

**NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL**



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November 7, 2017

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TABLE OF CONTENTS

TABLE OF CONTENTS	2
SECTION 1 – AUTHORITY	1
SECTION 2 - ADMINISTRATION	1
SECTION 3 - COUNTY RESPONSIBILITIES	2
SECTION 4 - CUSTOMER RIGHTS & RESPONSIBILITIES.....	2
SECTION 5 – REPAYABILITY	5
SECTION 6 – CONFIDENTIALITY	6
SECTION 7 – HOUSEHOLD COMPOSITION.....	6
SECTION 8 – RESIDENCE	6
SECTION 9 - CITIZENSHIP AND NON-CITIZENSHIP STATUS	7
SECTION 10 – IDENTIFICATION	8
SECTION 11 – INCOME.....	9
SECTION 12 – PROPERTY INTRODUCTION.....	10
SECTION 13 - REAL PROPERTY	11
SECTION 14 - PERSONAL PROPERTY	11
SECTION 15 – TRANSFER OF PROPERTY	13
SECTION 16 – REQUIRED VERIFICATIONS	14
SECTION 17 – APPLICATION PROCESS	16
SECTION 18 - EMPLOYABLE PROGRAM	17
SECTION 19 – UNEMPLOYABLE PROGRAM	19
SECTION 20 - INELIGIBLE PERSONS	19
SECTION 21 - BENEFIT DETERMINATIONS AND CALCULATION	20
SECTION 22- EMERGENCY RELIEF PROGRAMS (ERPs)	22
SECTION 23 – REPORTING	23
SECTION 24 - NOTICES OF ACTION (NOA).....	23
SECTION 25 – ADMINISTRATIVE HEARINGS	24
SECTION 26 – TERMS AND DEFINITIONS.....	26

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

SECTION 1 – AUTHORITY

- 1.1. 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). State law sets forth the general parameters of a County’s authority to administer the GA program and requires that each County Board of Supervisors adopt standards of assistance which shall be available to the general public.
- 1.2. General Assistance in Nevada County is based upon formal actions of the Board of Supervisors. However, the Director of the Department of Social Services is the delegated authority to interpret the GA Procedures Handbook and to amend, alter or modify the regulations contained therein if necessary to assure consistency with the law. Any such changes will be approved by the Board of Supervisors. In addition, routine, non-policy changes in the Handbook may be made by the Director of the Department of Social Services.
- 1.3. Upon adoption by the Board of Supervisors, this GA Manual outlines the provisions of the GA program in Nevada County. Any questions of interpretation should be directed to the Department of Social Services.
- 1.4. GA eligibility and amount of aid is established in accordance with Welfare and Institutions Code 17000.5.

SECTION 2 - ADMINISTRATION

- 2.1. The GA program is a supplemental assistance program 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 the Supplemental Security Income/State Supplementary Payment (SSI/SSP). 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). Section 10000 of the W&I Code contains the following statement of the Legislative intent: “...that assistance shall be administered promptly and humanely...so as to encourage self-respect, self-reliance, and the desire to be a good citizen, useful to society.”

Cognizant of the Legislative intent stated above, and mindful of its responsibility to the taxpayers of Nevada County, the Board of Supervisors of the County of Nevada hereby resolve the standard of aid and care of the indigent and dependent poor of Nevada County be hereby adopted as follows.

- 2.2. The administration of County General Assistance, pursuant to Section 17000, W&I Code, is vested in the County Board of Supervisors. Matters within the discretion of the Board include:
 - 2.2.1. Granting indigents a specific type of relief.
 - 2.2.2. Requiring the payment of aid in specific amounts.
 - 2.2.3. Prescribing the time at which payments are to be made.
- 2.3. The Director of Social Services, or his/her designee, may grant exceptions to these policies to alleviate extreme hardship in emergency or unusual situations. A record of such exceptions shall

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

be maintained by the Agency. A decision by the Director, or his/her designee, on a request shall be final and not subject to appeal.

SECTION 3 - COUNTY RESPONSIBILITIES

- 3.1. The Nevada County Department of Social Services shall:
 - 3.1.1. Investigate the needs and resources of each applicant for GA.
 - 3.1.2. Protect the integrity of the program by ensuring that aid is paid only to eligible persons.
 - 3.1.3. Conduct eligibility determination 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.
 - 3.1.4. Ensure that every person administering aid shall conduct them self with courtesy, consideration, and respect toward applicants and recipients.
 - 3.1.5. Ensure that every person administering aid shall endeavor at all times to perform his or her duties in such a manner as to secure for every person the amount of aid to which he or she is entitled.
- 3.2. The Eligibility Division Staff 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. Per the Supplemental Nutrition Assistance Program (SNAP) regulations, CalFresh benefits do not count as income.
- 3.3. The Employment Services Staff is responsible for verifying and evaluating the evidence of participation in the Employable Program.
- 3.4. Written procedures exist to identify an applicant's/recipient's disability (physical or mental impairment, which could limit access or participation).
- 3.5. Written procedures exist for offering free interpreter services and auxiliary aids, addressing all languages spoken by applicants/recipients, including American Sign Language.
- 3.6. Written procedures exist for processing an applicant's/recipient's right to an administrative hearing.
- 3.7. Written procedures exist for detecting and reporting suspected fraud.

SECTION 4 - CUSTOMER RIGHTS & RESPONSIBILITIES

- 4.1. During the determination of initial and continuing eligibility, each applicant/recipient shall be required to assume as much responsibility as possible within their physical, emotional, educational, or other limitations. The Department shall assist all applicants/recipients in obtaining reasonable verification. Nothing in this section shall be construed to preclude providing assistance to homeless persons who have no identification or address.
- 4.2. 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

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- are provided and expedited as referenced in the County of Nevada HHS Civil Rights Plan, and Americans with Disabilities Act (ADA) and Title II SSA Policy D31.
- 4.3. Applicant/recipient responsibilities include but are not limited to:
- 4.3.1. Completing or participating in the completion of all documents required in the application process or in the determination of continuing eligibility within ten (10) working days to the best of their ability, but no later than thirty (30) days from the date of application.
 - 4.3.2. 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.
 - 4.3.3. Reporting all facts which he/she believes to be material to their eligibility or which the County has identified to them as affecting eligibility.
 - 4.3.4. Reporting any change in facts, including but not limited to: address, needs, income, household composition, resources or circumstances which may affect eligibility within ten (10) calendar days of the occurrence via telephone or in writing. In addition, all income, contributions, or changes in circumstances are to be reported on the monthly income report.
 - 4.3.5. Applying for CalFresh and Medi-Cal benefits unless the clients already have an active program; GA cases are considered Public Assistance households and Categorically Eligible to all programs.
 - 4.3.6. Applying for any potentially or unconditionally available income.
 - 4.3.7. If the Applicant/Recipient is incompetent or needs extra assistance, they may authorize someone, 18 years or older, to help the household with forms and the application process. This person can also speak for them at the interview, help them complete forms and report changes, and report changes for the applicant/recipient. The applicant/recipient will have to repay any benefits they received by mistake because of information provided by their representative. Any benefits spent by their representative will not be replaced. Anyone designated as an Authorized Representative will need to give the County proof of identity for themselves.
 - 4.3.8. All applicants for General Assistance must provide the Department with information concerning their most recent employment and reasons for termination.
 - 4.3.9. All applicants for General Assistance must provide the Department with full information regarding application for, or receipt of, aid in any county or state within the last twelve months.
- 4.4. **ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES:** No applicant shall be denied the right to apply because he or she is unable to appear at an office in person due to disability. GA applicants whose disability prevents them from traveling to the HHS office shall be informed of and offered available alternate accommodations.
- 4.5. **ADULT STUDENTS:** Adult students are potentially eligible to receive GA if they are willing and able to meet all program requirements and if all eligibility factors are met.
- 4.6. **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

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

cases shall be screened and processed for eligibility; referrals will be made to other public assistance programs, such as SSI/SSP and Veterans when potential eligibility exists.

- 4.7. **GOOD CAUSE DETERMINATION:** Good cause will be evaluated and determined anytime an individual is non-compliant with, or alleged to be incapable of meeting, eligibility and program requirements, including those required to complete Job Search.
- 4.7.1. An individual shall be excused from participation in job search activities for good cause when it is determined that there is a condition or other circumstance that temporarily prevents or significantly impairs the recipient's ability to be regularly employed or to participate in job search activities as specified in this section.
- 4.7.2. **CRITERIA FOR GOOD CAUSE:** Conditions that may be considered good cause for not participating in job search activities include, but are not limited to, the following:
- 4.7.2.1. **Illness/Injury:** An individual may be temporarily excused from participation if the Employment Services Staff determines the individual is temporarily ill, was hospitalized, or is physically or mentally unable to participate in job search activities.
- 4.7.2.2. **Court/Incarceration:** The individual is required to appear in court or is temporarily incarcerated.
- 4.7.2.3. **Family Crisis:** The individual is experiencing a family crisis that includes, but is not limited to: Death of a spouse, parent, or child; or illness of a spouse, parent, or child which requires the individual's immediate attention.
- 4.7.2.4. **Domestic Abuse:** The individual is a victim of domestic abuse and participating would be harmful to the individual or his or her family.
- 4.7.2.5. **Disability:** If the applicant or recipient claims that his or her failure to comply with program requirements was the result of his or her disability, DSS will investigate and determine whether the disability was a significant factor causing the failure to comply.
- NOTE: The criteria for determining good cause for not participating may be applied to an isolated incident or based upon a specified length of time. When the good cause period terminates, the individual will be required to resume the appropriate activity.
- 4.7.2.6. **Good Cause Criteria for Job Quit or Job Refusal:**
- 4.7.2.6.1. It is verified that the 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.
- 4.7.2.6.2. The recipient's job paid less than the minimum wage as set by the State of California.
- 4.7.2.6.3. The job was beyond the recipient's mental or physical capacity.
- 4.7.2.6.4. Transportation issues prevented the recipient from complying with the Job Search requirements.
- 4.7.2.6.5. Inability to obtain verification from a third party not reasonably within the recipient's control.

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- 4.7.2.6.6. Other: Other circumstances beyond the recipient's reasonable control that resulted in the recipient not being able to comply with a program requirement or deadline.
- 4.7.3. Verification: The individual is required, upon request, to cooperate with the county and provide information and written documentation, as required to verify the good cause claim.
- 4.7.4. Monthly Review: The Employment Services staff shall review the good cause determination on a month-to-month basis for its continued appropriateness based on the projected length of the condition, or circumstance, as specified on the verification received. When the good cause period is up for review, the Employment Services staff shall either extend the good cause status for up to an additional 30 days upon a showing of continued establishment of good cause criteria, or end the good cause status if the current conditions do not meet good cause criteria.

SECTION 5 – REPAYABILITY

5.1 GENERAL

- 5.1.1. Welfare & Institutions Code §17109 permits counties to seek repayment of GA benefits made from county funds. Each application for GA shall include the applicant's agreement to repay assistance issued under the program. The applicant's agreement to repay assistance may be recorded as a lien against all current or future real property owned or acquired by applicant.
- 5.1.2. When an applicant/recipient has a claim for Worker's Compensation, lawsuit, or other similar claim pending, a lien shall be signed against that claim for any aid extended. Applicants/recipients shall sign a form authorizing payment to the County for GA received while an SSI/SSP application is pending from any lump sum retroactive SSI/SSP payments for the period for which the County provided GA.
- 5.1.3. Failure of the applicant/recipient to sign a repayment agreement and/or a lien shall result in denial or discontinuance of GA benefits.
- 5.1.4. All aid received, whether continuously or intermittently, is repayable. The County shall also pursue recovery from the legal sponsor of a non-citizen for aid paid to the non-citizen during the time in which the sponsor has agreed, in writing, to provide for the non-citizen. The County may require the legal sponsor of the non-citizen applicant/recipient to sign a written agreement to repay any aid provided to the non-citizen pursuant to the W & I Code 17001.6(a).
- 5.1.5. The applicant/recipient shall be provided a NOA specifying the amount of repayment and the right to appeal.

5.2. INTERIM ASSISTANCE (IA)

- 5.2.1. All unemployable persons shall be referred to the Social Security Administration Office to file an SSI/SSP application. Failure to apply for SSI/SSP, or to appeal an SSI/SSP denial, makes the Assistance Unit (AU) ineligible for GA.
- 5.2.2. 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), or other specified state form for

**NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL**

reimbursement, in order for the county to recoup monies loaned. The SSP14 is NOT an optional form. The applicant/recipient is responsible for notifying the county within ten (10) days if the status of their SSI/SSP application changes.

- 5.2.3. The applicant/recipient shall be provided a Notice of Action (NOA) specifying the amount of repayment and the right to appeal.

SECTION 6 – CONFIDENTIALITY

- 6.1 Case records maintained by the Department shall be confidential and not open to examination or inspection, except as allowed by federal and/or state law.
- 6.2 To ensure confidentiality of all applicants, a separate case shall be established for each separate AU receiving assistance or services under the GA Program.

SECTION 7 – HOUSEHOLD COMPOSITION

- 7.1 An Assistance Unit (AU) is a family budget unit including aided and unaided members of a family. An AU will be established for each case. Determination of the AU is based on the following:
- 7.1.1 Responsible relative status:
- 7.1.1.1 When a non-responsible relative has previously supported an applicant/recipient, separate AU status may be established if circumstances within the household have changed.
- 7.1.1.2 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:
- 7.1.1.2.1 Individuals otherwise eligible to, or receiving, other types of public assistance (SSI/SSP, CalWORKs, Cash Assistance Programs for Immigrants (CAPI), Refugee Cash Assistance (RCA))
- 7.1.1.2.2 Ineligible non-citizens Non-exempt minor children who fail to cooperate with GA program requirements.
- 7.1.1.2.3 Any individuals sanctioned from or ineligible to any other public assistance program, due to time limit restrictions, non-compliance, or any other eligibility factor.

SECTION 8 – RESIDENCE

- 8.1. An applicant/recipient shall be a resident of the County of Nevada for at least 15 (fifteen) continuous days as a requirement for the receipt of General Assistance.
- 8.2. Non-resident applicants shall be granted emergency assistance provided that they are otherwise eligible (See Section 21 of this manual - ERPs)
- 8.3. A lack of permanent and/or substandard housing shall not be a basis to deny a grant for housing.

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- 8.4. In order to be eligible to receive GA a person must have been a resident of Nevada County for fifteen (15) continuous 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. The burden of establishing Nevada 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.
- 8.5. Residency, once established, cannot be lost except by action and intent of the applicant. 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 Nevada County if he or she has an intention to remain outside of Nevada County. Temporary absences from Nevada 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 Nevada County, the person may return and re-establish residence at any time by residing in Nevada County for fifteen (15) days.
- 8.6. If an applicant/recipient remains outside the county for more than 30 days, then he/she will be assumed to have no intent to return to Nevada County for benefits.
- 8.7. 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 homeless.
- 8.8. Applicant/recipients must keep the Department advised of their address. An AU with an address who moves to another address or becomes homeless shall be required to inform the Department of their whereabouts within ten (10) calendar days. An AU without an address who moves to another location or locates housing shall inform the Department of their whereabouts within ten (10) calendar days.
- 8.9. 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.
- 8.10. Persons who do not provide the Department with a residence address or who do not choose to use a designated address for purposes of the HHSA's mailing of notices and other materials retain the responsibility of retrieving any correspondence the Department may initiate via General Delivery at the appropriate Post Office closest to their place of residence in Nevada County. Such persons may come to the HHSA office on a regular basis and request to view all correspondence mailed to the last known address or by General Delivery, as the case may be. The Department shall advise applicant/recipients of this right. Documents shall be dated by the Department 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.
- 8.11. Persons who received GA from another county or other jurisdiction in the month in which they apply in Nevada County are not eligible to receive GA from Nevada County in the same month.

SECTION 9 - CITIZENSHIP AND NON-CITIZENSHIP STATUS

- 9.1. Verification of United States citizenship or legal residence is required.
- 9.2. Non-citizens who provide acceptable documentation that they are legally residing in the United State on a non-temporary basis are eligible to receive GA.

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- 9.3. Non-citizens, who hold Immigration and Customs Enforcement (ICE) documentation verifying they have been granted an indefinite stay from deportation, are eligible to receive GA.
- 9.4. Non-citizen victims of trafficking, domestic violence and other serious crimes who qualify for Federal and/or State aid are eligible to apply for and receive GA benefits.
- 9.5. Persons with student visas, tourist visas or other evidence of temporary admission do not qualify for GA.
- 9.6. GA will not be issued pending verification of permanent legal resident status. Undocumented non-citizens are not eligible to receive GA.
- 9.7. Foreign visitors who are stranded here may be referred to the closest consulate of their country.

SECTION 10 – IDENTIFICATION

- 10.1. A minimum of one form of identification is required for each adult member of the GA Assistance Unit (AU). Identity may be verified through readily available documentary evidence, or if this is unavailable, through a collateral contact.
- 10.2. Examples of acceptable identity verifications that the applicant may provide include, but are not limited to:
 - 10.2.1. Social Security card or other documents containing the SSN.
 - 10.2.2. Driver's license/Identification card
 - 10.2.3. Work or school ID
 - 10.2.4. ID for health benefits, or for another assistance program
 - 10.2.5. Voter registration card
 - 10.2.6. Wage stub
 - 10.2.7. Birth certificate
 - 10.2.8. Collateral contact
 - 10.2.8.1. A collateral contact is a written confirmation of an individual's identity by a person outside the AU. 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:
 - 10.2.8.1.1. Employers
 - 10.2.8.1.2. Landlords
 - 10.2.8.1.3. Social services agencies
 - 10.2.8.1.4. Probation/Parole Officer
- 10.3. 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 Immediate Need GA. The Department shall provide the applicant with a Verification for Reduced Fee Identification Card Form (DL 937), or other specified DMV form, if an individual is unable to obtain proof of identity, including through collateral contact within thirty (30) days

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

NOTE: Inquiry to a collateral contact requires the written release and authorization from the applicant/recipient. All verifications will be documented in the case record per Department procedures. Failure of applicant/recipients to provide necessary verifications or failure to cooperate with the Department in securing necessary verifications shall result in denial or discontinuance of benefits.

SECTION 11 – INCOME

11.1. GENERAL

- 11.1.1. Income is any benefit in cash or in kind received by the GA AU, including but not limited to work or business activities including Self-Employment, revenues from properties, contributions from persons or organizations, pensions/retirement, interest or dividends.
- 11.1.2. All income of the AU shall be considered in determining financial eligibility for GA assistance. Income that is currently available to an AU shall be taken into consideration in determining the amount of the assistance grant.
- 11.1.3. Potential income shall be explored to determine if it can be made available to meet the needs of the AU. Failure of an AU, upon the Department's request, to apply for any aid or income or to file for any property to which they appear eligible results in ineligibility.
- 11.1.4. 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.

11.2. TYPES OF INCOME

- 11.2.1. Money that is legally obligated and otherwise directly payable to an individual, but which is 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 or wages paid directly to a landlord for rent).
- 11.2.2. Earned income consists of all wages and salaries received by an employee, including gross income from a self-employment enterprise (excluding business-related expenses) and/or the total gain from the sale of any capital goods or equipment related to the business, excluding the verified costs of doing business.
- 11.2.3. Educational grants and loans are prorated over the period they are intended to cover. Verified tuition and other mandatory school fees are deducted per Department procedures.
- 11.2.4. Energy Assistance payments are not considered income.
- 11.2.5. 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.
- 11.2.6. Reimbursements received are not considered income to the AU to the extent that they do not exceed the costs incurred. Reimbursements will be treated as lump sum.
- 11.2.7. Retirement funds, including money in Individual Retirement Accounts and Keoghs, shall be considered potentially available income. The funds must be actually available.

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

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.

- 11.2.8. Ten percent (10%) of roomer/boarder payments shall be considered income unless such payments are made to the applicant/recipient by a subletter and passed on in full to the landlord.
- 11.2.9. Unless otherwise specified herein, any income or contributions received from any person or organization shall be counted as income.

11.3. DEEMED INCOME

- 11.3.1. The income of all members of the AU will be included in determining the financial eligibility of the AU. In accordance with the W & I Code, Division 9, Part 6, Chapter 10, Section 18908 and Food Stamp Regulations, Section 63201, CalFresh allotments are not considered income.
- 11.3.2. The income of any person who, as a sponsor of the entry of a GA Applicant or Recipient into the United States, executed an affidavit of support or similar agreement with respect to that applicant or recipient, and the income of sponsor's spouse, shall be deemed, after the deductions provided in W&I Code 17001.7 (a) (b) (c), to be the income of that applicant or recipient, for a period of three (3) years after the individual's entry into the United States.

The deeming of a sponsor's and the sponsor's spouse's income shall not apply to a non-citizen whose sponsor has abandoned his or her duty to support the non-citizen in accordance with W&I Code 17001.7 (f). Abandonment of the duty to support shall include, but is not be limited to, abuse, battery, neglect, or refusal to support. Evidence of abandonment may be demonstrated by documentary evidence or collateral statements.

11.4. POTENTIALLY AVAILABLE INCOME

- 11.4.1. Applicant agrees to take all actions necessary to obtain unconditionally available income, including public assistance, benefits available to veterans of military service, Social Security and Unemployment Benefits, sponsor contributions, retirement or pension plans, or potential contributions from any other source.
- 11.4.2. Applicants/recipients who appear to be eligible for other aid programs (e.g. SSI/SSP) must follow-through with the eligibility determination. 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.

SECTION 12 – PROPERTY INTRODUCTION

- 12.1. It is the intent of these regulations that applicants for and recipients of General Assistance, whose assets exceed the limits prescribed herein, are reasonably required to liquidate the excess assets and use the proceeds to meet their basic needs of food, clothing and shelter before aid is granted.

SECTION 13 - REAL PROPERTY

- 13.1. 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 or erected on the land. It also includes mines, patented or unpatented oil, mineral and/or timber rights. Any mobile home or other dwelling which is used exclusively as the applicant/recipient's only home is considered real property for GA purposes.
- 13.2. GA applicants who own real property are 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.
- 13.3. Real property consisting of foreign assets will be treated as secondary real property and will be treated in alignment with CalWORKs regulations.
- 13.4. The real property of any person who, as a sponsor of the entry of a GA Applicant or Recipient into the United States, executed an affidavit of support or similar agreement with respect to that applicant or recipient, and the real property of sponsor's spouse, to be the real property of that applicant or recipient, in accordance with W&I Code 17001.7 (a) (b) (c), for a period of three (3) years after the individual's entry into the United States.
- 13.5. The deeming of a sponsor's and the sponsor's spouse's real property shall not apply to a non-citizen whose sponsor has abandoned his or her duty to support the non-citizen in accordance with W&I Code 17001.7 (f). Abandonment of the duty to support shall include, but is not be limited to, abuse, battery, neglect, or refusal to support. Evidence of abandonment may be demonstrated by documentary evidence or collateral statements.
- 13.6. The amount of real property resources of a sponsor and the sponsor's spouse that shall be deemed to be the real property of a non-citizen for any month shall make that noncitizen ineligible to receive GA.
- 13.7. Where appropriate, all assets, including foreign, will align with the CalWORKs regulations.

SECTION 14 - PERSONAL PROPERTY

- 14.1. 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 and/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 through documents within the applicant or recipient's control without incurring new cost to the recipient of the value of personal property shall be provided before any aid is paid.
- 14.2. 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,

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

other social insurance awards, insurance settlements, income tax refunds, earned income credits, retirement benefits, etc.

14.3. 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.

14.4. The value of any items of personal property not excluded shall be included in the maximum permissible property total.

14.5. **PERSONAL PROPERTY LIMIT MAXIMUM**

The maximum allowable personal property limit per AU is \$1000 in total resources, including no more than \$100 liquid resources (e.g. cash, bank accounts, savings bonds, life insurance Cash surrender values, retirement accounts, etc.)

14.5.1. Before an item of property is considered in determining whether the applicant or recipient meets these limits, it must be determined that the item is actually and practically available to meet basic needs. If the applicant or recipient establishes with documentary evidence that an item of property is not available to meet basic needs, that item shall be disregarded from consideration.

14.6. **COUNTABLE PERSONAL PROPERTY**

14.6.1. The personal property of any person who, as a sponsor of the entry of a GA Applicant or Recipient into the United States, executed an affidavit of support or similar agreement with respect to that applicant or recipient, and the personal property of sponsor's spouse, to be the personal property of that applicant or recipient, in accordance with W&I Code 17001.7 (a) (b) (c), for a period of three (3) years after the individual's entry into the United States.

14.6.2. The deeming of a sponsor's and the sponsor's spouse's personal property shall not apply to a non-citizen whose sponsor has abandoned his or her duty to support the non-citizen in accordance with W&I Code 17001.7 (f). Abandonment of the duty to support shall include, but is not be limited to, abuse, battery, neglect, or refusal to support. Evidence of abandonment may be demonstrated by documentary evidence or collateral statements.

14.6.3. 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 determined as if the sponsor were applying for GA, reduced by one thousand five hundred dollars (\$1,500).

14.6.4. 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.

14.7. **NON-COUNTABLE PROPERTY**

14.7.1. The value of household furniture, appliances, clothing and personal effects, including engagement and wedding rings and heirlooms, not to exceed \$1,000.

**NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL**

- 14.7.2. The value of tools, supplies, equipment and other items which are determined by the Department to be an essential part of a program of rehabilitation or a program to assist in the maintenance and self-support of the AU.
- 14.7.3. The value of one vehicle per AU will align with the current CalWORKs limits and values.
- 14.7.4. The value of a vehicle is determined per the most recent Kelly Blue Book (KBB) “private party” value at the time of the determination.
- 14.7.5. An irrevocable trust for funeral, cremation or interment expenses is excluded from consideration.
- 14.7.6. 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.
- 14.7.7. 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.
- 14.7.8. Securities by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation, or interment are exempt.

SECTION 15 – TRANSFER OF PROPERTY

- 15.1. A transfer of property is a change in ownership initiated by the applicant/recipient to another party.
- 15.2. A Period of Ineligibility (POI) results when a recipient has a non-excluded resource that would cause the AU to exceed the property limit for a month and then disposes of that property for less than its fair market value.
- 15.3. Transfer of property is disqualifying only when the transferor’s reason for making the transfer was to qualify for General Assistance or a greater amount of General Assistance.
- 15.4. Transfer of a resource for less than fair market value is presumed to have been made with the intent of establishing eligibility for General Assistance, unless the applicant/recipient furnishes evidence that the resource was transferred for another reason.
- 15.5. Convincing evidence may be pertinent documentary or non-documentary evidence which shows, for example, but is not limited to, that a transfer was ordered by a court, or that at the time of transfer the individual could not have anticipated becoming eligible for General Assistance due to the existence of other circumstances which would have precluded eligibility.
- 15.6. Other circumstances under which property transfers do not result in counting the transferred property as a resource are:
 - 15.6.1. Transfer for fair market value.
 - 15.6.2. Transfer to satisfy a debt.
 - 15.6.3. Transfer when foreclosure is imminent.
 - 15.6.4. Transfer by an applicant/recipient’s spouse, who is not also an applicant/recipient of General Assistance, of said spouse’s separate property.

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- 15.6.5. Transfer of real property with retention of a life estate if used as the residence of the applicant/recipient.
- 15.7. An applicant who gives away or sells a non-excluded resource for less than fair market value with the intent of establishing eligibility for General Assistance will have the difference between fair market value of the resource and the amount of compensation received applied to their resource limit. The difference is counted toward the resource limit for a period of twelve (12) months from the date of the transfer or the period during which the amount of the real and/or personal property in excess of the amount specified in, had it been sold or, would have supported the grantor whichever is less.
- 15.8. If the amount of the difference exceeds the needs of the assistance unit as determined by the grant amount specified in, ineligibility will result. To determine the period of ineligibility, the excess resource amount is divided by the needs, with the resulting number being the number of months of ineligibility. Any remainder is counted as income in the month following the end of the period of ineligibility.
- 15.9. For example, an applicant/recipient who transfers a portion of real property with a fair market value of \$1, 500 for \$200 would have an excess amount of \$1,300 applied to their resource limit. ($\$1, 500 - \$200 = \$1,300$) The property limit would be exceeded by \$1, 200. If eligible for \$307 per month, the assistance unit would be ineligible for three (3) months with the remainder of \$279 applied to the fourth month.
- 15.10. Monthly maintenance allowance may also be made for the actual costs of necessary expenditures other than normal living expenses, i.e., major medical expenses, out of home care, major repairs to the home, etc.
- 15.11. If a resource is returned to the applicant/recipient, the resource will be considered under the eligibility criteria.
- 15.12. The receipt of lump sum income by a General Assistance Applicant/recipient shall result in a period of ineligibility as determined by the current CalWORKs regulations. Families ineligible for CalWORKs due to a period of ineligibility shall be ineligible for General Assistance. The applicant/recipient must receive written notification following the *Rutan vs. McMahan* court case informing notice explaining the lump sum rule prior to receipt of the lump sum income.

SECTION 16 – REQUIRED VERIFICATIONS

- 16.1. Verifications shall be required as specified in 15.5 – 15.9 of this Regulations Manual.
- 16.2. The applicant/recipient is the first source of information and it is the responsibility of the applicant/recipient, to the extent possible, to furnish all information necessary to establish eligibility for aid and the correct amount of grant. The Department is responsible for providing reasonable assistance to the applicant/recipient in obtaining verifications required to determine eligibility to receive GA benefits.
- 16.3. When verification of evidence is available, it will be filed in the case record per procedures.
- 16.4. An applicant/recipient's sworn statement may be subject to review by the Department's Special Investigations Unit (SIU).
- 16.5. REQUIRED VERIFICATIONS:

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- 16.5.1. **RESIDENCY** - Verification of residence in Nevada County is required. Individuals will be asked to provide appropriate documentation in their immediate control, 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 Nevada 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 Nevada County resident. Residence verifications will align with the current CalWORKs regulations.
- 16.5.2. **HOUSING** - The Applicant/Recipient's share of the housing expense shall be verified only if the vendor payment (to a landlord or third party) is requested. The housing payment shall not exceed the maximum established housing allotment limits.
- 16.5.3. **SOCIAL SECURITY NUMBER (SSN)** - A SSN (or proof of non-citizen status) is required for every member of the GA AU for which aid is requested prior to issuance of benefits. 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/OTTECH 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. The Department shall promptly supply applicants with the SSN application form.
- 16.5.4. **AGE** - Age is verified only if Eligibility Division staff has reason to believe the applicant is a minor or is age 65 or older. When two or more verifications conflict, the primary documentation takes precedence. Examples: Birth certificate, school records, or identification which required proof of age.
- 16.5.5. **NON-CITIZEN STATUS** - Verification of non-citizen status is required. Examples include, but are not limited to, resident cards, I-94 and VISAs.
- 16.5.6. **POTENTIALLY AVAILABLE INCOME** - The AU must complete and submit an application for all other available monies, including but not limited to; SSI/SSP, Veteran's Benefits, Unemployment Insurance Benefits (UIB), State Disability Income (SDI), and request that a sponsor of a non-citizen verify support monies. The AU is required to cooperate with the Department and with any other Department or individual in securing those benefits. This may be verified by electronic receipt and/or third party verification.
- 16.5.7. **MINORS** - Age verification is required in all situations in which Eligibility Division staff has reason to believe that the applicant is a minor, unless the minor is aided as part of a family group.
- 16.5.7.1. Emancipated minors are eligible to receive GA provided they otherwise meet all eligibility requirements.
- 16.5.7.2. Non-emancipated minor applicants, other than members of the GA AU, will be referred to Children's Services for a child abuse/neglect assessment when it is reasonably suspected that the minor has suffered, or is at risk of, child abuse or neglect.

SECTION 17 – APPLICATION PROCESS

- 17.1. An application consists of a written request for GA on the appropriate GA application form; it must be signed and dated and received by the county. Aid may not be approved without the appropriate written Application for GA, Statement of Facts Supporting Eligibility, Repayment Agreement, and any other verification or forms required by Department Procedures.
- 17.2. 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.
- 17.3. All applicants/recipients have the right to self-determination and may request withdrawal, denial or discontinuance of benefits. When an act of noncooperation 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 Department shall be imposed.
- 17.4. PROMPTNESS
- 17.4.1. The Department will process each application within thirty (30) days.
- 17.4.2. Once all required verifications are provided, the Department will process any application deemed Immediate Need no later than the next working day following receipt.
- 17.5. BEGINNING DATE OF AID (BDA)
- 17.5.1. The BDA in GA is the date the application is signed and received by the County and the applicant meets all other eligibility criteria.
- 17.5.2. Applications may be received via online application, through the front door, via mail or telephonic signature if available.
- 17.6. EMPLOYABILITY DETERMINATION
- 17.6.1. All recipients of GA must be evaluated for employability before aid begins.
- 17.6.2. Department staff will work with the applicant to develop a plan of support 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.
- 17.6.3. Each individual in the GA AU, unless excluded from receiving benefits, is required to meet the Employable Program requirements below unless specifically exempted as described below. Failure to cooperate without good cause results in the imposition of a sanction.
- 17.6.4. EXEMPTIONS: The following persons are considered to be Unemployable and therefore exempt from the Employable Program requirements:
- 17.6.4.1. A child under age sixteen (16)
- 17.6.4.2. 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.

**NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL**

- 17.6.4.3. Age sixty-four (64) or older
- 17.6.4.4. 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, as verified by a physician's statement. If another person resides in the home that can provide such care, the GA applicant/recipient is not exempt.
 - 17.6.4.4.1. Verify the impairment/incapacity of the other AU member and that substantially continuous care is necessary, as verified by a physician's statement.
 - 17.6.4.4.2. Determine that the adult seeking the exemption is the only person available to provide care.
- 17.6.4.5. One adult caretaker of a child under six (6) months old. If another person resides in the home that can provide such care, the GA applicant/recipient is not exempt.
- 17.6.4.6. Persons may be classified as unemployable because of a physical, social, emotional and/or mental condition. Verification of incapacity by a health care professional must be on file.
- 17.6.5. Recipients shall be allowed to obtain a change in classification between Employable and Unemployable without any new GA application and without any interruption in benefits due to the change in classification, so long as the recipient complies with all program requirements and meets criteria for the new classification.

SECTION 18 - EMPLOYABLE PROGRAM

18.1. REQUIREMENTS

- 18.1.1. An Employment Services staff member will meet with the employable recipient to review requirement and job search progress.
- 18.1.2. Each non-exempt member of the AU must comply with each of these requirements promptly after aid begins:
 - 18.1.2.1. The GA recipient must conduct job search activities as required by the GA program including the completion of a minimum of ten (10) job search contacts monthly and submit the Employer Contact List to the Department by 4:00 pm on the second Wednesday of each month.
 - 18.1.2.2. Accept job referrals made by the Employment Services staff.
 - 18.1.2.3. Accept any offer of appropriate employment which pays at least minimum wage.
 - 18.1.2.4. Aid shall not be approved when any adult member of the AU is fully employed or on strike. For purposes of GA, full-time employment is defined as employment where pay is equal to or in excess of the GA grant.

18.2. TIME LIMITS

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- 18.2.1. GA benefits for employable individuals who have been offered an opportunity in the Job Search Program shall not exceed three (3) full months out of the past twelve (12) month period from the date of initial GA approval, including General Assistance received from another county or jurisdiction.
 - 18.2.2. 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.
 - 18.2.3. GA benefits for unemployable individuals, who have been approved for SSI/SSP benefits, will be discontinued from GA effective the end of the month in which SSA is approved. There is no limit to the Interim Assistance timeframe.
- 18.3. SANCTIONS
- 18.3.1. Sanctions shall be applied when a member of the GA AU fails or refuses without good cause to follow program regulations.
 - 18.3.2. Sanctions shall be imposed when a GA AU member:
 - 18.3.2.1. Is not participating in the Job Search Program, without good cause.
 - 18.3.2.2. Voluntarily quits a job, without good cause, or causes an employer, without good cause, to terminate him or her because of a violation of valid company rules or policies.
 - 18.3.2.3. Refuses, without good cause, a job referral or a job offer.
 - 18.3.2.4. Participates in a strike.
 - 18.3.2.5. Fails, without good cause, to be evaluated by a health care professional and claims a disability lasting more than thirty days.
 - 18.3.2.6. Knowingly makes fraudulent or intentional false statements or intentionally withholds information regarding GA eligibility.
 - 18.3.3. Sanctions applied to any adult member of the AU will reduce the Maximum Aid Payment by the amount associated with that AU member per Section 20 of this manual.
 - 18.3.4. Duration of sanctions shall be as follows:
 - 18.3.4.1. Initial sanctions shall be applied for thirty (30) days from the date aid is last paid.
 - 18.3.4.2. A sanction will be applied in the following timeframe within any one year period from the date aid was last paid:
 - 18.3.4.2.1. First Sanction: Thirty (30) Days
 - 18.3.4.2.2. Second Sanction: Ninety (90) Days
 - 18.3.4.2.3. Third Sanction: One hundred eighty (180) Days
 - 18.3.4.3. A sanction may be suspended when Aid Paid Pending is issued during an administrative hearing process. The balance of the sanction period will be served if the County's action is upheld on appeal.
 - 18.3.5. Application and Review of Sanctions for Employable Recipient:

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- 18.3.5.1. Applicants may be subject to sanction for actions taken prior to application for GA. Such actions include job quit without good cause within 30 days of application, outstanding warrants, violation of probation or parole, fleeing felon status and current GA sanctions from another county.
- 18.3.5.2. Sanctions will be recommended by Employment staff and implemented by the Eligibility Division staff.
- 18.3.5.3. The sanction period will stop if the sanctioned individual becomes unemployable. Such incapacity must be verified by other medical evidence prior to resuming aid. If the current sanction period extends beyond the period of incapacity, the remainder of the sanction will be served when the period of incapacity is over.
- 18.3.5.4. Once the sanction period ends, the recipient is eligible for any remaining benefit months within the twelve (12) month period from the initial date of GA approval.

SECTION 19 – UNEMPLOYABLE PROGRAM

- 19.1. Persons may be classified as unemployable because of a physical, social, emotional and/or mental condition.
- 19.2. Evaluation of the person's disability must be done by a qualified health care professional, including a Physician, Psychiatrist, Nurse Practitioner, Chiropractor, or Licensed Therapist.
- 19.3. Disability will be verified in accordance with Department procedures. A CW 61 Form or any other valid doctor's verification form that meets the criteria, noting the duration and level of incapacity. The CW61 Form shall be given to any applicant who states they are unable to work. The form shall be completed and returned within 10 days unless there is good cause to extend the period. Persons who are no longer unemployable shall be transitioned to the Employable Program if additional assistance is requested. Recipients shall be allowed to obtain a change in classification between Unemployable and Employable without a new GA application and without any interruption in benefits due to the change in classification, so long as the recipient complies with all program requirements relating to the new classification.

SECTION 20 - INELIGIBLE PERSONS

- 20.1. 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.
- 20.2. 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. 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. This is detailed in All County Letter No. 15-82.
- 20.3. Fleeing Felons - Any individual who is a fleeing felon is not eligible to receive GA.

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- 20.4. Sanctioned/Ineligible Persons - Any individual sanctioned from, or ineligible to another public assistance program due to time limit restrictions, non-compliance or any other eligibility factor.
- 20.5. SSI/SSP recipients - Any individual who is receiving SSI/SSP is ineligible to receive GA benefits.

SECTION 21 - BENEFIT DETERMINATIONS AND CALCULATION

- 21.1. Pursuant to W&I Code Section 17000.5, the Board of Supervisors is authorized to adopt the GA standard of aid based on the Public Assistance grant levels established in W&I code 11450 (a) and 11452, and annual adjustments as set forth in Welfare and Institutions (W&I) Code 11453. The Director of Social Services implements adjustments as needed to the General Assistance standard of aid to align with adjustments to the Public Assistance Standard. This standard of aid shall constitute a sufficient standard of aid.
- 21.2. General Assistance allotment is calculated based upon California Welfare and Institution Code 11453 as follows:
- 21.2.1. Employable GA Maximum Aid Payment (MAP) is based upon the CalWORKs Non-Exempt MAP for Region 2.
- 21.2.2. Unemployable GA MAP is based upon the CalWORKs Exempt MAP for Region 2.
- 21.3. GA Allotment Breakdown
- 21.3.1. Housing and Utilities = CalWORKs MAP x 55%
- 21.3.2. Food and Personal Needs = (Standard of Aid x 45%) - \$40 (per person) In-kind Medical Needs (CMSP/MAGI)
- 21.4. EXAMPLE:
- CalWORKs MAP (\$336)
- Housing and Utilities = $\$336 \times 55\% = \185
- Incidentals = $(\$336 \times 45\% = \$151) - \$40$ (per person) In-kind Medical Needs = \$111
- $\$185 + \$111 = \$296$
- 21.5. To determine the appropriate MAP, eligible members of the AU must be identified. Benefits will be based on the GA MAP for the number of eligible persons in the GA AU.
- 21.6. Rent shall be the actual amount due for the current month, not to exceed the program limit for the AU size.
- 21.7. Utilities shall be the actual amount due for the current month, not to exceed the lower of the program limit for the AU size or any remaining benefit.
- 21.8. There are no allowable deductions from income.
- 21.9. Calculation of benefit to receive GA is determined by subtracting all current net income from the GA Maximum Aid Payment (MAP). Any applicable overpayment adjustment shall be subtracted from the GA benefit not to exceed (five percent) 5% of the monthly grant.
- 21.10. The MAP shall not include any individual who is not eligible for aid as a result of the CalWORKs time limits specified in the W & I Code Section 11454 until all of the children of the individual on whose behalf aid was received are eighteen (18) years of age or older.

**NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL**

21.11. ISSUANCE OF BENEFITS

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

21.11.2. Housing payments are issued by check, directly to the vendor. The County will request that the applicant's landlord sign a statement indicating an understanding and acceptance of the GA payment system. If the landlord does not sign the verification timely, incidental benefits will still be paid to the applicant if all other program requirements are met.

21.11.3. Utility Expenses payments are issued by check, directly to the vendor.

21.11.4. No benefits will be issued for housing and utility costs incurred outside of Nevada County.

21.11.5. Personal and Incidentals payments will be issued directly to the AU or Electronic Benefit Card (EBT) directly to the AU.

21.12. PAYMENT OF AID

21.12.1. GA Application

21.12.1.1. General Assistance will be authorized when the GA AU has provided all mandatory verifications. Such assistance shall be limited to a period not to exceed thirty (30) days from the date of application. Failure to cooperate shall result in denial of GA benefits.

21.12.1.2. Payment for the first month of aid shall be prorated from the beginning date of aid.

21.12.2. Continuing Payments

21.12.2.1. Issuance of a full month of aid without a break in aid constitutes continuing aid. Continuing benefits requires monthly certification. Subsequent payments are issued monthly.

21.12.2.2. The allocation for food, clothing and transportation shall be issued the first working day of each month via Electronic Benefit Transfer card or by warrant.

21.12.2.3. The maximum GA payment period for Employable recipients is three (3) months within a twelve (12) consecutive month period.

21.13. SANCTIONS

21.13.1. Sanctions applied to any member of the AU will reduce the Maximum Aid Payment by the amount associated with that AU member per Section 20 of this manual.

21.14. OVERPAYMENTS

21.14.1. An overpayment occurs when an applicant/recipient receives GA benefits for which he or she was not entitled due to either administrative or applicant/recipient error.

21.14.2. Overpayments may be recovered by decreasing the grant payment by a maximum of five percent (5%) to an otherwise eligible applicant/recipient.

**NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL**

- 21.14.3. Overpayments may be referred to a collections agency for repayment of any outstanding balance after the aided period ends.
- 21.14.4. Overpayments due to suspected fraud or misrepresentation shall be referred for investigation and possible criminal prosecution per HHS procedures.
- 21.15. UNDERPAYMENTS
- 21.15.1. When a GA AU is underpaid, a supplement will be issued promptly upon discovery of the underpayment. Administrative underpayments which occur more than ninety (90) days prior to the date of discovery are not correctable unless specified in an administrative hearing decision.
- 21.15.2. The date of discovery is the earlier of the following dates: (1) the date the Department is notified of, discovers or should have discovered the underpayment or (2) the date the claimant requests the correction. If the Department has lost contact with the GA AU and is unable to issue a supplement within sixty (60) days from the date of discovery, no supplemental payment shall be made unless ordered by a hearing decision.
- 21.15.3. The amount of an underpayment shall be established in accordance with the regulations and grant amounts in effect at the time the underpayment occurred. An underpayment may be used to offset an overpayment. Supplemental payments issued to correct an underpayment are not to be considered a resource or currently available in the month paid or the following month.

SECTION 22- EMERGENCY RELIEF PROGRAMS (ERPs)

- 22.1. The Welfare & Institutions Code 17003 & 17004 permits counties to give emergency relief to dependent nonresidents as the respective boards of supervisors deems necessary. If no other funds are available for this purpose, a county may incur all necessary expenses in transporting a nonresident indigent to another state or county, when information at hand reasonably tends to show that the person has a legal residence in such state or county.
- 22.2. Applicants who state that they do not plan to make Nevada County their residence may be eligible for assistance to return to their prior residence, or to their destination, provided they are otherwise eligible for GA. The applicant must also determine whether any community agency can provide travel assistance.
- 22.3. Assistance in transportation shall be provided in situations determined to be emergencies such as, but not limited to, medical transportation or transportation to work sites, at the discretion of the Director or designated representative.
- 22.4. 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.
- 22.5. Aid payment for an ERP shall not exceed any benefit amount for the AU or more than the General Assistance grant (if eligible).
- 22.6. Bus passes for those in the application process may be issued by the appropriate Eligibility Division staff, Employment Services staff or Supervisory staff member.
- 22.7. The Director of Social Services, or his/her designee, may grant exceptions to these policies to alleviate extreme hardship in emergency or unusual situations. A record of such exceptions shall

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

be maintained by the Agency. A decision by the Director, or his/her designee, on a request shall be final and not subject to appeal.

SECTION 23 – REPORTING

- 23.1. All recipients shall report any changes in their income, needs or other factors of eligibility within ten (10) calendar days of the change and submit monthly status reports.

SECTION 24 - NOTICES OF ACTION (NOA)

- 24.1. Negative action requires timely and adequate written notice to the applicant/recipient.
- 24.1.1. Written NOAs shall be issued and mailed or handed to an applicant or recipient whenever any action affecting eligibility, duration of benefits or benefit levels regarding an applicant or recipient is taken.
- 24.1.2. Applicants who are approved will be provided a NOA, which includes the benefit calculation budget.
- 24.1.3. All applicants who are denied assistance will be provided a written denial NOA which includes the specific reason for denial, the appropriate GA regulation sections and hearing rights. A NOA with respect to the imposition of sanctions shall specify the reason a sanction is imposed and shall specifically identify the alleged violation(s).
- 24.1.4. In the case of discontinuance or grant reduction, a NOA must be provided at least ten (10) days prior to the effective date of action. NOAs must include hearing rights and the requirement to file for a hearing within thirty (30) days of the NOA date. The date of the NOA shall prevail regardless of the method of delivery.
- 24.1.5. Applicants/recipients who use a designated address, Post Office Box, or General Delivery for DSS mailing of notices and other material retain the responsibility of retrieving any correspondence the Department may initiate.
- 24.2. The NOA will advise the applicant/recipient of the reasons for the proposed action, the applicable regulations, the right to hearing and that aid paid pending may apply when a hearing is filed.
- 24.3. Ten-day (10) notice is not required in the following instances:
- 24.3.1. The Department has factual information confirming the death of a member of the GA AU.
- 24.3.2. The whereabouts of the GA-AU are unknown (i.e. where Department mail has been returned by the Post Office, in an appropriate case, indicating no known forwarding address) and cannot be reasonably discovered, for example, telephoning any number that the Department has on file for the applicant/recipient.
- 24.3.3. A member of the GA AU has been admitted or committed to an institution such as a medical facility or jail.
- 24.3.4. The Department confirms that the recipient has been approved for another cash public assistance program.

SECTION 25 – ADMINISTRATIVE HEARINGS

25.1. APPLICANT/RECIPIENT HEARING RIGHTS

- 25.1.1. Applicants/recipients may, at any time, request to discuss a Notice of Action with representatives of the County. Any discussion does not affect their right to an administrative hearing or their deadline for requesting an administrative hearing. The Department shall ensure that the claimant is afforded a full, fair, and impartial administrative hearing.
- 25.1.2. Applicant/recipients must request an administrative hearing directly to the Department of Social Services. The request must:
 - 25.1.2.1. Be in writing.
 - 25.1.2.2. State the reasons for disagreement with the action.
 - 25.1.2.3. Be signed and dated.
 - 25.1.2.4. Be filed within ninety (90) days of the NOA date.
- 25.1.3. All hearing requests shall be date stamped on the day the request is received in the DSS office. The filing date will be determined as follows:
 - 25.1.3.1. The postmark date on the envelope if the request is mailed.
 - 25.1.3.2. The date stamp on the hearing request if the request is hand delivered to the County.
 - 25.1.3.3. The date the request was signed if the date cannot be determined in (24.3.1) or (24.3.2) above.
 - 25.1.3.4. If the last date to file for a hearing falls on a weekend or holiday, the period shall be extended to the next working day.
- 25.1.4. A request for hearing shall be denied by a written letter when:
 - 25.1.4.1. The issue is not within the jurisdiction of the County hearings process.
 - 25.1.4.2. The request for hearing is filed beyond the time limit set forth in this section.
- 25.1.5.
- 25.1.6. 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.
 - 25.1.6.1. A representative for the claimant must be authorized in writing prior to the hearing if the claimant does not attend the hearing.
 - 25.1.6.2. 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 at least ten (10) days prior to the hearing.
 - 25.1.6.3. The claimant or authorized representative shall have the right to testify, present witnesses, present written documentation and cross-examine witnesses.

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

25.2. COUNTY HEARING RESONSIBILITIES

- 25.2.1. At the time of application and with all Notice of Actions pursuant to Section 23, herein, the Department shall provide to the applicant/recipient with a thorough explanation in writing of the right to request a hearing.
- 25.2.2. When a request for a hearing is received, the Department shall schedule a hearing as soon as possible, but no later than twenty (20) working days following the date of the request. The department shall mail a written notice of time and place of the hearing to the claimant not less than ten (10) days prior to the hearing.
- 25.2.3. The hearing shall be conducted at a reasonable time, date and place.
- 25.2.4. The Department Director shall designate the Hearings Officer who shall be charged with the administration of the hearing. The Hearing Officer must be an impartial party who shall not have been in anyway connected with the previous actions or decisions in the case. The Hearings Officer shall conduct the hearing according to this Manual.
- 25.2.5. A Hearings Officer shall voluntarily disqualify him/herself and withdraw from any proceedings in which he/she cannot give a fair and impartial hearing or which he/she has an interest. A party may request that the Hearings Officer be disqualified upon the grounds that a fair and impartial hearing cannot be held. The Hearing Officer shall rule upon such request.
- 25.2.6. The Department shall make available specific policy and regulation materials to the claimant upon the claimant's request.
- 25.2.7. An employee of the Department shall be designated county representative and shall have responsibility for preparing and presenting the Department's position and shall not have had prior involvement with the case. The county representative shall:
 - 25.2.7.1. Determine the issues raised by the hearing request;
 - 25.2.7.2. Contact the recipient for clarification if the basis for the appeal is not clearly set forth;
 - 25.2.7.3. After determining the issues, review the applicable policy in light of the evidence existing in the case record;
 - 25.2.7.4. Contact other Department personnel as appropriate;
 - 25.2.7.5. Make a determination concerning the appropriateness of the Department's action.
 - 25.2.7.6. If the representative concludes that Department's action was incorrect, the claimant shall be contacted in an attempt to resolve the problem without a hearing;
 - 25.2.7.7. If the representative determines the Department's action was correct, the representative shall contact the claimant to inquire if the claimant plans to attend the hearing, determine if there are any further contentions which the claimant will raise at the hearing, and offer assistance to the claimant in preparing for the hearing.
- 25.2.8. Department staff and any other persons participating in any action leading to the request for a hearing shall appear at the hearing when their presence is requested by hearings

**NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL**

staff, by the claimant, the authorized representative, or when they can provide testimony relative to the merits of the case.

25.2.9. All testimony shall be given under oath or by affirmation.

25.2.10. All proceedings will be recorded.

25.3. HEARING OUTCOMES

25.3.1. The Hearings Officer shall render the department's decision within thirty (30) working days following the hearing. The written memorandum decision must contain findings of fact and conclusion of law. The decision shall contain a summary of the facts, a decision on each issue considered at the hearing, and identification of the policy supporting the decision.

25.3.2. If the Department's decision or action leading to the hearing is upheld by the Hearing Officer, the claimant may file a written request for a review by the Nevada County DSS Director 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 the DSS. Persons will be informed in writing within thirty (30) calendar days if a request for review by the Director is granted.

25.4. AID PAID PENDING

25.4.1. When the recipient files a hearing prior to the effective date of the NOA, aid shall be continued in the amount that the recipient would have been paid according to Department procedures.

25.4.2. Recipients who file a hearing and receive aid paid pending shall be required to comply with all GA eligibility and program requirements pending the hearing decision.

25.4.3. Any aid paid pending the hearing decision becomes part of the repayable GA amount. Aid paid pending a hearing is adjustable from future GA payments when the decision supports the County's action.

25.4.4. Aid paid pending shall not be paid or shall cease when:

25.4.4.1. The claim is withdrawn or abandoned.

25.4.4.2. The claim is denied or dismissed.

25.4.4.3. The claimant or their representative requests that the hearing be postponed.

25.4.4.4. A final decision has been adopted that upholds the NOA.

SECTION 26 – TERMS AND DEFINITIONS

26.1. **ASSISTANCE UNIT (AU):** A group of related persons living in the same home who would be classified as an AU under the CalWORKs programs.

26.2. **CASH AID PAYMENT:** Any cash benefit issued by Nevada County.

26.3. **COMMUNITY RESOURCE:** A local agency or organization with the stated purpose of helping to meet financial, social, or other types of requests from needy segments of the community.

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- 26.4. **CONTINUING GENERAL ASSISTANCE:** The issuance of a full month of aid without a break in aid. Termination or reduction of continuing aid payments requires ten (10) days advance notice.
- 26.5. **COUNTY:** As used in this manual of regulations, the term County shall refer to the County of Nevada, California.
- 26.6. **DEPARTMENT:** The Department of Social Services and all federal, state, county, city and private agencies with which the Department has written or implied contracts for services and support.
- 26.7. **EMPLOYABLE:** Persons who are determined to be physically and mentally able to participate in the Job Search Program.
- 26.8. **HEARING:** A written request by an applicant or recipient for an administrative hearing on a county related action relative to a client's application or continuing aid.
- 26.9. **IMMEDIATE NEED (IN):** The immediate need for shelter, food and/or medical needs, or has an unlawful detainer Notice to Vacate, or 48-hour utility shut off notice.
- 26.10. **INTERIM ASSISTANCE (IA):** GA payments issued to persons during the time their application for SSI/SSP is pending/being processed by the Social Security Administration.
- 26.11. **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 Worker's Compensation.
- 26.12. **MAXIMUM AID PAYMENT (MAP):** The total amount of benefits the AU may be eligible to receive, based upon the number of eligible members.
- 26.13. **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.
- 26.14. **REFERRAL:** Directing an applicant/recipient to another available program or service.
- 26.15. **PROPERTY:** Personal or real property which may be utilized to meet an applicant/recipient's needs.
- 26.16. **RESIDENTIAL TREATMENT FACILITY:** Live-in health care facility providing therapy for physical rehab, substance abuse, mental health and other behavioral issues.
- 26.17. **RESPONSIBLE RELATIVES:** Responsible relatives are the spouse of the applicant/recipient or the parent of a non-emancipated minor.
- 26.18. **REVIEW:** An examination of a case by a supervisor or lead worker to determine the accuracy of an action taken by the county. This may be requested by an applicant/recipient prior to a hearing, but does not affect the individual's right to file a hearing.
- 26.19. **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 Department.
- 26.20. **SHARED HOUSING:** GA applicants or recipients who share housing with unrelated persons, or persons who are not legally responsible for the applicant/recipient.

NEVADA COUNTY HEALTH AND HUMAN SERVICES AGENCY
GENERAL ASSISTANCE REGULATIONS MANUAL

- 26.21. **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.
- 26.22. **TIME LIMITS:** Months in which benefits are received count against a limited eligibility period.
- 26.23. **UNDOCUMENTED NON-CITIZEN:** A non-citizen who has no documentary proof of their legal right to reside in the United States
- 26.24. **UNEMPLOYABLE:** Persons who are determined to be unable to participate in the Job Search Program due to a physical and/or mental condition as verified by medical evidence.