

1 JUDITH Z. GOLD (Bar No. 97098)  
2 STEPHEN RONFELDT (Bar No. 41044)  
3 E-mail: jgold@pilpca.org; sronfeldt@pilpca.org  
4 PUBLIC INTEREST LAW PROJECT  
5 449 15th Street, Suite 301  
6 Oakland, CA 94612  
7 Telephone: (510) 891-9794 x 127 or 111  
8 Facsimile: (510) 891-9727

SUSUN KIM (Bar. No. 154437)  
KATHERINE SIEGFRIED (Bar. No. 250558)  
E-mail: KSiegfried@baylegal.org  
BAY AREA LEGAL AID  
1025 Macdonald Avenue  
Richmond, CA 94801  
Telephone: (510) 233-9954  
Facsimile: (510) 236-6846

6 GRACE A. CARTER (Bar No. 101610)  
7 JASON K. SONODA (Bar No. 248105)  
8 MICHAEL W. STEVENS (Bar No. 258042)  
9 E-mail: gracecarter@paulhastings.com;  
10 jasonsonoda@paulhastings.com;  
11 michaelstevens@paulhastings.com  
12 PAUL, HASTINGS, JANOFSKY & WALKER LLP  
13 55 Second Street, 24<sup>th</sup> Floor  
14 San Francisco, CA 94105  
15 Telephone: (415) 856-7015  
16 Facsimile: (415) 856-7100

13 Attorneys for Petitioners JOSEPH LUGO, KENYONTA DOWNS, FREDERICK SMITH,  
14 RODERICK HENDERSON, KIM FORTUNE, and DEBRA CHEATHAM

15 CALIFORNIA SUPERIOR COURT  
16 In and For the County of Contra Costa

17 JOSEPH LUGO, KENYONTA DOWNS,  
18 FREDERICK SMITH, RODERICK  
19 HENDERSON, KIM FORTUNE, and DEBRA  
20 CHEATHAM, Petitioners,  
21 v.  
22 COUNTY OF CONTRA COSTA, BOARD OF  
23 SUPERVISORS OF CONTRA COSTA COUNTY,  
24 CONTRA COSTA COUNTY HEALTH AND  
25 HUMAN SERVICES DIVISION, CONTRA  
26 COSTA COUNTY EMPLOYMENT AND  
27 HUMAN SERVICES DEPARTMENT, DOROTHY  
28 SANSOE (IN HER OFFICIAL CAPACITY AS  
29 SENIOR DEPUTY COUNTY ADMINISTRATOR,  
30 CONTRA COSTA COUNTY HEALTH AND  
31 HUMAN SERVICES DIVISION), and JOE  
32 VALENTINE (IN HIS OFFICIAL CAPACITY AS  
33 DIRECTOR OF THE EMPLOYMENT AND  
34 HUMAN SERVICES DEPARTMENT); and DOES  
35 1-10, inclusive, Respondents.

Case No.:  
**VERIFIED PETITION AND  
APPLICATION FOR ISSUANCE OF  
PEREMPTORY OR ALTERNATIVE  
WRIT OF MANDAMUS (CCP §§ 1085  
et. seq.)**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SUMMARY OF THE CASE**

1. This action challenges Respondents’<sup>1</sup> extreme delays, averaging about six months, in processing applications for General Assistance (“GA”), the last resort subsistence aid for indigent residents who lack any other means to provide for their basic needs; Petitioners also challenge Respondents’ failure to provide GA benefits for eligible applicants accruing from the date of application. Delaying the eligibility determination and commencement of aid for many months, and not providing benefits accruing from the date of application during Respondents’ improperly protracted application processing period, means that eligible applicants who are finally granted aid are denied months of critically needed GA, leaving them destitute, often homeless, and a burden to the community.

2. Respondents’ delays are caused in large part by illegal pre-eligibility requirements for numerous unnecessary in-person interviews, meetings, orientations, disability and employability assessments, medical verification of disabilities, and job search efforts. The Welfare & Institutions Code<sup>2</sup> requires Respondents to provide aid to all indigent residents without other means of support (Section 17000); to construe GA laws fairly and equitably to effectuate the intent and purpose of GA (*id.*, Section 11000); and to provide assistance to people in need in a “prompt and humane” manner, so “as to encourage self-respect [and] self-reliance.” *Id.*, § 10000. Program requirements must be reasonably necessary to effectuate legitimate GA program purposes. Respondents’ delays and pre-eligibility requirements violate these requirements.

3. Respondents’ refusal to grant aid as of the date of application is also illegal. W & I Code Section 11056 requires aid to be granted from the date of application if the applicant meets all eligibility conditions on that date. The common law also recognizes the obligation to provide retroactive aid for eligible applicants for public benefits.

4. Petitioners are informed and believe that in 2008, a Contra Costa County applicant

---

<sup>1</sup> Respondents include Contra Costa County and its departments and public officials responsible for the County’s GA program, more fully described in Paragraphs 79-85.  
<sup>2</sup> Hereafter, the W & I Code.

1 for General Assistance waited an average of three months between the filing of an application for  
2 these critically needed subsistence benefits and an ultimate eligibility determination and the  
3 commencement of aid. Respondents have publicly stated that in 2009, this waiting time between  
4 the filing of an application and the commencement of any aid would increase to “five to six  
5 months,” and Petitioners are informed and believe that this has been true.

6 5. Respondents’ illegal practices prevent and discourage GA applicants from  
7 obtaining critically needed subsistence benefits to which they are entitled. The delays and  
8 barriers to General Assistance imposed by Respondents are extreme, unusual, and have led to a  
9 gross disparity between Contra Costa County’s GA caseload and that in other neighboring  
10 counties.

11 6. Petitioners,<sup>3</sup> GA applicants and recipients in Contra Costa County, therefore seek a  
12 writ of mandate, more fully described in the Prayer hereof, commanding Respondents to:

13 (i) cease their unnecessary and unlawful delays and job search, orientation, disability,  
14 employability, and substance abuse evaluations, medical verification, and similar pre-  
15 eligibility requirements before the provision of any aid;

16 (ii) promptly process applications within a specified time limit, after which applicants must  
17 be presumed eligible, and aid payments must begin; and

18 (iii) pay aid accruing from the date of their applications for persons found to be eligible.

19 A writ is necessary to compel Respondents’ compliance with law and to prevent extreme and  
20 irreparable hardship to Petitioners, other GA applicants and recipients, and the community.

## 21 **FACTUAL ALLEGATIONS**

### 22 **Contra Costa County’s General Assistance Program**

23 7. W & I Code § 17000 mandates that each county in California shall relieve and  
24 support its indigent and disabled residents who cannot support themselves. Respondents operate  
25 a GA program in Costa County pursuant to Sections 17000, *et seq.*

26 \_\_\_\_\_  
27 <sup>3</sup> JOSEPH LUGO, KENYONTA DOWNS, FREDERICK SMITH, RODERICK HENDERSON,  
28 KIM FORTUNE, and DEBRA CHEATHAM (collectively “Petitioners,” more fully identified in  
Paragraphs 34-78).

1           8.       GA provides a monthly grant for indigent adults, which functions as a safety net  
2 primarily for single indigent adults without children who cannot qualify for any other public  
3 benefit program. Recipients are in desperate financial circumstances, with essentially no assets or  
4 income. In Contra Costa County, a person is ineligible if he or she has more than \$500 in assets  
5 (with certain exclusions, such as for an automobile worth less than \$500 and for tools of trade).  
6 Any income is deducted dollar-for-dollar from the grant amount. Contra Costa County GA  
7 Handbook (hereinafter “County Regulations”), § 49-301. Recipients are entitled to a very small  
8 stipend, the amount of which depends on whether he or she has been found “employable,”  
9 whether he lives alone, shares housing, or is homeless, and other factors. By way of example, a  
10 single person, living alone, who has been deemed “employable” receives \$336 per month -- about  
11 37% of the federal poverty line of \$10,400 annually. A homeless “employable” recipient receives  
12 almost half that amount (\$157 per month) if he or she is living in a homeless shelter, or has  
13 refused an available shelter bed. County Regulations, § 49-402. Whether or not he is actually  
14 able to find any work, a person who is deemed by Respondents to be “employable” may only  
15 receive any aid for three months per year. *Id.*, § 49-102.1.F.5. Contra Costa County’s GA  
16 caseload has remained relatively steady in recent years, at about 340 people.

17                           **Respondents Have Built Delays Into Their Application Process**

18           9.       Respondents have built delays into their GA application process. After one or  
19 more initial meetings, Respondents require an “orientation” meeting, which is only one step in  
20 Respondents’ application process, before the application can proceed. County Regulations, § 49-  
21 102.VI.B. In 2008, applicants waited for an average of more than five weeks, and sometimes  
22 longer, for the orientation alone. Respondents’ Revised Budget Plan projected that in 2009 the  
23 “length of time for orientations [would] double to three months.” The delays do not end there.

24           10.       Following the orientation meeting, applicants are required to attend a  
25 Comprehensive Assessment Meeting (“CAM”). Respondents use this meeting to assign  
26 applicants to “employability” levels. Level 1 applicants are purportedly employable; Level 2  
27 applicants have “a verifiable physical or mental disability which precludes any employment, and  
28 which is expected to last less than twelve months.” Level 3 applicants have “a verifiable physical

1 or mental disability which precludes any employment, and which has lasted or is expected to last  
2 twelve months or longer.” County Regulations, §§ 49-102.VI.C, 51-501. This CAM meeting is  
3 followed by a separate Intake Appointment, at which point the applicant is re-interviewed and  
4 given verification forms for income, rent, *etc.*

5 11. After the “orientation” and CAM sessions, and before Respondents will continue  
6 to process the application, applicants whom Respondents assign to “Level 1” must complete three  
7 job search activities, and these activities must be verified, before any aid is provided. Applicants  
8 must apply *in person* for three “*bona fide*” jobs, where vacancies exist and the employer is  
9 actually hiring. County Regulations, § 49-102.3.II.D.3. Except for four bus tickets which “may”  
10 be provided, a Level 1 GA applicant is not given help with transportation costs of the job search.  
11 *Id.*, § 49-102.3.II.D.4. Nor does he or she receive any help in looking for scarce “*bona fide*” job  
12 openings, any training in how to interview, any help with clothing or hygiene, or any other  
13 assistance in competing effectively for work in our increasingly recessionary labor market. *Id.*,  
14 §§ 49-102.3.II.D.4, 49-102.3.II.D.5.

15 12. Once the applicant has attended the several initial meetings, evaluations, *etc.*  
16 described above, and has been classified as a Level 1 applicant and been provided by  
17 Respondents with the required job search forms -- which may be many weeks or months into the  
18 application process -- an applicant then has five working days in which to satisfy the job search  
19 requirement and return a form documenting his or her job search efforts. If the applicant misses  
20 this deadline, the application will be denied, unless the applicant can demonstrate good cause.  
21 *Id.*, §§ 49-102.3 D.II.2.a, 49-102.3.D.II.7. If the applicant returns the form on time, the case  
22 worker will verify the job application by calling the employer (*id.*, § 49-102.3 II.D.6), who may  
23 not recall receiving the job application. When this happens, aid is denied or further delayed. *Id.*  
24 Respondents also disqualify job applications under rules that they have not adequately explained  
25 to applicants, which also results in denial of aid or further delay. See Paragraphs 34-43, *infra*,  
26 describing Petitioner Downs’ experience, which resulted in his being denied the aid to which he is  
27 indisputably eligible despite his strenuous, good faith efforts to comply with Respondents’ job  
28 search requirement. Although this requirement is a significant obstacle to aid, Petitioners are

1 informed and believe that it almost never leads to employment.

2 13. A Level 2 or Level 3 applicant (except an applicant who is 65 or older) must verify  
3 that he or she has a medical disability before the process can continue. The applicant must have a  
4 form GA-341 “Medical Assessment of Employability Status” filled out by a medical professional.  
5 County Regulations, § 49-102.3.III. Applicants with significant disabilities, who lack money,  
6 health insurance, transportation, and regular physicians, experience long delays while trying to  
7 gain access to a doctor, and sometimes find it impossible to have these forms executed. In that  
8 case, they will be treated as Level 1 applicants and must perform the job search. Petitioner Kim  
9 Fortune’s experience, described in Paragraphs 65-70, provides one example of how this  
10 requirement blocks or significantly delays critically needed aid for eligible persons.

11 14. Respondents’ GA application process is riddled with more unnecessary delays and  
12 traps. Exhibit A hereto is a diagram of Contra Costa County’s application process, which is  
13 included in its GA Handbook for eligibility workers. It depicts a multi-step process of at least  
14 four in-person meetings, with delays between these meetings, and requirements for numerous  
15 forms and follow-up verifications. In addition to the meetings and interviews already described,  
16 applicants must attend meetings to be pre-screened for possible mental health problems, other  
17 meetings to be screened for possible substance abuse, and further meetings and evaluations,  
18 depending upon the results of these screenings, all before Respondents will make an eligibility  
19 determination. Petitioners are informed and believe that Respondents require completion of *at*  
20 *least* 17 separate forms in most cases, and sometimes many more, almost none of which seek  
21 information that is necessary for a proper eligibility determination. (For example, one form  
22 requires a lengthy employment history, which is not relevant to eligibility for GA, for which  
23 *current* indigence is what matters.) If a recipient misses one of these many meetings or fails to  
24 return a required form by the Respondents’ deadline, aid can be denied or delayed. Only after all  
25 of these interviews, forms, job searches, psychological and other evaluations, have been  
26 completed will the County “tak[e] action to grant or deny the application within 7 working days  
27 following the receipt of the last piece of verification.” County Regulations, § 49-102.VI.D.17.

28 15. As a result of these and other delays that Respondents build in to their application

1 process, Petitioners are informed and believe that many eligible applicants for General Assistance  
2 in Contra Costa County abandon their applications. Respondents have publicly touted that fact,  
3 and have even touted the amount of money purportedly saved as a result (e.g., \$1,394,400 in  
4 2002). It is also notable that the County Employment and Human Services Fiscal Year 2009-  
5 2010 Recommended Budget projected spending nearly 3.8 times more money on “eligibility” for  
6 GA (\$3,862,554) than on actual benefit payments (\$1,043,154). (The “eligibility” costs  
7 apparently include costs of the unreasonable work programs, substance abuse programs (see  
8 Paragraphs 58-64, describing Petitioner Roderick Henderson’s experience), other programs that  
9 Respondents require recipients to participate in to maintain their eligibility, and shelter costs.)

10 **Contra Costa’s County’s Burdensome Application Process Includes Many Elements That**  
11 **Are Not Necessary For Determining Eligibility**

12 16. A proper GA eligibility determination process is very simple. GA eligibility is  
13 essentially based on indigence (lack of income or significant assets) and residence in the county.  
14 Disability assessment is not a requirement for eligibility. The worker may need to verify that no  
15 disqualifying factors exist, and thus may need to verify immigration status, may need to  
16 determine that a period of ineligibility has expired (e.g., a period of suspension of GA as a  
17 sanction (see W & I Code § 17001.5(a)(3)), or previous receipt of time-limited CalWORKs  
18 benefits), or may need to verify that the applicant is not a fleeing felon. Little else is needed to  
19 verify eligibility for GA.

20 17. Databases are available to the county welfare agency to quickly check information  
21 that is relevant to eligibility for GA. An applicant’s earned income or lack of income can be  
22 checked in a matter of moments, using the applicant’s Social Security number with the various  
23 computer matching systems that counties already use to prevent fraud in the welfare program.  
24 Criminal background checks, and verification that an applicant is not currently ineligible due to  
25 an unexpired sanction period or previous receipt of CalWORKs benefits, are similarly simple.

26 18. In the county-administered Food Stamp program, Contra Costa County must  
27 verify similar eligibility criteria and complete nearly all Food Stamp eligibility determinations  
28 within 30 days. Petitioners are informed and believe that counties, including Contra Costa

1 County, are nearly always able to determine eligibility for Food Stamps and begin providing aid  
2 in 30 days or less.

3 19. Counties may require “employable” *recipients* of GA to participate in job training  
4 or job search efforts, and/or to limit the number of months in any twelve-month period when a  
5 person who is “employable” may receive GA -- both only if job skills or job training sessions are  
6 offered to such recipients. Counties may also require *recipients* of GA to pursue applications for  
7 other benefits for which they may qualify, such as SSI benefits for the aged, blind, or totally  
8 disabled. In order to implement these statutory provisions, and/or to provide potentially useful  
9 SSI advocacy, job training, or other services to recipients, GA *recipients* may be required to  
10 cooperate with a county’s reasonable procedures for evaluating their employability and/or their  
11 potential disabilities, and/or requirements for job searches as a condition of maintaining their  
12 eligibility for GA benefits once those benefits have begun. There is no need and no authority,  
13 however, for Respondents’ requirements that *applicants* for General Assistance have their  
14 employability or disabilities evaluated, or perform job searches, as preconditions of eligibility for  
15 General Assistance.

16 **Respondents Have No Overall Time Limit For Granting GA Applications**

17 20. Respondents’ regulations include many deadlines for GA applicants and  
18 references to the *applicant’s* duty of “promptness.” See, *e.g.*, County Regulations, §§ 49-  
19 111.1.B; 49-102.II.B.5; 49-102.III.A. However, Respondents’ regulations impose no overall time  
20 limit for their own GA eligibility determinations. Under Respondents’ improper regulations,  
21 Respondents’ eligibility workers must only determine eligibility “within seven working days of  
22 receipt of the ‘last piece of verification’” (County Regulations, § 49-102.IV.D.17), but have  
23 unfettered discretion as to when to schedule the many meetings and other steps that their  
24 application process requires, and how quickly to obtain the verifications referred to in section 49-  
25 102.IV.D.17 of the County Regulations.

26 21. In comparison, although San Francisco County has many thousands more GA  
27 applicants than Contra Costa County, Petitioners are informed and believe that it currently  
28 schedules most intake appointments within 5 days of the application, and completes the



1 application process within another 15 days. If approved, the client will receive benefits starting  
2 the following day. If the applicant was presumptively eligible, he or she may even receive shelter  
3 and other benefits following the intake appointment. Many other counties mandate that GA  
4 applications be processed in no more than thirty days. See, *e.g.*, Sacramento GA Handbook  
5 Chapter 100-103.4.41; Los Angeles GA Regulation 40-103.2; Mono County GA Regulation  
6 7.50.040.A.6; Inyo County Standards and Regulations for General Assistance, § I.E.6.

7 22. Also unlike many other counties, Contra Costa County provides only extremely  
8 limited emergency aid, generally limited to persons who are applying for SSI, and those in  
9 emergency situations who have non-liquid assets that they are trying to make available. In  
10 comparison, other counties provide for immediate emergency aid, eligibility for which is more  
11 closely tied to severity and immediacy of the need. As a further comparison, Federal law requires  
12 counties to process applications for expedited food stamps in three business days. 7 C.F.R.  
13 273.2(a)(2). Under TANF, there must be arrangements to help applicants obtain emergency  
14 services “on a 24-hour basis, 7 days a week.” 45 C.F.R. 206.10(a)(5)(i).

#### 15 **Respondents’ Failure To Pay Benefits Accruing From The Date Of Initial Application**

16 23. For applicants who are finally deemed eligible for General Assistance,  
17 Respondents’ GA program precludes the payment of benefits accruing from the application date,  
18 no matter how long the applicant has been forced to wait for the application to be processed.  
19 Respondents’ regulations provide: “The beginning date of aid is the date of application or the first  
20 of the *month in which aid is authorized, whichever is later.*” County Regulations, § 49-501.II.A.  
21 Thus, aid begins as of the first of the month in which the application is finally acted upon, except  
22 in the unusual case when an applicant applied *after* the first of the month and was approved in  
23 that same month, in which case aid would begin as of that later date of application.

24 24. In comparison, Petitioners are informed and believe that many other counties  
25 require that aid be paid retroactively to the date of application. See, *e.g.*, Alameda County GA  
26 Regulations, § 9-3-2.51; Inyo County Standards and Regulations for General And Emergency  
27 Assistance, § E.6; Sacramento GA Handbook, Chapter 400-401.2; Riverside County Department  
28 Policy -- General Assistance -- 90-006.3; Los Angeles General Assistance Regulations, §44-

1 307.1; Mono County GA Regulations, § 7.50.040.B.1. Many other counties require aid to begin  
2 within a stated period of time after the filing of the application, even if processing of the  
3 application has not been completed (in some cases, with an exception if the delay is caused by the  
4 applicant). See, *e.g.*, San Francisco County Adult Assistance Program Regulations, 93-1, p.407;  
5 93-7, p.481; Santa Clara County GA Regulation 6.1.1; Alameda County GA Regulations, § 9-1-6;  
6 Mono County GA Regulation 7.50.040.A.6.

7 **Respondents' *De Facto* Limitation of Aid, For Purportedly Employable Recipients, To**  
8 **Only Three Months Out of Every Fifteen Months**

9 25. W & I Code § 17001.5(a)(4) permits counties to limit “employable” GA recipients  
10 to as little as three months of aid during any twelve month period (if such recipients have been  
11 offered job skills or job training sessions), whether or not such recipients remain unemployed and  
12 indigent.

13 26. Respondents take full advantage of Section 17001.5(a)(4), by limiting Level 1  
14 purportedly “employable” recipients to just three months of aid during any twelve-month period.  
15 County Regulations Section 49-102.1.F.5. With Respondents’ built-in application processing  
16 delays, however, a person may wait for up to six months for aid to begin, only to have it  
17 terminated three months later. After nine more months without aid, such a purportedly  
18 “employable” recipient could begin the entire application process again, and would again be  
19 required to wait for an average of five to six months for aid to begin. After three months of  
20 subsistence aid, the entire cycle would begin again. The practical effect under Respondents’  
21 system is that purportedly “employable” recipients are effectively limited to three months of aid  
22 in a fifteen month (or even longer) period, rather than the three-months-in-twelve that is the  
23 maximum aid limitation that W & I Code § 17001.5(a)(4) permits.

24 **Contra Costa’s Disproportionately Low GA Caseload Reflects That Barriers To Aid**  
25 **In The County Are Anomalous And Unreasonable**

26 27. Petitioners are informed and believe that these facts and other barriers to aid in  
27 Contra Costa County have resulted in a grossly disproportionate GA caseload in comparison with  
28 nearby counties. As of October 2008, 329 residents of the county received GA out of a

1 population of about 1,019,640. In comparison, the neighboring Alameda County had a  
2 population of about 1,464,202 people, and a GA caseload of over 9,000. San Louis Obispo, a  
3 much smaller county with a population of about 260,000 had about 340 people on its GA  
4 caseload, about the same number of people as Contra Costa County. Petitioners are informed and  
5 believe that similar disparities are apparent when one compares counties' GA caseloads as a  
6 percentage of the number of people within each county who are receiving "Non-assistance Food  
7 Stamps" ("NAFS") (*i.e.*, Food Stamps not tied to another federal public benefit such as  
8 CalWORKs or SSI). Statewide, 11.69% of people receiving NAFS receive General Assistance.  
9 Petitioners are informed and believe that in many large, urban, densely-populated counties that  
10 are comparable to Contra Costa in terms of their levels of poverty and unemployment, those  
11 percentages are much higher, for example: 33.9% in San Francisco, 29.02% in Alameda, 23.51%  
12 in Los Angeles, and 16.81% in Sacramento. In Contra Costa County, however, only 2.78% of  
13 people receiving NAFS receive General Assistance. Petitioners are also informed and believe  
14 that despite rising unemployment, Contra Costa County has kept its caseload steady for the past 4  
15 years, at about 300 to 350.

### 16 **Respondents' Actions Are Causing Irreparable Harm**

17 28. Petitioners and other GA applicants have suffered and are continuing to suffer  
18 grievous and irreparable harm as a result of the facts alleged herein. By definition, General  
19 Assistance is last resort aid: Respondents' delays in administering GA applications leave  
20 applicants without money to pay for their most basic needs for weeks or months. Even if  
21 applicants are able to ward off starvation or find shelter, they must struggle to survive without  
22 any money to pay for basic necessities such as food, clothing, shelter, utilities, hygiene, or  
23 transportation to medical appointments and job applications.

24 29. Petitioners are informed and believe that many applicants for GA are already  
25 homeless; many others are threatened with the imminent loss of their housing. Because  
26 homelessness is at record highs, and continues to increase, there are few, if any, shelter beds or  
27 other services available for GA applicants to rely upon while they are waiting for Respondents to  
28 decide their GA applications. Some are forced to sleep in parks, cars, churches, and the streets of

1 the community, or in already overcrowded homeless shelters. Many applicants go hungry. Many  
2 applicants suffer declines in their physical health. While living on the streets, or in overcrowded  
3 and substandard conditions, applicants are exposed to the elements, to an increased risk of  
4 violence, and to communicable diseases and to other risks to their health. Waiting for weeks or  
5 months for Respondents to determine their eligibility for General Assistance, applicants often  
6 experience severe anxiety and depression; some suffer mental health crises.

7 30. Petitioners are informed and believe that General Assistance not only provides a  
8 subsistence cash stipend, but can also be a gateway to case management and to other public and  
9 private supportive services; the GA program can help to transition recipients into other benefit  
10 programs, or into self-sufficiency. GA caseworkers can help recipients to identify and apply for  
11 Food Stamps, Supplemental Security Income, Social Security Disability Insurance Benefits,  
12 Unemployment Insurance Benefits, and other public benefits for which they may be eligible,  
13 ultimately reducing the financial burden on the County as well as providing better support for the  
14 recipient. GA caseworkers can also provide recipients with referrals to public and private  
15 resources that can help with housing, medical care, mental health, job training, domestic violence,  
16 substance abuse, and other issues. Petitioners and other applicants whose General Assistance is  
17 delayed are deprived of ready access to these services, as well as of last resort financial help.

18 31. Petitioners are further informed and believe that Respondents' pattern and practice  
19 of delaying the processing of GA applications has significant community impacts, and likely  
20 costs Contra Costa County taxpayers far more money than it may save. Living in destitution for  
21 indeterminate periods of time is physically unsafe and emotionally destabilizing for this  
22 vulnerable and fragile population. To live in such poverty triggers, among other things, physical  
23 and mental health crises that place burdens on County resources such as shelters, law  
24 enforcement, and public health facilities. As Respondents' delays increase, affected applicants  
25 will crowd local hospitals. They are forced into increasingly crowded and unsafe housing,  
26 contributing to the spread of communicable diseases such as tuberculosis and HIV. They have  
27 difficulties maintaining hygiene. Some are forced to live on the streets, suffering from exposure  
28 to the elements, to the risk of violence, and to illnesses. These conditions increase emergency

1 room visits and impose other, already heavy burdens on public hospitals, law enforcement,  
2 charities, and other public and private resources, almost certainly resulting in increased public  
3 health costs far in excess of any savings to the county resulting from its illegal policies and  
4 practices.

5 32. Petitioners' situations, described immediately below, are illustrative of the  
6 suffering and community-wide effects that Respondents' delays will cause and are already  
7 causing.

8 33. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of  
9 law other than the issuance by this Court of a writ of mandamus pursuant to the authority set forth  
10 in Code of Civil Procedure §§ 1084 *et seq.*

## 11 **THE PARTIES**

### 12 **Petitioner KENYONTA DOWNS**

13 34. Petitioner KENYONTA DOWNS, an individual, is now, and at all times  
14 mentioned in this petition was, a resident of Contra Costa County, California. Mr. Downs is  
15 severely indigent and eligible for General Assistance under proper criteria, but he has been unable  
16 to receive GA, due primarily to Respondents' job search requirement. After attempting for  
17 several months to have his eligibility determined, Mr. Downs became so discouraged that he gave  
18 up.

19 35. Mr. Downs has severe learning disabilities. He has difficulty reading and writing.  
20 He also has almost no work experience. These factors severely hamper Mr. Downs' efforts to  
21 find work in today's labor market. Mr. Downs has attempted to find work, but he has not been  
22 able to do so.

23 36. After unsuccessfully seeking employment, Mr. Downs applied for GA in Contra  
24 Costa County in January, 2008. He had earlier applied for GA in San Francisco, and was able to  
25 begin receiving help in two days. Respondents, however, told Mr. Downs that his application  
26 would take "a long time." After submitting his application in January 2008, Mr. Downs did not  
27 even receive an appointment for the orientation session that Respondents require until March.

28 37. At about that time, Mr. Downs received a brief mental health examination, at

1 which he was merely asked if he was suicidal or had any health problems. Respondents labeled  
2 Mr. Downs as “employable,” and told him that he must apply for three jobs.

3 38. Applying for three jobs was very difficult for Mr. Downs, and there was no  
4 realistic prospect that it would lead to any work for him. He had little work experience and did  
5 not know how to look for job openings. Respondents did not help him with this. He had no  
6 transportation, and had to rely on family members to take him to prospective employers’  
7 businesses when they could. Because of his difficulty with reading and writing, Mr. Downs also  
8 had to ask family members to go with him to help him to understand and fill out the job  
9 applications.

10 39. Despite all of these hardships, and with great effort, Mr. Downs did apply for three  
11 jobs. On April 8, 2008, however, three months after he initially applied, after he had made at  
12 least three separate trips to the GA office and many trips to apply for jobs, and after he had  
13 submitted all of the required paperwork, Mr. Downs’ application for General Assistance was  
14 denied. All of the job applications that Mr. Downs had made were disallowed based on criteria  
15 that Respondents had not adequately explained in advance.

16 40. Respondents disallowed one application because according to Respondents, and  
17 unbeknownst to Mr. Downs, the employer had no job openings, even though it was taking  
18 applications. Respondents disallowed another application that Mr. Downs had submitted to  
19 Starbucks because, according to Respondents, there were no job openings at the specific  
20 Starbucks location where Mr. Downs submitted his application, and this disqualified the job  
21 application under Respondents’ unwritten criteria. Respondents rejected the third application,  
22 which Mr. Downs submitted to Express Personnel Services, because the prospective employer  
23 was a temporary agency. Unbeknownst to Mr. Downs, and for reasons that Respondents have not  
24 explained, Respondents would not “count” such an agency as an employer. Respondents also  
25 gave other reasons for denying Mr. Downs’ application for General Assistance, claiming not to  
26 have received information regarding his housing situation that Mr. Downs had in fact submitted.  
27 Thus, three months after Mr. Downs had filed his application, he was still without any aid.

28 41. Mr. Downs did not file a timely appeal of this decision because he did not

1 understand the procedural requirements. He has been told that his only recourse is to start the  
2 application process again. The process was so time-consuming, burdensome, expensive, and  
3 discouraging for both Mr. Downs and his family members that he has not done so.

4 42. Mr. Downs continues to be unemployed, indigent, and in desperate need of  
5 assistance. He is forced to rely on his mother, who is also disabled and very poor, for help. They  
6 struggle to meet their basic needs.

7 43. In addition to his own interest in having his application acted upon promptly, and  
8 in not being subject to improper pre-eligibility requirements if and when he reapplies for benefits,  
9 Mr. Downs is interested as a citizen in having the GA laws executed and the duties that they  
10 establish enforced.

11 **Petitioner JOSEPH LUGO**

12 44. Petitioner JOSEPH LUGO, an individual, is now, and at all times mentioned in  
13 this petition was, a resident of Contra Costa County, California. Mr. Lugo is a 50-year-old  
14 resident of Richmond. He is indigent. Although he is now receiving General Assistance, Mr.  
15 Lugo was forced to survive without any aid for six months while Respondents processed his  
16 application. He suffered great hardship during that time, with severe and lasting effects to this  
17 day. Even though Mr. Lugo was eligible for aid on the date when he applied, Respondents have  
18 refused to pay aid retroactively to that date, and have thus effectively denied Mr. Lugo many  
19 months of aid for which he was eligible.

20 45. Mr. Lugo is indigent because he is unable to work. Although Mr. Lugo was  
21 employed for many years, a back injury has made it impossible for him to work since about 1989.  
22 He was receiving Social Security Disability Insurance benefits until they ran out in August, 2006.  
23 After that, he was receiving Supplemental Security Income benefits because of his disability, but  
24 his SSI was terminated, after which he had no income at all.

25 46. Mr. Lugo owns his home, where he has lived for about 25 years. While receiving  
26 SSDI, and later SSI, he was able to make his mortgage payments. Since losing his SSI, however,  
27 Mr. Lugo has exhausted his savings to make those payments and meet his other basic needs.

28 47. Mr. Lugo first applied to Respondents for GA in 2007, but Respondents' staff

1 treated him so rudely that he dropped that application. On July 21, 2008, Mr. Lugo again applied  
2 for GA because he had spent all of his savings, could not pay his mortgage, and was desperate.  
3 Respondents told Mr. Lugo that his application could take up to three months.

4 48. Respondents did not give Mr. Lugo his first intake appointment until October 16,  
5 2008, nearly three months after he applied for aid. At that appointment, Respondents' worker  
6 repeatedly asked Mr. Lugo how he was going to make his mortgage payments. Mr. Lugo  
7 explained that his plan was to work on having his SSI reinstated, and make the mortgage  
8 payments at that time; in the meantime, he was not making the payments, but the lender was not  
9 threatening any action. Eventually, in late October 2008, Respondents denied Mr. Lugo's  
10 application on the basis that he had "excess housing costs." Mr. Lugo filed an administrative  
11 appeal, and in early January, 2009 the Agency settled with him, determining that he is, in fact,  
12 eligible for GA. Mr. Lugo did not actually begin to receive any assistance until mid-February,  
13 2009 -- more than six months after he applied.

14 49. Although they have now finally agreed that Mr. Lugo is eligible for benefits, and  
15 was eligible for benefits when he applied in July of 2008, Respondents will only pay benefits  
16 going back to November, 2008. Respondents refuse to pay benefits accruing from the date of Mr.  
17 Lugo's application.

18 50. The six month period that Mr. Lugo waited for Respondents to process his GA  
19 application was a traumatic experience that continues to affect him today. He suffered severe  
20 depression and anxiety, as well as privation. He felt hopeless, despondent, and humiliated by his  
21 inability to pay for his most basic needs, and by Respondents' treatment of him. Mr. Lugo's  
22 utilities were cut off, including his water. He had to borrow water from neighbors to drink, to  
23 cook, and even to give to his pet cat.

24 51. In addition to the severe anxiety and fear that Mr. Lugo has suffered, and  
25 continues to suffer, concerning his own circumstances, he is concerned about the homelessness,  
26 illness, hunger, and other hardships faced by other indigent people whose applications for  
27 subsistence benefits Respondents will unlawfully delay. In addition to his own interests in having  
28 his application promptly processed, and in obtaining the retroactive benefits to which he is



1 entitled, Mr. Lugo is also interested as a citizen in having the GA laws executed and the duties  
2 that they establish enforced.

3 **Petitioner FREDERICK SMITH**

4 52. Petitioner FREDERICK SMITH, an individual, is now, and at all times mentioned  
5 in this petition was, a resident of Contra Costa County, California. Mr. Smith is severely  
6 indigent, and he was eventually found to be eligible for General Assistance. He receives a total  
7 GA grant of \$134 per month. In order to receive that very small amount of assistance, Mr. Smith  
8 was forced to wait for five months without any aid, traveling to Respondents' GA office many  
9 times, only to find that no one was available to see him at the appointed times, or that  
10 Respondents had lost paperwork that he had previously provided.

11 53. Mr. Smith is 56 years old. He has lived in Contra Costa County for all of his life.  
12 He was an architectural designer, working in the city of Richmond, California. However, Mr.  
13 Smith has suffered two strokes, resulting in disabilities that have made it impossible for him to  
14 work since 2000. As a result of the strokes, Mr. Smith has great difficulty communicating. He  
15 also suffers from arthritis and has pinched nerves in his back. He has applied for Social Security  
16 Disability benefits and is waiting for a hearing.

17 54. Mr. Smith did not apply for GA immediately after he became disabled, in part  
18 because he had heard that the process was so time-consuming and frustrating that it was not worth  
19 it. He did obtain Food Stamps, and his Food Stamp application was decided in only three days.

20 55. After unsuccessfully attempting to support himself with odd jobs while waiting for  
21 his Social Security application to be acted upon, Mr. Smith finally applied for GA in Contra  
22 Costa County in September, 2008. He did not even receive an appointment for the orientation  
23 session that Respondents require until October 22, 2008. At the orientation, he told the worker  
24 that he was disabled and could not work, and was told to return in 30 days.

25 56. Mr. Smith did return to Respondents' office the following month, but thereafter he  
26 had to go back and forth to Respondents' office several times because he was told he did not have  
27 the right forms, Respondents had lost paperwork that he had previously provided, the eligibility  
28 worker was not in the office at the time of his appointment, the office was closed, and so on.

1 Through no fault of his own, meetings were rescheduled three and four times.

2 57. Mr. Smith finally had an “intake” appointment on January 27, 2009 and began  
3 receiving GA benefits on February 4, 2009, about five months after he had first applied. His GA  
4 grant is only \$134 per month. Respondents did not provide aid to cover the period between the  
5 date of his application for benefits and the date when Respondents finally acted on it. Apart from  
6 leaving him penniless for close to half a year, the entire experience has left Mr. Smith feeling  
7 degraded and humiliated. In addition to his own interest in not experiencing future delays if he is  
8 ever required to reapply for benefits, and his interest in obtaining the retroactive benefits to which  
9 he is entitled, Mr. Smith is interested as a citizen in having the GA laws executed and the duties  
10 that they establish enforced.

11 **Petitioner RODERICK HENDERSON**

12 58. Petitioner RODERICK HENDERSON, an individual, is and at all times pertinent  
13 hereto has been a resident of Contra Costa County, California. He moved to Contra Costa County  
14 from Sacramento in September 2008 because he heard that there were more opportunities for  
15 work than in Sacramento, where he had been unable to find work, and was homeless, for a year.  
16 Although Mr. Henderson has an Associate Degree and no criminal record, he still could not find  
17 work in Contra Costa County, due to the recent economic situation.

18 59. In October 2008, Mr. Henderson applied for General Assistance and Food Stamp  
19 benefits. He was approved for Food Stamps in November 2008, but waited six weeks before  
20 even being given an orientation appointment for General Assistance. At the orientation, in late  
21 November, he was given another appointment to come back to the office at a later date.

22 60. Over the next few months, between November and March, Mr. Henderson was  
23 required to bring additional paperwork to his GA worker many times. This was very difficult for  
24 him, because he did not have any money and could not afford bus fare. For example, Mr.  
25 Henderson was told he had to bring additional paperwork because he purportedly was eligible for  
26 Unemployment Insurance Benefits, even though he explained that he had not been working for  
27 the past year. He was ultimately found ineligible for Unemployment Insurance Benefits, and this  
28 served no purpose other than to delay and complicate his application for General Assistance.



1 Ms. Fortune worked for thirty years, but she lost her job when the national economy fell into a  
2 recession. She lived for a short time on the money from a small retirement account, but it ran out,  
3 and by September of 2008, Ms. Fortune could no longer afford to pay her home mortgage. By  
4 November of 2008, she was relying on Food Stamps to get enough to eat.

5 66. Ms. Fortune applied for GA benefits in November of 2008, did not have her first  
6 appointment until January 7, 2009, did not meet her case worker until February 4, 2009, and did  
7 not receive any benefits until April, 2009. During the protracted application process, Ms. Fortune  
8 had no money, was living on Food Stamps, and was in poor health from Graves' disease. She  
9 informed the worker of her health condition and the worker gave Ms. Fortune the "Medical  
10 Assessment of Employability" form. However, the form was required to be signed by a doctor,  
11 and Ms. Fortune had no health coverage, no doctor, and no money to hire one. She therefore tried  
12 to apply for GA as an "employable" person.

13 67. As a purportedly "employable" person, Ms. Fortune was required to conduct a job  
14 search before receiving assistance. Without any money, Ms. Fortune could not buy soap,  
15 toothpaste or toilet paper, so she was required to perform this job search without being able to get  
16 herself clean, and with unwashed clothes. She was given only three bus passes for local routes,  
17 so she was limited to searching for work within the city limits. She had to give Respondents'  
18 worker prospective employers' phone numbers, even though phone calls by a GA worker to these  
19 employers would be very embarrassing and likely to diminish Ms. Fortune's chance of being  
20 hired. Requiring her to attend interviews unclean, effectively restricting her travel to the city  
21 limits, and insisting on obtaining prospective employers' phone numbers damaged Ms. Fortune's  
22 chance of obtaining work.

23 68. When she was unable to meet the physical demands of the required job searches,  
24 Ms. Fortune returned to her case worker and explained that she needed to change her application  
25 status to that of a non-employable person. Although the worker told Ms. Fortune that the Contra  
26 Costa Regional Medical Center would give her a health exam free of charge, Respondents'  
27 requirement for a doctor's examination as part of her GA application turned out to be a Catch-22.  
28 The Medical Center required Ms. Fortune to apply for Basic Health Care, and warned her that if

1 she was found ineligible for that coverage, she would have to reimburse the Medical Center for  
2 the exam and all related costs. Ms. Fortune could not risk owing the County this money, so she  
3 applied for the health coverage and waited for it to be approved. Ms. Fortune's GA case worker  
4 wanted all the forms to determine my GA eligibility by February 26, 2009. Ms. Fortune asked for  
5 more time to complete the medical exam. But the case worker said she needed to make a  
6 determination based on the information Ms. Fortune had given her by that date. Although Contra  
7 Costa Health Services approved Ms. Fortune's application for Basic Health Care on February 24,  
8 and gave her an appointment to see a doctor on March 3, 2009, Ms. Fortune received a GA denial  
9 on March 4 due to the absence of a medical certification in her file -- even though by that time  
10 she finally did have a signed medical release from a doctor. (Ms. Fortune was also denied GA  
11 benefits because, based on a used car salesperson's "guesstimate," her 1992 Subaru was valued at  
12 \$100 over the \$500 limit applicable to a car.)

13 69. After Ms. Fortune appealed Respondents' denial of General Assistance, her  
14 application, first made in November 2008, was finally approved on April 1, 2009. During the  
15 five month long process, her water was shut off, her phone was disconnected, her utility service  
16 was threatened with disconnection, and her mortgage lender had begun foreclosure proceedings  
17 on her home of 15 years. She did not receive aid to cover this period.

18 70. In addition to her own interest in not experiencing future delays if she is ever  
19 required to reapply for benefits, and her interest in obtaining the retroactive benefits to which she  
20 is entitled, Ms. Fortune is interested as a citizen in having the GA laws executed and the duties  
21 that they establish enforced.

22 **Petitioner DEBRA CHEATHAM**

23 71. Petitioner DEBRA CHEATHAM, an individual, is now, and at all times  
24 mentioned in this petition was, a resident of Contra Costa County, California. She lives in  
25 Richmond. Ms. Cheatham is 55 years old and is indigent. Ms. Cheatham waited for three  
26 months for Respondents to determine that she was eligible for benefits, during which she was  
27 required to subsist without the aid for which she was eligible. Respondents have not paid aid  
28 accruing from the date of her application. Even now, Ms. Cheatham does not receive the full

1 grant amount to which she is entitled, and receives only \$158 per month to meet all her needs  
2 because Respondents are refusing to remit the rent portion of her grant either to Ms. Cheatham or  
3 to her landlord as a result of the landlord's (not Ms. Cheatham's) inability to provide certain  
4 information that Respondents require. As a result, Ms. Cheatham is threatened with the loss of her  
5 home.

6 72. Ms. Cheatham is a survivor of domestic violence, who had to live in a shelter for  
7 battered women for a time. As a result, she has lifelong scars and suffers from Post Traumatic  
8 Stress disorder, as well as seizures, migraines, chronic pain, and other disorders. The  
9 combination of these factors makes it impossible for her to work.

10 73. Ms. Cheatham first applied to Respondents for GA in 2004, but was told that she  
11 could only receive benefits for three months (apparently because Respondents had deemed Ms.  
12 Cheatham to be "employable" and intended to time-limit her aid on that basis). As a result, Ms.  
13 Cheatham dropped that application, and moved in with a roommate, who paid the rent. Ms.  
14 Cheatham's roommate died in May of 2008, and Ms. Cheatham again applied for GA.

15 74. Respondents took three months to act on Ms. Cheatham's application. She was  
16 without any aid during that entire time. Even though her application was eventually granted,  
17 Respondents refuse to pay benefits accruing from the date of Ms. Cheatham's application.

18 75. During the three months that Ms. Cheatham was forced to wait for her GA  
19 application to be resolved, her bills became delinquent and her telephone was cut off. Especially  
20 because of her experience as a victim of domestic violence, Ms. Cheatham became terrified about  
21 how she could call for help if there were an emergency. Her privation and anxiety worsened her  
22 already serious mental health problems.

23 76. Respondents' conduct has also destabilized Ms. Cheatham's housing situation,  
24 Since her application was granted, Ms. Cheatham has received \$158 per month, which is intended  
25 to cover all her needs other than rent. Respondents refuse to disburse the balance of Ms.  
26 Cheatham's GA grant amount, representing rent, either to her or to her landlord; they have  
27 repeatedly rejected information that the landlord has supplied, which they insist upon having  
28 before they will begin making the rent payments. (Respondents claim that the landlord's

1 taxpayer identification number is incorrect.) Every month, the manager of the property where  
2 Ms. Cheatham lives becomes angry with her because Respondents have not paid the rent on her  
3 behalf, nor have Respondents paid the housing portion of the grant to Ms. Cheatham so that she  
4 can pay her landlord. Ms. Cheatham fears losing her housing, and this causes her extreme,  
5 continuing anxiety.

6 77. Ms. Cheatham is also worried about Respondents' plan to shut down many of their  
7 GA offices. Her disabilities would make it very hard to get to any other office if the one in  
8 Richmond, where she lives, were shut down.

9 78. In addition to the anxiety and fear that Ms. Cheatham has suffered, and continues  
10 to suffer concerning her own circumstances, she is concerned about the homelessness, illness,  
11 hunger, depression, fear, and other hardships faced by other indigent people whose applications  
12 for subsistence benefits have been or will in the future be unlawfully delayed. In addition to her  
13 own interests in having her application promptly processed should she ever need to reapply for  
14 GA, and in obtaining the retroactive benefits to which she is entitled, Ms. Cheatham is also  
15 interested as a citizen in having the GA laws executed and the duties that they establish enforced.

### 16 Respondents

17 79. Respondent COUNTY OF CONTRA COSTA ("Contra Costa County") is a  
18 political body of the State of California and pursuant to W & I Code § 17000, is responsible to  
19 "relieve and support all incompetent, poor, indigent persons, and those incapacitated by age,  
20 disease, or accident."

21 80. Respondent BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY (the  
22 "Board of Supervisors") is the legislative body charged by law with adopting proper standards of  
23 general assistance aid and care for county indigent residents pursuant to the Welfare and  
24 Institutions Code.

25 81. Respondent CONTRA COSTA COUNTY HEALTH AND HUMAN SERVICES  
26 DIVISION is responsible for administering Contra Costa County's GA program within Contra  
27 Costa County, and responsible for supervision and oversight of Respondent CONTRA COSTA  
28 COUNTY EMPLOYMENT AND HUMAN SERVICES DEPARTMENT.





1 **FIRST CAUSE OF ACTION**  
2 **For A Writ of Mandate To Compel Respondents To Comply With The Mandates To**  
3 **Provide General Assistance In A Prompt and Humane Manner**  
4 **(W & I Code §§ 17000, 10000, 11000 and 11055 and Contra Costa County GA**  
5 **Regulations)**

6 88. Petitioners incorporate by reference herein each and every allegation of Paragraphs  
7 1 through 87 as though fully set forth herein and allege:

8 89. W & I Code § 17000 mandates counties to “relieve and support all incompetent,  
9 poor, and indigent persons.” Section 10000 requires that the GA program be administered to  
10 achieve its purpose of providing “appropriate aid and services to all of [the State’s] needy and  
11 distressed . . . promptly and humanely . . . .” Section 11000 requires that GA laws be construed  
12 “fairly and equitably.” In addition, Section § 11055 mandates that “The county shall promptly  
13 investigate all applications for public assistance as prescribed by the regulations of the  
14 department.”

15 90. At all times relevant to this action, Respondents have had clear, mandatory duties  
16 and prohibitions imposed by §§ 17000, 10000, 11000 and 11055.

17 91. Respondents’ practice of taking three to six months to determine applicants’  
18 eligibility for GA conflicts with these mandates, in particular the duty to administer aid “promptly  
19 and humanely.”

20 92. Petitioners are directly and beneficially interested in having Respondents comply  
21 with all applicable provisions of law and their legal duties, as set forth herein.

22 93. Unless compelled by this Court to refrain from acts as required by law,  
23 Respondents will continue to refuse to perform said duties and continue to violate the law, and  
24 Petitioners will be injured as a result.

25 **SECOND CAUSE OF ACTION**  
26 **For A Writ of Mandate Compelling Respondents To Cease Imposing Their Pre-**  
27 **Eligibility Orientation, Employability Evaluation, Disability Evaluation And Verification,**  
28 **And Job Search Requirements**  
**(W & I Code §§ 17000, 10000, And 11000 To Aid All Of The County’s Indigent**  
**Residents “Promptly And Humanely”)**

94. Petitioners incorporate by reference herein each and every allegation of Paragraphs 1  
through 93 as though fully set forth herein and allege:



1 their job search requirement, which cannot be satisfied as of the date of application, and  
2 Respondents may not defeat the intent and purpose of § 11056 in this manner.

3 102. In addition, under the common law, including California Supreme Court authorities,  
4 when a person who applies for aid is ultimately found to be eligible, the aid must “date back” to  
5 the day of application. Otherwise, Respondents have every incentive to use the application  
6 process as a waiting period, and effectively deny benefits to which applicants are indisputably  
7 entitled, in breach of a debt which is owed by Respondents to such applicants, an injustice with  
8 constitutional implications under the due process clause of the California Constitution, Article 1,  
9 Section 7.<sup>4</sup>

10 103. W & I Code § 10000 requires that “aid shall be administered and services provided  
11 promptly and humanely.” Respondents’ indefinite delay in the provision of aid, combined with  
12 their failure even to pay retroactive benefits after indigent, eligible applicants have waited weeks  
13 or months for aid, violates this mandate.

14 104. At all times relevant to this action, Respondents have had clear, mandatory duties  
15 and prohibitions imposed by the California Constitution, Article 1, § 7, and W & I Code §§  
16 10000, 11000, and 11056.

17 105. Petitioners are directly and beneficially interested in having the Respondents  
18 comply with all applicable provisions of law and their legal duties, as set forth herein.

19 106. Unless compelled by this Court to refrain from acts as required by law,  
20 Respondents will continue to refuse to perform said duties and continue to violate the law, and  
21 Petitioners will be injured as a result.

#### 22 **FOURTH CAUSE OF ACTION**

#### 23 **For A Writ of Mandate Compelling Respondents To Comply With Their Duty To** 24 **Pay Aid That Accrued From The Date of Application To The Date As Of Which Aid Actually** 25 **Commenced, To Past And Present Recipients Of General Assistance** 26 **(California Constitution, Article 1, Section 7; W & I Code §§ 10000, 11000, 11056)**

27 107. Petitioners incorporate by reference herein each and every allegation of  
28

---

<sup>4</sup> Petitioners do not allege a violation under federal due process law.

1 Paragraphs 1 through 106 as though fully set forth herein and allege:

2 108. W & I Code § 11056 mandates that Respondents must pay aid effective as of GA  
3 applicants' application dates if they meet all eligibility conditions (e.g., residence, resource  
4 limitations, immigration status, and the like) on that date.

5 109. Respondents have failed and refused to pay current recipients of General  
6 Assistance, and past recipients, aid accruing between the dates of their applications and the dates  
7 as of which aid finally began, as required by law.

8 110. As stated above in Paragraphs 101 and 102, the payment of aid accruing from the  
9 date of application is required by statute, and by the common law, which recognizes such aid as a  
10 debt due to the applicant for benefits who is ultimately found to be eligible. Nonpayment of such  
11 aid, permitting Respondents to use the application process as a waiting period, and deny benefits  
12 to which applicants are indisputably entitled, is an injustice with constitutional implications  
13 under the due process clause of the California Constitution, Article 1, Section 7.<sup>5</sup>

14 111. At all times relevant to this action, Respondents have had clear, mandatory duties  
15 and prohibitions imposed by the California Constitution, Article 1, § 7, and sections 10000,  
16 11000, and 11056. Petitioners are directly and beneficially interested in having the Respondents  
17 comply with all applicable provisions of law and their legal duties, as set forth herein.

18 112. Unless compelled by this Court to refrain from acts as required by law,  
19 Respondents will continue to refuse to perform said duties and continue to violate the law, and  
20 Petitioners will be injured as a result.

21 **FIFTH CAUSE OF ACTION**

22 **For A Writ of Mandate Compelling Respondents To Comply With Their Duty To**  
23 **Adopt Proper Standards Of Aid And Care**  
**(California Constitution, Article 1, Section 7; W & I Code §§ 10000, 11000, 17001)**

24 113. Petitioners incorporate by reference herein each and every allegation of  
25 Paragraphs 1 through 112 as though fully set forth herein and allege:

26 114. W & I Code § 17001 mandates that Respondents must adopt standards of aid and  
27

28 <sup>5</sup> Petitioners do not allege a violation under federal due process law.

1 care. Under the Due Process Clause of the California Constitution, and a proper interpretation of  
2 W & I Code §§ 10000 and 11000, and under Respondents’ own policies and practices, such  
3 standards include the procedural requirements for the General Assistance application process,  
4 including time limits applicable to such requirements.

5 115. Respondents’ standards, however, do not include any promptness standards within  
6 which Respondents must make an eligibility determination, except that their regulations require  
7 that the determination must be made “seven working days of receipt of the last piece of  
8 verification.” County Regulations, § 49-102.IV. D.17. Respondents’ failure to adopt any  
9 standard requiring Respondents to take any other step in the application process within a specific  
10 period of time (such as scheduling the orientation and employability and disability assessments  
11 that Respondents require, or obtaining verifications that they obtain independently of the  
12 applicant), and Respondents’ failure to adopt any maximum time between the application date  
13 and the eligibility determination, or even to adopt a standard requiring that they decide  
14 applications and administer aid “promptly,” violates these mandates and has constitutional  
15 implications under the due process clause of the California Constitution, Article 1, Section 7.<sup>6</sup>

16 116. At all times relevant to this action, Respondents have had clear, mandatory duties  
17 and prohibitions imposed by the California Constitution, Article 1, § 7, and W & I Code sections  
18 10000, 11000, and 11056.

19 117. Petitioners are directly and beneficially interested in having the Respondents  
20 comply with all applicable provisions of law and their legal duties, as set forth herein.

21 118. Unless compelled by this Court to refrain from acts as required by law,  
22 Respondents will continue to refuse to perform said duties and continue to violate the law, and  
23 Petitioners will be injured as a result.

24 **SIXTH CAUSE OF ACTION**  
25 **For A Writ of Mandate Compelling Respondents To Comply With Their Duty To**  
26 **Comply With W & I Code §§ 17001.5(a)(4); And Their Own Regulation**

27 119. Petitioners incorporate by reference herein each and every allegation of  
28

---

<sup>6</sup> Petitioners do not allege a violation under federal due process law.

1 Paragraphs 1 through 118 as though fully set forth herein and allege:

2 120. W & I Code § 17001.5(a)(4) permits counties to limit “employable” GA  
3 recipients to as little as three months of aid during any twelve month period, whether or not such  
4 recipients remain unemployed and indigent. The County limits Level 1 purportedly  
5 “employable” recipients to three months of aid during any twelve-month period. After nine  
6 months off aid, such persons can then reapply for aid, but under Respondents’ system will likely  
7 have to wait another five to six months before any aid begins. After three months of aid, they  
8 will be cut from the GA rolls and the entire cycle will begin again.

9 121. The practical effect is that Respondents will often limit purportedly “employable”  
10 recipients to three months of aid in a fifteen month (or even longer) period.

11 122. The maximum aid limitation based on a recipient’s purported “employability” that  
12 W & I Code § 17001.5(a)(4) and County Regulations Section 49-101.1 permit, is a limitation to  
13 three months of aid in any twelve month period.

14 123. At all times relevant to this action, Respondents have had clear, mandatory duties  
15 and prohibitions imposed by W & I Code § 17001.5(a)(4) and County Regulations Section 49-  
16 101.1.

17 124. Petitioners are directly and beneficially interested in having the Respondents  
18 comply with all applicable provisions of law and their legal duties, as set forth herein.

19 125. Unless compelled by this Court to refrain from acts as required by law,  
20 Respondents will continue to refuse to perform said duties and continue to violate the law, and  
21 Petitioners will be injured as a result.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Petitioners pray for relief as follows:

24 1. Issue an alternative or peremptory writ of mandate commanding Respondents to  
25 administer their General Assistance program “promptly and humanely,” including without  
26 limitation, commanding Respondents to assure that no application is unreasonably delayed and  
27 that aid commences for every eligible applicant, and every applicant whose eligibility cannot  
28 immediately be conclusively determined, without delay.

1           2.       Issue an alternative or peremptory writ of mandate commanding Respondents to:  
2                   (a) process applications and begin aid within ten days (or other specified time that the  
3 Court deems “prompt and humane” in the context of General Assistance, a last resort subsistence  
4 benefit for severely indigent people); or adopt a standard of aid consisting of a time limit within  
5 which Respondents must process applications and begin aid, and submit such regulation to this  
6 Court for approval under the “prompt and humane” requirement of the Welfare and Institutions  
7 Code; and

8                   (b) for any applicant for whom the period allowed has expired, presume that such  
9 applicant is eligible and pay aid to such applicant (at the highest GA grant level for which he  
10 may be eligible), until the application is resolved.

11           3.       Issue an alternative or peremptory writ of mandate commanding Respondents not to  
12 impose pre-eligibility requirements, such as orientations, disability assessments, mental health  
13 and/or substance abuse screenings, medical verification of disabilities, or job search efforts as  
14 pre-conditions for eligibility determinations or for the inception of any aid.

15           4.       Issue an alternative or peremptory writ of mandate commanding Respondents (1) to  
16 pay benefits retroactively for Petitioners, and for all current applicants who are ultimately found  
17 to be eligible (a) as of the application date, or (b) if the applicant did not satisfy lawful and  
18 proper eligibility conditions (such as residence, resource limitations, citizenship/immigration  
19 status, etc.) on the application date, as of the date when such lawful proper eligibility conditions  
20 were satisfied, both without regard to the date(s) when Respondents obtain any verifications of  
21 eligibility that they may require; and (2) commanding Respondents to exempt such retroactive  
22 payments from any calculation of “income” or “resources” that may affect a recipient’s  
23 eligibility for aid, or the amount of aid for which a recipient is eligible.

24           5.       Pending judgment, issue a writ of mandate, requiring that Respondents comply with  
25 all of the requirements in Paragraphs 1 through 4 hereinabove in the interim.

26           6.       Issue an alternative or peremptory writ of mandate commanding that for each current  
27 recipient of General Assistance in Contra Costa County, and each person who received General  
28 Assistance in Contra Costa County during any part of the three years before the filing of this

1 Petition (or such other period of time as may be equitable), Respondents shall: (1) pay benefits  
2 accrued between the date of such current or past recipient's application (or the date on which  
3 such recipient satisfied all eligibility conditions as described in paragraph 4 hereinabove) and the  
4 date as of which Respondent paid aid to such recipient; and (2) exempt such payments from any  
5 calculation of "income" or "resources" that may affect a person's eligibility for aid, or the  
6 amount of aid for which a such person is eligible.

7 7. Except for Bay Area Legal Aid, grant to Petitioners an award of appropriate  
8 attorneys' fees and costs; and

9 8. Such other and further relief the Court considers proper.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: July 22, 2009

THE PUBLIC INTEREST LAW PROJECT

By: \_\_\_\_\_

JUDITH Z. GOLD

BAY AREA LEGAL AID  
KATHERINE SIEGFRIED

PAUL HASTINGS JANOFSKY & WALKER L LP  
GRACE CARTER

Attorneys for Petitioners

# **EXHIBIT A**

REPLACES:

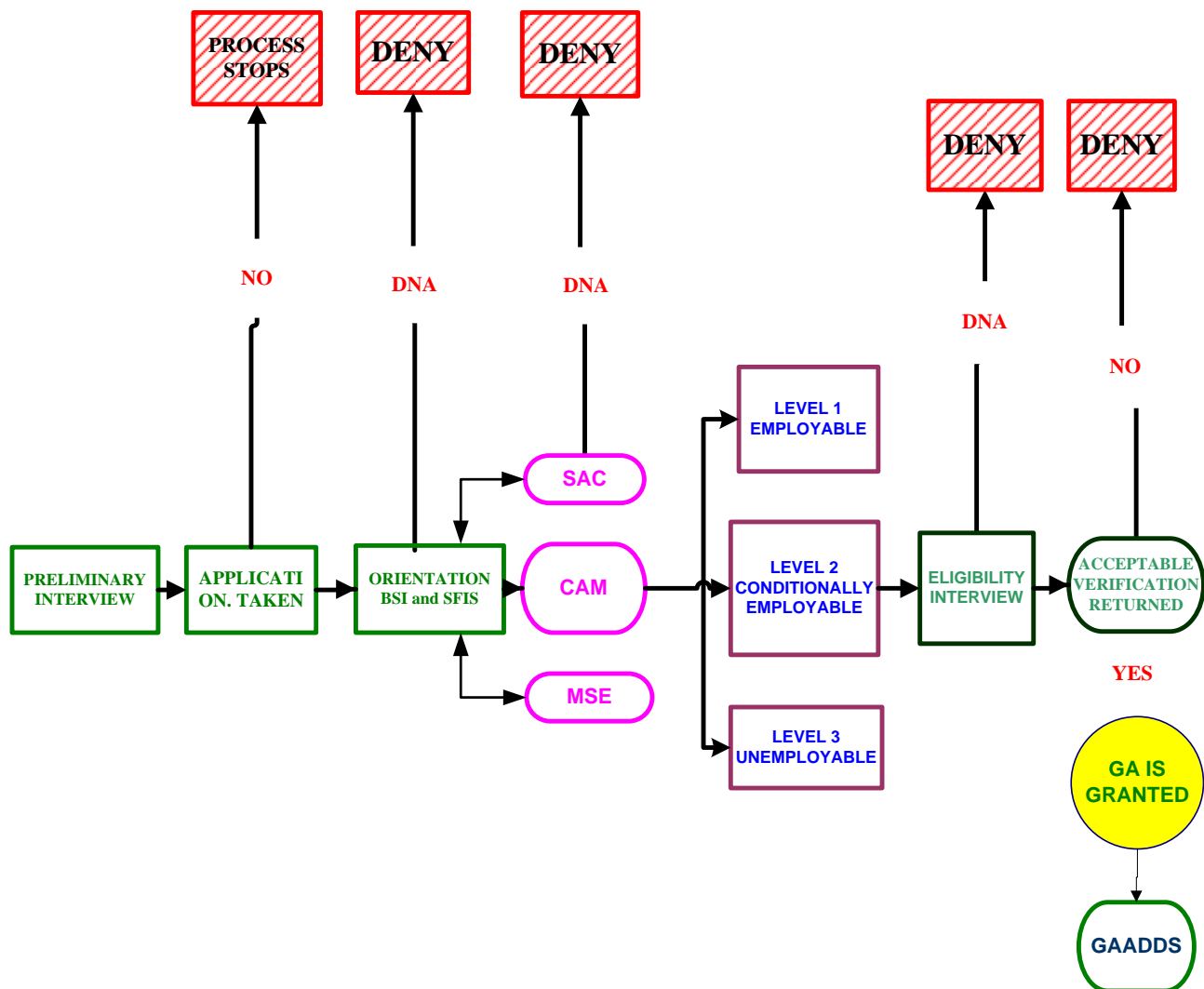
GA HANDBOOK

SECTION: 49-102  
ISSUED/REVISED: 01-01-2002

Application and  
Determination of Eligibility

SECTION: 49-102  
PAGE NO.: 1  
EFFECTIVE: 01-23-2008

**GENERAL ASSISTANCE  
SERVICE DELIVERY  
SYSTEM**



DMCL # 08-07

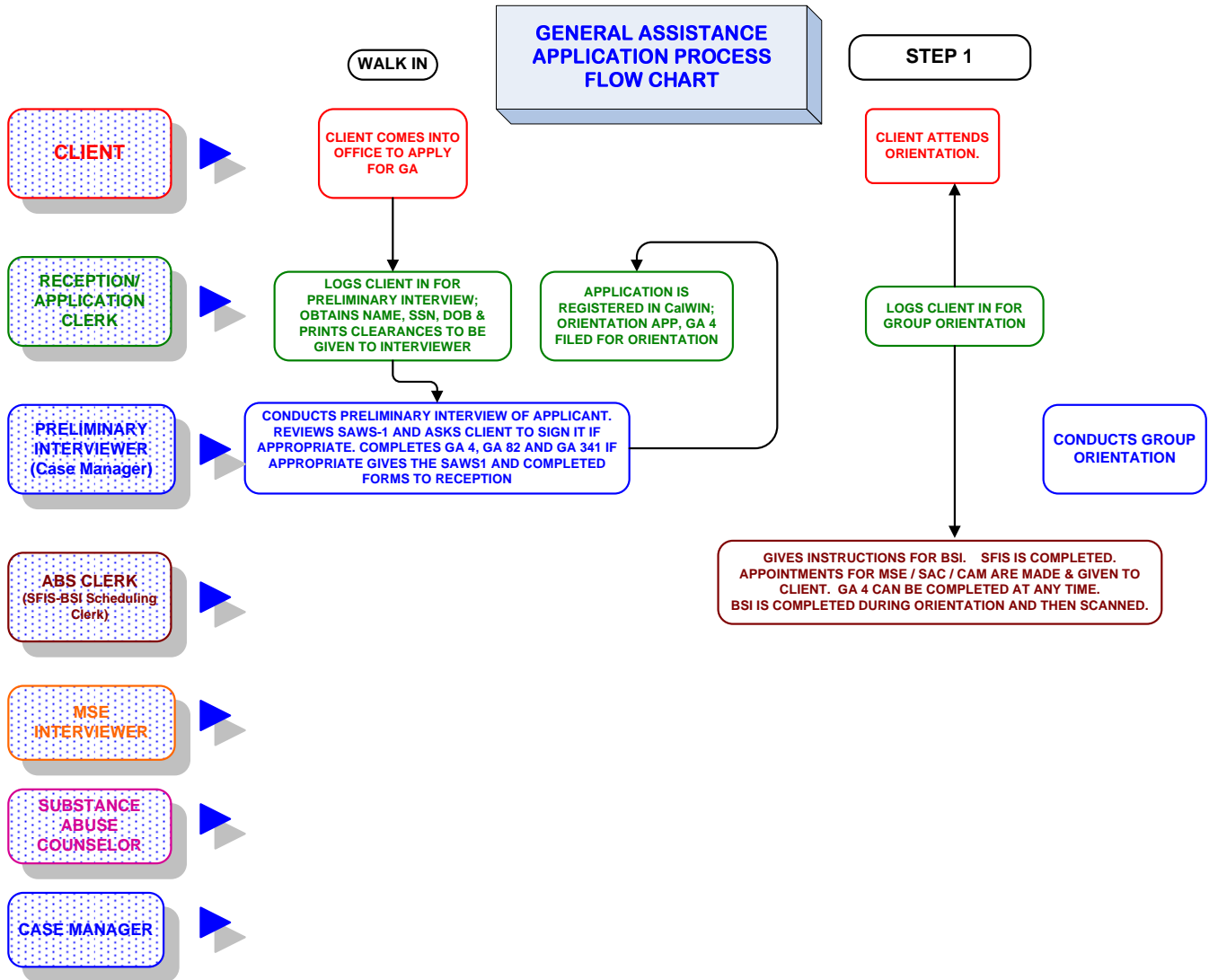
REPLACES:

GA HANDBOOK

SECTION: 49-102  
ISSUED/REVISED: 01-01-2002

Application and  
Determination of Eligibility

SECTION: 49-102  
PAGE NO.: 2  
EFFECTIVE: 01-23-2008



DMCL # 08-07

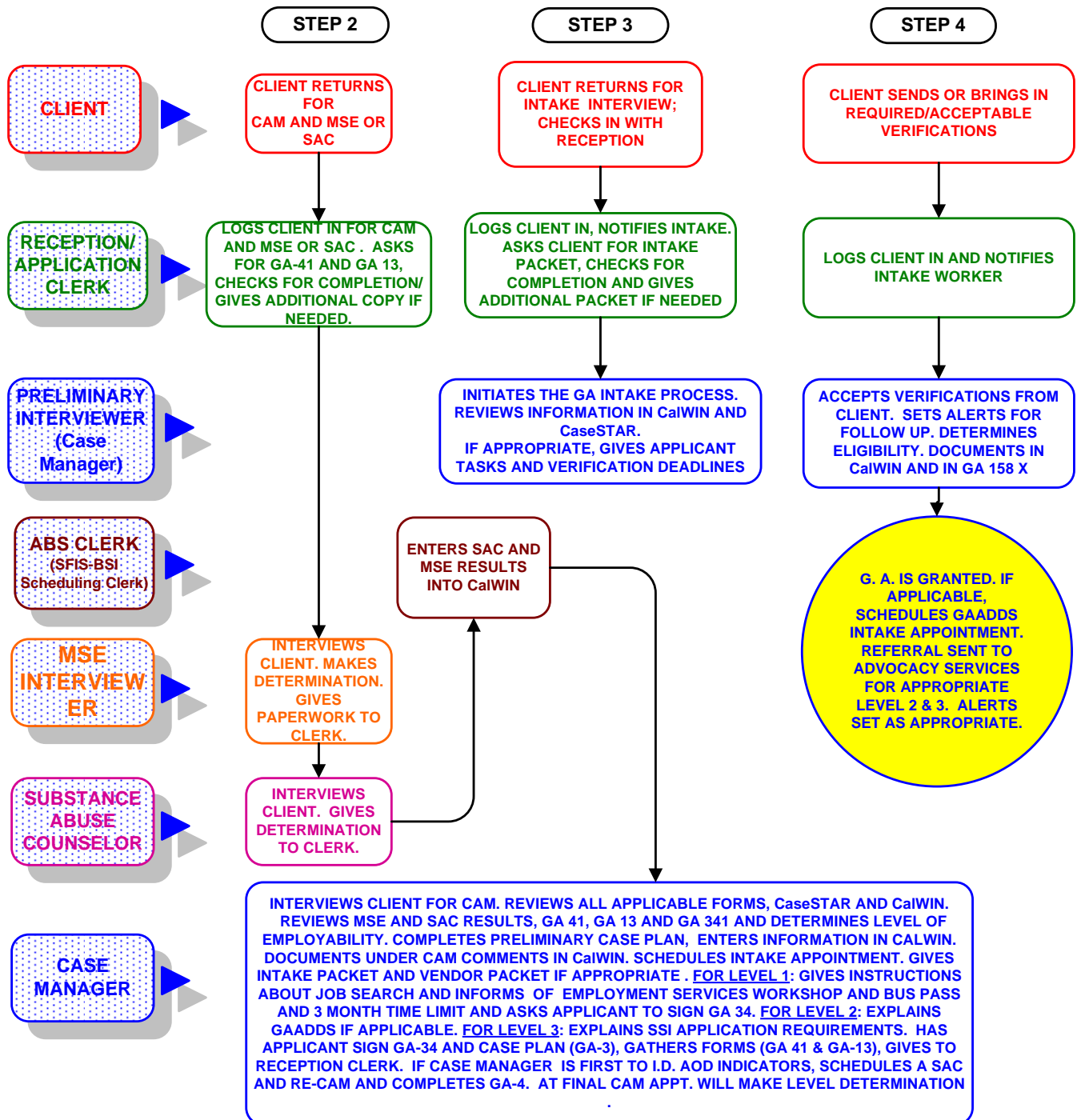
REPLACES:

GA HANDBOOK

SECTION: 49-102  
ISSUED/REVISED: 01-01-2002

Application and  
Determination of Eligibility

SECTION: 49-102  
PAGE NO.: 3  
EFFECTIVE: 01-23-2008



DMCL # 08-07