



# CCWRO Welfare News

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## In Brief

✓ On June 3, 2016, Monica Kline from Santa Cruz County asked DSS whether a previous child support non-cooperation penalty of a CalWORKs applicant months or years ago, still stands. Santa Cruz county correctly pointed out that it is "...our understanding the penalty is nullified when the case is discontinued." However, DSS's response was that if the custodial parent (CP) (the CalWORKs applicant) did not cooperate while he or she was not receiving CalWORKs for months or years, then "...the penalty continues until the CP cooperates..." What if the absent parent is dead? Who cares? Imposing penalties is the primary mission of the CalWORKs program. This is an underground rule as there is no statute that allows for a penalty on an applicant for something that happened months or years ago.

✓ Patty Carson of San Bernardino County asked DSS if CalWORKs recipients did a property sale agreement by transferring a house worth \$35,000 and in return agreed to accept a monthly payment of \$600 a month, is the \$600 treated as income or property? DSS responded that according to MPP§44-113.1(c), the monthly \$600 payments "...represent the conversion of property from real to personal and should be treated as a resource, not income." (PI#15-47)

✓ Paul Lau of Contra Costa County asked DSS if DSS would reimburse the county for buying guns and training that costs \$8,000 per Contra Costa County welfare fraud employee. Neil Stahl of DSS correctly answered that DSS does not reimburse the county for training and buying gun expenses. Those costs are covered by the block grant that the county gets from the State to operate their CalWORKs and CalFresh program.

✓ San Mateo County is considering doing CalWORKs annual redeterminations by telephone as they do for CalFresh. They contacted DSS to find out if they could do it. Tim Lawless of DSS stated that Napa County and San Bernardino are already doing CalWORKs annual redeterminations by telephone per a 2009 DSS policy interpretation. The Welfare and Institution Code only required a face-to-face interview for the application and not the CalWORKs annual redetermination. Effective January 1, 2017, SB 947 would allow counties to do telephonic application interviews.

## The Average CalWORKs Family Lives In Deep Poverty

The California Legislative Analyst office published their annual analysis of the 2016-2017 enacted State budget. The report states that the monthly CalWORKs benefit for a family of three is \$704 and that they get \$502 in food stamps. The report does not reveal that this only applies to less than 50% of the cases. In the real world, the average CalWORKs grant is actually \$501 a month, not \$704 a month. The average CalFresh household actually only receives \$303 a month in food stamps, not \$502 a month. It is important not to mislead the public into thinking that CalWORKs families are receiving \$502 a month in food stamps when no CalWORKs family of 3 will ever get \$502 in food stamps because that is the maximum that is allowed for a household/family of three who has zero income. So you can't have it both ways. Table #1 below reveals the actual monthly benefit received by CalWORKs families based on average amounts received by CalWORKs and CalFresh recipients in the 2016-2017 Governor's budget documents.

**TABLE # 1 - Monthly Maximum CalWORKs and CalFresh Benefits v. Average Monthly Benefits**

2015-2016	Maximum Monthly Benefit	Average Monthly Benefit	Difference
CalWORKs (CW) Grant	\$704	\$514	\$190
CalFresh (CF) Grant	\$502	\$303	\$200
TOTAL	\$1,206	\$817	\$389
CW Grant as percent of Federal Financial Poverty Level	42%	31%	11%
CW & CF Grant as percent of Federal Financial Poverty Level	72%	42%	30%

## Treasury Offset Program (TOP) for CalFresh to be changed

### CURRENT PROCESS

1. Currently, States refer SNAP recipient debts to TOP when they are a minimum of 180 days delinquent. Delinquency is calculated from the date in the demand letter (initial debt notice). The debt becomes delinquent, based on State requirements, 1-30 days “past the due date in the demand letter”
2. Debtors are advised to contact the State agency to pay in full or enter into a repayment agreement within the 10-30 day timeframe established by the State. Simultaneously, debtors have 90 days from the date of the demand letter to request a fair hearing. If the State receives a fair hearing request from the debtor, the clock stops until a post hearing decision has been reached. A new due date for repayment is assigned following hearing.
3. Once a debt is a least 90 days delinquent, the State submits an address request for the SNAP recipient’s debtors to FNS. Once a month, FNS requests and receives addresses from the Treasury or the FNS data broker of these debtors identified and returns the addresses to the State. It takes FNS approximately three weeks to send and receive addresses from Treasury and the data broker. FNS uses the data broker for debtor addresses that Treasury cannot provide.
4. If a debtor does not repay the debt, enter into a repayment agreement or request a hearing, the State sends out a TOP notice to the debtor when the debt is a least 150 days delinquent.
5. The debtor has 60 days from the date of the TOP notice to: inspect and request a copy of their records related to their debt, enter into a repayment agreement, or request a State review of the intended TOP collection action.
6. If a debtor does not repay the debt, enter into a repayment agreement or request a hearing, the State prepares and sends files to FNS with debts to be referred to TOP when they are at least 180 days delinquent.
7. Once a debt is at least 180 days delinquent, FNS performs edit checks on the files sent by States to FNS and then consolidates the State files into FNS files to send to Treasury on a weekly basis.

### NEW STATE PROCESS TO BE IMPLEMENTED BY STATES NO LATER THAN NOVEMBER 30, 2016

1. The new practice will require States to refer SNAP recipient debts to TOP when they are a minimum of 120 days delinquent. As is the current practice, the State sends out demand letter (initial debt notice) at 0-1 days delinquent.
  2. In the demand letter, debtors are advised to contact the State agency to pay in full or enter into a repayment agreement, with the 10-30 day time frame established by the State. Simultaneously, debtors have 90 days from the date of the demand letter to request a fair hearing. If the State receives a fair hearing request from the debtor, the repayment is assigned following the hearing.
  3. After the demand notice has been sent and 30 days has passed, the State shall request the address for all delinquent debts as early as one day delinquent, (ideally, the 31st day from the date in the demand letter). If the debtor has entered into a repayment agreement, paid the debt in full or requested a hearing then their debt would be ineligible for TOP referral at 120 days.
  4. The State sends out TOP notices to debtors who did not repay the debt, enter into a repayment agreement, or request a hearing. To allow the debtor to have the required 60 days’ notice before their debt is submitted to the Treasury Department it is recommended to send out the TOP notice-between the 31st and 45th day of delinquency.
  5. If a debtor does not repay the debt, enter into a repayment agreement or request a hearing the State prepares and sends files to FNS with debts to be referred to TOP when they are at least 110 days delinquent.
  6. Once a debt is at least 120 days delinquent FNS performs edit checks on the files sent by States to FNS and then consolidates the State files into FNS file to send to Treasury on a weekly basis.
- To move forward effectively and efficiently in submitting debts to TOP under the new regulations, States must implement these changes no later than November 30, 2016.*

*SOURCE: DSS and CWDA*

# Counties Continue to Fleece CalWORKs Families Living in Deep Poverty

Over 26 counties REFUSE to pay transportation to CalWORKs recipients who are required to participate in a Welfare-to-Work activity are not getting transportation while living on an average fixed income that is less than 34% of the federal poverty level.

We finally have data from the State Department of Social Services regarding WtW participation. Since April of 2015, Los Angeles and Solano counties have not been reporting data to DSS. DSS has not agreed to release data without Los Angeles and Solano County. We know that Los Angeles County is having multiple problems now that they have moved from LEADER to LEADER Replacement System (LRS). We do not know what the problem is with Solano County, a CalWIN county, since all CalWIN counties except for Solano are reporting.

The table #2 below reveals that counties continue to fleece CalWORKs WtW participants by not paying them for transportation supportive services based on the revised WtW 25 reports.

**CCWRO  
FACT**

**In October, 2016  
1.3 million SSI  
recipients lost \$124  
million in food stamps.**

**Annually, there's a \$1.5 billion loss of  
federal money for California's food  
insecure SSI recipients.**

**CCWRO  
FACT**

**What was taken  
from the CalWORKs  
program in the October, 2016  
state budget?  
Over \$158 million**

**TABLE # 2 - Source: August, 2016 WtW 25 Report**

Counties	Unduplicated Participants	Participants Getting Transportation	Percentage of Participants NOT Getting Transportation
Lake	163	17	90%
Inyo	24	4	83%
Santa Barbara	689	153	78%
Ventura	1,247	298	76%
Mendocino	206	51	75%
El Dorado	173	43	75%
Fresno	9,394	2,541	73%
Orange	4,756	1,314	72%
Modoc	14	4	71%
Merced	999	292	71%
San Mateo	420	133	68%
Contra Costa	1,953	666	66%
Trinity	34	12	65%
Shasta	409	147	64%
Siskiyou	94	34	64%
Butte	501	183	63%
Tulare	3,275	1,211	63%
Glenn	27	10	63%
Tehama	195	80	59%
Yolo	552	227	59%
Stanislaus	2,009	909	55%
San Joaquin	1,594	727	55%
Placer	413	190	54%
Tuolumne	64	30	53%
San Benito	51	24	53%
San Diego	8,910	4,205	53%



# CCWRO 2016 Legislative Report

**SB 947 – Pan (D) – Chapter 798** - On September 29, 2016, Governor Brown signed, SB 947 into law. SB 947 would give the counties the option to do electronic (also telephonic interview for CalWORKs just like they have been doing for CalFresh for several years. The bill is effective January 1, 2017. Many CalWORKs applicants in rural and urban areas face major financial challenges to get transportation and child care to go through the “face-to-face” interview required by current law. SB 947 would give the counties the option to do these interviews by phone to reduce the crowding of the local welfare offices. We are grateful that Senator Pan who agreed to author SB 946 sponsored by CCWRO, Jessica Bartholow of WCL&P and Catherine Senderling-McDonald of California Welfare Directors Association (CWDA) who also sponsored this bill in concert with CCWRO. We also want to thank Darin Walsh of Senator Pan’s office who was instrumental in the enactment of SB 947.

**SB 1339 Monning (D) - Chapter 801** - On September 29, 2016, Governor Brown signed, SB 1339 into law. AB 1339 would (1) require counties to start the intercounty transfer (ICT) process no matter which county it is reported to and, (2) would delete the face-to-face interview requirement for CalWORKs. The bill is effective June 1, 2017. Current law requires that a person moving from County “A” to County “B” report the change only to county “A”. Current law also requires that the county do a face-to-face interview for the CalWORKs program, but not for CalFresh or Medi-Cal program. We are grateful to Senator Monning (D) who agreed to author SB 1339, sponsored by United Way of California, Western Center on Law and Poverty and CCWRO. We also want to mention the hard work of Ryan Guillen from Senator Monning’s office and Elizabeth Landsberg of WCL&P.

**AB 1797 Lacker (R) & Weber (D)– Chapter 402** - On September 21, 2016, Governor Brown signed, AB 1797 into law. AB 1797 would require counties to provide the aged, disabled and blind, needing in home care, who apply for IHSS telephonically, be provided with a confirmation number of the application. The bill is effective January 1, 2017. Most, if not all, counties only accept IHSS applications by phone. Legal services field program staff expressed concern that some of their clients applied telephonically, yet the county denied that the telephonic application took place. In response to these concerns from field programs, in concert with them, this issue was raised with DSS requesting that they ask coun-

ties to give applicants a confirmation number. This was not done. We are grateful that Assembly Members Tom Lackey (R) and Shirley Weber (D) agreed to author AB 1797 sponsored by CCWRO. We are also grateful to Tim Townsend, Sara Couch and Antoine Hage of Assembly member Tom Lackey’s office for staffing AB 1797 and helping IHSS recipients of California being a consumer with dignity.

**AB 2062 – Martha Lopeéz – (D) – Chapter 795** - On September 21, 2016, Governor Brown signed AB 2062 which provides that CalWORKs recipients shall not be charged an overpayment or experience a reduction in benefits in the following month if the county was unable to provide a 10 day-notice of termination or reduction of benefits before the first of the following month, just as CalFresh recipients do. The bill is effective July 1, 2017. One of the main benefits of getting on CalWORKs is to help members of a family find employment and be able to support their family for the long run. The purpose of services like this is to create an environment where recipients are allowed the opportunity to become self-sufficient, whereas, currently they are being reprimanded for trying to improve their current conditions. AB 2062 would align the overpayment policies of the CalFresh and CalWORKs programs. Moreover, the cost of establishing a one-month overpayment by far exceeds the amount of the overpayment. We are grateful to Assembly Member Patty Lopez (D) who agreed to author AB 2062 sponsored by CCWRO. We want especially thank her Legislative Director Kristi Lopez for all of the work she did to enact AB 2062.

**AB 2346 Baker (R) – Chapter 522** - On September 23, 2016, Governor Brown signed, AB 2346 into law. AB 2346 would allow counties to make position statements for administrative hearings available for pick up at the county welfare office two (2) days before the hearing, or electronically, if requested by the claimant for all types of state hearings. The bill is effective January 1, 2017. Current law does not provide electronic transmission of the county position statement (CPS). Current law also does not require State Department of Health Care Services and the State Department of Public Health hearing CPS be available two (2) days before the administrative hearing. We are grateful to Assembly Member Catherine Baker (R) for authoring AB 2346 sponsored by CCWRO. We also are grateful to Faith Lane and her staff who helped us navigate this bill through the rough legislative waters.