



**SAN BENITO COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE POLICY & PROCEDURES HANDBOOK**

REVISED JULY 2016

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SECTION I

INTRODUCTION

1. LEGAL BASIS FOR THE GENERAL ASSISTANCE PROGRAM

The California Welfare and Institutions (W&I) Code, Division 9, Part 5, Sections 17000 through 17410 is the general authority for the administration of General Assistance (GA). The definition of the GA Program is delegated to the County Boards of Supervisors by state law. Each county is required to establish standards of assistance which shall be available to the general public.

General Assistance in San Benito County is based upon formal actions of the Board of Supervisors. However, the Director of the Social Services Agency (SSA) is the delegated authority to interpret the GA Regulations & Procedures Manual and to amend, alter or modify the regulations contained therein if necessary to assure consistency with the law. Any such changes will be filed with the Clerk of the Board with copies to the County Administrative Office (CAO) and the Board of Supervisors. In addition, routine, non-policy changes in the Handbook may be made by the Director.

Upon adoption by the Board of Supervisors, this GA Policy & Procedures Handbook provides the legal basis for the program in San Benito County. Any questions of interpretation should be directed to the GA Deputy Director.

2. PURPOSE OF THE GENERAL ASSISTANCE PROGRAM

The GA program is by nature a supplemental assistance/loan program of last resort for those persons who are ineligible for aid under any federal or state program which is designed to meet all of the applicant/recipient's needs, such as CalWORKs or Supplemental Security Income/State Supplemental Payment (SSI/SSP); not included are such programs as Unemployment Insurance Benefits (UIB) or Old Age Survivors And Disability Insurance (OASDI). It is in large part an emergency assistance program to be used when other resources are not available or cannot be developed to meet the needs of the applicant(s).

The Eligibility Worker (EW) is responsible for securing, verifying and evaluating information and evidence to determine the amount of need and eligibility, and for explaining the applicant/recipient's rights and requirements under the program. Respect for the integrity and self-esteem of the applicant/recipient is essential in promoting and encouraging self-reliance and independence. Per the Supplemental Nutrition Assistance Program (SNAP) regulations, Cal Fresh benefits do not count as income.

During the determination of initial and continuing eligibility, each applicant/recipient shall assume as much responsibility as possible within their physical, emotional, educational, or other limitations. Applicant/recipient responsibilities include but are not limited to:

- a. Completing or participating in the completion of all documents required in the application process or in the determination of continuing eligibility.
- b. Making available to the County all documents that are in their possession or available to them which are needed to determine eligibility and the amount of grant.
- c. Reporting all facts which s/he believes to be material to their eligibility or which the County has identified to them as affecting eligibility.
- d. Reporting any change in any of these facts within five (5) business days of the occurrence.
- e. Applying for Cal Fresh benefits, GA cases are considered non-assistance households.

3. CIVIL RIGHTS AND AMERICANS WITH DISABILITIES ACT (ADA)

Pursuant to State and Federal laws, the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP), Division 21, and the Civil Rights Annual Plan guidelines, counties are required to ensure that the administration of public assistance and social services programs is non-discriminatory and accommodations for individuals with disabilities are provided and expedited as referenced in the County of San Benito SSA Civil Rights Plan, and Americans with Disabilities Act, Title II (ADA II) SSA Policy D31. This includes but is not limited to:

- a. Written procedures to identify an applicant's/recipient's disability (physical or mental impairment, which could limit access or participation).
- b. Written procedures for offering free interpreter services and auxiliary aids, addressing all languages spoken by applicants/recipients, including American Sign Language.
- c. Procedures to identify an applicant's/recipient's need for services due to his or her disability, limited-English proficiency or inability to read or write and provide the opportunity for him or her to request auxiliary aids, services, translated forms, or assignment to a bilingual worker or other interpreters. Describe services and accommodations provided, e.g., interpretation by paid interpreters or other county employees, Braille materials, etc.
- d. Procedures to ensure that services or benefits are not denied or unduly delayed due to an applicant's disability, limited English proficiency, or inability to read or write.
- e. Procedures to ensure that case files identify non-English-speaking and limited-English speaking or disabled applicants/recipients so that when transferred from one case worker to another within the program or one program to another program, services can be provided appropriately.
- f. Division 21, section 21-116 requires the County to document in the applicants'/recipients' case files certain information or actions taken including but not limited to:
 - (1) Information that identifies the applicant/recipient as disabled.

- (2) Applicants'/recipients' requests for auxiliary aids, reasonable accommodations, services or interpreter services and how those services were provided.
- g. Procedures to ensure that benefits are not terminated, for example as a sanction for violating program rules, or for failure to submit required paperwork, without consideration of whether a recipient's disability, limited English proficiency, or inability to read or write affected the recipient's ability to comply with program rules.

4. REPAYABILITY

The W&I Code permits counties to request repayment of GA payments made from county funds. Each application for GA shall include the applicant's agreement to repay assistance issued under the program, to the extent that the after-acquired property is in excess of the amount necessary to meet the recipient's needs.

The applicant/recipient shall be provided a NOA specifying the amount of repayment and the right to appeal.

SECTION II

ELIGIBILITY DETERMINATION

1. HOMELESS APPLICANTS AND RECIPIENTS

Nothing in this policy shall be construed:

- a. To preclude providing General Assistance to persons who have no home or fixed address and are otherwise eligible; or,
- b. To preclude providing General Assistance to applicants or recipients who share housing with others except where the other person is a spouse; or
- c. As requiring an otherwise eligible applicant or recipient to accept housing in a facility which is either the subject of a pending nuisance abatement proceeding before a duly authorized agency or department of San Benito County or before a court of competent jurisdiction, or which has theretofore been found to be a public nuisance pursuant to any provision of any Municipal Code by a duly authorized agency or department of the county, the municipality or by a court of competent jurisdiction.

2. INELIGIBLE PERSONS

- a. Institutionalized Person- Any individual incarcerated or otherwise institutionalized is not eligible to receive GA. If a recipient is incarcerated or institutionalized during an aided period, aid paid during this period is considered an overpayment.
- b. Probation/Parole Violators- Any individual who is violating a condition of probation or parole imposed under federal law or the law of any state is not eligible to receive GA, unless the individual is granted a pardon by the President of the United States. To be considered a probation or parole violator an impartial party, such as a judge or an officially sanctioned tribunal, must determine that the individual violated a condition of his or her probation or parole and that federal, state, or local law enforcement authorities are actively seeking the individual to enforce the conditions of the probation or parole.
- c. Fleeing Felons- Any individual who is fleeing to avoid prosecution or custody and confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing, or is a high misdemeanor under the laws of that state is not eligible to receive GA.
- d. Sanctioned/Ineligible Persons- Any individual sanctioned from or ineligible due to time limit restrictions on another Public Assistance Program such as CalWORKs.

- e. Recipients of the CalWORKs Program- Any individual whom has met the 60-month lifetime limit and have children in the household who are under 18 years of age. These individuals may be eligible for General Assistance only when all children in the household turn 18 years of age or older.
- f. SSI/SSP recipients- Any individual who is receiving SSI/SSP is ineligible.

This section shall not apply when the individual is granted a pardon by the President of the United States.

3. ELIGIBILITY DETERMINATION

San Benito County HHSA shall:

- a. Investigate the needs and resources of each applicant for GA.
- b. Redetermination of eligibility as often as necessary, but not less than every twelve (12) months, the continuing needs and resources for each recipient of GA.
- c. Redetermination of eligibility on a monthly basis with the use of the GA Monthly Eligibility Report due on the 10th of each month.
- d. Protect the integrity of the program by ensuring that aid is paid only to eligible persons. Eligibility determination is done by a recorded study and verification of the applicant/recipient's circumstances in relation to GA requirements, followed by a decision as to eligibility and, if eligible, the amount of aid.
- e. Ensure that every person administering aid shall conduct themselves with courtesy, consideration, and respect toward applicants and recipients.
- f. Ensure that every person administering aid shall endeavor at all times to perform her or her duties in such manner as to secure for every person the amount of aid to which he or she is entitled.

4. CONFIDENTIALITY

All information, whether written or oral, concerning any applicant/recipient is confidential. No release of any such information may be made except in the administration of public social services, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of public social services, or pursuant to an order of the court or written authorization from the applicant/recipient. This includes acknowledgement by a receptionist, clerk, Eligibility Worker, etc., that any person is receiving assistance or has applied for assistance.

5. RELEASE OF INFORMATION

- a. Disclosure of any information relating to an applicant/recipient may be made only with the applicant/recipient's express consent except as indicated below. The authorization for release of information must be in writing, except that a

telephone authorization may be accepted when the County Representative is assured that the applicant/recipient has adequately identified himself or herself.

- b. The GA recipient shall sign a Behavioral Health Release of Information form if the applicant is identified as needing a substance or alcohol abuse evaluation. The release shall be used to refer the applicant to services and to verify participation in services.
- c. When, as a result of a contact by an applicant/recipient to the office of a member of the Board of Supervisors, a request for information on that specific case is received from such office, there is implied consent of the applicant/recipient to discuss information known to the eligibility section.
- d. Certain confidential information may be released to law enforcement agencies when the person is deceased or is a GA applicant/recipient. The following restrictions/provisions apply:
 - e. The law enforcement agency must initiate a written request to the Agency, specifying that the applicant/recipient is either deceased or a warrant has been issued for the arrest of the applicant or recipient for the commission of a felony or misdemeanor.
 - f. This written request for confidential information can only be made by the head of the law enforcement agency or by an agency employee authorized and identified by name and title by the head of the law enforcement agency.
 - g. The confidential information which may be released pursuant to this section is limited to name, address, physical whereabouts, telephone number, birth date, Social Security Number (SSN) and physical description.
 - h. If the applicant/recipient also receives CalFresh, information may be released only if it is obtained exclusively from the GA documents.
 - i. If the HHSA learns that a misdemeanor or felony arrest warrant has been issued for an applicant or recipient, the physical whereabouts and other information identified in .c above may be reported to the appropriate law enforcement agency without written request when the following two (2) conditions have been met:
 - (1) Knowledge of the outstanding warrant comes to the attention of HHSA as a result of unsolicited disclosure in one of the following circumstances:
 - (A) It is received in the process of obtaining or reviewing an application for assistance.
 - (B) It is received through a regular investigation for the purposes of determining or reviewing eligibility for assistance.
 - (C) It is received from an independent source.
 - (2) The applicant/recipient has been notified that release of confidential information from their records will not be protected and can be made if a

felony or misdemeanor arrest warrant is issued against the applicant/recipient.

SECTION III

APPLICATION FOR GENERAL ASSISTANCE

1. APPLICATION PROCESS

- a. An application consists of a written request for GA on the appropriate GA application form. Aid may not be approved without the appropriate written Application for GA, Statement of Facts Supporting Eligibility, Repayment Agreement, and any other forms required by Agency Procedures. As part of the application process, the County will review the GA Responsibilities and Requirements Agreement with the applicant/recipient. The applicant shall sign the Responsibilities and Requirements Agreement form and the applicant will be provided with a copy of the agreement.
- b. All applicants who are denied assistance will be provided a written denial Notice of Action (NOA) which includes the specific reason for denial, the appropriate GA regulation sections and appeal rights.
- c. All applicants/recipients have the right to self-determination and may request withdrawal, denial or discontinuance of benefits. When an act of non-cooperation precedes this request or follows a written agreement to cooperate, without good cause, all applicable sanctions for failure to comply with GA regulations, policies and/or procedures or for misrepresenting material facts to the Agency shall be imposed.
- d. An applicant can designate another adult individual to accompany, assist, and represent the applicant in his/her application for or redetermination of GA benefits by completing the "General Assistance Authorized Representative Form", GA 306.

2. PROMPTNESS

It is the goal of the Agency to process each application within ten business days. Immediate Need applications shall be processed within three business days. Once all required verifications are provided, the Agency will process any application deemed Immediate Need within 24 hours.

Immediate Need is defined as, the immediate need for shelter, food and/or medical needs, and/or has an eviction notice or 48 hour shut off notice.

Every application shall be evaluated to determine whether GA-Immediate Need (IN) aid payment is needed. The County will inform all applicants of the option for an immediate need payment, and the criteria for determining eligibility for such a payment.

3. BEGINNING DATE OF AID

The beginning date of aid in GA is the date the appropriate application for GA is signed by an applicant who is otherwise eligible. Aid shall be granted on a monthly basis

based on eligibility requirements. At the conclusion of the eligibility period, no further aid shall be issued within a twelve (12) month time period from the initial date of aid.

4. REPORTING

An Eligibility Worker will meet with the employable recipient to review the job search/job link progress. All recipients shall report any changes in their income, needs and other factors of eligibility within five (5) business days of the occurrence.

5. VERIFICATIONS

When verification of evidence is available, it will be filed in the case record per procedure.

The applicant/recipient is the first source of information and it is the responsibility of the applicant/recipient, insofar as, to furnish all information necessary to establish eligibility to aid and the correct amount of grant. The Agency is responsible for providing reasonable assistance to the applicant/recipient in obtaining verifications required to determine eligibility to receive GA benefits.

6. REQUIRED VERIFICATIONS:

- a. **IDENTIFICATION** – One form of identification is required for each adult member of the GA-Assistance Unit (AU); it is not required for a minor who is aided as part of a family unit. Identity may be verified through readily available documentary evidence, or if this is unavailable, through a collateral contact.

Examples of acceptable identity verifications that the applicant may provide include, but are not limited to:

- (1) Social Security card or other documents containing the SSN;
- (2) Driver's license/Identification card;
- (3) Work or school ID;
- (4) ID for health benefits or for another assistance program;
- (5) Voter registration card;
- (6) Wage stub;
- (7) Birth certificate;
- (8) Collateral contact.

A collateral contact is a verbal confirmation of an individual's identity by a person outside the assistance unit (AU). The collateral contact may be made either in person or over the telephone. The acceptability of a collateral contact shall not be restricted to a particular individual but may be anyone that can be expected to provide an accurate third-party verification of the individual's identity. Examples of acceptable collateral contacts include, but are not limited to:

- (1) Employers;
- (2) Landlords;

- (3) Social services agencies;
- (4) Probation/Parole Officer;
- (5) Neighbors;
- (6) Friends and/or Family.

An exception may be made when the person has a valid reason for not having identification (e.g. theft of papers, loss in fire, homelessness, etc.) and the person qualifies for GA-IN. When GA-IN is granted to a person without identification, that applicant shall be required to obtain proof of identity prior to issuance of aid in excess of seven (7) days. The Agency shall provide a homeless applicant with a "No Fee Identification Card Eligibility Verification" Form (DL 933) and all other applicants with a "Reduced Fee Identification Card Eligibility Verification" Form (DL 937).

***NOTE:** Inquiry to a collateral contact requires the written authorization from the applicant/recipient except that a telephone contact may be made with verbal permission from the applicant/recipient. All verifications will be documented in the case record per Agency procedures. Failure of applicant/recipients to provide necessary verifications or failure to cooperate with the Agency in securing necessary verifications without good cause shall result in denial or discontinuance of benefits.

- b. **SOCIAL SECURITY NUMBER (SSN)** - A SSN is required for every member of the GA-AU for which aid is requested prior to issuance of benefits including GA-IN. Verification shall include the Social Security card or other valid documentation, such as award letters from the Social Security Administration. It is also acceptable verification if the MEDS/OTECH system confirms the SSN of the household member. For members of the GA-AU who do not have a SSN, verification of a completed SSN application is required prior to issuance of benefits including GA-IN. The Agency shall promptly supply applicants with the SSN application form and shall reasonably assist applicants to complete the application and submit.
- c. **RESIDENCY VERIFICATION** -Verification of residence in San Benito County is required. Individuals will be asked to provide appropriate documentation such as rent receipts, including motel or hotel receipts, copies of utility bills, driver's license or other identification cards as proof of residence in San Benito County. Inquiries to collateral contacts may be made with the applicant/recipient's written authorization. When objective verification is not available, the applicant/recipient's sworn statement on the GA Statement of Facts is acceptable verification unless other objective evidence substantiates that the applicant/recipient is not a San Benito County resident.
- d. **AGE** - Age is verified only if the Eligibility Worker has reason to believe the applicant is a minor or is age 65 or older. When two or more verifications conflict, primary documentation takes precedence. Examples: Birth certificate, school records, or identification which required proof of age.
- e. **NON-CITIZEN STATUS** - Verification of non-citizen status is required.

- f. **COOPERATION ESTABLISHED** - The AU must demonstrate cooperation with all program and eligibility requirements, including Job Search, Job Link Class, and/or Mental Health/Substance Abuse, and must complete an application for all other available monies, including but not limited to, SSI/SSP, and free rental payments through the County Rental Assistance program, Veteran's benefits and provide verification of support monies from a non-citizen sponsor. The AU is required to cooperate with the Agency and with any other agency or individual in securing those benefits.

- g. **OTHER**- Verifications shall be required as identified by the Eligibility Worker as specified elsewhere in the manual.

SECTION VI

PROGRAM REQUIREMENTS AND SANCTIONS

1. CASE STATUS

All recipients of GA must be evaluated for employability. However, such evaluation shall not be required before aid begins.

It is the goal of the Agency to develop a plan of support or rehabilitation for GA applicant/recipients so that GA will be utilized as a temporary emergency means of support while recipients strive to become self-sufficient or to otherwise become independent of further assistance. All recipients must participate in eliminating barriers to employment to enable them to become self-sufficient, unless the person has a disability or other condition documented by a physician which makes it impossible for them to work. This includes accepting and following through on referrals from the Mental Health/Substance Abuse for no cost medical treatment or self-improvement activities.

2. MINORS

Age verification is required in all situations in which the Eligibility Worker has reason to believe that the applicant is a minor, unless the minor is aided as part of a family group.

- a. Emancipated minors may be eligible to receive GA provided they otherwise meet all eligibility requirements.
- b. Non-emancipated minors, other than members of the GA-AU, will be referred to Child Protective Services for a child abuse/neglect assessment.

3. RENTAL ASSISTANCE

- a. All GA recipients who are paying rent or receiving housing in-kind shall be referred to the County Rental Assistance Program. GA recipients who are eligible and approved to receive rental assistance through the County Rental Assistance Program shall have their GA grant reduced by the housing and/or utilities portion of their GA grant.
- b. All GA incapacitated homeless persons shall be referred to the Helping Hands Program for assistance in securing housing. If the GA recipient secures housing through Helping Hands, their GA grant shall be reduced by the amount of their housing and utilities portion of the GA grant.
- c. All GA recipients shall be referred to the Housing Authority for a housing voucher. If a GA recipient secures housing through the Housing Authority, their

GA grant shall be reduced by the amount of their housing and utilities portion of the grant.

4. ADULT STUDENTS

Adult students are potentially eligible to receive GA if they are willing and able to cooperate with all program requirements and if all eligibility factors are met.

5. REQUIREMENTS FOR INCAPACITATED PERSONS

- a. As a condition of continued eligibility to receive the GA loan, the recipient must provide a complete General Assistance Monthly report by the 10th of each month. Failure to provide the report makes the AU ineligible for GA.
- b. All incapacitated persons shall be referred to the Social Security Administration Office to file an SSI/SSP application. Failure to apply for SSI/SSP makes the AU ineligible for GA. Verification of SSI denial or approval must be submitted by the GA recipient within five business days of occurrence.
- c. GA may be granted to SSI/SSP applicants while the application for SSI/SSP is pending if the AU is otherwise eligible to receive GA. The applicant/recipient must sign the form Authorization for Interim Assistance (SSP14) in order for the county to recoup monies loaned. The SSP14 is NOT an optional form.
- d. Incapacity will be verified in accordance with Agency procedures. An "Employability Assessment Form" GA 49-79 shall be given to any applicant who states they are not able to work. It shall be returned within 30 days. The employability/incapacity determination of the health care professional shall be given great weight. Applicant's failure/refusal to cooperate with obtaining an evaluation by a health care professional without good cause shall result in the denial or discontinuance of GA benefits, and the imposition of sanctions per Section 4.7. Assistance will be authorized pending verification of incapacity.
- e. Alcohol or other substance abuse alone does not automatically constitute incapacity, but must be considered in the final decision of employability.
- f. Persons residing in a substance abuse facility are not eligible to receive GA.
- g. If it is determined by the county that there is reasonable suspicion to believe that an individual is dependent upon illegal drugs or alcohol, the county shall require the GA applicant/recipient to undergo screening for substance abuse. All persons screened and professionally evaluated to be in need of treatment shall participate in a substance abuse and/or alcohol treatment program as recommended by the professional evaluator. Participation is required if the services are actually available at no charge to the applicant or recipient.
- h. Persons may be classified as incapacitated because of a physical, social, emotional and/or mental condition.

- i. Persons who are no longer incapacitated shall be transitioned to the Employable Program if additional assistance is requested. Recipients shall be allowed to obtain a change in classification between Incapacitated and Employable without a new GA application and without any interruption in benefits due to the change in classification, so long as the recipients comply with all program requirements relating to the new classification.
- j. Individuals may appeal employability classification determinations.

6. REQUIREMENTS FOR EMPLOYABLE PERSONS

Each non-exempt member of the AU must comply with each of the requirements of the mandatory Job Link/Job Search promptly after aid begins.

- a. As a condition of continued eligibility to receive the GA loan, the recipient must provide a complete General Assistance Monthly report by the 10th of each month. Failure to provide the report makes the AU ineligible for GA.
- b. Verification of registration with the Job Link Class is required for applicant/ recipient that are employable. GA applicant/ recipient must be signed up for the next available Job Link Class. If the Job Link Class has already started or will not start for over one week, the applicant/ recipient will be referred to Job Search. The applicant/ recipient must attend two weeks of the Job Link Class for 20 hours per week. Job Search requires the applicant/recipient to complete two job search contacts daily and submit the Job Search Form (Plan105) to the Agency by 12:00 p.m. every Friday until the Job Link Class begins. The EW will not wait until Job Link/Job Search has ended to grant GA benefits.
- c. Cooperate with and follow all instructions from the Job Link/Job Search program.
- d. Report to job sites as instructed and maintain satisfactory work habits.
- e. Complete job skills training and conduct job search as required by the Eligibility Worker.
- f. Accept any offer of appropriate employment which pays at least minimum wage.
- g. If it is determined by the county that there is reasonable suspicion to believe that an individual is dependent upon illegal drugs or alcohol, the county shall require the GA applicant/recipient to undergo screening for substance abuse. All persons screened and professionally evaluated to be in need of treatment shall participate in a substance abuse and/or alcohol treatment program as recommended by the professional evaluator. Participation is required if the services are actually available at no charge to the applicant or recipient.
- h. Upon receipt of incapacity verification a recipients may be allowed to obtain a change in classification between Employable and Incapacitated without any

new GA application and without any interruption in benefits due to the change in classification, so long as the recipients comply with all program requirements relating to the new classification.

7. WORK PROGRAM

- a. To the extent that it is administratively feasible and upon the establishment of a GA Work Program, all employable non-exempt GA recipients shall be required to participate in the Work Program on a monthly basis. Exemptions from this participation requirement are found under the “Exemptions” section below.
- b. Required monthly participation time will be determined by dividing the amount of the GA grant by the State Minimum Wage.
- c. GA repayments shall be reduced based upon hours worked.

8. EXEMPTIONS

The following persons are exempt from participation in the Work Program and Job Link/Job Search:

- a. Incapacitated.
 - (1) Verification of incapacity by a health care professional must be on file.
- b. A child under age sixteen (16).
- c. A child age sixteen (16) or seventeen (17) who is a full-time student (as defined by the school) in an elementary school, junior high/middle school, high school, or vocational/technical school. Verification of school enrollment is required.
- d. Age sixty-four (64) or older.
- e. An adult responsible for the care of a member of the AU on a substantially continuous basis due to the physical and/or mental impairment/incapacity of that member. If another person resides in the home that can provide such care, the GA applicant/recipient is not exempt.
 - (1) Verify the impairment/incapacity of the other AU member and that substantially continuous care is necessary.
 - (2) Determine that the adult seeking the exemption is the only person available to provide care.
 - (3) Review shall be required at least every six months or more frequently as determined by medical records.
 - (4) One adult caretaker of a child under six (6) months old. If another person resides in the home who can provide such care, the GA applicant/ recipient is not exempt.

9. **TIME LIMITS**

GA benefits for employable individuals who have been offered an opportunity to attend the Job Link/Job Search Program shall not exceed three (3) months out of any twelve (12) month period.

The GA-AU shall be notified of the benefit period at the time of approval for GA benefits. No further benefits shall be authorized after expiration of the benefit period without a new application and redetermination of eligibility.

GA benefits for incapacitated individuals, who have been approved for SSI/SSP benefits, will be discontinued from GA effective the end of the month in which Social Security benefits are approved.

Incapacitated recipients, who have received a final denial determination on their SSI/SSP application, will be transitioned to the Employable Program.

10. **SANCTIONS**

a. Sanctions shall be applied when a member of the GA-AU fails or refuses without good cause to follow program regulations. In addition, sanctions will be imposed for the following:

- (1) Knowingly makes fraudulent or intentional false statements or intentionally withholds information.
- (2) Engages in violent, destructive or threatening behavior in connection with the GA Program.

b. Duration of sanctions shall be as follows:

- (1) Initial sanctions shall be applied for ninety (90) days from the date aid is last paid.
- (2) A sanction of one hundred eighty (180) days shall be applied for any second or subsequent incidents, within a twelve (12) month period, of non-cooperation with the San Benito County GA program requirements, or for knowingly making fraudulent or intentional false statements or intentionally withholding information, or for engaging in violent, destructive or threatening behavior in connection with the GA Program.

c. Sanctions will **not** be imposed if good cause is found to exist. In determining good cause, a violation will not be considered willful or negligent if the individual claims that his or her failure to comply with program requirements was the result of his or her disability, or disability was a significant factor causing the failure. In all cases in which the recipient makes such a claim that his or her failure to comply with program requirements was the result of his or her disability or if HHS has reason to believe that an individual's disability was a significant factor in causing the failure to comply, then HHS will evaluate and determine whether the disability was a significant factor causing the failure to comply.

Lack of good cause consists of either willful failure or refusal of the recipient to follow program requirements, or not less than three separate instances of negligent failure to follow program requirements.

- d. Good cause may be demonstrated by a showing of any of the following which includes but is not limited to:
 - (1) The applicant/recipient was hospitalized or ill.
 - (2) It is determined that applicant/recipient's failure to comply with program requirements was the result of his or her disability, or disability was a significant factor causing the failure.
 - (3) The recipient's job paid less than the minimum wage as set by the State of California.
 - (4) The job was beyond the recipient's mental or physical capacity.
 - (5) Transportation issues prevented the applicant/recipient from complying with the Job Link/Job Search requirements.
 - (6) Other circumstances beyond the applicant/recipient's control.

- e. A NOA with respect to the imposition of sanctions shall specify whether the sanction is imposed as a result of one willful or not less than three negligent violations and either case shall specifically identify the alleged violation(s).

SECTION V

INCOME AND PROPERTY DETERMINATIONS

1. INCOME

Current income is the income which is received in the current month regardless of the period over which it is accrued. Monies which are received or anticipated to be received during the calendar month are considered currently available income.

- a. All income, as defined in this section, which is actually available to an applicant or recipient, shall be considered income in the month it is received and shall be used to calculate the grant amount on a retrospective basis. The income of ineligible members (except for ineligible members receiving SSI/SSP) is counted in determining the grant amount.
- b. Income is anything received in cash, or in-kind that can be used to meet a recipient's needs for food, clothing, shelter, transportation, and utilities. In-kind income is not cash, but is a benefit provided in the form of food, clothing, shelter, or utilities, that is received either free or in exchange for work.
- c. The value of any in-kind income received in the form of food, clothing, housing, and utilities will be deducted from the General Assistance grant.
- d. All income determinations shall be consistent with CalWORKs income determinations unless otherwise provided herein.
- e. Earned income is income received in cash or in-kind as wages, salary, commissions, or profits from activities such as business enterprise, farming, etc., in which the recipient is engaged as a self-employed individual or as an employee.
- f. Money that is legally obligated and otherwise directly payable to an individual, but which are diverted to a third party, shall be counted as income as if it were paid to the individual (i.e. Social Security income paid to a payee/representative).
- g. Income which is received on a regular and ongoing monthly basis is considered income in the month for which it is intended. For example, Social Security benefits due on Sunday, 10/1 are mailed to be received Saturday, 9/30 and will be considered income in October.
- h. Educational grants and loans are prorated over the period they are intended to cover. Verified tuition and mandatory school fees are deducted per Agency procedures.
- i. Energy Assistance payments are not considered income.

- j. Grants or gifts from individuals or assistance agencies must be evaluated as to amount and purpose. Those contributions which are designated to meet all or a portion of the GA component shall be counted as income.
- k. Lump sum payments received are considered income in the month they are received. Thereafter, these sums are considered assets. The AU is ineligible for GA until it spends down the money to an amount below the asset limit. Examples include Social Security payments, other social insurance awards, insurance settlements, income tax refunds, earned income credits, retirement benefits, etc.
- l. Reimbursements received are not considered income to the AU to the extent that they do not exceed the costs incurred.
- m. Rental income is money received as a result of ownership in secondary real property. Net income is the amount remaining after deducting taxes, interest, upkeep, assessments and insurance premiums. Principal payments on encumbrances are not deducted in determining net income.
- n. Retirement funds, including money in Individual Retirement Accounts and Keoghs, shall be considered potentially available income. The funds must be actually available. AUs are required to apply for withdrawal of such funds. When received, the funds will be treated as lump sum payments. Failure to apply for these funds shall result in ineligibility to receive GA.
- o. Ten percent (10%) of roomer/boarder payments shall be considered income unless such payments are made to the applicant/recipient by a sublessee and passed on in full to the landlord.

Potential income and resources shall be explored and developed so that they can be made available to meet the needs of the AU. Failure of an AU, upon the Agency's request, to apply for any aid or income or to file for any property to which they appear eligible results in ineligibility.

People living together as an AU are considered together in determining eligibility and grant.

2. VERIFICATION OF INCOME

Applicant agrees to take all actions necessary to obtain unconditionally available income, including public assistance, a relative's offer of contribution benefits available to veterans of military service, Social Security and Unemployment Benefits, possible Sponsor contributions, and retirement or pension plans.

Applicants/recipients who appear to be eligible for other aid programs (e.g. SSI/SSP) must follow-through with the eligibility determination. All applicants/recipients must be informed of any available SSI Advocacy services. Failure to follow-through without good cause will result in ineligibility for GA. Persons who need assistance in completing the eligibility process due to disability, limited English proficiency, or

inability to read or write shall be provided such assistance or be found to have good cause.

3. DEEMED INCOME

- a. The net income of all members of the AU will be included in determining the financial eligibility of the AU except that income of recipients of other cash public assistance programs is not considered in determination of GA. In accordance with the W & I Code, Division 9, Part 6, Chapter 10, Section 18908 and Food Stamp Regulations, Section 63-201, Cal Fresh allotments are not considered income and will not be used to reduce grants, even if received in cash from another jurisdiction.
- b. The income of the sponsor and sponsor's spouse shall be deemed to the sponsored non-citizen for the period of time in which the sponsor has agreed, in writing, to provide for the non-citizen in accordance with agency procedures. Deeming shall not apply to a sponsored non-citizen whose sponsor has abandoned his or her duty to support.

4. DEFINITION OF REAL PROPERTY

Real property is land and improvements, as differentiated from cash, vehicles or similar assets which are personal property. Real property includes, as a general rule, immovable property attached to the land (e.g.: trees, fences, buildings, etc.). It also includes mines, patented or unpatented oil, mineral and/or timber rights. Any mobile home, motor vehicle or other dwelling which is used exclusively as the applicant/recipient's only home is considered real property for GA purposes.

- a. GA applicant who owns real property is eligible for GA provided that it is their principle residence. Additional properties will be evaluated on a case by case basis. Consideration will be given if there is no equity in the property after deducting all liens and encumbrances on the property

5. REAL PROPERTY TO BE INCLUDED

All real property owned by the applicant/recipient is to be included in the real property evaluation when it is available. This includes:

- a. Real property being purchased under contract of sale.
- b. Real property being sold while held in escrow.
- c. Real property held in trust when it is or may be made available for disposition or use.
- d. Real property in an undistributed estate when such property is available prior to distribution.
- e. Patented or unpatented mining claims, timber, oil and mineral rights.
- f. Real property of a sponsor and the sponsor's spouse of a resident non-citizen will be deemed to be the real property of the non-citizen for the purpose of

establishing eligibility to receive GA. However, the deeming of the sponsor and sponsor's spouse's real property shall not apply to a resident non-citizen whose sponsor has abandoned his or her duty to support the non-citizen. Abandonment of the duty to support shall include abuse, battery, neglect or refusal to support pursuant to the W & I Code 17001.7.

- (1) The amount of real property resources of a sponsor and the sponsor's spouse that shall be deemed to be the resources of a non-citizen for any month shall be the total value of real property resources determined as if the sponsor were applying for GA, reduced by \$5,000.

Where appropriate, all assets, including foreign assets, will align with the CalWORKs regulations.

6. REAL PROPERTY TO BE EXCLUDED

Any real property which is not available for the person's use or expenditure is excluded from the property evaluation, including:

- a. An Indian's interest in land held in trust by the United States government.
- b. Property held in trust and not used or available to the applicant/recipient when the control of the trust is not vested in the applicant/recipient.
- c. Land leased from the government.
- d. Any burial plot reserved for the applicant/recipient's future use.
- e. Property which is in foreclosure.
- f. Property which is solely owned by a member of the AU who receives other cash public assistance or SSI/SSP.

The net value of an applicant/recipient's interest in real property used as the GA applicant/recipient's primary residence shall be exempt. The value of secondary real property which the applicant/recipient is making a good faith effort to sell shall be excluded from consideration as a resource.

7. VERIFICATION OF REAL PROPERTY

Before any aid, except GA-IN, shall be given to or for any person, such person shall make a verified written statement of the nature, location and value of all property in which the person has an interest, legal or equitable, with the legal description of any property in which such person claims an interest.

Documents, such as deeds and recent tax receipts, shall be viewed to verify property holdings when available. When documents are not available, a property search shall be initiated to obtain the information from the official records of the appropriate governmental jurisdiction.

8. SECONDARY REAL PROPERTY

The owner of property will list the property with a licensed realtor and provide proof of the listing and proof of the realtor's opinion of the value of the property within five (5) business days of the request. The owner of the property must sign an agreement to attempt in good faith to sell the property and must execute a lien on the property in favor of the County.

The Agency shall review the case every three (3) months after it is listed for sale. Ineligibility to GA shall result if the applicant/recipient has not made a good faith effort to sell the property and if the combined value of the secondary real property and personal property exceeds \$1000.

9. GENERAL ASSISTANCE LIEN

- a. A lien is to be taken against all real property including leased property, property in foreclosure and future interests owned by a GA applicant/recipient and/or the community property share of a GA applicant/recipient even though the spouse may be in receipt of aid through another assistance program.
- b. The county lien is not enforced until death, receipt of a home loan, or sale occurs. In the event a person dies, the remaining spouse may continue to reside in the property; foreclosure is not enforced, although the county lien is renewed and continues to be shown as a hold or claim on the property unless the lien or only possesses a life estate.
- c. A county lien does not have a maturity date unless the interest in the real property is an interest which is less than fee simple, e.g. a trust, life estate, or lease and does not bear interest. It is possible for the applicant/recipient to pay the outstanding amount covered by the lien and the lien will be removed. Only the Board of Supervisors may remove the lien. All negotiations in connection with the removal of a county lien are handled by the County Auditor-Controller.
- d. A lien is not obtained on burial plots.
- e. A lien is not obtained for county burials/cremations.
- f. Temporary assistance may be issued pending the execution of the lien. If the GA applicant/recipient refuses to sign a lien, no aid shall be issued.

10. FOREIGN ASSETS

Real property consisting of foreign assets will be treated as secondary real property with the same requirements to sell as described above unless the AU provides verification of official action to block or freeze the asset.

11. DEFINITION OF PERSONAL PROPERTY

Personal property is any property, tangible or intangible, that is not real property, generally consisting of possessions which may be easily transported or stored, or present or future interests in property whether legal or equitable. Personal property may be in the nature of a property right, such as uncollected debts and claims, and includes vehicles, liquid resources, deferred compensation, accounts receivable and/or interest in a firm under receivership. Liquid resources consist of cash on hand and assets which can be readily and quickly converted to cash, such as savings, checking and other bank accounts, the cash surrender value of insurance policies, stocks, bonds, IRA's, KEOGH's. Verification of the value of personal property shall be provided before any aid is paid except GA-IN.

12. PERSONAL PROPERTY MAXIMUM

- a. No aid shall be given to any AU having non-excluded secondary real property and/or personal property with a net value in excess of \$1000.

Cash or liquid resources in excess of \$50 shall be subtracted from the monthly maximum aid payment when determining the initial month's grant.

- b. Encumbrances of record are to be considered in determining the personal property holdings of the AU. Encumbrances on vehicles must be recorded with the DMV in order to be subtracted from the vehicle value. Verification of an encumbrance is required only when the unencumbered value would make the AU ineligible to receive GA.
- c. If the AU does not agree with the value assigned to any personal property item, they may submit an appraisal prepared by a qualified appraiser. The appraisal shall be used in determining the value of the personal property item.

The value of any items of personal property not excluded; is included in the maximum permissible property total.

13. PERSONAL PROPERTY TO BE INCLUDED

Personal property of a sponsor and the sponsor's spouse of a resident non-citizen will be deemed to be the personal property of the non-citizen for the purposes of establishing eligibility to receive GA. However, the deeming of the sponsor and sponsor's spouse's personal property shall not apply to a resident non-citizen whose sponsor has abandoned his or her duty to support the non-citizen. Abandonment of the duty to support shall include abuse, battery, neglect or refusal to support pursuant to the W & I Code 17001.7.

- a. The amount of personal property resources of a sponsor and the sponsor's spouse that shall be deemed to be the resources of a non-citizen for any month shall be the total value of personal property resources determined as if the sponsor were applying for GA, reduced by one thousand five hundred dollars (\$1,500).

14. PERSONAL PROPERTY TO BE EXCLUDED

- a. The value of household furniture and personal effects, including engagement and wedding rings and heirlooms, not to exceed \$500.
- b. The value of tools, supplies, equipment and other items which are determined by the Agency to be an essential part of a program of rehabilitation or a program to assist in the maintenance and self-support of the AU.
- c. The value of one vehicle per AU whose net value does not exceed \$4,650.

The value of a vehicle is determined per most recent Kelly Blue Book (KBB) "private party" value at the time of the determination.

- d. Up to \$1000 placed in an irrevocable trust for funeral, cremation or interment expenses is excluded from consideration. If the totals or burial reserves exceed \$1000, only the excess over \$1000 is included in the property values.
 - (1) Money or securities must be placed in an irrevocable trust with either a banking institution or trust company legally authorized by the State of California to serve as trustee or with not less than three (3) persons, one of whom may be an employee of the funeral director who is entering into a Pre-need Funeral Arrangement as provided in the Business and Professions Code.
 - (2) Life or burial insurance purchased specifically for funeral, cremation or interment expenses, which is placed in an irrevocable trust or which has no cash or loan value to the insured, is exempt.

Securities by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation or interment are exempt.

SECTION VI

RESIDENCE

1. CITIZENSHIP AND NON-CITIZEN STATUS

Verification of United States citizenship or legal residence in the County is required when there is reason to believe citizenship is questionable, such as when the individual was born outside the United States or when information conflicts with statements from the applicant/recipient.

Non-citizens who provide acceptable documentation that permanent legal residency in the United States has been granted, are eligible to receive GA.

Non-citizens, who hold INS documentation verifying they have been granted an indefinite stay from deportation, are eligible to receive GA.

Non-citizen victims of trafficking, domestic violence and other serious crimes qualifying for Federal and/or State aid may be eligible to receive GA benefits.

Persons with student visas, tourist visas or other evidence of temporary admission do not qualify for GA.

Except when an applicant has been determined to have an immediate need and cannot immediately provide verification, GA will not be issued pending verification of permanent legal resident status. Undocumented non-citizens are not eligible to receive GA.

Foreign visitors who are stranded here may be referred to the closest consulate of their country.

2. GENERAL RESIDENCE INFORMATION

In order to be eligible to receive GA a person must have been a resident of San Benito County for fifteen (15) days immediately prior to the GA application. Nothing in this section shall be construed to require that an individual have an address or to require a homeless person to acquire an address. A person's residence is the place where he or she lives. The burden of establishing San Benito County residency rests on the applicant. A person may establish residency by self-declaring his/her physical presence and intent to remain in the County indefinitely.

Residence, once established, cannot be lost except by a combination of action and intent. The person who declares or plans to leave the area retains residence until actual time of departure. Aid is denied/discontinued immediately upon the individual's departure from San Benito County if he or she has an intention to remain elsewhere immediately. Temporary absences from San Benito County, with no intention to reside elsewhere, do not render a person ineligible for continued aid. If a person terminates his or her residence in San Benito County, the person may return and re-establish residence at any time by residing in San Benito County for fifteen (15) days.

No applicant for GA may be denied assistance solely on the basis that he/she lacks an address, is living in campgrounds or other similar temporary accommodations, or is sleeping in a vehicle.

Applicant/recipients must keep the Agency advised of their whereabouts. An AU with an address who moves to another address or becomes homeless shall inform the Agency of their whereabouts within five (5) business days. An AU without an address who moves to another location or locates housing shall inform the Agency of their whereabouts within five (5) business days.

Applicants and recipients who have no permanent address, including homeless individuals, may use a Post Office Box or any other designated address for purposes of HHSA's mailing of notices and other materials. The mailing address may be a post office box, the address of a relative, friend, shelter, or any other organization that allows the individual to receive mail.

Persons who do not provide the Agency with a residence address or choose to use a designated address for purposes of HHSA's mailing of notices and other materials retain the responsibility of retrieving any correspondence the Agency may initiate via General Delivery at the appropriate Post Office closest to their place of residence in San Benito County. Such persons may come to the HHSA office on a regular basis and request to view all correspondence mailed to them. The Agency shall advise applicant/recipients of this right. Documents shall be dated by the Agency on the date they are prepared as if they were to be placed in the mail. Dates shall not be altered to reflect the date the item was retrieved by the applicant/recipient.

Persons who received GA from another jurisdiction in the month in which they apply in San Benito County are not eligible to receive GA from San Benito County in the same month.

3. REPATRIATION

For action on requests for repatriation received from the State Department of Social Services (SDSS), see SDSS Manual, Chapter 68-100.

4. AID FOR NON-RESIDENTS

- a. Applicants who are not residents of San Benito County are not eligible for General Assistance, except as otherwise provided in paragraphs b and c of this section.
- b. Non-resident applicants or recipients may have, at the Agency's discretion, their transportation costs paid to their place of legal residence by means of public transportation.
- c. Emergency Assistance may be provided, at the Agency's discretion, to non-residents after the non-resident has signed an agreement that they will return to

their place of residence and that they meet the income property requirements of Section V.

- d. “Emergency Assistance”, as used in subsection c above, means financial assistance paid on a non-continuing basis for a period of emergency to relieve hunger and suffering by providing food, clothing, shelter, transportation, and medical care in an amount not to exceed the grant amount.

SECTION VII

BENEFIT DETERMINATIONS

1. The GA benefit is calculated as follows:

To determine the Maximum Aid Payment (MAP) for the eligible members of the GA-AU, see the General Assistance Maximum Aid Table in on page 31.

- a. If some members are excluded due to receipt of SSI/SSP, non-citizen status, the benefit will be based on the GA MAP for the number of eligible persons in the GA AU.
- b. Utilities are defined as electricity, gas, heating/cooking fuel, water, and/or sanitation.
- c. Verification of utility costs includes paid receipts or canceled check for utilities as listed, current utility bill in the applicant's/recipient's name, statement from the manager/landlord/owner specifying the applicant's/recipient's responsibility for the cost of utilities. If the person cannot obtain these verifications through no fault of his/her own, the individual may self-declare these facts. The County may not reduce the grant for failure to provide third party verification of utility costs.
- d. Applicants who state that they do not plan to make San Benito County their residence may be eligible for assistance to return to their prior residence or to their destination providing they are otherwise eligible for GA. The applicant must also determine whether any community agency can provide travel assistance. See Aid for Non-Residents on page 27.

A person or family shall not be eligible to receive assistance with transportation to another area more than once in any twelve (12) month period.

2. **METHODS OF PAYMENT**

The County, at its discretion, may elect to make GA payments either to a provider or to the GA-AU. Payments shall be issued by check, Electronic Benefit Transfer (EBT) card or vendor payment.

- a. **VENDOR PAYMENTS**

Vendor payments are authorizations to merchants to deliver goods or services in a specified amount covering a specified period of time. The GA-AU may have the choice of vendor, however, the County, at its discretion, may refuse to authorize an order to any vendor known to be unsatisfactory. Reasons for considering a vendor unsatisfactory may include, but are not limited to, discounting orders, requiring purchaser to use entire order at one time, or sale of alcohol on food orders.

b. ISSUANCE OF BENEFITS

Benefits shall be issued by check, Electronic Benefit Transfer (EBT), or vendor payment. Issuance of benefits may be staggered to correspond with the Cal Fresh staggered issuance schedule. No benefits will be issued to a destination outside of the County.

c. FINANCIAL ELIGIBILITY

Financial eligibility to receive GA is determined by subtracting all current net income per the GA MAP. Any applicable overpayment adjustment shall be subtracted from the GA benefit.

The MAP is based on the size of the GA-AU and the AU's housing arrangements. See GA Maximum Aid Tables on below.

The MAP shall not include any individual who is not eligible for aid as a result of the Cal Works time limits specified in the W & I Code Section 11454 until all of the children of the individual on whose behalf aid was received, whether or not currently living in the home, are eighteen (18) years of age or older.

3. AID PAYMENTS

a. GA Immediate Need

Applicants that meet the Immediate Need requirement with the need for shelter, food and/or medical needs, have an eviction notice or 48 hour utility shut off notice will be issued payment within three (3) business days.

b. GA Applicant Assistance

Applicant assistance will be authorized when the GA-AU has provided all mandatory verifications but is required to demonstrate cooperation with the SSI/SSP application process or the Job Link/Search Program. Such assistance shall be limited to a period not to exceed thirty (30) days from the date of application. Failure to demonstrate cooperation shall result in denial of GA.

c. Continuing Payments

Issuance of a full month of aid without a break in aid constitutes continuing aid. Termination or reduction of continuing benefits requires ten (10) days advance notice except when aid terminates at the conclusion of a time limited eligibility period of thirty (30) days or less.

GENERAL ASSISTANCE MAXIMUM AID TABLES

<u>AU Persons</u>	<u>Maximum Aid Payment</u>	<u>Housing Portion</u>	<u>Utility Portion</u>	<u>Personal & Incidental Portion</u>	<u>Value of Income in Kind for Housing</u>	<u>Value of Income in Kind for Utilities</u>
1	\$ 331.00	\$ 199.00	\$33.00	\$ 99.00	\$199.00	\$33.00
2	\$ 541.00	\$ 325.00	\$54.00	\$ 162.00	\$325.00	\$54.00

GA Allotment Breakdown

Housing = 60% of full allotment

Utilities = 10% of full allotment

Personal and Incidentals = 30% of allotment

Round up or round down for Housing and Utilities

Adjust P&I up or down to equal full allotment

SECTION VIII

PROGRAM INTEGRITY

1. ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

No applicant may be denied the right to apply because he or she is unable to appear at an office in person due to disability, illness or other undue hardship. GA applicants whose disability, illness or other undue hardship prevents them from getting to the HHS office shall be informed of and offered the following available accommodations:

- a. Home application.
- b. Phone interview.

2. OFFICE SAFETY

The County will not tolerate violent or destructive behavior in any Health & Human Services office/property or any other location associated with the GA Program such as Job Link sites. It is vital that order be maintained to ensure the safety of both GA applicants/recipients and employees. All acts of violence, destructive or threatening behavior in connection with the GA Program are prohibited. Any violation of this prohibition may result in an imposition of applicable sanctions.

Violent behavior consists of but is not limited to:

- a. Threatening or attempting to strike or otherwise harm another person;
- b. Spitting or urinating on another person;
- c. Damaging property that does not belong to the applicant/recipient;
- d. Threatening or attempting to damage property that does not belong to the GA applicant/recipient.
- e. Making a bomb threat.
- f. Striking or otherwise harming another person;
- g. Use of profane language is not in and of itself considered violence unless it is combined with threatening behavior.

3. INTER-PROGRAM REFERRALS

GA staff must be aware of eligibility factors for other assistance programs and make a referral when appropriate. All applications and continuing GA cases shall be screened for potential eligibility to other public assistance programs, including SSI/SSP, and referred when it appears that potential eligibility exists.

When it is known that a GA applicant has an open Cash aid, Cal Fresh and/or Medi-Cal case, the appropriate Agency procedures will be followed to ensure the GA case and public assistance case are maintained together.

4. GOOD CAUSE DETERMINATION

Good cause will be evaluated and determined anytime an individual is non-compliant with eligibility and program requirements, including those required to attend Job Link/Job Search.

In determining good cause, a violation will not be considered willful or negligent if the applicant or recipient claims that his or her failure to comply with program requirements was the result of his or her disability, or the disability was a significant factor causing the failure to comply. In all cases in which the applicant or recipient makes such a claim that his or her failure to comply with eligibility and program requirements, including those of Job Link/Job Search was the result of his or her disability, or if HHSA has reason to believe that an applicant or recipient's disability was a significant factor in causing the failure to comply, then HHSA will investigate and determine whether the disability was a significant factor causing the failure to comply.

5. CASE RECORDS

A separate case shall be established for each separate AU receiving assistance or services under the GA Program.

- a. Determination of the AU is based on one or more of the following:
 - (1) Responsible relative status (a minor)
 - (2) A past pattern of support of the applicant/recipient by members of the household;
 - (3) Pooling of money/resources to meet common living expenses.

When a non-responsible relative has previously supported an applicant/recipient, separate AU status may be established if circumstances within the household have changed.

- b. Eligibility of individuals within a household to receive GA is not a factor in determining the composition of the AU. Excluded members of the GA-AU include but are not limited to:
 - (1) Recipients eligible for or receiving another type of public assistance (SSI/SSP, Cal Works, Refugee Cash Assistance (RCA));
 - (2) Ineligible non-citizens;
 - (3) Non-exempt minor children who fail to cooperate with GA program requirements.

SECTION XI

ADMINISTRATIVE REVIEW

1. ADEQUATE AND TIMELY NOTICE

- a. Adequate and timely notice must be given to an applicant or recipient when General Assistance benefits are granted, denied, increased, decreased, or any other county action concerning the claimant's application for or receipt of General Assistance is taken.
- b. In instances where the Agency takes any adverse action, it shall mail timely notice to the person(s) affected at least ten (10) days prior to the effective date of the proposed action, with the exception of the following situations:
 - (1) The recipient(s) of a case has died;
 - (2) The recipient(s) of a case is incarcerated;
 - (3) The recipient(s) of a case has been approved for SSI benefits;
 - (4) The recipient(s) requests discontinuance;
 - (5) The recipient(s) has moved out-of-county; or
 - (6) The recipient(s) responds to a status report notice of action by filing a complete status report by the first working day of the issuance month which reflects that benefits should be reduced or discontinued.

2. APPEALS

Applicants/recipients may request a conference with representatives of the County GA Program to discuss a NOA. A conference does not affect the applicant's/recipient's right of appeal.

Applicants/recipients may appeal an action directly to the County Health & Human Services Office.

- a. The appeal must:
 - (1) Be requested in writing.
 - (2) State the reasons for disagreement with the action.
 - (3) Be signed and dated.
 - (4) Be filed within thirty (30) days of the NOA date.

All hearing requests shall be date stamped on the day the request is received in a HHSA Office.

- b. The filing date will be determined as follows:
- (1) The postmark date on the envelope if the request is mailed.
 - (2) The date stamp on the hearing request if the request is hand delivered to the County.
 - (3) The date the request was signed if the date cannot be determined in (1) or (2) above.
 - (4) Three (3) calendar days before the request was stamped received by the County if the date cannot be determined by the methods described in (1), (2) or (3) above.

If the last date for the performance of any act required in this section is a day that county offices are closed, the period shall be extended to the next working day.

- c. The claimant may represent himself/herself during all aspects of the hearing process or may be represented by an attorney, an authorized representative or any other person whom he or she designates by signing a written statement.

A representative for the claimant must be authorized in writing prior to the hearing if the claimant does not attend the hearing.

- d. The claimant and authorized representative shall have the right to review the case record and/or any other evidence used in making a determination of eligibility. Such review shall be made available prior to the hearing.
- e. Appeals shall be conducted in accordance with agency procedures. All testimony shall be given under oath or by affirmation.
- f. Witnesses may only testify at the hearing in the presence of the claimant or authorized representative.
- g. The claimant or authorized representative shall have the right to testify, present witnesses, present written documentation and cross-examine witnesses.
- h. Agency staff and any other persons participating in any action leading to the request for an appeal shall appear at the hearing when their presence is requested by Appeals staff, by the claimant, the authorized representative, or when they can provide testimony relative to the merits of the case. All proceedings will be recorded.
- i. Decisions by the Appeals Officer in GA appeals are adopted by the County.
- j. A request for hearing or portion thereof shall be dismissed by a written letter when:
- (1) The issue is not within the jurisdiction of the County appeals process.

- (2) The request for hearing is filed beyond the time limit set forth in this section.
 - (3) The Hearing Officer determines at the hearing that the claimant or authorized representative is unwilling to present the case.
 - (4) The Hearing Officer determines that the identical issue has been the subject of a previous hearing involving the claimant.
 - (5) The requestor of the hearing does not have standing to request the hearing.
 - (6) The claimant abandons the hearing by failing to confirm or appear at the hearing without good cause.
- k. If the appeal is denied or dismissed, the claimant may file a written request for a review by the Director of the San Benito County HHSA or designee within fifteen (15) days of the date the decision was adopted. The filing date shall be determined by the date the written request is received by HHSA. Persons will be informed within twenty-one (21) calendar days if a request for review by the Director is granted. If a response is not received within this time period, the request shall be deemed denied.

3. LIENS/REIMBURSEMENT/RECOUPMENT/OVERPAYMENTS

- a. All General Assistance received is a debt payable to the County of San Benito. Any application for such aid shall incorporate an acknowledgment of such debt and an agreement to repay it when able. If a person acquires real property, the County shall have a claim against him/her for monies expended.
- b. As condition of receipt of General Assistance, a recipient must sign a lien on any equity in real property that he or she owns an interest.
- c. If a recipient performs on a work project with enough hours sufficient to reimburse the grant amount, no lien shall be attached nor executed upon.
- d. All overpayments shall be recouped via grant reduction at no less than ten percent (10%) nor more than twenty percent (20%), of the monthly grant amount, based upon the individual circumstances.

SECTION X

GLOSSARY OF TERMS

1. TERMS

The following list of definitions includes the terms as used in this Handbook:

- a. **ADEQUATE AND TIMELY NOTICE** shall mean a written notice informing the applicant/recipient of the action the Agency intends to take, the reason for the intended action, the General Assistance Policy section supporting the action, and information regarding the right to request a hearing, provided at least ten (10) days before the effective date of the Agency action. The notice shall also explain, if appropriate, the circumstances under which aid will be continued if an administrative hearing is requested.
- b. **AGENCY**
The terms Agency, San Benito County Health and Human Services Agency and all federal, state, county, city and private agencies with which the Agency has written or implied contracts for services and support. This includes but is not limited to, the Auditor-Controller, Community Services Agency, County Veterans Services, District Attorney, State Vocational Rehabilitation Services, General Assistance Work Program, and County Counsel.
- c. **APPEAL**
A written request by an applicant or recipient for a hearing on an action relative to their application or continuing aid.
- d. **APPLICANT ASSISTANCE**
Payments made to an applicant while cooperation with program requirements is being established. These payments are issued in one week increments for a maximum of 30 days including the immediate need period if applicable.
- e. **ASSISTANCE UNIT**
Persons who live together and are legally and/or economically dependent on each other will be considered one GA Assistance Unit (GA-AU) in determining eligibility and the amount of the GA grant. An unborn is not considered a person in the GA program.
- f. **CASH AID PAYMENT**
A check issued by San Benito County.
- g. **COMMUNITY AGENCY**
A private agency with the stated purpose of helping to meet financial, social, or other types of requests from needy segments of the community.
- h. **CONTINUING GENERAL ASSISTANCE**
Issuance of a full month of aid without a break in aid constitutes continuing aid. Termination or reduction of continuing aid payments requires ten (10) days advance NOA except when aid terminates at the end of a time limited eligibility period of thirty (30) days or less.

- i. **COUNTY**
As used in this manual of regulations, the term County shall refer to the County of San Benito, Hollister, California.
- j. **EMPLOYABLES**
Persons who are determined to be physically and mentally able to participate in the Job Link/Job Search Program.
- k. **IMMEDIATE NEED**
The immediate need for shelter, food and/or medical needs, or have an eviction notice or 48 hour shut off notice.
- l. **IMMEDIATE NEED AID PAYMENT (IN)**
Applicants that meet the Immediate Need requirement will be issued payment within three (3) business days.
- m. **IN-KIND INCOME** is not cash, but is a benefit provided in the form of food, clothing, utilities or shelter, that is received free or in exchange for work.
- n. **INCOME** shall mean any non-medical benefit provided in cash or in-kind which is received from any source, including income from employment or categorical assistance programs. However, in no event shall Food Stamps be considered as income.
- o. **INCAPACITATED**
Adults whose physical, social, emotional and/or mental condition as verified by medical and/or other evidence is such that they cannot be expected to engage in any type of gainful employment.
- p. **INELIGIBLE MEMBERS** shall mean individuals that are included in the General Assistance household but are ineligible for the General Assistance Program.
- q. **INTERIM ASSISTANCE (IA)**
GA payments authorized to applicants for SSI/SSP during the time their applications are being processed by the Social Security Administration.
- r. **LIEN**
The legal right to or claim upon real or personal property to satisfy an obligation. The lien in GA allows the County to recover the amount of assistance extended in the event of the recipient's death, receipt of a home loan, sale of property, or conclusion of a lawsuit, including Workers' Compensation.
- s. **MAXIMUM AID PAYMENT (MAP)**
The total amount of loan payment which can be allowed to an individual or GA-AU during a calendar month.

- t. **MINOR**
Any unmarried person under the age of 18 years. If the marriage of a person under age 18 has been annulled, the person reverts to status as a minor.
- u. **PUBLIC ASSISTANCE**
For purposes of GA, cash aid paid under State Eligibility and Assistance Standards (EAS) Manual Divisions 40 and 69 and SSI/SSP.
- v. **REFERRAL**
Directing a applicant/recipient to another available program or service
- w. **RESOURCES**
Money, property, claims or goods of value which may be utilized to meet an applicant/recipient's needs.
- x. **RESPONSIBLE RELATIVES**
Responsible relatives are the spouse of the applicant/recipient or the parent of a non-emancipated minor.
- y. **REVIEW OR CONFERENCE**
An examination of a case by a supervisor to determine the accuracy of an action taken. This may be requested by an applicant/recipient prior to an appeal but does not affect the individual's right to appeal.
- z. **SANCTION**
A specific period of ineligibility imposed when a member of the GA-AU fails without good cause to comply with GA regulations, policies and/or procedures or misrepresents material facts to the Agency.
- aa. **SHARED HOUSING**
A standard of general assistance for applicants or recipients who share housing with one or more unrelated persons or one or more persons who are not legally responsible for the applicant/recipient
- bb. **SPONSORED NON-CITIZEN**
A non-citizen who was lawfully admitted to the United States for permanent residence by relying on an affidavit of support pursuant to the Immigration and Nationality Act
- cc. **THIRD PARTY CHECKS**
Checks made payable to a vendor or provider of service on behalf of an applicant/recipient.
- dd. **UNDOCUMENTED NON-CITIZEN**
A non-citizen who has no documentary proof of legal right to reside in the United States.
- ee. **VENDOR**
An authorization made payable to a merchant, landlord or other provider of goods or services to provide such goods and/or services to the person named.

The order provides for a maximum dollar amount and covers a specified period of time. The applicant/recipient may draw on the funds until they are exhausted or until the vendor order expires. At the end of that time, it is returned by the vendor to the County and a check is authorized to pay the amount due. A vendor payment may be issued directly to a vendor for any item of need.

REVISION HISTORY

Revision 7/2016 to include a revised grant as well as the following:

1. Income in Kind (IIK) values for housing and utilities.
2. Value for housing portion of the grant (60% of grant amount).
3. Value for utility portion of the grant amount (10% of grant amount).
4. Value for personal and incidental portion of the grant amount (30% of grant amount).
5. Work Program for employable participants.
6. Requirement to apply for rental and utility assistance.