



CCWRO Welfare News-2021-02

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P-EBT for the 2020-2021 School Year: Expanded Coverage to Pre-School and Child Care Programs

With the change in federal administrations, the Pandemic EBT (P-EBT) Program issued significantly revised guidelines as of January 2021. The new round of federal funding includes new features intended to provide nutrition assistance to more children. P-EBT 2.0, like its precursors P-EBT 1.0 and P-EBT 1.5, provides school-based meals to children eligible for free and reduced priced meals through the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) programs that are operated by school districts and local education agencies (LEAs). In California, most LEAs are the County Offices of Education. The most awaited expansion of P-EBT 2.0 is the inclusion of pre-school aged children (ages 0 to 6 years) who were not part of the P-EBT 1.0 program.

Agency Action

CDSS staff have held meetings (webinars) with school food and nutrition advocates several times since January 1, 2021. The first sessions solicited information from the advocate community about what problems had impacted access to food assistance through the original P-EBT program. Later sessions explained the FNS guidance including the expansion of P-EBT to pre-school children. The most recent meetings reviewed the proposed plan for P-EBT 2.0 for California's children that CDSS plans to submit to FNS by the end of February or in early March 2021. CDSS staff have indicated that eligibility for P-EBT 2.0 benefits will be based on information maintained by the California Department of Education (CDE) through its CALPADS data base.

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CDSS Proposes Inequitable Consumer Compensation for CalSAWS Portal Testing

CalSAWS advocates have been working with CDSS to ensure equitable compensation for consumer feedback on the design of the BenefitsCal portal. [Research on User/Human Centered Design approaches have shown a significant increase in success](#) because of the ways that user feedback can guide design choices. According to research on user engagement by Constanza-Chock, "[institutions doing research always benefit more than the communities do.](#)"

Public benefit consumers deserve compensation that meaningfully reflects the value of their contributions just like the way county employees are compensated with federal and state funds in excess of \$20 a hour in the form of wages.

Consumer feedback is a defining factor in ensuring that the BenefitsCal portal can meet the needs of the target audience. The process asks consumers to share their hard-won experience during difficult times in their lives to ensure that the State and Deloitte can be successful. Public benefit consumers deserve compensation that meaningfully reflects the value of their contributions just like the way county employees are compensated with federal and state funds in excess of \$20 a hour in the form of wages.

Part of the work of equity is addressing power dynamics and working to minimize them. People in need may be willing to accept a nominal incentive for their participation even if that incentive is not equitable. Even during remote engagement, participants may experi-

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Program Upgrades

Higher Benefit Payment: The daily value of school-based nutrition programs has been set about \$6.82. Using California's average monthly school attendance of 20 days per month this may provide eligible children a little less than \$140.00 per month in benefits. The goal is to provide each eligible child in a household with their own new card which will be reloaded monthly based on whether the local school district was (a) not open; (b) open for in-person learning; or (c) operating a hybrid program of both in-person and on-line learning.

Stream-lined eligibility: P-EBT 2.0 will not have an application process. Any child who was eligible for P-EBT 1.0 or received benefits based on eligibility for a school-based nutrition program will receive P-EBT 2.0 benefits including retroactive benefits from the date of the approval of the California State Plan by FNS. This includes children who received P-EBT 1.5 extended benefits for August and September 2020. The eligibility rules for preschool aged children is based on a feature of the new FNS guidance known as "a qualifying assumption". These are factors that allow a child to be qualified for P-EBT 2.0 based on whether their school district was open, whether the child was previously qualified for free or reduced priced meals and if the child is part of a CalFresh/SNAP household.

Improved Public Information and Individual Help Access: Per CDSS staff responsible for P-EBT implementation, a key feature of P-EBT 2.0 will be significantly improved public information access and resources for individual assistance. Challenges with these issues were the source of considerable frustration and criticism of P-EBT 1.0. The upgrades include a public information campaign using social media and other resources to inform eligible families about P-EBT 2.0 especially the issuance of new loadable benefit cards. New staff are being recruited, hired and trained to staff phone lines that will be available on an expanded time schedule from at least 7:00 a.m. through 8:00 p.m. five days a week. Some staff will receive expanded training which will allow them to assist callers beyond the usual information about PIN activations, benefit amounts and general program operation questions.

Phone line staff will be able to use the "Language Line" resource for translations. In addition to materials in English and Spanish, CDSS will also be providing written materials in the four other most used languages in California's schools: Vietnamese, Arabic, Mandarin and Cantonese.

Conclusions:

At their meetings with advocates, the P-EBT program coordinators stressed their goals of providing much needed food assistance to California's children as quickly and as simply as possible. A good goal, but one that will require more explicit cooperation with schools and resources that work directly with families.

Although county welfare agencies will have no direct involvement in the P-EBT 2.0 program, households eligible for P-EBT will be encouraged to apply for CalFresh and CalFresh eligible/recipient children will be directed to the P-EBT program. A key challenge will be making certain that the new P-EBT 2.0 cards are sent to the correct address for any eligible child. This will mean communicating with school staff rather than county welfare departments.

At present, California's proposals have yet to be submitted or approved by FNS. Approval is expected with implementation most likely to occur in April 2021.

CCWRO would like to hear from any parent or caretaker who is having problems with P-EBT for the school-aged children in their care. E-mail D. Macklin at tlk2014dlm@gmail.com For more information:

<https://www.cdss.ca.gov/home/pandemic-ebt>
<https://www.cde.ca.gov/ls/nu/sy202021pandemicibt.asp>

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ence opportunity costs that impact their ability to provide childcare in their home as well as the emotional cost of revisiting difficult, traumatic periods in their lives.

After over a year of discussions, negotiations, and broken promises, (at one point CDSS agreed to the CalOAR compensation, which was \$120 a session) CDSS has presented the CalSAWS advocates with a draft compensation plan for consumer engagement.

In its draft plan, CDSS has proposed a nominal \$20 incentive for participation in consumer feedback activities. This incentive is clearly inequitable and insufficient to encourage meaningful consumer participation in the user testing process. Our independent research has found that the industry standard for compensating user-centered feedback through remote research is \$50-\$100 per participant per hour. (See for example the research incentive calculator found [here](#).)

It's not clear whether CDSS used an equity analysis in developing this plan. In addition, CDSS has refused to reveal its budgetary allotment for consumer engagement or even whether any budget has been set aside at all. However, we know that Deloitte is receiving about \$1M per month of mostly state and federal dollars to develop the consumer portal. If consumers were compensated at \$50 per hour, we estimate the overall cost to be no more than \$15,000-\$20,000 at most, which is about one tenth of one percent (0.1%) of the overall project budget for BenefitsCal.

Advocates have set forth the following counter-proposal:

1. Phone interviews, focus groups, work groups, and user testing should be compensated at \$50 per hour.
2. Additional compensation should be provided at \$25 for each thirty-minute increment.

3. Electronic surveys and user testing (that do not include live engagement from the vendor) lasting 15-60 minutes should be compensated at \$20.
4. Travel expenses incurred by consumers should be reimbursed, just as they are for paid staff, using the same guidelines as the CalOAR model (Dec 2019 Letter, SB 89).
5. Include in the plan details about the process for compensation or identify what other information will be developed regarding how the compensation will be provided and who consumers can connect with if they encounter problems.
6. Include a requirement to review the compensation amounts every 3-5 years to ensure they continue to meet an equitable standard.

We will continue to push CDSS, CalSAWS, and Deloitte to approach compensation from an equity perspective and place an appropriate value on the contributions of consumers in the user design process.

CalSAWS Implementation of the \$100 Asset Test for Homeless Families - \$1 million

Welfare and Institutions Code section 11450 entitles a family to receive an allowance for specified nonrecurring special needs after a family has used all available liquid resources in excess of \$100, as specified, with the exception of funds deposited in a certain restricted account.

SB 1065, approved by the Governor on September 25, 2020, excludes homeless assistance from that \$100 liquid resources limit.

The Governor's 2021-2022 budget estimates that it will cost one million dollars in FY 2021-2022 to modify CalSAWS to implement a provision of SB 1065 that eliminates the \$100 asset test for homeless families with children. *See Local Assistance 2021-2022 Governor's budget -CDSS Estimates Methodolies" – page 35.*

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CCWRO challenges this assumption. We believe that CalSAWS does not need to be modified in order to implement this provision of SB 1065. California's eligibility workers can understand that they must issue Homeless Assistance to homeless families who may have more than \$100 in the checking account by being told that the \$100 limit does not apply to the homeless families. Our eligibility workforce capable of understanding such a simple rule.

CalSAWS Spends \$100,000 of State and Federal Dollars to Automate LADPSS Application Delay Process

Los Angeles requested that CalSAWS appropriate \$96,499 of federal and state funds to automate LADPSS' application approval process. For decades, LADPSS policy requires that after the eligibility workwe approves a CalWORKs application, the case is sent to the supervisor who must also approve the application before benefits are issued to CalWORKs families who are often enduring the ravages of deep poverty while the case sits on the desk of the supervisor.

When questioned about the length of time that it takes to process the application, LADPSS response is that "we have 45 days to approve the case." W&IC§10000 states: "The purpose of this division is to provide for protection, care, and assistance to the people of the state in need thereof, and to promote the welfare and happiness of all of the people of the state by providing appropriate aid and services to all of its needy and distressed." Sitting on the application while the needy family is in distress is a violation of state law.

CCWRO believes that this policy arose after a quality control report showed that erroneous applications were being approved by eligibility workers. LADPSS was asked to come up with a "corrective action plan" and the plan was to "have the supervisor approve the application." Los Angeles is the only county in the state that has this "supervisory approval" policy that hurts kids and families.

Now, Los Angeles County is asking CalSAWS to spend 571 hours at \$169 an hour to automate this antiquated county policy. The money will be paid through federal and state funds. It is also known as CA-55990 in the CalSAWS world.

SB 91 What Does it Mean to Tenants?

The California Assembly and Senate [passed SB 91](#), a tenant and landlord assistance package designed to continue state assistance to the thousands of Californians who have lost income and are at risk of default or eviction. This post will summarize the main components of the bill, and explain how they impact CA's low-income tenants, with a specific emphasis on consequences for these tenants and legal aid practitioners who serve them.

This bill has two main provisions:

1. An extension of the eviction moratorium passed last year in [AB 3088](#), and
2. The establishment of a Rental Assistance Program to provide funds in satisfaction of tenants' rental arrears.

Each of these provisions will be addressed in turn.

Extending the Eviction Moratorium

Last year, [AB 3088](#) detailed and codified protections that Governor Newsom and the California Judicial Council had extended by executive order to halt the eviction of tenants due to COVID-19-related financial distress or debt. SB 91 extends these protections, which were due to expire on February 1, 2021, to **July 1, 2021**.

As a reminder, [AB 3088](#) protects tenants in the following ways:

- 1) It requires any landlord who delivers a 3-day notice to pay or quit during the COVID-19 crisis to **provide state-specified language and an associated form declaration** informing the tenant of their rights regarding COVID-19-related debt. (Cont'd on page 6)
- 2) It requires tenants to, in response to the notice, **complete, sign, and return to their landlord, a legal declaration** attesting that their rent debt is due to COVID-19.
- 3) It provides that **no court may find a tenant guilty of unlawful detainer** who has complied with these requirements.
- 4) Finally, it provides that tenants who pay 25% of their total arrears in one or more installments on or before the expiration of these protections (**now extended to June 30, 2021**), cannot be evicted based on non-payment of the remaining arrears (but may still be civilly liable for that amount).

In addition, [SB 91](#) adds the following protections:

1. Landlords may not use COVID-19 related rental debt as a factor in denying a housing application or refusing to rent a unit to an otherwise qualified tenant.

2. No person is allowed to sell or assign COVID-19 related rental debt, until June 30, 2021.

As with AB 3088, legal aid programs should continue to ensure that 1) any 3-day notices their clients receive have appropriate language and disclaimers as required by state law 2) that their clients who have COVID-19 related rental debt timely return their declarations and 3) that any settlement agreement reached in satisfaction of the arrears is not more restrictive than the current protections.

The Rental Assistance Program

[SB 91](#) also creates a new program, the State Rental Assistance Program, to allocate the state share of the federal rental assistance fund. It distributes these funds to different localities based on population.

Individuals and entities (tenants and landlords) will be allowed to submit applications to their local program implementer for reimbursement of rental arrears. Landlords who apply will receive up to 80% of a tenant's arrears as compensation, as accrued between April 1, 2020 and March 31, 2021. However, they must agree that this payment represents a **full satisfaction** of the debt the tenant owes. In other words, the tenant will no longer owe the remaining 20%.

A tenant whose landlord decides not to participate in the program can also apply and receive assistance individually, up to 25% of the total amount owed. This will allow tenants to make the minimum payment, as described above, to avoid eviction for non-payment of COVID-related rental debt. However, the tenant may still be civilly liable outside of unlawful detainer for the remaining amount.

Thus, the program is structured to encourage landlords to participate in the program, as those who do so receive 80% of the arrears, as opposed to nonparticipants, who may receive as little as 25% of the arrears (or less).

Importantly, this section of [SB 91](#) also requires that each locality must implement this program according to the following rules:

1. The implementer must create a technology-driven system which has a mobile application, multi-language capability, and enough capacity to handle service without disruption.
2. The program must be up and ready to accept applications by March 15, 2021.

These are significant requirements, particularly in counties like Los Angeles that have a large number of threshold languages that vary by neighborhood. Legal aid advocates should keep a close eye on the local implementation of this program and coordinate to raise problems with the app or language access.

Finally, the bill makes sure that the aid provided to tenants or landlords from this program cannot be used to calculate personal income tax or eligibility for state programs (such as CalFresh). For a more detailed summary, I recommend consulting the [CA Assembly's Floor Analysis of the bill](#).

Legal aid practitioners should familiarize themselves with these county/locality programs as they are rolled out. In addition, legal aid language access expertise or teams should be deployed to help spread the word about this program. Finally, legal aid firms should set up intake processes or clinics to help small landlords and tenants complete the necessary application paperwork to avoid denials and associated complications.

That's all for today – as always, please reach out to the author at andrew.chen@ccwro.org if you have any questions or suggestions.

American River College Legal Clinic

American River College in Sacramento County offers a Public Benefits Legal Clinic staffed by paralegal students and supervised by two attorneys. This Clinic, free to all California applicants and recipients, focus on issues relating to CalFresh, CalWORKs and Welfare to Work.

The first day that the clinic serves clients will be March 2nd and ends on May 4th. The Clinic can accept referrals. The contact telephone number is (916) 934-2202.

