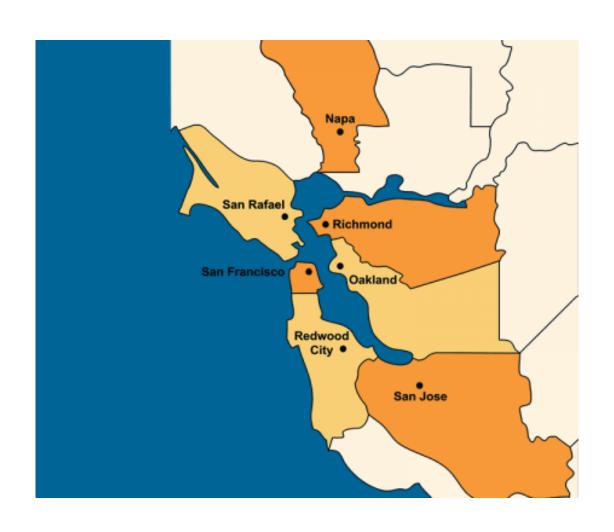
Government Benefits Overview

Jessica Mark
Bay Area Legal Aid
July 24, 2024

We Provide Free Legal Advice & Representation in the Following Areas:

- Economic Justice
- Domestic Violence Prevention
- Housing Preservation
- Health Care Access
- Consumer Protection
- Reentry
- Youth Justice

Bay Area Legal Aid Service Area



7 Bay Area Counties:

- Alameda
- Contra Costa
- Marin
- Napa
- SanFrancisco
- San Mateo
- Santa Clara

Who is Eligible?

- ► LOCATION: 7 Bay Area Counties
- ► INCOME/ASSETS: Low-income residents
 - ► Income 125% of Federal Poverty Level (~\$18,000/yr for one person)
 - ► Assets \$50,000 for one person
- CITIZENSHIP AND IMMIGRATION STATUS (limitations due to federal funding)

Citizenship & Immigration Status

We can serve:

- ▶U.S. Citizens or Nationals
- Lawful Permanent Residents and other immigrants with legal immigration status
- Victims of Trafficking for sexual or labor exploitation
- ▶ Victims of partner, spousal, or parental abuse

*Unfortunately, due to our federal funding constraints, we cannot serve DACA recipients or other immigrants who do not meet one of the criteria above.

Economic Justice

- <u>Services Provided</u>: Denials, reduction, termination or overpayments of
 - CalWORKs
 - CalFresh (food stamps)
 - General Assistance (GA)
 - Social Security Disability Benefits (SSDI) or SSI
 - Cash Assistance Program for Immigrants (CAPI)
- Services NOT Provided:
 - Help applying for benefits
 - Our SSDI/SSI/CAPI clients must be connected to BHCS or receiving CalWORKs or GA
- How to get help:
 - Legal Advice Line 800-551-5554

Domestic Violence Prevention

- <u>Services Provided</u>: For survivors of DV, we help with Immigration relief and Family law → divorce, legal separation, annulment, restraining orders, child custody and visitation, child or spousal support (if connected to another case)
- <u>Services NOT Provided</u>: Child Support Only, Spousal Support Only
- How to get help:
 - Legal Advice Line Domestic Violence Line 1-888-330-1940

Housing Preservation

- Services Provided:
 - Eviction defense,
 - Housing conditions (habitability),
 - Fair housing enforcement (including discrimination),
 - Reasonable Accommodations requests,
 - Landlord harassment and retaliation,
 - Housing Authority issues (including loss of Section 8 benefits, transfer vouchers for safety reasons)
- <u>Services NOT Provided</u>: We generally cannot do anything if the tenant has moved out; small claims cases (damages, security deposit); we do not assist landlords, including master tenants; foreclosures
- How to get help:
 - Tenants Rights Line 888-382-3405

Health Care Access

- Services Provided:
 - Medi-Cal and Denti-Cal
 - In-Home Supportive Services
 - Covered California
 - Private health insurance (including employerbased insurance)
 - Managed care and HMO issues
 - Medical debt
 - Medicare
 - County Medically Indigent Programs
 - Paratransit

*NO INCOME/ASSET LIMITS *

Services NOT provided:

- Medical malpractice or negligence
- Personal injury matters
- Workers' compensation
- Affirmative lawsuits against individual providers, hospitals
- Convincing a medical provider to prescribe a service or medication

How to get help: Health Consumer Center Line 855-693-7285

Consumer Protection

- We provide *Advice Only* about the following issues:
 - Information about legal rights in debt collection
 - Credit reporting: identity theft, coerced debt (debt related to DV), inaccurate credit reporting, housing denials due to credit (including UD/Eviction reporting).
 - Federal student loan debt repayment and discharge options
 - ► Homeownership issues (foreclosure, home improvement sales fraud)
 - Predatory and high-cost loans
- Services NOT Provided: Bankruptcy representation (advice only), Tax, Product Liability, Personal Injury, Child Support Garnishment.
- How to get help:
 - Legal Advice Line 800-551-5554
 - See our website for our clinics in San Francisco, Richmond, Bay Point
 - https://baylegal.org/what-we-do/stability/consumer-protections/

Reentry

- <u>Services Provided</u>: For people with an arrest or conviction history this team helps with -
 - Traffic Tickets, Suspended Driver's Licenses and Registrations
 - Clean Slate/Criminal Record Issues ("expungement"),
 - Employment Denials due to criminal record, Background Checks, Occupational Licensing
 - ID Theft, Credit Reporting, Consumer Debt, Sex Offender Tiered Registry
- Services NOT Provided:
 - Active criminal case
- How to get help: online referral form

https://baylegal.org/what-we-do/stability/reentry/reentry-se...referral-form/



Youth Justice

- Services we provide: For young people between the ages of 13-26yrs -Homelessness, foster care, guardianship, medical and mental health services access, school (enrollment barriers, discipline, and special education), public benefits, SSI, immigration, restraining orders and family law, foster care-related housing, and other civil legal issues as capacity allows.
- <u>Services NOT Provided</u>: We only take SSI cases for youth connected to Juvenile Probation.
- <u>How to get help</u>: Fill out the Youth Referral Form at https://baylegal.org/youth-justice-online-referral-form/. We will reach out to the youth, generally within 72 hours, to conduct an intake. The youth must have consented to the referral prior to it being made.

*We prioritize youth at highest risk for juvenile/criminal system entry (taking into account housing and school stability, trafficking, child welfare history).

CalFresh

What is CalFresh?

- CalFresh is a nutrition program that provides monthly food benefits to households.
 - Benefits are issued monthly on an EBT card
 - ► Can be used as a credit card at grocery stores, farmer's markets, and some online retailers
 - Not a cash benefit there are limits on how the benefits can be used
 - ▶ Yes: food, seeds and plants to grow food
 - No:
 - ▶ Non-Food items: cigarettes, diapers, toilet paper
 - Medications
 - ▶ Hot foods or foods eaten in the store
 - ► Unless Restaurant Meals Program available

- ▶ In CalFresh, a household is a group of people who (1) live together and (2) regularly purchase and prepare food together.
 - Does not require people to be related
 - ► There can be multiple households under 1 roof
 - Mandatory Household Members:
 - ► Spouses who live together
 - ► Children under 22 living with their parents

Immigrants:

- Eligible: LPR, refugee, asylee, parolee, U or T-Visa applicants and recipients, VAWA applicants, Cuban or Haitian entrants
- Ineligible: Undocumented, DACA recipients

Mixed Status Households:

- Households that have some members who qualify and some who don't can still apply for CalFresh.
- Ineligible household members should specify they are not applying.
 - Still must provide income information
 - Cannot be required to provide immigration status
 - Never give a fake SSN or false/misleading information

- ➤ Elderly/Disabled: There are special rules throughout the program for households with at least one member who is elderly or disabled
 - ► Elderly: 60 or older
 - Disabled: Receiving a disability based benefit with a test as stringent as the SSA disability test
 - ► VA: "Total" disability or needs "aid and attendance"
 - SSI recipients are now eligible
 - ► Effective June 1, 2019

- College Students: Generally not eligible
 - ► Lots of exceptions to this
 - Employed for at least 20 hours/week
 - Approved for work study and anticipate working during the school term
 - Exception still applies if the student anticipates working but is not actually working, as long as they did not refuse a work assignment
 - ► Receives CalWORKs
 - ► Has a child under age 6 or in some situations, up to age 12
 - ► See CalFresh Guide for more

Financial Eligibility

- ▶ To determine financial eligibility, use a CalFresh calculator
 - ► Gross income test
 - ▶ Net income test
 - ▶ Determine the grant amount

Financial Eligibility - Income

► Income:

- In order to be considered income, money must be actually available or reasonably anticipated
 - Reasonably anticipated: The household knows the date and amount of money that will be received

Not income:

- ► In-Kind Income: free housing, THP-PLUS for former foster youth
- ► Earned income of a student under age 18
- > \$50 of CalWORKs child support pass through
- ► Non-recurring lump sum payments
- Work study income
- Some student aid
- Tax Returns
- See CalFresh Guide for more

Financial Eligibility

- ► Two income tests: Gross and Net
 - ► Gross income test:
 - Must be below 200% FPL for most households
 - ► If there is an elderly or disabled hh member: no gross income test

Income Guidelines October 1, 2023 - September 30, 2024

Household Size	Gross Monthly
Household Size	Income
	(200% FPL)
1	\$2,430
2	\$3,288
3	\$4,144
4	\$5,000
5	\$5,858
6	\$6,714
7	\$7,570
8	\$8,428
Each additional member	+ \$858

Financial Eligibility - Common Deductions

- If the household satisfies the gross income test, apply the deductions to get to the net income.
 - Excess Shelter Deduction: The monthly shelter cost over 50% of the adjusted household income
 - ► Maximum: \$672
 - ▶ No maximum for households with elderly or disabled member
 - ► Medical Expenses:
 - ► Must be elderly or disabled
 - ► Unreimbursed medical expenses over \$35
 - ► Standard deduction is \$120
 - ▶ Other common deductions:
 - ► Standard, Earned Income, Dependent Care, Standard Utility Allowance (SUA), Limited Utility Allowance (LUA), Telephone Utility Allowance (TUA), Homeless Shelter Deduction

Financial Eligibility

- Net Income Test:
 - ▶ 1 and 2 person households with an elderly or disabled member can qualify for minimum benefit if they do not meet the net income test

Income Guidelines October 1, 2023 - September 30, 2024

Household Size	Net Monthly Income
1	\$1,215
2	\$1,644
3	\$2,072
4	\$2,500
5	\$2,929
6	\$3,357
7	\$3,785
8	\$4,214
Each additional member	+ \$429

Financial Eligibility - Resources

- Resource limit: \$2,750/\$4,250 if there is an aged/disabled household member
 - Most households have no resource limit
 - Exception: households with at least 1 elderly or disabled member with gross income over 200% FPL
- Some resources are exempt or excluded
 - See CalFresh Guide for list

Maximum Monthly Allotment

Maximum Monthly Allotment October 1, 2023 to Sept. 30, 2024

Household Size	Maximum Grant
1	\$291
2	\$535
3	\$766
4	\$973
5	\$1,155
6	\$1,386
7	\$1,532
8	\$1,751
Additional People	+\$219 each
Minimum Grant	\$23

The Application Process

- Applications can be filed:
 - Online at BenefitsCal.com
 - In person at the local county welfare department
 - Telephonically
- After the application is filed, county staff should contact client for an interview
 - Generally done over the phone
- Claimants must submit all required verifications
 - Collateral contacts can be used when other verifications are missing or insufficient

The Application Process - Verifications

- Income
 - Disability based
- Social Security Numbers
 - Not the actual card
- Where the person lives
 - Address is not required if unhoused
- Identity
- Immigration status of noncitizens
 - Includes sponsor information

- Medical Expenses
- Child Support payments
- Shelter costs
 - Includes utilities
- Physical or mental "unfitness"
 - Student exception
- Compliance with work requirements
 - ► ABAWDs only
- Questionable Information

The Application Process - Timelines

- Regular applications should be processed within 30 days
- Expedited Service applications should be processed with 3 calendar days
 - Less than \$150 in gross monthly income and less than \$100 in liquid resources
 - Destitute migrant workers with less than \$100 in resources
 - Households where gross income and resources are less than the monthly rent or mortgage + utilities
- Benefits are approved back to the date of the application

The Application Process - Unhoused Applicants and Recipients

No requirement to report an address but must apply in the county in which they reside

CalFresh can be used at farmer's markets

Restaurant Meals Program: Allows people to use CalFresh to purchase prepared meals

Must be unhoused, elderly, or disabled to qualify

Identity can be verified through collateral sources

Keeping Benefits

- ► CalFresh households are certified benefits are approved for a specific amount of time but must reapply for benefits to continue
- Most CalFresh households are certified for 12 months with a SAR 7 due after 6 months
 - Mandatory reports are the responsibility of the household to complete, even if the county does not send the paperwork
- Some households with elderly or disabled members can be certified for 24 or 36 months with annual reports due
- ► After these reports are made, benefits are frozen and can only be changed in certain circumstances

Keeping Benefits Mandatory Mid-Period Reports

- Some things must be reported outside of the SAR 7/Recertification:
 - ► Income goes above Income Reporting Threshold (130% FPL for household size)
 - ABAWDs: Work drops below 20 hours/week or 80 hours/month

Note: CalWORKs and most GA programs have more mandatory reports due. Clients should be sure to know their reporting responsibilities for all of the programs they are on.

Keeping Benefits Voluntary MidPeriod Reports

- Any change that is not mandatory is a voluntary report. Recipients can voluntarily report changes that may increase their benefits at any time.
 - Examples: Change in household income such as the loss of job; Someone moves into or out of the home; An increase in one of the allowable deductions
- ► If the report is a change in household composition or income that would cause a decrease in benefits, counties must act on the report if it is verified.

Keeping Benefits - ABAWDs

- ► ABAWD: Able Bodied Adult Without Dependents
 - ▶ 18-50 years old with no kids and not disabled
- ► Can only receive CalFresh for 3 months in a 36-month period unless recipient works 20 hours/week or participates in an approved work program
- Exceptions: mentally or physically unfit for work, pregnant, living with a household member under age 18, living in a geographic area that has a waiver
 - ▶ Statewide waiver in place through October 31, 2024
 - Exceptions could change after that as a result of the debt limit bill that just passed. Waiting on implementation to learn more.

Appeals

- ► If the county is going to take action on your CalFresh, including approving or denying your application, they have to issue a written notice. The notice should include:
 - ▶ 1. The action the county wants to take;
 - 2. Why they are taking that action;
 - 3. The effective date of the action;
 - 4. Your appeal rights; and
 - ▶ 5. The regulations they are relying on in making the decision.

Appeals

- ▶ If you disagree with the action, you have 90 calendar days to request a hearing.
 - ▶ Aid Paid Pending: If the proposed action is a termination or reduction in benefits, if you request the hearing before the effective date of the action, your benefits will not change until the hearing is completed. If you lose at hearing, you will be asked to repay the benefits you received during the appeal process.
 - You can also request a hearing is an action is taken and no notice was issued.
- There is no penalty for requesting a hearing
- Contact CDSS to request your hearing:
 - Online: https://acms.dss.ca.gov/acms/page.request.do?page=public.intakeForm
 - Phone: (800) 743-8525
- You can also submit your request to your County Welfare Department

Appeals

- After the appeal is filed, a county worker who did not make the initial decision in the case is assigned to the appeal
 - ► Alameda: Appeal Officer
- County representative should review the case and attempt to resolve it before the hearing.
 - ► Conditional withdrawal: Client agrees to withdraw the hearing in exchange for the County agreeing to do something else
 - Withdrawal: Client withdraws hearing request with no other agreements from County
- ► Hearings are currently scheduled about 6 weeks out
- Decision is due 60 days after request was made

Questions?

LSNC CalFresh Guide: http://calfresh.guide/

CALWORKs - California Work Opportunities and Responsibility to Kids

CalWORKs

- Temporary Assistance for Needy Families (TANF)
 - Block grant States have a lot of control over what the program looks like
- Cash aid program for children deprived of parental support and their adult caretaker relatives
 - Deprived: At least one parent is absent, deceased, disabled, or unemployed

Who is in the assistance unit?

Mandatory Members

- Eligible child
 - Under age 18 unless the child will graduate high school before turning 19
- Eligible siblings or half siblings in the home
- Adoptive or birth parents of the child in the home
- If parent is a minor living with their parent (eligible child's grandparent), grandparent must also be included
- Sponsor of a sponsored noncitizen

Optional Members?

- Step parents
- Other eligible children in the home (grandchild, niece/nephew)
- Nonparent relative caretaker

Pregnant people are now eligible in all trimesters

SSI recipients are not eligible for CalWORKS

Who is in the assistance unit

- Immigrant Eligibility
 - ► LPRs (green card holders)
 - Refugees/asylees,
 - VAWA applicants with prima facie case determination,
 - ► T-Visa holders or applicants with a prima facie case
 - ▶ U Visa applicants

Financial eligibility

2 separate income limits: Gross and Countable

Certain income is not included

- SSI, loans, child's income, tax refund, or income of a non-needy relative caretaker, Federal financial aid (including Work Study)
- In order to be countable, income must be reasonably anticipated
 - Amount and approximate date of payment must be known

Different levels for Region 1 and Region 2

- Region 1 counties: Alameda, Contra Costa, Los Angeles, Marin, Monterey, Napa, Orange, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Ventura
- Region 2: everywhere else

Financial Eligibility - Gross Income Limit

Assistance Unit Region 1	MBSAC July 1, 2024 to June 30, 2025
1	\$899
2	\$1,476
3	\$1,829
4	\$2,170
5	\$2,476
6	\$2,785
7	\$3,061
8	\$3,331
9	\$3,614
10	\$3,922
11+	+\$35 for each person

- Household's gross income must not exceed the Minimum Basic Standard of Adequate Care (MBSAC)
 - ➤ Gross income is calculated as the total income minus \$450 for each working person.

Financial Eligibility - Net Income Limit

- ► Eliminate Excluded/Exempt Income
 - Unearned Income: count it all
 - ► Unearned <u>Disability</u> Income: subtract up to \$600
 - ► Earned Income: remainder of the \$600 exclusion and divide by 2

Financial Eligibility - Maximum Aid Payment

Assistance Unit Region 1	Non-exempt	Exempt
1	\$707	\$779
2	\$895	\$1,000
3	\$1,130	\$1,264
4	\$1,363	\$1,519
5	\$1,597	\$1,780
6	\$1,830	\$2,043
7	\$2,065	\$2,305
8	\$2,299	\$2,569
9	\$2,532	\$2,828
10	\$2,767	\$3,094

- Exempt: All adults in the assistance unit are receiving disability-based income
- Non-Exempt: Everyone else

Financial Eligibility - Resource Limit

- **\$11,634**
- ➤ \$17,452 if someone in the assistance unit is 60 or older

Countable Resources	Excluded Resources
Cash on hand or in bank accounts	A home the family lives in
Stocks and bonds	Tools of the trade
Some non-recurring lump sum payments (ie: inheritance, lawsuit winnings)	A car with an equity value less than \$32,045 or 1. Used to transport someone in the home who is disabled 2. Given as a gift/donation

Financial Eligibility - Calculating the Monthly Grant



Keeping CalWORKs - 60 Month Time Limits for Adults

- In general, adults can only receive CalWORKs for 60 months for their whole life. When the 60 months is up, their aid will be cut, but the child can still receive aid.
- This went up from 48 months on June 1, 2022
- Adults should make strategic choices about when they choose to receive aid to maximize aid over their lifetime.
- Extenders: Exceptions to receive additional months of aid after 60 months is up
- ▶ Clock Stoppers: These months are not counted towards the 60-month limit
- Examples:
 - Adults 60 years old or over
 - Disabled
 - Dealing with the effects of domestic violence
 - Needy caretaker of a dependent child of the court.

Keeping CalWORKs - Welfare to Work

What is Welfare to Work?

Adults and (children over 16 and not in school) are expected to participate in work, job training, education and work activities. Participants may be sanctioned for failing to comply with the program.

Hourly requirement varies based on household composition.

- 20 hours/week: Single parent families with a child under 6
- 30 hours/week: Single parent families, two parent families with a child under age 6
- 35 hours/week: Two parent families

Certain people are exempt, such as:

- Age 60 or older,
- Pregnant,
- Caring for a child younger than age 2,
- Caring for a relative's child,
- Unable to do WTW activities because of a disability, and
- Caring for a family member who lives in their household and can't take care of themselves.
- Good cause

Keeping CalWORKs - Welfare to Work

- ▶ 60 months of participation are required (entire time adults are eligible for aid)
- Supportive services available childcare, transportation, ancillary expenses, diaper assistance
- Specialized supportive services DV services, Mental Health and Substance abuse treatment.

Keeping CalWORKs - SAR 7 and Redeterminations

- Benefits are approved for a 12-month period
 - Benefits mostly frozen for 6-month intervals, with few exceptions
- SAR 7 is due at 6 months
 - Short report designed to capture changes to income, address, and other basic eligibility factors
- Redetermination
 - Basically submitting a new application and going through the full application process again
 - Should be aligned with CalFresh and Medi-Cal but not always

Keeping CalWORKs - Mid-Period Reports

Mandatory Mid-Period Reports

- Income goes above Income Reporting Threshold
- Address changes
- Fleeing felon status
- Violations of probation or parole

Voluntary Mid-Period Reports

- Any change that is not mandatory is a voluntary report. Recipients can voluntarily report changes that may increase their benefits at any time.
 - Examples: Change in household income such as the loss of job; Someone moves into or out of the home; An increase in one of the allowable deductions
- If the report is a change in household composition or income that would cause a decrease in benefits, counties must act on the report if it is verified.

What else can you get?

- Should automatically receive CalFresh and Medi-Cal
- Immediate Needs
 - \$200 at time of application or whole amount within 3 days
- Non-recurring Special Needs:
 - ▶ One time emergency assistance up to \$600
- Transitional CalFresh
 - ▶ When CalWORKs benefits stop because the family is over income, CalFresh benefits will continue unchanged for 5 months.
 - ► The family may reapply for regular CalFresh benefits during this time.
 - There is no limit to the number of times the household may qualify for transitional benefits.

Homeless Assistance

- Homeless Assistance is a program for CalWORKS recipients and applicants that can provide money to help with housing and moving expenses
- The program provides two different types of benefits, temporary and permanent:
 - ➤ Temporary HA helps families pay for short-term housing, like motels or subleases or other short-term housing options, while they are looking for permanent housing.
 - ► Permanent HA helps families either secure or keep permanent housing. The program can help with paying back rent owed or some of the move-in costs for new housing

Housing Support Program

- ► The Housing Support Program offers help to CalWORKS families who are unhoused or at risk of becoming unhoused
- ► HSP can offer financial support, but it also offers a variety of services designed to address some of the causes of housing instability
 - ► Some examples include housing navigation, case management, interim shelter assistance, legal services, and credit repair
- ► The program is funded by the state, however each county runs their version independently
 - ► There are some components that must be included in every plan, but many specifics may vary from county to county

Domestic Violence Waiver

Survivors of domestic violence can request a DV waiver to waiver any program requirement except:

- Deprivation
- Income/Assets
- Homeless Assistance

Common uses of the DV waiver:

- Time on aid
- Welfare to Work participation
- Paternity establishment
- Child support cooperation

Appeals

- ► If the county is going to take action on your CalWORKs, including approving or denying your application, they have to issue a written notice. The notice should include:
 - 1. The action the county wants to take;
 - 2. Why they are taking that action;
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 - ▶ 5. The regulations they are relying on in making the decision.

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 - Online: https://acms.dss.ca.gov/acms/page.request.do?page=public.intakeForm
 - Phone: (800) 743-8525
- You can also submit your request to your County Welfare Department

Appeals

After the appeal is filed, a county worker who did not make the initial decision in the case is assigned to the appeal

County representative should review the case and attempt to resolve it before the hearing.

- Conditional withdrawal: Client agrees to withdraw the hearing in exchange for the County agreeing to do something else
- Withdrawal: Client withdraws hearing request with no other agreements from County

Hearings are currently scheduled about 8-10 weeks after request

Decision is due 90 days after request was made

Questions?