



INVESTIGATING THE ADEQUACY OF A COUNTY GENERAL ASSISTANCE/GENERAL RELIEF PROGRAM¹

1. Find the governing GA/GR standards or regulations by looking at:

- ✓ County ordinances and/or resolutions (harder to track down)
- ✓ County website
- ✓ PILP and WCLP Resource Libraries containing each counties' regulations; some sub-regulatory materials
- ✓ If unavailable, do a Public Records Act request to county agency.
- ✓ Determine whether your county is a charter county; if not a charter county, the Board of Supervisors must adopt the GA standards.²

2. Find, or do a PRA request for, the sub-regulatory materials. These may consist of procedural manuals, "handbooks," worker training guides, newsletters or bulletins transmitting changes, FAQ's on the county websites, the on-line GA application, brochures in the office waiting room, etc. (PILP or WCLP may have some of these).

- ✓ Check county website to see if manuals are posted online. Review website information given to clients. Where/how can they apply, how is the program described?
- ✓ Ask the agency for copies of any materials they use to guide workers or inform applicants and recipients of program requirements (if needed, PRA).
- ✓ Get copies of all forms and form notices used in the GA program, including application.
- ✓ Request data about numbers of applications, approvals, denials, sanctions, and people considered employable or unemployable.

3. Find out how the program works in practice:

- ✓ Make effort to ask *any* client who is receiving GA, or who is potentially GA eligible, a couple of key questions about their experiences applying, complying with work or treatment requirements, benefit levels and reductions from the maximum payment, and termination/sanction procedures.

¹ General Assistance and General Relief, or GA and GR, refer to the same program. Some Counties call their program General Assistance. Others use General Relief. The program name does not signal any difference in program rules, both of which are governed by Welf. & Inst. Code §17000 et seq..

² The charter counties are: Alameda, Butte, El Dorado, Fresno, Los Angeles, Orange, Placer, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara and Tehama.

- ✓ Pay particular attention to how your county program provides access to persons with mental and/or physical disabilities, homeless individuals, persons whose first language is not English, persons in immediate need.
- ✓ Speak with your community partners about their experiences with the GA program. Reach out to community based organizations, shelters, interfaith and other groups working with homeless persons, food banks, soup kitchens and other meal programs, mental health services, former foster youth and DV survivor advocacy organizations.
- ✓ Assist clients in GA cases; represent individuals at GA administrative hearings
- ✓ Combine this GA advocacy with any tracking you are doing of county's compliance with Emergency Service (ES) CalFresh application processing.
- ✓ Determine county GA caseload, <http://www.cdss.ca.gov/research/PG343.htm>, by looking at the GR-237 report, available on CDSS website. Compare to comparable counties, or as % of poverty population in your county. Is it lower than other comparable counties, or what you would otherwise expect?
- ✓ If you have questions, reach out to a support center for help.

ADVOCACY AREAS: ANALYSIS OF ADEQUACY OF A COUNTY'S GA PROGRAM

Review the County GA rules, instructions, forms, reports from community social service providers, GA data and client experiences to determine if your county...

Overall Governing Principles	
Does County impose eligibility requirements not authorized by state statute?	Provides Aid to ALL indigent county residents, unless specifically disqualified under state statute
Does County impose undue delays or erect unnecessary barriers in process of applying for or receiving GA?	WIC §§ 10000 (prompt and humane aid), 10500 (obligation help persons secure aid they are qualified to receive).
Is a rule unreasonable/unfair?	Welfare laws should be construed fairly and equitably construed. WIC § 11000.
For those found eligible, fails to pay GA benefits retroactive to the date of application	Aid must be paid from the date the applicant meets all eligibility conditions or the date of application, whichever is later. WIC § 11056. Aid should be paid retroactive to date of entitlement, and not delayed due to factors within county control, such as when an interview is granted.
Denies aid to persons for reasons that are not authorized by state statute (e.g. persons with a drug felony conviction, or who lack longstanding ties to county)	County has mandatory duty under WIC § 17000 to provide aid to <i>all</i> indigent persons residing in county, unless specifically disqualified by state statute. Counties may not create their own classes of ineligible persons. <i>Arenas v. San Diego Co. Bd. of Supervisors</i> , 93 Cal.App.4th 210 (2001). ³
Application Process	
Imposes a county residency requirement beyond 15 days	Prohibited by WIC § 17001.5(a)(1)(A).
Imposes a fixed address requirement on homeless persons.	Prohibited by WIC § 17001.5(a)(1)(B); <i>Nelson v. Bd. of Supervisors of San Diego Co.</i> , 190 Cal.App.3d 25 (1987).
Fails to provide equal access to persons with disabilities	Must provide reasonable accommodations to disabled persons so that they can equally access program.
Disqualifies immigrants who meet PRUCOL or other lawful resident status	Those who meet the PRUCOL status are “lawfully residents” and thus qualify for GA under § 17000.

³ Full citations and additional caselaw can be found in the PILP GA Case Library, which contains a subject index to all California General Assistance Reported cases.

Disqualifies persons convicted of a drug felony	This disqualification does not apply to GA, unless person is applying for GA because disqualified from CalWORKs for this reason. <i>Arenas v. San Diego Co.</i> , 93 Cal.App.4th at 216. Statute permits disqualification of “fleeing” felons, but this should only apply where person is actively fleeing and jurisdiction issuing warrant is actively seeking to enforce.
Benefit Level, Payment of Aid, and Recoupment	
Fails to adopt an aid level, and pay the statutory minimum amount, (unless county does a needs study to establish standard of aid; no county does this)	WIC § 17001 requires county to adopt a standard of aid. WIC § 17000.5 sets a “safe harbor” aid level. Note: minimum aid standard is based upon 62% of 1991 FPL (meaning the CalWORKs grant level for one), as adjusted by any post-1991 changes in CalWORKs maximum aid payment (MAP) levels.
Is still deducting the \$40 in-kind medical deduction	As of Jan. 1, 2014, almost all GA recipients have been moved from county-funded health care to Medi-Cal. The \$40 in kind medical costs shouldn’t be deducted. See WIC §§ 17000.5, 17000.51. All counties in California have eliminated this deduction except one—San Diego.
Denies the shelter portion of the monthly benefit where the GA recipient’s landlord will not sign a W-9 or other verification	Policy which renders otherwise sheltered persons homeless violates humane requirement of WIC § 10000. It also sanctions an individual for action for which he has no independent power to comply. <i>Cleary v. County of Alameda</i> , 196 Cal.App.4th 826 (2011).
Deducts shelter portion of the monthly benefit when no shelter is actually offered? (illusory shelter)	Homeless persons should get the shelter portion of the monthly benefit unless they are offered an actually available, suitable shelter bed. <i>Bell v. Board of Supervisors</i> , 23 Cal.App.4th 1695 (1994).
Makes other deductions from the maximum monthly benefit that are not justified.	Watch out for creative deductions that lower the monthly benefit to people who are awarded aid. For example, counties may apply the statutorily authorized shared housing deductions, §17001.5, when that housing is not really shared. These include a room in a rooming house and two people sleeping in a car. If the deduction seems unfair, look more closely.
Counts income that is not actually available to the applicant/recipient	Income must be actually available, and may not be presumed. <i>Bernhardt v. Bd. of Sup.</i> , 58 Cal.App.3d 806 (1976). WIC § 11005.5 precludes deeming of another person’s SSI or CalWORKs as available to GA recipient. See also, <i>Rogers v. Detrich</i> , 58 Cal.App.3d 90 (1976).

Seeks reimbursement of GA from a person's SSI (other than SSI retroactive award) or other exempt income	Except for collection from a retroactive SSI award, with a valid interim reimbursement agreement (AP-SSI1), SSI may not be levied, garnished or otherwise collected against. 42 U.S.C. § 1383(d)(1). The interim reimbursement amount should only be for months that the person was found eligible for SSI <i>and</i> received GA.
Seeks reimbursement of GR from wages or other income even though the person cannot meet their basic needs	WIC §17403 authorizes Counties to require applicants to sign a lien on a GR recipient's future property. But repayment may only be required when a former recipient has enough funds to meet her family's needs. <i>County of San Diego v. Muniz</i> , 22 Cal.3d 29 (1978).
Seeks reimbursement of GR where the past recipient did workfare, and the minimum wage value of the work covers the GR benefit	Recipients should get credit for the minimum wage value any workfare they do. Orange County and San Diego County have changed their practices when demanded. Contact a support center for additional research on this.
Discontinuances and Sanctions	
Imposes sanctions where the county BOS (or agency, if a charter county) has not adopted a sanction standard	WIC § 17001.5 requires that the BOS adopt the sanction standard (circumstances under which aid may be discontinued or a period of ineligibility imposed). In "charter counties," the agency may adopt the standard.
Has a sanction standard that fails to distinguish between willful and negligent acts, and acts which are neither willful nor negligent	WIC 17001.5(a)(5) limits counties' authority to sanction or discontinue aid to where the recipient lacks "good cause," demonstrated by a willful failure or refusal to follow program requirements, or at least three negligent failures.
Imposes sanctions that last longer than six months	Whether willful or negligent, people who don't comply with program requirements should not be sanctioned for more than 180 days. WIC § 17001.5(a)(3), (5)..
Presumes that actions beyond the client's control are willful	WIC § 17001.5(a)(5); <i>Cleary v. County of Alameda</i> , 196 Cal. App.4th 826; <i>Jennings v. Jones</i> , 165 Cal App.3d 1083 (1985).
Fails to adequately notify person whether a violation is considered willful or negligent, and if negligent, if it is the 1 st , 2 nd or 3 rd incident, and how to claim good cause	WIC § 17001.5(a)(3) and (a)(5) limit sanctions to a willful failure or refusal to follow program requirements, or at least three negligent failures. Due process principles require notice that informs the recipient what rules are being applied and what the asserted violation is.
Due Process: Notice, Hearings and Aid Paid Pending	
Is there timely and adequate notice of an adverse action? Does the County give written notice of denial of an application? Amount of benefit? Reason for sanction?	GA applicants and recipients in CA have due process rights because GA is a statutory entitlement. <i>Griffeth v. Detrich</i> , 603 F.2d 118 (9th Cir. 1979); <i>Goldberg v. Kelly</i> , 397 U.S. 254 (1970).

Does the person have adequate time to request a hearing? To get aid pending the hearing?	County’s restriction of time to appeal or get aid paid pending governed by due process, CA Const., Art. 1 Secs. 7, 15; U.S. Constitution, 14th Amendment. It is illegal to allow only two days to request a hearing and get aid paid pending an appeal. <i>Boehm v. County of Merced</i> , 163 Cal.App.3d 447 (1985).
Is the hearing recorded or is a record of the testimony otherwise preserved?	C.C.P. § 1094.5; §1094.6(c), the “record shall include the transcript of the proceedings...all admitted exhibits, all rejected exhibits...”
Is the hearing officer communicating about the evidence in the case, outside of the hearing, and without notice to your client? (<i>ex parte</i> communications)	C.C.P. § 1094.5, due process. If a hearing officer has <i>ex parte</i> communications without notice to your client and an opportunity to respond, your client has been deprived of the constitutional right to confront and cross-examine evidence.
Is the evidence in the record identified?	C.C.P. §1094.6(c), the “record shall include . . . all admitted exhibits, all rejected exhibits . . .”
If requested, is the worker (or other County witness) present at the hearing?	Hearings, though informal, must include opportunity to confront and cross-examine worker.
Are the findings or grounds stated in the decision? Do the findings “bridge the analytic gap between the raw evidence and ultimate decision or order?”	Judicial review of the agency decision includes “whether the order or decision is not supported by the findings, or the findings are not supported by the evidence.” C.C.P. § 1094.5; <i>Topanga Assn. for a Scenic Community v. County of Los Angeles</i> , 11 Cal.3d 506, 515 (1974)
Does county acknowledge right to Judicial Review under C.C.P. § 1094.5?	GA applicants and recipients are entitled to C.C.P. 1094.5 review because a hearing is required by law. Adverse hearing decision must include notice of 90-day deadline to file writ. The 90 days don’t start until local agency notifies the party, as required by C.C.P. §1094.6(f), that deadline is governed by §1094.6. <i>Donnellan v. City of Novato</i> , 86 Cal.App.4th 1097, 1102 (2001). (But don’t wait.)

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