



# County of Santa Cruz

## HUMAN SERVICES DEPARTMENT

### **CHAPTER I    IN GENERAL**

In accordance with Section 17000 of the Welfare and Institution Code, the County of Santa Cruz, hereinafter referred to as County, adopts these General Assistance regulations effective for implementation on and after October 1, 1982. These regulations are promulgated so as to comply with all applicable Federal, State and local laws, regulations, guidelines, bulletins. These regulations shall be governed and construed in accordance with the laws of the United States, and State of California, and County of Santa Cruz.

The County Human Services Department hereinafter referred to as Human Services shall be responsible for the administration of the General Assistance program in accordance with the provisions set forth in these regulations.

End Section

## **CHAPTER II COUNTY RESPONSIBILITY**

### ***A. In General***

Section 17000 of the Welfare and Institutions Code provides that every County is responsible for providing relief and support for all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident who are lawfully resident there, when such persons are not supported and relieved by their relatives and friends, by their own means, or by state hospitals or other private institutions.

### ***B. Administration of General Assistance***

General Assistance is administered by the Santa Cruz Human Services Department under authority of the County Board of Supervisors and pursuant to Part 5, W & I Code. General Assistance shall be administered promptly and humanely, with due regard for the preservation of family life. General Assistance shall be so administered as to encourage self-respect, self reliance, and the desire to be a productive citizen. Further, it is the responsibility of all who are concerned with the administration of General Assistance to do so with courtesy, consideration, and respect toward applicants and recipients and without attempting to elicit any information not necessary to carry out the provisions of these regulations. The provisions of the law relating to General Assistance are to be construed to effect the stated objects and purposes of the program.

### ***C. Duty to Plan for Self-Sufficiency of Applicants/Recipients***

It is the joint responsibility of Human Services and the applicant(s) or recipient(s) to develop a plan of rehabilitation and support to the end that the applicant(s)/recipient(s) shall become self-sufficient and independent of further assistance.

### ***D. Emergency Exception to Limitations***

In emergency and unusual circumstances, exceptions may be made by the Director or his/her designated representative to the limitations provided in these regulations.

### ***E. Form of Aid***

Aid may be granted in a monthly cash payment via warrant, direct deposit, Electronic Benefit Transfer (EBT), vendor payment (a payment paid to a provider of an item of need) or 2 party check. Aid may also be granted via in-kind services. Human Services may use more than one form of aid for any individual recipient.

Benefits issued via EBT will be in accordance with the California Department of Social Services Manual of Policies and Procedures (MPP) Division 16.

### ***F. Confidentiality***

General Assistance records are confidential. Names, addresses, and all information concerning the circumstances of any persons from whom or about whom information is obtained is confidential. Records are not open to examination or inspection except by the Grand Jury or by the Board of Supervisors of Santa Cruz County as a whole in their official capacity and not as individual members, or by an officer of the State or of Santa Cruz County charged with the supervision, direction and enforcement of General Assistance policies, or by the individual recipient or applicant or by his/her authorized representative.

### ***G. Destruction of Case Records***

The Board of Supervisors may authorize the destruction by Human Services of the case history, or any part thereof, of any recipient of General Assistance who has not received aid from the County of Santa Cruz for more than four years.

### ***H. Delegation of Authority to Administer Oaths***

The Human Services Director may designate persons as his/her representative to take such affidavits and administer such oaths as are required under the General Assistance Program.

END SECTION

## **CHAPTER III PROCEDURES FOR APPLICATION AND DETERMINATION OF ELIGIBILITY**

### ***A. In General***

Any person has the right to apply for General Assistance, and Human Services is required to process all applications for assistance. It is the responsibility of the applicant or recipient of General Assistance to apply for, to actively pursue, and to accept all potentially available income and resources. Failure to apply for, to actively pursue, or to accept such income or resources after being informed by Human Services of the applicant's or recipient's apparent eligibility for such other income or resources shall render the applicant or recipient ineligible for General Assistance.

All persons other than dependent minor children who are members of applicant or recipient households must file a complete application for General Assistance. Parents of minor children shall apply on behalf of their children.

### ***B. Determination of Eligibility***

Human Services will conduct a prompt, complete, and careful investigation of the needs and resources and will make a determination of eligibility of each applicant within 45 days of the date of application. The eligibility determination process for all applicants shall include an in-office interview by Benefits Representative prior to the granting of assistance, other than emergency assistance.

### ***C. Eligibility Redetermination***

Human Services will conduct a semi-annual redetermination of each active case which may include a home visit.

### ***D. HUMAN SERVICES Responsibility***

1. Human Services is responsible for assisting the applicant or recipient when he/she is unable to provide necessary information. Human Services shall inform the applicant or recipient what information is required and why it is needed. If Human Services must obtain verification for the applicant or recipient from another source, the applicant or recipient must provide written consent for the release of information to Human Services. The written consent document must clearly state its

purpose, the specific information requested, and the individual or agency to contact for the information.

2. Human Services is responsible for giving to each applicant and recipient a clear and thorough explanation of the General Assistance program and of the individual's rights and responsibilities. Such explanations will be given both verbally and in writing, at intake and at any other time determined to be necessary by Human Services. The General Assistance Regulations will be available upon request to all applicants and recipients as well as other interested persons. A sign will be displayed in a visible place in the waiting room at the General Assistance offices informing people of their right to review all such regulations. Further, this sign will inform all applicants and recipients of their rights to know any and all regulations which are the grounds for specific actions taken by the County relating to General Assistance.

#### **E. Applicant and Recipient Responsibility**

##### 1. Reporting Responsibilities

The applicant or recipient is the primary source of information. It is his/her responsibility to provide, insofar as possible, within his/her capability, all necessary information to establish eligibility.

##### a) Request for information/verification

Information necessary to establish, or continue eligibility shall be listed on the appropriate approved form (WEL 4048) or appropriate form letter and ten (10) days shall be given for the requested information/verification to be submitted to the agency. If the information/verification is not received by the agency within ten (10) days, a denial or discontinuance notice of action will be sent to the applicant/recipient. Information provided to the Human Services Department may be verified *ex parte* (e.g. vehicle registration, UIB, SDI and ownership of real property in Santa Cruz County).

- (1) On pending cases, the verification shall be accepted by the agency and the proposed denial action will be rescinded if received after ten (10) days but prior to thirty (30) days of the date of request.
- (2) On active cases, the verification received or postmarked by the 1<sup>st</sup> working day after the end of the month of the request shall be accepted, and any proposed or implemented action to discontinue will be rescinded.

(3) Failure to provide necessary information and verification shall render the applicant or recipient ineligible for General Assistance.

- (a) An applicant or recipient of General Assistance is required to report any income or changes in circumstances to the General Assistance Unit within ten (10) days of receipt or of the change.
- (b) Each household shall file a monthly eligibility report (CW7) with income and changed circumstances by the fifth working day of the month.

## 2. Noncompliance with Reporting Responsibilities

When it comes to the attention of Human Services that an applicant or recipient has failed to report changes in income or circumstances to the General Assistance Unit within ten (10) calendar days of the change or has willfully provided misinformation to the General Assistance Unit, Human Services shall take appropriate action as follows.

- a) Failure to report changes in income and circumstances within ten (10) calendar days of change without good cause shall be a basis for denial or discontinuance of assistance.
- b) The willful provision of misinformation to the General Assistance Unit shall be a basis for denial or discontinuance of assistance.
- c) No new financial assistance shall be granted from the effective date of denial/discontinuance for the sanction period set forth in Chapter III, E, 3.

## 3. Sanction Period for Noncompliance With Reporting Responsibilities

For noncompliance with reporting responsibilities without good cause, a recipient and the General Assistance household of such a recipient shall be sanctioned from receiving General Assistance for the period described below:

- a) First incident of noncompliance, 1 month.
- b) Second incident of noncompliance, 3 months.
- c) Third and subsequent incidents of noncompliance, 6 months each.

d) Good cause for failure to report receipt of income and changes in income or circumstances to the General Assistance Unit within ten (10) calendar days of the change exists when:

- (1) The individual was verifiably ill.
- (2) The individual is able to verify that due to circumstances beyond his/her control he/she was unable to report a change within the required ten (10) day period.

For active cases, a sanction begins the first of the following month.

#### 4. Promptness

When an applicant or recipient is more than 15 minutes late for a scheduled appointment, the applicant/recipient is responsible for re-scheduling the appointment. If the applicant/recipient fails to reschedule the appointment within 30 days of the date of the application or appointment the case will be denied or discontinued. Applicants or recipients may only reschedule an appointment once per occasion.

For application appointments, benefits will be issued according to General Assistance Regulations, Chapter IX, D, 5.

#### 5. Fraud Referrals

A referral to the Special Investigations Unit (SIU) will be made when an Intentional Program Violation is suspected (IPV). General Assistance will align its IPV definition with that of the CalFresh program.

If an IPV occurs, the individual will be disqualified from receiving GA benefits as follows:

- a) 1 year for 1<sup>st</sup> violation
- b) 2 years for 2<sup>nd</sup> violation
- c) Permanent disqualification for 3<sup>rd</sup> violation.

### **F. Reimbursement of General Assistance**

Prior to the authorization of assistance, all applicants shall sign a reimbursement agreement and lien. For sponsored non-citizens, the legal sponsor of a non-citizen shall be required to sign a General Assistance reimbursement agreement. The County is entitled to reimbursement for

General Assistance funds, from, but not limited to, earnings, Interim Assistance payments, worker's compensation settlements, tax refunds, insurance claims or other legal settlements.

Collectable accounts may be referred by Human Services to the County Collections Department. (Refer to W & I Code Chapter 5, Sections 17000 to 17409, Public Law 93-368, EAS Manual 46-337.1)

END SECTION



## **CHAPTER IV PERSONS ELIGIBLE FOR GENERAL ASSISTANCE**

Persons who are legal residents of Santa Cruz County, who are indigent in that they are incapacitated by age, disease, infirmity or physical impairment to the extent that such incapacity prevents seeking, accepting, or engaging in gainful employment or in that by circumstances at the time of application for aid, they are without the necessities of life and immediate means to provide them and who have income and resources below the standards established in these regulations may qualify for aid under the General Assistance Program of the County of Santa Cruz as provided below.

### ***A. Employable Persons***

1. An employable person is a person:

- a) who is able to work
- b) who is actively seeking work
- c) who is actively participating in a Family Reunification plan with Child Welfare Services (CWS) and complying fully with CWS requirements. Verified compliance with CWS requirements shall substitute for all GA required job searches. Compliance shall be verified in writing by CWS staff.
- d) who has not rejected an offer of work or terminated employment within 30 days of the date of application or while receiving General Assistance
- e) who is unemployed in that he/she is:
  - (1) not employed, or
  - (2) employed less than 100 hours per month.

2. Exclusions

A person is not considered employable if he/she is:

- a) Sixty-five (65) years of age or older.
- b) A caretaker whose presence in the home is required on a substantially continuous basis because of the illness or incapacity of another member of the household, as verified by a physician, and

there is no other reasonable means of caring for the disabled persons; or

- c) Incapacitated to the extent that all possible benefit from employment or training is precluded, as verified by a physician; or
- d) An unmarried minor child of an applicant or recipient, unless that child is 16 to 18 years old and is attending high school full-time or is in an approved training program.
- e) A caretaker of a child under six who is presently providing full-time care for the child with only brief and infrequent absences.
- f) Restricted to light work by a physical incapacity and he/she does not have the mental capacity and work background to perform light work.
- g)

## **B. Incapacitated Persons**

1. Applicants or recipients who claim full or partial inability to work based on one or more of the factors listed below will be referred for medical evaluation to determine their degree of employability. A medical evaluation clearly exempting an applicant or recipient from employment for a specific length of time must be provided by the applicant or recipient prior to granting continuing assistance on the basis of incapacity.

- a) Physical Disability - Evidence of physical disability shall consist of a health provider's statement as to the nature of disability and length of expected duration. A health provider includes a physician, a physician assistant, a nurse practitioner, a registered nurse, and a chiropractor. Temporary emergency assistance of a period not to exceed one month may be granted to a person with a visible physical impairment. If a statement of disability from a health provider does not include prognosis of the expected duration of incapacity, another statement of disability must be provided by the recipient within thirty (30) days in order to substantiate continued eligibility.
- b) Mental Incapacity - A person may be unemployable for reasons of mental incapacity if he/she is:
  - (1) An individual with intellectual disability, as evidenced by the results of currently accepted psychological testing.
  - (2) Mentally ill. A person declaring incapacity due to mental illness shall be referred to a mental health provider for evaluation prior

to the granting of continuing General Assistance. A mental health provider includes a psychiatrist, a psychologist, a mental health clinician, and a licensed marriage and family therapist. General Assistance may be granted for no more than two (2) months on the basis of a brief evaluation by a mental health provider prior to a psychiatric evaluation.

c) When multiple diagnoses are listed on the statement of disability form and one or more diagnosis is addiction or dependency to drugs and/or alcohol, the Benefits Representative shall make it a requirement on the GENERAL ASSISTANCE INCAPACITATED PERSON AGREEMENT (WEL 4043) that the applicant/recipient must attend three (3) AA/NA meetings each week and provide verification of attendance on a weekly basis. Failure to attend meetings and provide verification of attendance shall be the basis for denial or discontinuance of assistance.

d) Persons with a primary diagnosis of substance abuse will first be classified as an employable applicant or recipient and will be subject to the regulations outlined in Chapter V. Employment and Rehabilitation, General Assistance Regulations. Failure to meet the regulations outlined in Chapter V. Employment and Rehabilitation, General Assistance Regulations shall be a basis for denial or discontinuance. An individual may reapply and may be eligible for General Assistance as a temporarily incapacitated person based on an evaluation of incapacity due to substance abuse from a health provider at the time of reapplication or reinvestigation.

(1) Recipients with an incapacity due to substance abuse will be limited to 6 (six) cumulative months of assistance.

2. As a condition of initial and/or continuing eligibility, applicants and recipients must comply with the Human Services plan for self-sufficiency. Human Services will verbally and in writing explain the requirements of the plan. The plan for self-sufficiency is documented on the "General Assistance Incapacitated Person Agreement" and/or the "General Assistance Employable Person Agreement". The plan may include, but is not limited to:

a) Keep appointments with health and mental health providers and follow their instructions for recovery.

b) Apply for all potential income including state disability (SDI), supplemental security income (SSI) and workers compensation.

- c) Applicants and recipients who must apply for SSI as part of their plan self-sufficiency must also work cooperatively with the Human Services SSI Advocate if referred, or, provide verification that an attorney is assisting with their application.
  - d) Attend NA/AA meetings as assigned.
  - e) Work cooperatively with the Department of Vocational Rehabilitation (DVR) if referred.
3. For recipient noncompliance with the Human Services plan for self-sufficiency, no new financial assistance shall be granted from the effective date of discontinuance for the sanction period set forth in Chapter IV, B, 4.
4. Sanction Period for Noncompliance with Human Services Plan For Self-Sufficiency

For recipient noncompliance with Human Services plan for self-sufficiency without good cause, a recipient and the General Assistance household of such recipient shall be sanctioned from receiving General Assistance for the period described below:

- a) First incident of noncompliance, 1 month.
- b) Second incident of noncompliance, 3 months.
- c) Third and subsequent incidents of noncompliance, 6 months each.
- d) Good cause for failure to comply with the Human Services plan for independence exists when:
  - (1) The individual was verifiably ill.
  - (2) The individual is able to verify that due to circumstances beyond his/her control he/she was unable to comply with the requirements of the plan.

### **C. Minors**

Minors are defined as unmarried persons under 18 years of age.

- 1. If a minor is living at home, he/she is not eligible for General Assistance except as a member of a family receiving General Assistance.
- 2. Any minor not living at home shall only be eligible for General Assistance if:

- a) The minor's parents live in Santa Cruz County and sign a reimbursement agreement. If the parents have signed a reimbursement agreement, then the minor must be actively seeking full-time permanent employment. All minors under 18 years of age shall be referred to the Protective Services Unit for appropriate social services, or
- b) The minor meets the following criteria:
  - (1) He/she is emancipated in accordance with the provisions of the Emancipation of Minors Act, Civil Code Sections 60 to 70; and
  - (2) He/she is 16 or older and under 18; and
    - (a) Has graduated from high school; or
    - (b) Has successfully demonstrated proficiency equal to or greater than standards published by the Department of Education, as specified in Education Code Section 48412; or
    - (c) Has been disqualified from attendance at special continuation classes because of physical or mental condition as specified in Education Code Section 48410.
3. Welfare and Institutions Code Section 17102 shall be strictly applied to every minor who is not emancipated in accordance with the Emancipation of Minors Act.

It reads as follows: "The residence of an unmarried minor child is the residence of the parent or parents with whom a child maintains his or her place of abode or of the parent who has legal custody of the minor. The residence of an orphan is that of the last deceased person who had his or her custody. The residence of a dependent child who has been declared free from the custody and control of his or her parent or parents, by order of the juvenile court, is not changed by change of residence of the parent or parents. The provisions of this section apply to the extent not in conflict with federal law."

#### **D. Students**

A student age 16 to 18 may be eligible as a dependent child in an eligible General Assistance household. Students 18 years of age or older who are otherwise employable are not considered to be available for full-time permanent employment and are not eligible for General Assistance. Availability for employment prior to enrollment or between terms is not availability for permanent full-time employment. Students should be

counseled to inquire into available loan and grant resources through their schools.

### **E. Stepparents, Related Children and Adults**

Stepparents, related children and adults, all members of a CalWORKs household or a potential CalWORKs household, shall be referred for CalWORKs eligibility screening prior to making an application for General Assistance.

### **F. Noncitizens**

Noncitizens may be determined to be eligible for General Assistance either as non-sponsored noncitizens or as sponsored noncitizens. Regardless of their entry, GA shall not be authorized until citizenship and sponsorship status is verified. Only noncitizens lawfully admitted to the U.S. under color of law may be eligible for General Assistance. Noncitizens permanently residing in the U.S. under color of law include:

1. Noncitizens lawfully present in the U.S. as a result of the application of the following provisions of the Immigration and Nationality Act.
  - a) Section 207(c), after March 31, 1980- Noncitizens Admitted as Refugees.
  - b) Section 208- Noncitizens Granted Political Asylum by the Attorney General.
  - c) Section 212(d) (5)- Noncitizens Granted Temporary Parole Status by the Attorney General.
2. Noncitizens granted status as Conditional Entrant Refugees pursuant to Section 203(a) (7) of the Immigration and Nationality Act in effect prior to April 1, 1980.
  - a) Noncitizens granted indefinite voluntary departure in lieu of deportation.
  - b) Noncitizens granted an indefinite stay of deportation.

Documentation of legal noncitizen status must be provided by each noncitizen applicant prior to granting General Assistance.  
Documentation of noncitizen status will be required as follows:

- (1) Noncitizens lawfully admitted for permanent residence: INS Form I-551, or earlier forms I-151, AR-3a, if specifically endorsed to show legal right to reside permanently.
  - (2) Noncitizens granted asylum or refugee status: INS Form I-94, annotated with the term asylee, refugee or conditional entry or entrant.
  - (3) Parolees: INS Form I-94 (Arrival-Departure Record - Parole Edition) endorsed to show bearer has been paroled in the U.S. pursuant to Section 212 (d) (5) of the Immigration and Nationality Act.
- c) Persons granted indefinite voluntary departure or an indefinite stay of deportation. A court order or correspondence from the U.S. Citizenship and Immigration Services (formerly "INS") stating that the individual has been granted this status.

Documentation which appears to be of doubtful authenticity must be substantiated by the Benefits Representative through contact with the U.S. Citizenship and Immigration Services (formerly "INS"). Any noncitizen applicant who refuses to cooperate in the verification of his/her current noncitizen status is not eligible for General Assistance.

### **G. *Ineligible by State Law***

Effective January 1, 1998, the following individuals will be ineligible for General Assistance by state law:

1. Those who are fleeing to avoid prosecution for, or imprisonment after being convicted of a felony crime, or who are violating a condition of parole or probation. (AB 1542, Chapter 270, Statutes of 1997)
2. Pursuant to Welfare and Institutions Code Section 17020; any person eligible for and/or in receipt of CalWORKs is ineligible for General Assistance whenever the County's General Assistance maximum payment level exceeds the CalWORKs payment level.
3. Those who are ineligible for CalWORKs due to time limits and whose youngest child is under the age of 18, whether or not currently living in the home with the individual. (AB 1008, Chapter 283, Statutes of 1997; SB72 (2011))

4. Any individual who is receiving aid under Chapter 2 (commencing with Section 11200) of Part 3 on behalf of an eligible child, but who is either ineligible for aid or whose needs are not otherwise taken into account in determining the amount of aid to the family pursuant to Section 11450 due to the imposition of a sanction or penalty, shall not be eligible for aid or assistance under this part. (AB 1542, Chapter 283, Statutes of 1997)

***H. Other Ineligibles***

Individuals who are currently serving a General Assistance sanction in Santa Cruz County or any other county.

END SECTION



## CHAPTER V EMPLOYMENT AND REHABILITATION

### A. *Employable Persons*

1. As a condition of initial and/or continuing eligibility, recipients must comply with the Human Services plan for self-sufficiency. Human Services will verbally and in writing explain the requirements of the plan. The plan for self-sufficiency is documented on the "General Assistance Incapacitated Person Agreement" and/or the "General Assistance Employable Person Agreement". The plan may include, but is not limited to:

a) An employable person applying for or receiving General Assistance is required to accept a definite offer of reasonable employment.

b) Each employable recipient must enroll in CalJOBS with the Employment Development Department (EDD) at the time of application or at the time he/she becomes employable. Every employable person must be actively seeking work and must be available to all existing employment throughout Santa Cruz County. Employable persons may apply for work in surrounding counties.

c) It is the joint responsibility of the recipient and Human Services to conduct a job search aimed at locating employment and/or job training. Each recipient is required to report to Human Services for employment and job search counseling. Human Services shall take an active role in locating suitable employment and/or job training and will coordinate efforts with other public agencies aimed at increasing job potentials for General Assistance recipients.

(1) If referred to job training activities, attendance and appropriate conduct will be monitored as a condition of participation.

d) County Work Program (CWP): All employable persons shall be required to accept and complete work assignments to the County Work Program (CWP). Each eligible employable person shall be required to work off the total value of General Assistance received of a maximum of 100 hours per month, whichever is less.

(1) Total value of General Assistance will be computed by dividing the amount of aid received by the minimum wage rate, the quotient being the number of hours the recipient will be required to work, if less than 100 hours. A recipient is required to report to

his/her CWP assignment on the date specified on the notification of assignment.

- (2) The second employable parent of a dependent child who is attending elementary school may be assigned a proportionally reduced CWP assignment and job search based on the number of hours of the work day the child/ren normally attend(s) school if no other adequate child care is available after school.

**B. Sanction Period for Failure to Comply With Human Services Plan For Self-Sufficiency**

1. For noncompliance with Human Services plan for self-sufficiency without good cause, a recipient and the General Assistance household of such recipient shall be sanctioned from receiving General Assistance for the period described below.
  - a) First incidence of noncompliance, 1 month.
  - b) Second incidence of noncompliance, 3 months.
  - c) Third and subsequent incidence of noncompliance, 6 months.

**C. Good Cause For Noncompliance With Employable Person Requirements**

1. Good cause for failure to accept employment, to conduct a job search, to report weekly, to report to or complete the CWP assignment, must be reported to the assigned Human Services worker within three (3) working days of the date such failure occurs.
2. Good cause for refusal or termination of employment exists when:
  - a) The employment violated applicable health and safety laws and regulation, and applicable unemployment and workers compensation laws.
  - b) The wage offered for the employment was less than the applicable State or Federal minimum wage.
  - c) The job was available due to a bonafide strike or lockout.
  - d) The employment has been verified by a health or mental health provider to be in excess of the individual's physical or mental capacity.

- e) The individual was verifiably ill or was required to care for a verifiably ill member of the immediate family and no other reasonable means of care was available.
  - f) The individual was laid off due to lack of work or circumstances beyond their control.
3. Good cause for failure to accept a CWP assignment or to complete CWP hours exist if:
- a) The employment violated applicable health and safety laws and regulations, and applicable unemployment and workers compensation laws.
  - b) The job was available due directly to a bonafide strike or lockout.
  - c) The assignment has been verified by a physician or psychiatrist to be in excess of the individual's physical or mental capacity.
  - d) The individual was verifiably ill or required to care for a verifiably ill member of the immediate family and no other arrangements were available.
  - e) Adequate day care for a minor child has become unavailable through no fault of the recipient.
4. Good cause for failure to conduct a job search and/or to report to Human Services exists if:
- a) The individual was verifiably ill or required to care for a verifiably ill member of the immediate family and no other arrangements were available.
  - b) Adequate day care for a minor child has become unavailable though no fault of the applicant or recipient.

END SECTION

## CHAPTER VI RESIDENCE

### ***A. Residency Requirements***

An applicant or recipient shall be a lawful resident of the State of California and the County of Santa Cruz to be eligible for General Assistance (Welfare and Institutions Code 17100). Residency is established by confirming physical presence at a locale within the county for at least fifteen calendar days prior to the date of application, and intent to remain in Santa Cruz County. Physical presence may be confirmed through the application of B. or C. of this section. All applicants must provide a form of identification.

### ***B. Confirming Physical Presence: Applicants/Recipients with a Fixed Address***

The applicant/recipient is required to supply verification of a fixed residential address in Santa Cruz County. Such verification shall be:

1. A written statement from the applicant/recipient's landlord, or any other person with authority to grant permission to dwell in or on private property; or
2. Rent receipts or utility bills (e.g., PG&E, telephone, water) in the applicant/recipient's name for a Santa Cruz County address for a period ending within the past 30 days; or
3. Mortgage payment book or receipt; or
4. Any primary identification document issued within the last twelve (12) months which shows a printed Santa Cruz County address; or
5. Any other combination of documents which provide a preponderance of evidence verifying that the applicant/recipient has a residence in Santa Cruz County.

### ***C. Confirming Physical Presence: Applicants/Recipients without a Fixed Address***

Applicants/recipients without a fixed residential address shall provide verification of continued physical presence at some location within Santa Cruz County. Applicants/recipients must submit the following verification:

1. Identification on a map of Santa Cruz County of the precise location where the applicant/recipient resides; and
2. Applicants/recipients must also provide at least one of the following:
  - a) Verification that the applicant/recipient was a public assistance recipient in Santa Cruz County within the last three months;
  - b) Verification from a probation or parole agent which states that the applicant/recipient is restricted to Santa Cruz County as a condition of probation or parole;
  - c) Acceptable written verification from an established social service agency that the applicant/recipient is currently residing in Santa Cruz County and receiving services from that agency in Santa Cruz County;
  - d) A statement in writing from another local or state governmental entity that the applicant/recipient is currently residing in Santa Cruz County;
  - e) Oral or written confirmation of the applicant's/recipients ongoing physical presence in Santa Cruz County by a person with authority to grant permission to dwell in or on private property;
  - f) Mail addressed and delivered to the applicant/recipient at a residential address in Santa Cruz County within the last 30 days;
  - g) Evidence of the establishment and maintenance of a post office box located in Santa Cruz County;
  - h) A voting registration card indicating residence in Santa Cruz County;
  - i) A driver's license indicating residence in Santa Cruz County;
  - j) Any combination of documents and/or statements which provide a preponderance of evidence verifying that the applicant/recipient has continued physical presence in Santa Cruz County.

**D. *Intent to Permanently Reside***

An applicant for General Assistance establishes intent to permanently reside at the place where he/she is living if he/she has no intention of presently leaving. (Welfare and Institutions Code 17101).

1. Factors to be considered when evaluating an applicant's intent to permanently reside in Santa Cruz County may include:
  - a) The applicant's last out-of-county address
  - b) Length of time the applicant lived at the last out-of-county address
  - c) When the applicant arrived in California
  - d) When the applicant arrived in Santa Cruz County
  - e) Reason for the applicant's presence in Santa Cruz County
  - f) Length of time the applicant expects to live in Santa Cruz County
  - g) Living arrangements in Santa Cruz County
  - h) Whether the applicant, if employable, has sought employment locally
  - i) Location of the applicant's personal property
  - j) Whether the applicant owns or is renting a place of residence outside of Santa Cruz County
  - k) Whether the applicant is registered to vote in Santa Cruz County or another county
  
2. Persons incapable of changing residence - The intent to permanently reside in Santa Cruz County implies the legally recognized ability to make a choice. A person without such ability with regard to his/her place of residence cannot by his/her own intent establish residence. This applies to the following persons:
  - a) Persons deprived by court action of freedom of movement - A person on probation or parole may not by intent establish his/her residence in Santa Cruz County if required by law or the terms of his/her parole to be elsewhere. The residence of a person deprived by court action of freedom of movement remains the same as at the time of court action, except as it may be ordered changed by court action.
  - b) Persons for whom a court has appointed a guardian or conservator - The place of residence for a person for whom there is a court-appointed guardian or conservator of the person is the county of residence at the time of the court action. Such place of residence

may only be changed by decision of the guardian or conservator accompanied by removal of the ward or conservatee to another place.

**E. *Prior Verifiable Address***

If the applicant has been evicted within the last 30 days prior to date of application or is in the process of moving within the County, his/her prior verifiable address in Santa Cruz County will be used to determine place of residence.

**F. *Notation in the Case Record***

The case record shall contain a statement of how the applicant established his/her place of residence and his/her intent to reside in Santa Cruz County.

**G. *Verifiable Residence Outside Santa Cruz County***

If the applicant does not meet the residency requirements listed in Chapter VI Part A and Part B of these regulations and has a verifiable residence elsewhere in the United States, Human Services shall make every effort to complete arrangements for the applicant's return thereto.

END SECTION

## **CHAPTER VII PROPERTY - REAL AND PERSONAL**

### ***A. Real Property***

1. An applicant or recipient shall not receive assistance, if such person, spouse, or household owns real property, the combined full cash of which, as determined by the county assessor, exceeds \$25,000 after deduction of encumbrances of record.

2. Property not the client's home

If an applicant owns property other than that occupied as a home, such property must be utilized as a resource from the date a lien is secured. Utilization shall be defined as sale of the property at its fair market value or rental of the property at the rate sufficient to produce a net income of 6% of the fair market value per year.

3. Transfer of property

A person or persons who have made an assignment or transfer of real property within the three previous months of the application date for the purpose of qualifying for assistance shall not be eligible for assistance. The period of ineligibility shall be the length of time in which the value of the property could have provided a level of support consistent with the maximum grant level for General Assistance for the person or household.

### ***B. Personal Property***

1. Maximum Limits

An applicant, recipient, or household is ineligible for General Assistance if the total value of his/her/their personal property exceeds the following limitations.

- a) Liquid Assets: The total value of personal property consisting of liquid assets, readily negotiable items and cash, shall not exceed \$300.00 per household or \$200.00 per individual.
- b) Insurance: The total negotiable value of an insurance policy or policies shall not exceed \$200.00 per household or \$100.00 per individual. The cash surrender value or insurance is exclusive of the liquid assets maximum and is to be computed separately.



c) Motor Vehicles: The total value of a single motor vehicle of an applicant or recipient shall not exceed \$4,650 above encumbrances of record. The value of a motor vehicle is determined by the wholesale value quoted in the current Kelly Blue Book or by the value as estimated by one automobile dealer. No single applicant or recipient shall own more than one motor vehicle. A household may own motor vehicles equal to the number of persons who are employable and actively seeking employment, provided that the value of no vehicle exceeds \$4,650 above encumbrances of record.

d) Other Personal Property: The total value of other personal property shall not exceed \$200.00 per household or \$100.00 per individual.

2. Property Exempt from Limitations:

a) The value of essential household furniture and equipment, personal effects, wedding and engagement rings, and family heirlooms is exempt from the personal property limitation.

b) The value of tools, supplies, equipment, vehicles and other items which are determined by Human Services to be an essential part of a program of rehabilitation or of a program to assist in the maintenance and self support of an applicant or recipient may be retained and exempted from the personal property limitations pursuant to W & I Code 17111.

c) One burial plot per person will be exempt from the personal property limitations.

3. Ineligibility Due to Transfer of Property

A person or persons who have made an assignment or transfer of personal property within the three previous months of the application date for the purpose of qualifying for assistance shall not be eligible for assistance. The period of ineligibility shall be the length of time in which the value of the property could have provided a level of support consistent with the maximum grant level for General Assistance for that person or household.

**C. Liens**

Liens are to be secured on all real property, both in and out of the State, belonging to persons who are applying for and receiving General Assistance regardless of the assessed valuation of the property. If the applicant or recipient refuses to sign a lien and repayment agreement, or a collateral

assignment of insurance policy, no aid shall be granted, however, temporary assistance may be granted pending the filing of the lien.

In all cases in which a lien is taken on a person's real property, Human Services shall explain to the person that the lien will be exercised only upon transfer or sale of the property or at the death of the person. Human Services shall also explain that the lien can only be released upon payment of the total debt and that the recipient(s) must petition the County Clerk's Office for final release of the lien.

END SECTION

## **CHAPTER VIII INCOME**

### ***A. Total Budgetary Need***

All net monthly income, in cash or in-kind, received or anticipated by an applicant, recipient, or household shall be verified and deducted from the person's or household's total budgetary need to determine eligibility and grant amount. All net income shall be deducted from the current month's total budgetary need except that, if the current month's grant has been issued already, the income shall be deducted from the future month's total budgetary need.

Income includes all earnings, self-employment, alimony, child support, social security, SSI/SSP, unemployment benefits, state disability, workers compensation, gifts, contributions, loans, student financial aid, retirement and credit card purchases. Net income is gross income minus mandatory deductions.

### ***B. Determining Eligibility***

The total net income of individuals, or households, shall be utilized in determining eligibility for assistance. If the total net income exceeds the General Assistance budgetary need, no eligibility exists. The total General Assistance budgetary need shall be based on the basic needs of food, shelter and personal needs.

### ***C. Income Reporting***

All gross income, in cash or in-kind, must be reported by the applicant or recipient to the Benefits Representative within ten (10) days of the date of the receipt. In addition, each recipient shall file a report of income and changed circumstances monthly by the fifth working day of the month. See also Chapter III, Section E1.

### ***D. Excluded Income***

Federal Energy Assistance payments including HEAP, renter's credit, prisoner release money, mileage reimbursement and the allowance for training expenses paid to recipients participating in the Department of Rehabilitation training programs or WIA shall be exempt from consideration as income in determining eligibility for General Assistance payments.

### **E. *Lump Sum Income***

Lump sum income is any income that is anticipated or received by a General Assistance applicant or recipient which is non-recurring in regard to amount or source. The number of months that the General Assistance individual or household is ineligible for an aid payment due to the receipt or anticipated receipt of the lump sum income is determined by dividing the total lump sum plus any other net non-exempt income received or projected in the budget month by the General Assistance needs standard for the individual or household. The resulting whole number is the number of months of ineligibility for General Assistance. If there is a remainder from the division, the remainder shall be counted as income in the month following the end of the period of ineligibility.

If the General Assistance individual or household reapplies for General Assistance before the number of months of ineligibility has expired, documentation of how the money was spent will be required and reasonable and necessary expenses for food, clothing, shelter, transportation, medical expenses, legal fees and employment enhancement will be allowed.

END SECTION

## **CHAPTER IX STANDARD OF NEED AND AID PAYMENTS**

### ***A. Single Person***

A single person means an individual, who is economically independent, living alone or in a shared housing arrangement. Separate household status shall not be granted to parents living with their natural, adopted or step children, or children living with their natural, adopted, or stepparents, if the child is 18 years of age and under the age of 22. A person residing in a licensed residential care facility shall be considered a single person.

NOTE: A residential care facility or boarding home must be licensed in order to receive General Assistance room and board payments. Payments to such facilities shall be made in amounts which reflect the duration of the recipient's stay and the level of the service provided.

### ***B. Household***

1. A household means a family unit or couple living together in one dwelling unit.
2. A family unit is defined as two or more persons of the relationship of father, mother, son, daughter, grandmother, grandfather, brother, sister, stepfather, stepmother, stepsister, stepbrother, uncle, aunt, first cousin, nephew, or niece, who live together in the same dwelling and share resources and expenses. An unborn will not be considered as a household member until it is born.
3. A couple is defined as two persons paired together and commingling moneys, resources and expenses, clearly distinguished from two single persons simply sharing housing, or one person being furnished room and board by another. If one person is receiving SSI, the other will be treated as a single person in a shared living situation.
4. A household may also be defined as more than two people living together and commingling moneys and expenses clearly distinguished from more than two single persons simply sharing housing.
5. In order to receive General Assistance all household members must meet the eligibility requirements in these regulations.

**C. General Assistance Budget**

1. The maximum grant level is the maximum amount of assistance which is available to provide a general assistance person or household with the following:
  - a) Shelter including utilities and basic telephone cost (as owed up to the maximum)
  - b) Food
  - c) Personal needs including clothing and transportation
2. The monthly budget will be computed using the following figures.

Household Size	Shelter, Utilities, And Basic Telephone (as owed, up to)	Food	Personal Needs	Maximum Grant \$
1	229	78	85	392
2	317	187	141	645
3	328	303	168	799
4	390	343	216	949
5	445	382	253	1080
6	468	459	287	1214

For households over 6 persons the increase in food and personal needs for each additional person will be \$38.00 per person.

3. Persons residing in a board and care or residential care facility will have their budgets computed as follows:

a) Residential Care Facility - Single individual:

Room, board and care as owed up to	\$490.00
Personal needs	<u>40.00</u>
Maximum Grant	\$530.00

4. Alcoholic Recovery House - Single individual:

Room, board and care as owed up to	\$338.00
Personal needs	<u>40.00</u>
Maximum Grant	\$378.00

#### **D. Other Budget Provisions**

1. Taxes - Provisions may be made for payment of property taxes on the home of a recipient.
2. Exceeding Maximum - In an emergency, such as an imminent foreclosure, Human Services may provide the homeowner recipient the total amount of the monthly property payment due.
3. Special rent ceiling in emergencies - In extraordinary instances requiring location and negotiation of emergency housing, it will be department policy to follow the same principles used in emergency foster home placement. Benefit Representatives may negotiate for emergency housing at a rate not to exceed \$19.00 per night for a period not to exceed seven (7) days.
4. Shelter Costs - Budget computation will include current monthly shelter costs, including utilities, as owed, up to the maximum budgeted amount. Basic telephone cost is included as a utility expense. If the applicant/recipient has shelter costs (including utilities) higher than the maximum allowed, the food budget may be used in part or in full, towards the shelter expense.
  - a) Reimbursement for temporary motel lodging for homeless recipients will be made under the following conditions: motel was in Santa Cruz County; the payment for lodging was made with the GA aid payment and is based on the recipient's portion of the lodging amount. Reimbursement will not exceed the grant amount for housed individuals.
5. The General Assistance grant shall be computed from (1) either the date of application, if processing is completed and assistance is granted during the month of application, or (2) the first of the month following the date of application, provided that all eligibility requirements are met.
6. Amount of Aid - If the amount of aid the applicant/recipient is determined to be eligible for is less than ten dollars (\$10.00) no payment shall be made for that month.
7. Transportation for Return to Residence - The cost of transportation necessary to return a non-resident(s) to his/her/their place of legal residence shall be provided on a one-time only basis. Human Services shall make arrangements for return to residence with a transportation provider. The reasonable cost of meals not to exceed \$14.00 per day per

person while traveling, Noches may be provided if needed, in addition to the cost of the transportation.

8. Unbudgeted Special Needs - Payment for unbudgeted special needs may be provided in unusual or emergency circumstances with the approval of the Director or his/her designee if the applicant, recipient, or household has no other means to provide for such needs. An example of such a special need would be a uniform or supplies necessary to accept an offer to meet this need.

9. Bus Pass(es) - Transit bus pass(es) will be available to applicants or recipients who are in need of transportation and are unable to meet this need. Bus passes will be given only for activities related to the plan for self-sufficiency and as available.

10. Pregnancy Special Need - A special allowance of \$48.00 per month will be granted to a pregnant woman who is receiving General Assistance.

11. Advanced Personal Needs - In order to increase the employability of eligible applicants and to enhance the effectiveness of Job Search Procedures, each eligible employable applicant shall be granted for personal needs, an amount from \$10.00 minimum up to the monthly maximum for Personal Needs. Advanced personal needs will be prorated from the date of application. If the prorated amount is less than \$10.00, \$10.00 in cash benefits will be issued. Advanced personal needs may be issued prior to verification of eligibility. Advance Personal Needs Grants shall be granted to General Assistance employable applicants who:

- a) Have less than \$10.00 cash income in the month of application.
- b) Have less in liquid resources than the amount of Advance Personal Needs to which he/she would be entitled.
- c) Have not failed without good cause to complete job search requirements on a prior application, after having received an advance personal needs grant. Advanced personal needs will be issued within three days of date of application.

END SECTION



## **CHAPTER X    RESPONSIBILITY OF RELATIVES**

### ***A. Legally Responsible Relatives***

For the purpose of General Assistance, legally responsible relatives are:

1. the spouse of an applicant,
2. the recipient and the parent(s) of a minor child who is not already emancipated pursuant to Civil Code Section 60, et seq., and who is an applicant or recipient,
3. the legal sponsor of a non-citizen applicant/recipient. A legal sponsor of a non-citizen applicant/recipient shall only be financially responsible during the period of time which sponsor has agreed, in writing, to provide for the non-citizen.

### ***B. Investigation of Relative's Financial Ability***

Human Services will investigate the financial ability of the responsible relative to support or contribute to the support of the applicant or recipient.

A financial inquiry shall be mailed to all responsible relatives, both in and out of the state. A responsible relative's contribution shall be computed in accordance with guidelines established by Human Services.

### ***C. Failure to Cooperate***

Cases in which relatives fail to cooperate shall be referred by Human Services to the District Attorney for proper action.

END SECTION

## **CHAPTER XI HEARING PROCEDURE FOR APPLICANTS AND RECIPIENTS OF GENERAL ASSISTANCE**

### ***A. Notice of Action; Right of Hearing; Time to Appeal***

Human Services shall give written notice to the applicant, recipient, or authorized representative of all actions granting, denying, discontinuing or decreasing General Assistance. Notices of Action shall cite applicable General Assistance regulations supporting the proposed action. The applicant, recipient, or authorized representative has a right to appeal and to have a hearing with respect to any such proposed action. The notice of action shall inform the applicant, recipient, or authorized representative of the method for filing an appeal. The applicant, recipient, or authorized representative may appeal the written proposed action, within thirty (30) calendar days of the postmarked date, or the date of hand delivery with signed receipt, of the notification of such proposed action. When the recipient files a request for a Fair Hearing prior to the effective date of the Notice of Action, aid shall be continued in the amount that the recipient would have been paid if the proposed action were not to be taken, pending the Fair Hearing. If the applicant or recipient has a Court Appointed Guardian, the appeal must be filed by the Guardian of Record.

### ***B. Prior Notice; Exception; Discontinuance Request***

Human Services shall notify the recipient by the notice postmarked, or hand delivered with signed receipt, at least ten (10) calendar days prior to the effective date of the proposed action to discontinue or decrease assistance unless the recipient waives his/her right of ten (10) days prior notice in writing. The written request for discontinuance or decrease shall contain the reason for the request and should state that the recipient knows that he/she has the right to a hearing and voluntarily gives up these rights and the right to applicable continued aid.

There is to be no continuing aid paid pending the hearing and/or decision if the issue is one of law or of County regulations. A continuing aid paid pending decision shall be rendered by the Administrative Law Judge at the conclusion of the General Assistance Fair Hearing. If aid paid pending is approved, the recipient must continue to meet their General Assistance plan for self-sufficiency and other program regulations.

### ***C. Hearing Rights***

The applicant or recipient shall be advised in writing of his/her right to an informal conference, to obtain counsel or other representation for his/her hearing, to review all pertinent case records, to interview workers in a conference in advance of the hearing, to present testimony on his/her behalf, and to cross-examine witnesses.

### ***D. Impartial Administrative Law Judge***

Human Services shall provide an Administrative Law Judge who has not been involved in any way in the determination to deny, decrease or discontinue aid. The decision shall be in writing and shall be based solely on the evidence, including the case record, presented at the hearing; and it shall be in accordance with this title, the law and the regulations. The Administrative Law Judge shall not present the Agency's case.

### ***E. Determination of Law and Fact; Aid Continued***

In the case of a decrease or discontinuance, the Administrative Law Judge will review the recipient's notice of action prior to the date of the hearing and will determine whether the dispute involves law, a County regulation, or a fact. If the issue relates to a dispute of the facts, the Administrative Law Judge will notify the worker to continue aid pending the hearing decision, unless the recipient has died, entered a medical or penal institution, left the country, or his/her current whereabouts are unknown.

There is no aid paid pending the decision on emergency assistance granted (including \$10.00 special advance payment).

### ***F. Schedule for Hearings; Extension; Time for Submission of Decision to Director***

Unless the applicant or recipient, for good reason, requests an extension of the time and the Human Services Director approves the setting of a new time, the hearing shall be scheduled not later than twenty-one (21) working days after the request for hearing is received. If an applicant or recipient or his/her representative fails to appear at a scheduled fair hearing or fails to submit written evidence timely for the fair hearing, the fairing hearing claim will be dismissed. The Administrative Law Judge shall submit a written decision to the Director, not later than sixty (60) working days following the receipt of the request for a hearing.

**G. *Written Decision; Adoption by Director***

The decision shall be in writing and shall be final when adopted by the Director. The Director shall act upon the decision within ten (10) working days of the date of the decision and may accept, reject, or modify the decision, or return the case for further hearing.

END REGULATION

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