and authorized by, Code of Civil Procedure
10 section 1094.5, which permits filing a petition to review the proceedings conducted by TAD.

11 119. The November 25, 2019, decision upholding the County's denials of Mr. Banda's three
12 applications for GR was an abuse of discretion because the County failed to proceed in the
13 manner required by law by, among other things:

- 14 a. Issuing findings that were not supported by the evidence in the record;
- 15 b. Erroneously concluding that there was no jurisdiction over the denial of Mr. Banda's
16 January 18, 2019 application;
- 17 c. Upholding the denial of Mr. Banda's July 9, 2019 application based the alleged
18 failure of a third party to return a document, in violation of state law governing the
19 General Assistance program;
- 20 d. Upholding the denial of Mr. Banda's August 27, 2019 based on a resource limit and
21 policies regarding counting of resources that are contrary to state law governing the
22 General Assistance program;
- 23 e. Ignoring the issues of reasonable accommodation and discrimination complaint on the
24 basis of disability raised in Mr. Banda's appeal; and
- 25 f. Upholding the denials despite the County's failure to provide the notice required by
26 law.

27 120. Mr. Banda has exhausted all of his administrative remedies and has no other plan,
28 speedy, or adequate remedy at law.

1 128. Obtaining and submitting the required documents and verifications is extremely
2 burdensome and sometimes impossible for GR applicants, as experienced by both Mr. Banda and
3 Ms. Morrison.

4 129. The County also requires individuals to apply for other benefits before it determines
5 whether they are eligible for GR, and it requires “employable” individuals to comply with
6 onerous work requirements and reporting requirements related to work activities before
7 approving their applications.

8 130. After the County approves a GR application, it requires the GR recipient to reestablish
9 eligibility every month by completing a “GR 7” form and providing corresponding verifications,
10 many of which are irrelevant to the recipient’s ongoing eligibility for GR.

11 131. In this reporting process, the County requires recipients to obtain verification from third
12 parties regarding certain income and expenses, and it terminates their benefits if those third
13 parties do not provide the required verifications.

14 132. The County instructs workers not to accept the GR 7 monthly recertification form after
15 the last day of the month in which the report is due, and it provides no opportunity to submit the
16 GR 7 late with good cause.

17 133. These application and recertification requirements are not necessary to carry out the
18 purpose of the GR statutes, but they impose burdens that prevent eligible persons from
19 successfully applying for and receiving GR.

20 134. The County’s burdensome application and recertification requirements have deprived Mr.
21 Banda, Ms. Morrison, and other GR applicants and recipients from GR benefits to which they are
22 entitled.

23 135. By maintaining the above application and recertification requirements the County is
24 violating its duties to support all indigent residents not supported by other means (§ 17000), to
25 administer aid promptly and humanely (§ 10000), and to secure the aid to which applicants are
26 entitled without eliciting information not necessary to carry out the GR statutes (§10500).

27 136. Unless compelled by this Court, Respondents will continue to refuse to perform said
28 duties and continue to violate the law, and continue to cause harm.

1 **FOURTH CAUSE OF ACTION**

2 **For a Writ of Mandate Compelling Respondents to Provide Due Process to GR Applicants**
3 **and Recipients**

4 **(Code Civ. Proc., § 1085; Cal. Const., art. I, § 7; U.S. Const., 5th & 14th Amends.; Welf. &**
5 **Inst. Code, §§ 10000, 11000)**

6 **(All Petitioners Against All Respondents)**

7 137. Petitioners incorporate by reference each and every allegation of the preceding
8 paragraphs as though fully set forth herein.

9 138. Under the Due Process Clause of the California Constitution, Article 1, section 7, and the
10 Fifth and Fourteenth Amendments to the United States Constitution, the right to GR benefits is a
11 fundamental right and entitlement, and it may not be denied, reduced, suspended, or terminated
12 without due process of law, including meaningful, specific, comprehensible, and timely notice of
13 adverse action, sufficient to allow the recipient a meaningful opportunity and time to respond.

14 139. Applicants and recipients are also entitled to a timely hearing to challenge any adverse
15 action under the California Constitution, Article 1, section 7, and the Fifth and Fourteenth
16 Amendments to the United States Constitution.

17 140. In certain instances, including when an applicant allegedly fails to submit a GR 2 form
18 during their application process, the County denies GR applicants without any notice to the
19 applicant.

20 141. The County also terminates GR benefits without providing any written pre-termination
21 notice or opportunity for a pre-termination hearing if a recipient does not timely submit their
22 monthly GR 7 report and corresponding verifications.

23 142. The County denied Mr. Banda's due process rights by failing to provide written notice or
24 opportunity to appeal when they denied his applications for GR benefits.

25 143. At all times relevant to this action, Respondents have had clear, mandatory duties and
26 prohibitions imposed by the California Constitution, Article I, section 7, the Fourteenth
27 Amendment to the United States Constitution, and Welfare and Institutions Code sections 10000
28 and 11000.

1 144. Unless compelled by this Court to refrain from acts as required by law, Respondents will
2 continue to refuse to perform said duties and continue to violate the law, and Petitioners will be
3 injured as a result.

4 **FIFTH CAUSE OF ACTION**

5 **For a Writ of Mandate Compelling Respondents to Provide All Aid for Which GR**
6 **Applicants and Recipients Are Eligible, Retroactive to Their Dates of Application**
7 **(Cal. Const., Art. 1, § 7; Welf. & Inst. Code, §§ 10000, 10500, 11000, 11056)**
8 **(All Petitioners Against All Respondents)**

9 145. Petitioners incorporate by reference herein each and every allegation of the preceding
10 paragraphs as though fully set forth herein.

11 146. The County has a policy of not paying GR benefits retroactive to the date of application.

12 147. The County has failed and continues to fail to pay retroactive benefits after indigent,
13 eligible applicants have been improperly denied or discontinued from aid because of
14 Respondents' unlawful eligibility procedures, policies, and practices.

15 148. Petitioners and other GR applicants and recipients have been deprived of retroactive
16 benefits to which they are entitled as a result of the County's unlawful policies and practices.

17 149. At all times relevant to this action, the County has had clear, mandatory duties to pay GR
18 applicants and recipients all the aid to which they are entitled, pursuant to imposed by California
19 Constitution, Article 1, § 7 and Welfare and Institutions Code sections 10000, 11000, and 11056.

20 150. Unless compelled by this Court to refrain from acts as required by law, the County will
21 continue to refuse to perform said duties and continue to violate the law, and continue to cause
22 harm.

23 **SIXTH CAUSE OF ACTION**

24 **For a Writ of Mandate Directing Respondents to Increase Their GR Benefit Amounts to**
25 **the Minimum Amounts Required by State Law**
26 **(Code Civ. Proc., § 1085; Welf. & Inst. Code, §§ 10000, 10500, 17000, 17000.5)**
27 **(All Petitioners Against All Respondents)**

28 151. Petitioners incorporate by reference each and every allegation of the preceding
paragraphs as though fully set forth herein.

1 152. The County's monthly GR payment amounts are not sufficient to meet the basic needs of
2 GR recipients.

3 153. Therefore, to provide a sufficient standard of aid, the County must pay at least the
4 amount set forth in Welfare and Institutions Code section 17000.5(a).

5 154. The County's monthly GR payments for households of all sizes are considerably less
6 than the amount required by section 17000.5(a) and are, therefore, unlawfully low.

7 155. The County allocates its GR grants into portions for housing, utilities, food, and personal
8 needs. Because the total grant from which these portions are allocated is unlawfully low, the
9 portions are, likewise, unlawfully low.

10 156. The County calculated Ms. Morrison's monthly GR grant based on its policy of
11 unlawfully low grant amounts.

12 157. By paying unlawfully low grant amounts to GR recipients, and by maintaining a policy of
13 paying GR grant amounts that are unlawfully low, the County violates its mandatory duties
14 under Welfare and Institutions Code sections 10000, 10500, 17000, and 17000.5.

15 158. Unless compelled by this Court, Respondents will continue to refuse to perform said
16 duties and continue to violate the law, and continue to cause harm.

17
18 **SEVENTH CAUSE OF ACTION**

19 **For a Writ of Mandate Directing Respondents to Eliminate Resource Limits That Are**
20 **Inconsistent with State Law**

21 **(Code Civ. Proc., § 1085; Welf. & Inst. Code, §§ 10000, 17000)**

22 **(All Petitioners Against All Respondents)**

23 159. Petitioners incorporate by reference each and every allegation of the preceding
24 paragraphs as though fully set forth herein.

25 160. Further, while the County has discretion in setting resource limits for its GR program, it
26 may not set limits that are so low as to be inconsistent with its duties to relieve and support
27 indigent residents and to administer its programs promptly and humanely.

28 161. The County's resource limits, including its \$50 liquid asset limit and its application of a
\$500 personal property limit to vehicles, including vehicles that are being used as shelter,

1 deprive indigent members of the community of GR benefits, in violation of the County's
2 mandatory duties under Welfare and Institutions Code sections 10000 and 17000.

3 162. Further, the County's treatment of lump sum payments presumes the availability of
4 resources in future months—regardless of whether those resources are actually available. This
5 policy denies GR benefits based on resources that are not actually available, in violation of the
6 County's mandatory duties under Welfare and Institutions Code sections 10000 and 17000 *et*
7 *seq.*

8 163. Unless compelled by this Court, Respondents will continue to refuse to perform said
9 duties and continue to violate the law, and continue to cause harm.

10 **EIGHTH CAUSE OF ACTION**

11 **For a Writ of Mandate Directing Respondents to Provide Ongoing Benefits to Homeless**
12 **Recipients**
13 **(Code Civ. Proc., § 1085; Welf. & Inst. Code, §§ 10000, 10500, 17000, 17000.5, 17001.5)**
14 **(All Petitioners Against All Respondents)**

15 164. Petitioners incorporate by reference each and every allegation of the preceding
16 paragraphs as though fully set forth herein.

17 165. The County requires GR applicants who are homeless to obtain housing by the end of
18 their first full month of receiving aid to continue to be eligible to receive GR.

19 166. The County requires a verification of permanent residence, including a lease agreement,
20 utility bill, or rent statement/receipt to verify that housing was obtained within 30 days.

21 167. If a GR recipient is unable obtain housing or to produce the required documentation
22 within the first 30 days of their receiving benefits, the County terminates GR benefits on the
23 basis of that individual's continued homelessness.

24 168. At all times relevant to this action, Respondents have had clear, mandatory duties and
25 prohibitions imposed by Welfare and Institutions Code sections 10000, 10500, and 17000 *et seq.*

26 169. By terminating aid to otherwise eligible GR recipients on the basis of their homelessness,
27 the County violates these mandatory duties.

28 170. Unless compelled by this Court, Respondents will continue to refuse to perform said
duties and continue to violate the law, and continue to cause harm.

1 **NINTH CAUSE OF ACTION**

2 **For a Writ of Mandate Directing Respondents to Stop Denying General Relief Aid Based**
3 **on Ineligibility Categories Not Authorized by Statute**
4 **(Code Civ. Proc., § 1085; Welf. & Inst. Code, §§ 17000)**
5 **(All Petitioners Against All Respondents)**

6 171. Petitioners incorporate by reference each and every allegation of the preceding
7 paragraphs as though fully set forth herein.

8 172. The County has a policy of denying GR benefits to all individuals who are “awaiting
9 felony prosecution.”

10 173. The County has a policy of denying GR benefits to all individuals who are timed off of or
11 sanctioned on CalFresh.

12 174. The GR statutes do not permit counties to deny GR to otherwise eligible individuals on
13 these grounds.

14 175. By excluding categories of otherwise eligible individuals from receiving GR, the County
15 violates its mandatory duties under Welfare and Institutions Code section 17000.

16 176. Unless compelled by this Court, Respondents will continue to refuse to perform said
17 duties and continue to violate the law, and continue to cause harm.

18 **TENTH CAUSE OF ACTION**

19 **For a Writ of Mandate Compelling Respondents to Comply with Their Duty Not to**
20 **Discriminate on the Basis of Disability**
21 **(Code Civ. Proc., § 1085; Gov. Code, § 11135; Welf. & Inst. Code, § 10000)**
22 **(All Petitioners Against All Respondents)**

23 177. Petitioners incorporate by reference each and every allegation of the preceding
24 paragraphs as though fully set forth herein.

25 178. Government Code Section 11135 states in relevant part that:

26 No person in the State of California shall, on the basis of . . . mental disability, physical
27 disability, [or] medical condition . . . be unlawfully denied full and equal access to the
28 benefits of, or be unlawfully subjected to discrimination under, any program or activity
that is conducted, operated, or administered by the state or by any state agency, is funded
directly by the state, or receives any financial assistance from the state. Gov. Code §
11135 (a).

179. On information and belief, the County uses state funds to administer its GR program.

1 180. Further, Welfare and Institutions Code section 10000 requires that GR benefits be
2 provided without discrimination based on any characteristic listed or defined in Government
3 Code section 11135.

4 181. Petitioners are persons with disabilities for purposes of Government Code section 11135.

5 182. At all times relevant to this action, the County has had clear, mandatory duties imposed
6 by Government Code section 11135 and Welfare and Institutions Code section 10000.

7 183. Because homeless residents of the County are disproportionately living with disabilities,
8 the County's failure to provide GR benefits to otherwise eligible individuals who are homeless,
9 including homeless individuals who use their vehicles for shelter, has a discriminatory effect on
10 people with disabilities.

11 184. The County's duty not to discriminate on the basis of disability under Government Code
12 section 11135 includes a duty to provide reasonable accommodations in policies and procedures.

13 185. If an individual with a disability requests a reasonable accommodation that is necessary
14 because of disability-related symptoms or impairments, the County has a mandatory duty to
15 grant the accommodation unless it would create an undue financial or administrative burden or
16 would fundamentally alter the program being provided.

17 186. If a requested reasonable accommodation would create an undue burden or fundamental
18 alteration, the County must engage in an interactive process with the person with a disability to
19 determine whether alternative accommodations would meet the person's disability-related needs
20 without imposing an undue burden or fundamental alteration.

21 187. The County ignored Paul Banda's request for reasonable accommodation, effectively
22 denying it without engaging in any interactive process with Mr. Banda.

23 188. On information and belief, the County does not have any reasonable accommodation
24 policy that applies to the administration of its GR program.

25 189. On information and belief, the County has a policy and practice of not providing
26 reasonable accommodations in the administration of its GR program.

27 190. Respondents' actions and inactions as alleged herein fail to ensure that applicants and
28 recipients with disabilities have meaningful access to the GR program, and have a discriminatory

1 effect on people with disabilities, by disproportionately denying or reducing aid. Accordingly,
2 Respondents have violated and continue to violate their mandatory duty to administer their GR
3 program in a nondiscriminatory manner.

4 191. Unless compelled by this Court, Respondents will continue to refuse to perform said
5 duties and continue to violate the law, and continue to cause harm.

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7

ELEVENTH CAUSE OF ACTION
For a Writ of Mandate Directing Respondents to End Use of Unlawful Sanction Standard
(Code Civ. Proc., § 1085; Welf. & Inst. Code, §§ 17000; 17001.5)
(All Petitioners Against All Respondents)

8

9

10 192. Petitioners incorporate each and every allegation of the preceding paragraphs as though
11 fully set forth herein.

12 193. Welfare and Institutions Code section 17001.5(a) sets forth specific requirements for
13 when a County may terminate or sanction a GR recipient for failure to comply with program
14 requirements, including a requirement that a failure be willful or a repeated negligent failure
15 before a sanction can be imposed.

16 194. The County sanctions GR recipients after the first failure to comply, regardless of
17 whether that failure was negligent or willful, in violation of state law, in violation of its
18 mandatory duties under Welfare and Institutions Code section 17000 and 17001.5.

19 195. Unless compelled by this Court, Respondents will continue to refuse to perform said
20 duties and continue to violate the law, and continue to cause harm.

21

REQUEST FOR RELIEF

22 WHEREFORE, Petitioners request that this Court:

- 23 1. Issue an administrative writ of mandate under C.C.P. sections 1094.5 and 1094.6
24 ordering that Respondents:
- 25 a. Set aside the hearing decision denying Ms. Morrison’s appeal, recalculate her
26 monthly GR benefit based on a maximum GR grant of \$504.40, and issue retroactive
27 benefits based upon this amount; and

28

1 b. Set aside the hearing decision denying Mr. Banda's appeal issue retroactive benefits
2 to Mr. Banda based upon his previous applications for GR.

3 2. Issue a peremptory writ of mandate ordering that Respondents:

4 a. Not impose unduly burdensome application and recertification requirements on GR
5 applicants and recipients, including allowing for self-certification of certain facts

6 (e.g., separation or divorce), elimination or reduction of in-person application
7 requirements, and elimination of the monthly GR 7 reporting requirement;

8 b. Not require an individual to perform work activities prior to their approval for GR
9 benefits;

10 c. Not require an individual to apply for other benefits prior to their approval for GR
11 benefits;

12 d. Provide written notice and opportunity for a hearing in all denials of GR benefits;

13 e. Provide pre-termination notice and opportunity for a hearing prior to all terminations
14 of GR benefits;

15 f. Pay GR benefits retroactive to the date of application;

16 g. Pay GR benefits retroactively to all applicants and recipients who have been
17 unlawfully denied the full benefit amounts to which they are entitled;

18 h. Amend GR grant amounts to provide a sufficient standard of aid consistent with
19 Welfare and Institutions Code section 17000.5;

20 i. Increase or eliminate resource limits for vehicles to ensure that GR applicants are not
21 forced to give up a vehicle that is used for transportation and/or shelter as a condition
22 of qualifying for GR;

23 j. Increase or eliminate the \$50 liquid asset limit;

24 k. Not deny or terminate GR benefits to individuals who are homeless on the basis of
25 their homelessness;

26 l. Eliminate the blanket "awaiting felony prosecution" category of ineligibility for GR
27 applicants and recipients;

28

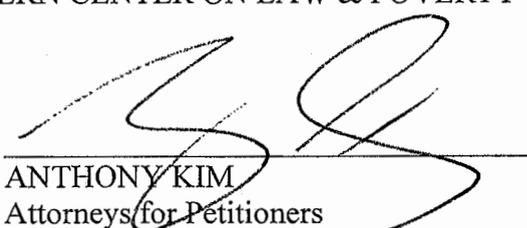
- 1 m. Cease using time-out from or sanctions on CalFresh as categories of ineligibility for
2 GR;
3 n. Provide reasonable accommodations to applicants, recipients, and other individuals
4 with disabilities;
5 o. Revise or eliminate sanctions for failure to comply with work activity requirements so
6 that those sanctions conform to applicable state statutes;
7 p. Restore to Petitioners and other affected GR applicants and recipients all GR benefits
8 due, which Respondents have wrongfully withheld and retained based upon the facts
9 alleged herein, with statutory interest thereon as required by law; and
10 q. Take all steps reasonably necessary to ensure program-wide compliance with the
11 foregoing, including the issuance of necessary notices to affected applicants and
12 recipients, training for affected County workers, revised regulations, monitoring of
13 worker compliance, reports to the Court, and any other steps that the Court deems
14 reasonably necessary.
- 15 3. Grant Petitioners an award of reasonable attorneys' fees and costs; and
16 4. Such other and further relief as the Court may award.

17
18
19 DATED: December 17 2019

Respectfully submitted,

20 INLAND COUNTIES LEGAL SERVICES
21 PUBLIC INTEREST LAW PROJECT
22 WESTERN CENTER ON LAW & POVERTY

23
24 By:


25 ANTHONY KIM
26 Attorneys for Petitioners
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VERIFICATION

I, Paul Banda, am one of the Petitioners in the above action. I have read the foregoing PETITION FOR WRIT OF MANDATE. To the extent that the Petition is based upon facts that are known to me, I verify that they are true, and otherwise, I am informed and believed that all facts herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in Fontana, San Bernardino County on December 17, 2019

A handwritten signature in cursive script that reads "Paul Banda". The signature is written in black ink and is positioned above a horizontal line.

Paul Banda

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VERIFICATION

I, Bobbi Morrison, am one of the Petitioners in the above action. I have read the foregoing PETITION FOR WRIT OF MANDATE. To the extent that the Petition is based upon facts that are known to me, I verify that they are true, and otherwise, I am informed and believed that all facts herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in Ontario, San Bernardino County on December 17, 2019


Bobbi Morrison