

Napa County Health and Human Services Agency

# GENERAL ASSISTANCE REGULATIONS

Effective  
5/1/2020

EXHIBIT "B"

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**90-100 ADMINISTRATIVE STANDARDS**

.1 General – Section [17000](#) of the Welfare and Institutions Code (W&I) provides that every County is responsible for providing relief and support for all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident, who are lawful residents, when such persons are not supported and relieved by their relatives or friends, by their own means, or by state hospitals or other state or private institutions.

.2 Administration of General Assistance

General Assistance shall be administered by the Napa County Health and Human Services Agency (NCHHSA) to needy families and individuals when such persons are not supported by their own means, their relatives, by available federal and state aid programs, or other community or personal resources. It is the intent of the Napa County Board of Supervisors that aid shall be administered and services provided promptly and humanely, with due regard for the preservation of family life, and without discrimination on the basis of race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, and any other status protected by state, federal, or local law. ; and that aid shall be so administered and services so provided as to encourage self-respect, self-reliance and the desire to be a good citizen, and useful to society.

.3 Authority of Director to Exceed General Assistance Standards

When special circumstances surround an individual case which, in the opinion of the Director or Assistant Director of NCHHSA justifies aid in excess of General Assistance allowances or in cases not eligible under General Assistance standards, the Director has the authority to make an exception to the General Assistance rules to provide such additional aid.

.4 Form of Aid

General Assistance may include: food and incidentals, rent, utilities, gas for transportation, and/or bus ticket/pass for local and out-of-county transportation.

.5 Right to Self-Determination

The applicant/recipient has the right to either accept or reject the benefits and/or services offered by NCHHSA.

.6 Confidentiality of Records

W&I Section [17006](#) provides that all General Assistance records of applicants and/or recipients shall be confidential and shall not be open to examination or inspection, except by the Grand Jury of the County or by a board or an officer of the State or County charged with the supervision or direction of that relief or with the control and expenditures of funds applicable to that relief. To the degree permissible under law, it is also the intent that the provisions of W&I Section [10850](#), which apply to the Federal grants-in-aid categorical programs, be equally applicable to the General Assistance Program. Certain confidential information may be released to law enforcement agencies, when the person is deceased or a General Assistance applicant/recipient has an outstanding felony or misdemeanor arrest warrant, subject to the following provisions (W&I Sections [10850.3](#) & [10850.7](#)):

- .61 The law enforcement agency must initiate a written request to NCHHSA, specifying that the applicant/recipient is either deceased or is wanted on a felony or misdemeanor warrant.
- .62 This written request for confidential information can only be made by the head of the law enforcement agency or by an employee of the agency so authorized and identified by name and title by the head of the agency, in writing, to NCHHSA.
- .63 The County shall notify all applicants, in writing, that release of confidential information of their records will not be protected if there is a felony or misdemeanor arrest warrant for the applicant. A recipient of General Assistance shall be notified at the time of renewal of release of confidential information if there is a felony or misdemeanor arrest warrant issued against the individual.
- .64 The confidential information which may be released on the applicant or recipient is limited to name, address, telephone number, birth date, Social Security number, physical description, and physical whereabouts.
- .65 If the County learns that a misdemeanor or felony arrest warrant has been issued for an individual, the county may report the information listed in .64 above to the appropriate law enforcement agency if knowledge of the outstanding warrant comes to the attention of NCHHSA as a result of an unsolicited disclosure in one of the following circumstances:
  - .651 It is received in the process of obtaining or reviewing an application for General Assistance; **or**
  - .652 It is received through a regular investigation for the purposes of determining or receiving eligibility for public social services; **or**
  - .653 It is received from an independent source.

**90-101 DEFINITIONS****.1 Adequate Notice**

A written notice informing the claimant of the action the County intends to take, the reasons for the intended action, reference to the General Assistance Regulations supporting each action, and an explanation of the claimant's right to request a hearing. The notice shall be prepared in clear, non-technical language and shall be mailed to the claimant. A ten (10) day advance notice is required for all adverse actions, including decreases and discontinuances.

**.2 Applicant**

An individual, married couple or family who is making (or on whose behalf is made) a new application for aid, a request for restoration of aid or a re-application.

**.3 Application for Aid**

A request for aid, in writing with the General Assistance Application or the SAWS 1, made to NCHHSA.

**.4 Assistance Unit (AU)**

Assistance unit means a single person or a group of related persons living in the same home who have been determined eligible for General Assistance.

**.5 California Work Opportunity and Responsibility to Kids (CalWORKs)**

A cash aid program for low income families to meet their basic needs. It also provides education, employment, and training programs to help families get jobs and move towards self-sufficiency. There is a four (4) year time limit for adults but the children can remain on aid if otherwise eligible under the Safety Net Program.

**.6 Days**

All references to "day" or "days" means calendar days unless otherwise specified.

**.7 Department Staff**

All references to Department Staff means Napa County Health and Human Services, Self Sufficiency Division staff

**.8 General Assistance (GA)**

County aid granted for an indefinite period of time to eligible persons who are either unemployed or incapacitated.

- .81 Persons who would be eligible for assistance under one of the categorical aid programs, upon application, do not have the option of receiving General Assistance instead. Such persons will be required to apply for any other assistance program or benefit to which they might be eligible.
- .82 To the extent possible, General Assistance will be paid by voucher, or other form of vendor payment, in advance, the first of each month period.

.9 Indigent Relief

Aid paid to a nursing home or rest home for care of a person who is not eligible for SSI/SSP or medical care. This would be short-term post-hospital care. Approval by the Director or Assistant Director is required.

.10 Interim Assistance

General Assistance extended to applicants/recipients who are aged, blind or disabled only, during the time their application for SSI/SSP is pending. Applicants/recipients are considered Interim Assistance until they are approved for SSI/SSP or until denied SSI/SSP and the appeals process has been exhausted.

.11 Relative

Relative means a mother, father, grandmother, grandfather, son, daughter, stepfather, stepmother, mother-in-law, and father-in-law.

.12 Napa County Resident

Means a person who currently resides in Napa County in a physical dwelling or who by act and intent indicates their intention to stay indefinitely in the County

.13 State Disability Insurance (SDI)

A partial wage-replacement insurance plan for California workers. SDI is a state disability program that provides affordable short-term benefits to eligible workers.

.14 Supplemental Security Income (SSI) / State Supplementary Payment (SSP)

The SSI program is a federally funded program which provides income support to an individual who is aged 65 or older, blind or disabled. SSI benefits are also available to qualified blind or disabled children. The SSP program is the state program which augments SSI.

.15 Transferability

An available option to transfer allowances from one General Assistance allowance to another in order to align the benefits to meet the individual's actual needs.

**90-102 NCHHSA'S RESPONSIBILITY**

- .1 The NCHHSA Director or, if delegated by the NCHHSA Director, by the NCHHSA Assistant Director shall make any and all rules and regulations deemed necessary or appropriate to implement the provisions of the W&I Code and General Assistance Regulations of Napa County as set forth herein (General Assistance Regulations).
- .2 The NCHHSA Director or, if delegated by the NCHHSA Director, by the NCHHSA Assistant Director shall make any decision relative to the administration and interpretation of the regulations incorporated herein that may be appealed by the applicant/recipient to the person designated by the agency to conduct administrative hearings and the applicant/recipient shall be so informed during their first contact with the agency.
3. Exceptions to the regulations may be made by the Director or, if delegated by the NCHHSA Director, by the NCHHSA Assistant Director at their discretion for emergency or unusual situations.
- .4 NCHHSA is responsible for:
  - .41 Informing each applicant/recipient in writing of their rights and responsibilities including the necessity of utilizing all other programs and resources for which they may be eligible.
  - .42 Providing a clear explanation to each applicant/recipient of the policy and procedures for determining eligibility and computation of the grant.
  - .43 Promptly determining the eligibility of an applicant, aid must be granted or denied within thirty (30) days from the date of application.
  - .44 Maintaining case records in accordance with NCHHSA policies and regulations and shall contain clear and accurate information to substantiate all actions taken. All records shall be confidential.
  - .45 Assisting the applicant/recipient in understanding their rights and responsibilities.
  - .46 Evaluating the capacity of the applicant/recipient to discharge their responsibilities.
  - .47 Assisting the applicant /recipient as needed in establishing their eligibility.
  - .48 Helping the applicant/recipient to realize the maximum personal independence of which they are capable, including self-care and self-maintenance.
  - .49 Referring the applicant/recipient to apply for any financial resource for which they may be eligible.



**90-103 RESPONSIBILITY OF THE APPLICANT/RECIPIENT**

- .1 The applicant/recipient will assume as much responsibility as is possible within the physical, emotional, educational or other limitations they might possess. The applicant/recipient is responsible for:
  - .11 Completing all forms in the application or redetermination process.
  - .12 Making available all information or verification necessary to establish eligibility.
  - .13 Reporting to department staff any changes in resources, income, need, household composition and circumstances within ten (10) days.
  - .14 Following and completing the assigned employment plan, if applicable.
  - .15 Reporting to department staff job search activities in those cases in which job search is a condition of eligibility.
  - .16 Keeping all appointments arranged by the department staff.
  - .17 Completing and submitting a monthly report with requested information.
  - .18 Furnishing Social Security Number (SSN) or cooperating in securing such numbers by:
    - .181 Applying directly to a local office of the Social Security Administration.
    - .182 Furnishing the SSN verification to NCHHSA when approved.
  - .19 Providing address verification or when applicant/recipient has no permanent address providing a Post Office Box or any other designated for purposes of mailing of notices and other materials.
- .2 If the applicant is incapable of meeting their responsibilities because of physical or mental disabilities, the General Assistance Worker will assist the applicant.

**90-104 APPLICANT'S RIGHTS**

- .1 To apply for aid

An adult person has the right to apply for aid on their own behalf and on behalf of their family by completing an application for General Assistance.

- .11 The applicant(s) must be informed determine if they are applying and are eligible as employed, unemployed, and/or incapacitated.

- .12 The applicant will be notified in writing within thirty (30) days of the application date of the application's approval or denial and how the grant, if any, is apportioned, and the reasons for such action.
- .13 The applicant/recipient will be advised of their right to a fair hearing if they wish to contest the decision as described in .12.

## .2 Social Services

Any applicant/recipient of General Assistance may be entitled to Social Services appropriate to their needs.

- .21 The applicant/recipient has the right to determine their own living situation and make their own arrangements.
- .22 Referrals to service(s) may be made, with the consent of the applicant/recipient if applicant/recipient gives department staff a release of information, when:
  - .221 The applicant/recipient requests services, or
  - .222 Other agencies and Social Workers request services.
- .23 The General Assistance Worker shall report to Child Welfare Services when they have knowledge of, observe, or reasonably suspect a child (up to the age of 18 years) has been a victim of child abuse.
- .24 The General Assistance Worker shall report to Adult Protective Services when they have knowledge of, observe, or reasonably suspect abuse, neglect, or exploitation of an elderly or dependent adult.

## 90-105 APPLICATION PROCESS

### .1 Who May Apply

- .11 The applicant is expected to provide all information and any forms necessary to complete an application determining eligibility.
- .12 If the applicant is unable to complete the application forms, a person who has knowledge of their circumstances may do so.
- .13 If the applicant is unable to complete the application forms, and has no person knowledge of their circumstances who can do so; the application may be completed by a representative of any public agency or social services agency, who has knowledge of their circumstances.

- .2 A face-to-face interview with the applicant (not the applicant's representative) is required for all applications.

.21 Face-to-face interviews may be waived due to extenuating circumstances with prior approval by the General Assistance Supervisor.

.3 Failure to Show for Face-to-Face interview

.31 If an applicant fails to show for a face-to-face interview, the General Assistance application will be denied.

.32 If the applicant calls to reschedule the face-to-face after failing to show for the appointment, then:

.321 The applicant must reapply for General Assistance if the contact date is thirty (30) days past the original application date.

.322 If the contact date is within thirty (30) days, the General Assistance Worker must determine if the applicant had good cause for failure to show for face-to-face interview.

- a. If the applicant had good cause, the General Assistance Worker will reschedule the face-to-face interview and maintain the same beginning date of aid.
- b. If the General Assistance Worker determines the applicant did not have good cause, the General Assistance Worker will reschedule the face-to-face interview but the beginning date of aid will change to the date the applicant made contact with the County to reschedule their appointment.

.4 Application Made Prior to Date of Eligibility

If an applicant is found to be ineligible for General Assistance at the time of the application but will become eligible within thirty (30) days of the date of application, the application will not be denied, but will be held open in a pending status until the date of eligibility. However, no aid is allowed during the pending period.

.5 Withdrawal of Application

.51 Applicants who decide to withdraw their application shall be requested to complete a "Withdrawal of Application."

.52 If the Screener or General Assistance Worker is unable to obtain a completed "Withdrawal of Application", the Worker shall document the reason for the withdrawal request and why the "Withdrawal of Application" was not signed by the applicant in the case file.

.6 Verifications Required Prior to Approval of General Assistance may include the following:

.61 County Residency / Intent to Remain

- .62 Proof of Citizenship
- .63 Eligible Noncitizen Status
- .64 Resources / Property
- .65 Income
- .66 Age
- .67 Proof of SSN or proof of application for SSN
- .68 Identification
- .69 Proof of application for other assistance programs such as, but not limited to, SSI/SSP, CalFresh, Medi-Cal, etc.
- .70 Proof of permanent current address, or if applicable, temporary mailing address.

#### **90-106 BEGINNING DATE OF AID**

Assistance will be granted as of the effective date of the application or the date eligibility occurs, whichever is later.

- .1 The application date for General Assistance shall be defined as the date the SAWS 1 or the date the General Assistance application is received and signed by NCHHSA.
  - .11 In the event the applicant is seriously ill, housebound, or bedridden the application may be initiated by telephone and the date of the telephone call can be considered be the application date.
  - .12 When eligibility has been determined, aid shall pro-rated, from the application date or the date eligibility begins, whichever is later, through the end of the month in which the application was made, unless the applicant anticipates income in that month which would render him/her financially ineligible.
- .2 If an applicant becomes ineligible before action is taken to allow aid, aid will not be allowed.
- .3 Exceptions:
  - .31 When the recipient reapplies in the month following discontinuance and is found to be financially eligible, any overpayment resulting from income received while previously on aid shall be deducted.

- .32 When the recipient has used all three (3) months of eligibility in a calendar year, the beginning date of aid for the new application will not be until the next calendar year.
- .4 Beginning date of aid will change if the applicant fails to show for the face-to-face interview without good cause (Refer to [90-105](#) – Failure to show for face-to-face interview)

### 90-107 ELIGIBILITY DETERMINATION TIMEFRAME REQUIREMENT

- .1 Eligibility must be determined and action taken to allow or deny aid within thirty (30) days of the application date.
  - .11 Inability to complete the determination of eligibility within the 30-day period shall not be a basis for denying the application unless the delay is caused by the refusal of the applicant to participate in gathering necessary verifications. The specified time limit may be exceeded in situations where completion of the eligibility determination is delayed because of circumstances beyond NCHHSA's control, and then the case record must show the cause for delay.
  - .2 Presumptive Eligibility – If an applicant has an emergency and all evidence indicates probable eligibility for assistance, benefits in an amount equal to one month's grant may be authorized to meet an applicant's emergency and the General Assistance Regulations eligibility requirements may be deferred for thirty (30) days so that. Refer to Section [90-700](#).

### 90-108 FAMILY BUDGET UNIT DETERMINATION

Eligibility for each individual in an AU is dependent upon each member of the AU complying with all program requirements.

- .1 Persons who must be included in the AU:
  - .11 The legal spouse of the applicant/recipient who are living together.
    - .111 For a married couple, both spouses shall apply and cooperate with all eligibility requirements or both shall be ineligible.
    - .112 A married couple living together shall be aided on a single case. Both spouses shall be required to apply together and to sign the application, and provide and or sign other required documents. All income and property of both spouses shall be included in the eligibility determination.
    - .113 If a spouse receives SSI/SSP or other public assistance, that spouse shall not be financially responsible for the GA applicant spouse, nor shall the income or separate property of that spouse be considered in the determination of eligibility of the GA applicant spouse. The SSI/SSP spouse shall not be required to apply for GA, but is required to sign the Statement of Facts and the Repayment

Agreement. Verification of SSI/SSP status is required. The SSI/SSP spouse is excluded in determining the Maximum Basic Need rate to be paid to the GA eligible spouse.

.114 When a married couple includes an undocumented noncitizen, they are not eligible to receive GA and will be excluded in determining the Maximum Basic Need rate to be paid to the GA eligible spouse. All income and property of both spouses shall be included in determination of eligibility.

.12 Adult children (age 18 to 21 years old) living in the home of parent(s) who are applying for or receiving General Assistance.

.2 Persons ineligible for General Assistance:

.21 If the applicant/recipient is eligible to receive CalWORKs, they are not eligible General Assistance.

.211 Persons temporarily not in receipt of CalWORKs because of a CalWORKs imposed sanction are not eligible for General Assistance for the duration of the sanction period.

.212 An applicant/recipient who is ineligible for CalWORKs or SSI due to the receipt of lump sum income, is not eligible for General Assistance for the duration of the ineligibility period in CalWORKs or SSI.

.213 An applicant/recipient who received the maximum forty-eight (48) months of CalWORKs is ineligible for General Assistance.

.214 Strikers

a. Strikers are considered fully employed (as are those who refuse to cross picket lines in support of a strike) and ineligible for General Assistance unless the strike has been found to be in violation of an applicable Health and Safety law or there is a lockout on the part of the employer. Strikers include individuals and family members.

.22 Individuals discontinued from SSI/SSP for non-compliance with that program are ineligible to receive General Assistance.

.23 Fleeing Felons

.231 An individual is ineligible to receive General Assistance if they are either:

a. Fleeing to avoid prosecution, or custody and confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing, or which, in the case of the state of New Jersey, is a high misdemeanor under the laws of that state.

- b. Violating a condition of probation or parole imposed under federal law or the law of any state.

.24 Contract Employees

- .241 Contract employees are persons who are paid an annual salary to provide services which render them without employment at various intervals in the year. They are ineligible to receive General Assistance benefits. These persons may include, but are not limited to, teachers, farm contractors, and consultants.

.3 Student:

- .31 Students unavailable to seek full time employment and who are unable to follow an employment plan and who restrict their availability for employment are ineligible to receive General Assistance during the school year.
- .32 A student may be eligible during summer vacation if not attending classes and available for and seeking full-time employment.

## 90-110 AGE

A person meets the age requirement for General Assistance if they are:

- .1 Eighteen (18) years of age or older, or
- .2 An emancipated minor. A person under age eighteen (18) is emancipated when they have:
  - .21 Legally married or divorced.
  - .22 Entered the military service.
  - .23 Obtained a court order freeing their parents from the obligation for their support.
- .3 An unemancipated minor who does not qualify for any other cash assistance programs.
  - .31 A referral to Child Welfare Services shall be made.

## 90-111 RESIDENCE

For purposes of General Assistance, a Napa County resident is a person who currently resides in the County in a physical dwelling or who by act and intent indicates their intention to reside indefinitely in the County.

- .1 Residence - Residence shall be verified. Verification may be a rent receipt, lease agreement, statement of living arrangement, a written statement from the landlord, California Driver's License or Identification card, or other verification department staff deems appropriate.
- .2 Intent - Intent to reside indefinitely in Napa County is an eligibility requirement for General Assistance. Each applicant/recipient shall declare on the General Assistance statement of facts, under penalty of perjury, whether they plan to continue to reside in the County. Evidence, if intent is questionable, can be requested and must be consistent with their signed declaration of intent.
  - .21 Intent may be substantiated by a prior history of living continuously in the County, establishing a physical home and providing verification of same.
  - .22 Examples of lack of intent may include maintaining a mailing address outside the County, or no history of previously residing in the County and no permanent address at the time of application.
  - .23 Intent implies the legally recognized ability to make a choice with regard to place of residence. A person without such ability cannot by their own intent establish residence. This applies to:
    - .231 Inmates of penal institutions.
    - .232 Inmates of public institutions.
  - .24 Time spent in said institutions shall not be counted in determining the matter of residency in the County.
- .3 Non-County residents may at their request be returned to their county of residence at the option and expense of the County.
  - .31 Return to another state shall require the prior approval of the Director or the Assistant Director
- .4 Applicant must be a citizen of the United States or a noncitizen lawfully admitted and entitled to remain indefinitely in the United States.
  - .41 All applicants/recipients shall be required to furnish proof of citizenship (eligible noncitizen status).
  - .42 Acceptable verification of citizenship/noncitizen age may include:
    - .421 Birth certificate
    - .422 U.S. passport
    - .423 Papers from U.S. Armed Forces



.424 Naturalization papers

.425 U.S. Immigration and Naturalization forms

a. Such verification must show the place of birth of the applicant/recipient.

.43 Each noncitizen applicant for General Assistance must provide verification that they are a lawfully admitted or permanent resident with authority to remain in U.S. indefinitely. Undocumented noncitizens who are here on temporary visas, such as students, visitors, etc., are unable to establish intent of residency.

.44 Persons who are residing in ineligible institutions. Examples of ineligible institutions are penal institutions State hospitals or private mental health hospital, a Regional Center placement, the Veteran's home or a residential drug treatment program:

.441 Shall be ineligible for General Assistance.

.442 Time spent in said institutions shall not be counted in determining the matter of residency in the County.

## 90-112 NONRESIDENTS

.1 Nonresidents are not eligible for General Assistance.

.2 A non-resident individual may be provided with assistance to return to their residence in another county or state.

.3 An applicant/recipient who is otherwise eligible and is a Napa County resident and expresses both desire and intent to establish residence in another county or state may be provided funds for transportation if the information at hand reasonably tends to show that the individual will be self-supporting through employment or assistance from friends or relatives. (Refer to [90-122](#))

.31 Relocation outside of the continental United States is not authorized.

.32 The expenditure of General Assistance funds to return a Napa County resident to Napa County from another location shall not be authorized.

## 90-113 RESPONSIBLE RELATIVES

.1 For purposes of General Assistance, spouses and registered domestic partners are responsible for their spouses or registered domestic partner, unless legally separated or have filed for divorce, or when physically absent from the home and the absence constitutes a severance of marital ties or the separation is due to spousal/domestic partner abuse, which is verified in writing. A bona fide attempt to verify reported spousal/domestic partner abuse in writing shall be made. If none can be obtained, an affidavit completed by the client will be

accepted. When a spouse or registered domestic partner is incarcerated/institutionalized, whether there is a clear severance of marital ties must be explored. If no severances of marital ties are found, the income and resources of the incarcerated/institutionalized spouse or registered domestic partner must be used in determining the eligibility of the General Assistance applicant/recipient.

- .2 Willingness and ability to contribute to the support of a relative will be explored. However, if a relative is unwilling or unable to contribute, there may be no requirement that they do so, even though the applicant/recipient may be living with the relative. Where there is a pattern of support of the applicant/recipient in the past the reason for termination of support should be established and documented.
- .3 Applicants whose relatives make a valid offer to support them if they return to the relatives' home, are not eligible for continuing General Assistance since there is a resource available to them, whether they wish to utilize it or not. General Assistance may assist in returning the recipient home.

#### **90-114 SPONSORED NONCITIZEN**

- .1 Sponsored noncitizens are individuals who have been admitted into the United States because another person or a group has agreed to support them. That individual or group is known as the noncitizen individual's sponsor, and as such, have completed an affidavit of support that they have sufficient income, and resources to meet the needs of the noncitizen.
- .2 Prior to December 19, 1997, the I-134, Affidavit of Support was used and required that the sponsor support the noncitizen individual for a period of three years, from the noncitizen's date of entry into the United States. The sponsor income/resource deeming rules no longer apply to noncitizens whose sponsor signed the I-134.
- .3 Sponsors of noncitizens, who signed the I-864 and I-864-A, Affidavit of Support after December 19, 1997, are responsible for the noncitizen individual that they have agreed to sponsor until the noncitizen:
  - .31 Has 40 Qualifying Quarters of Work History under the Social Security Administration; or
  - .32 Becomes a United States Citizen; or
  - .33 No longer has Lawful Permanent Residence Status; or
  - .34 Leaves the United States; or
  - .35 Dies
- .4 For the purposes of the General Assistance program only, sponsored noncitizens with the revised I-864 and I-864-A – Affidavit of Support are subject to three (3) years sponsored income/resource deeming noncitizen procedures, instead of the longer federal requirement.

- .5 Sponsored noncitizen requirements shall not apply if the applicant/recipient falls into one of the following categories:
- .51 The Affidavit of Support I-134 was signed.
  - .52 The agency or organization that originally sponsored the noncitizen is no longer in existence.
  - .53 The sponsor is deceased. Verification of the sponsor's death will be required only if the information appears to be questionable. In the absence of evidence to the contrary, the noncitizen's sworn statement is to be accepted.
  - .54 The noncitizen is one of the following:
    - .541 Conditional Entrant (Section 203(a)(7) of the Immigration and Naturalization Act (INA) in effect prior to April 1, 1980)
    - .542 Cuban-Haitian Entrant (Section 501(e) of the Refugee Educational Assistance Act of 1980)
    - .543 Parolee (Section 212(d)(5) of the INA)
    - .544 Asylee (Section 208 of the INA)
- .6 The sponsor will be required to sign a Repayment Agreement.
- .7 As a condition of eligibility, the sponsor and sponsored noncitizen are required to cooperate in providing all necessary information and documentation regarding sponsorship status and income. Sponsored noncitizens are also required to obtain the initial and continued cooperation of their sponsor(s) needed to determine eligibility and grant amount.
- .71 Failure of either the noncitizen or sponsor to cooperate shall result in the denial or discontinuance of aid for the sponsored noncitizen.
  - .72 Noncitizens who are unable to locate their sponsors are not exempt from these regulations.
  - .73 Noncitizens who are sponsored by an absent spouse are also not exempt from these regulations.
  - .74 Sponsored noncitizens who are unable to cooperate due to sponsor abuse or abandonment may qualify for General Assistance. To be eligible for General Assistance the abused/abandoned sponsored noncitizen must meet the following requirements:
    - .741 Sponsored Noncitizen must provide a copy of the Affidavit of Support.
    - .742 The sponsor must refuse to sign the Repayment Agreement.

- .743 There must be supporting documentation of abuse or abandonment. Supporting documentation may include, but is not limited to:
- a. Police, government agency or court records or files.
  - b. Documentation from a domestic abuse program.
  - c. Documentation from legal, clerical, medical or other professional from whom the client has sought assistance in dealing with the abuse.
  - d. Physical evidence of abuse.
  - e. Sworn statement from the client will not suffice. Additional verification must be provided.
- .744 The sponsored noncitizen no longer resides with the abusive sponsor.

## 90-115 APPLICATION FOR OTHER BENEFITS

The applicant/recipient is required to apply for, provide verification of application, and avail themselves of all other benefits to which they might be eligible. Such as:

- .1 Veterans Benefits
  - .11 Complete form CW 5 – Veterans Benefits Verification and Referral Form and refer the applicant/recipient to the Veterans Service Office.
- .2 State Disability Insurance (SDI)
  - .21 If applying as incapacitated, the applicant/recipient with any work history within the past twelve (12) months must apply for SDI and submit verification of application.
- .3 Workers' Compensation
  - .31 If applying as incapacitated and incapacity is linked to a job-related injury or illness, the applicant/recipient will be referred to apply for Workers' Compensation. Referral for Workers' Compensation is a concurrent application with Disability Insurance Benefit referral. The applicant/recipient is required to apply for both benefits.
- .4 Vocational Rehabilitation, Mental Health Services, Medical Treatment, etc.
  - .41 An applicant/recipient may be referred to retraining or treatment agencies or programs.
  - .42 Referral to the Department of Rehabilitation.

.422 Referral must be made in situations where the applicant/recipient may be unable to resume their usual occupation or in cases of marginal incapacity.

.5 SSI/SSP

.51 An applicant/recipient must apply for SSI/SSP if:

.511 They are age 64 and 11 months or over; or

.512 They have had or will have a disability of twelve (12) months duration.

.6 Unemployment Insurance Benefits

.61 If applying as employable, applicants with any work history during the past twelve (12) months preceding the application date must apply for Unemployment Insurance Benefits as a condition of eligibility.

.7 Social Security Benefits

.71 An applicant/recipient who is 60 years of age or over and widowed must apply for Social Security.

.72 An applicant/recipient 62 years of age or over and any person with a chronic or severe disability will be required to apply for Social Security.

.73 An applicant/recipient who is 50 years of age or over, widowed and disabled must apply for Social Security.

.8 Federal and State Income Tax Refunds

.81 Applicants/recipients who had any earnings in the previous year will be informed of free tax clinic information for filing Federal and State Income Taxes.

.9 Financial Aid/Scholarships

.91 Applicants/recipients who are eligible to General Assistance and are currently attending post-secondary school must apply for all available financial aid assistance and scholarships.

**90-120 BUDGET PERIOD**

.1 General Assistance budgets will be computed on a prospective basis with income applied to needs in the month the income is received.

.11 Income received in one month which was not considered in the calculation of maximum allowance for that month shall be taken into account in determining the subsequent month's allowance.

- .2 If there is a realistic expectation that a recipient will work during a future month, the worker should reasonably anticipate income and apply against needs for that month.

## 90-121 METHOD OF PAYMENT

- .1 Payments are to be made by County voucher or other forms of vendor payment to be referred to as voucher throughout these General Assistance Regulations.
- .2 No payment shall be made to any recipient in the form of cash, County warrant, or check issued in the name of the recipient.
- .3 All vouchers for transportation shall be non-refundable to the recipient.
- .4 County payment for housing shall be made only to the property owner, sublesor, or their authorized agent.
  - .41 General Assistance payments may only be made to the sublesor, if the applicant/recipient has a sublease agreement or a statement from the property owner that the applicant/recipient is allowed to live in the home, and make payments directly to the tenant.
- .5 Utility bills not included in the rental charge shall be paid by the County to the utility supplier only upon the presentation of actual invoices/bill, in the applicant/recipient's name, and within the allowable maximum allotment.

## 90-122 TRANSPORTATION OUT OF COUNTY

- .1 NCHHSA may provide transportation, in the form of a bus ticket or gasoline, necessary to return a nonresident to their place of legal residence (another county or state) upon the approval of the Director or their designee.
- .2 NCHHSA may provide transportation, in the form of a bus ticket or gasoline, necessary to send a GA applicant/recipient to another county or state where a verified housing and/or employment offer exists.
- .3 Applicants/Recipients seeking transportation out of county must:
  - .31 Have no resources and are trying to reach a place where care or housing will be provided, or an area where there are relatives who are willing to assist, or to a place of legal residence. Verification of legal residence or statement from relative willing to assist is required; **or**
  - .32 Have no resources and are trying to reach a place where a bona fide offer of employment exists. Verification of employment offer or statement from employer is required.

- .4 Careful attempts should be made to screen out those persons who are vacationing, touring the country, or make it a habit to travel at the expense of NCHHSA and other public welfare departments without a bona fide reason.
- .5 The grant for transportation out of county shall be calculated as follows:
  - .51 Transportation – The cost of a one-way bus ticket to the individual's destination.
  - .52 The grant for transportation out of county shall be computed for each individual in the assistance unit, totaled, and issued in one voucher.

### **90-123 HOME VISITS**

- .1 Home visits may be made prior to approval of General Assistance on those persons claiming independent living arrangements and those who are sharing housing with other persons, when information indicates it is questionable.
- .2 Home visits may be made at the General Assistance Worker's discretion prior to the issuance of emergency assistance.

### **90-124 RESPONSIBILITY TO NOTIFY APPLICANT/RECIPIENT OF ACTIONS**

A notice of proposed action must be sent to the applicant/recipient when aid is granted, decreased, denied or discontinued and must contain reasons for the action.

- .1 The Notice of Proposed Action must contain:
  - .11 The name and address of the applicant/recipient.
  - .12 A statement that the applicant/recipient's grant will be denied, reduced, or terminated, followed by a statement of the amount of grant remaining after said proposed action, if any, and the reasons for the denial, reduction, suspension or termination.
  - .13 A reference to the General Assistance Regulations.
  - .14 The date of mailing of the Notice of Action.
- .2 The reverse side of the Notice of Action shall contain the following statements:
  - .21 A statement informing the applicant/recipient of their right to request a hearing if they are dissatisfied with the proposed action, but that he must request said hearing within thirty (30) days of the date of the notice.
  - .22 A statement informing the applicant/recipient that their request for hearing must be in writing, stating reason(s) why hearing is requested.

.23 A statement informing the applicant/recipient of their right to be represented by an authorized representative at a hearing.

.24 A statement that all requests for hearing must be submitted to:

Napa County Health and Human Services  
2751 Napa Valley Corporate Drive  
Napa, CA 94558  
Attn: Fair Hearings Division

.3 Adequate notice is required. A ten (10) day advance notice is required for all adverse action, including decreases and discontinuances.

.4 Timely Notice Not Required

.41 In some situations an adverse notice of action is required, but cannot be sent ten (10) days prior to the effective date of the proposed action. It must be sent immediately upon knowledge of the item requiring action, but not later than the proposed effective date. A timely notice of action is not required in the following situations:

.411 The county has verification confirming the death of the recipient.

.412 The county has received a written request from the recipient to terminate aid.

.413 The county has received a verbal request from the recipient to terminate aid.

.414 The recipient receives another form of assistance and/or inheritance to meet their needs.

.415 There is proof that the recipient is no longer a Napa County resident.

.416 The recipient's whereabouts are unknown, or county mail directed to the recipient has been returned by the Post Office, indicating no forwarding address.

## 90-200 INTERIM ASSISTANCE

.1 General Assistance applicants and recipients who are applying for SSI/SSP due to age or disability may be eligible for General Assistance. General Assistance applicants and recipients who are applying for SSI/SSP must complete form SSP 14 - Authorization for Reimbursement for General Assistance Granted While SSI/SSP Application is pending before receiving interim General Assistance. .

.2 Interim Assistance applicants/recipients will be evaluated for incapacity in the same manner as any other General Assistance incapacity applicant. If determined not to be incapacitated by General Assistance standards, the applicant/recipient will have to meet General



Assistance requirements for employable applicants/recipients but the SSP 14 procedure must still be followed.

- .3 Within ten (10) calendar days of being informed of approval of SSI/SSP recipient is required to provide NCHHSA with the notice of SSI/SSP approval.
- .4 If the SSI/SSP recipient receives their first payment directly, regardless of the reason, this in no way abrogates their legal obligation to make repayment directly to the County and the County shall take the necessary action to secure reimbursement.
- .5 If the SSI/SSP application is denied, the County shall require the applicant/recipient to file a request for reconsideration or hearing, and provide verification of reconsideration request. During this appeal process the case will remain on Interim Assistance if all other factors of eligibility are met.

## 90-201 INCAPACITY

### .1 Definition

- .11 Interim Assistance - A physical or mental condition which is expected to continue for a period of twelve (12) months or longer, as verified by doctor evaluation, and renders the applicant/recipient unable to work. The applicant/recipient must apply for SSI/SSP.
- .12 Unemployable due to Incapacity – A physical or mental condition which is expected to last at least thirty (30) days duration, however no longer than twelve (12) months, as verified by the doctor evaluation.
- .13 A choice of application based on incapacity and/or unemployment must be offered to the applicant.

### .2 Verification of Incapacity

- .21 For persons age 62 or older, a written statement by the applicant/recipient will be accepted as verification of incapacity.
- .22 Written verification of incapacity must be obtained for all others.
- .23 Where a written statement of incapacity cannot be obtained without delay, for reasons beyond the control of the applicant/recipient, a verbal statement of incapacity from a medical provider (Refer to [90-201.32](#)) may be accepted pending written verification up to a maximum of thirty (30) days. This statement must meet the specifications of [90-201.3](#).
- .231 The verification timeframe may be extended beyond the maximum thirty (30) days under special circumstances which are beyond the control of the applicant/recipient, as long as the special circumstances are verified. Extension beyond thirty (30) days must be approved by the General Assistance Supervisor.

.3 Medical Evidence Required

.31 A statement of incapacity must include:

.311 Diagnoses and/or a description of the limitations.

.312 The manner and degree of restriction on activities/employment.

.313 Expected duration of incapacity.

.32 Statement of incapacity may be accepted from:

.321 Licensed physician.

.322 Authorized County Mental Health professional staff.

.323 Veteran's Administration Hospital.

.324 Licensed Psychologist assigned to Parolee.

.33 Medical evaluations will be reviewed every twelve (12) months or when the disability ends, whichever occurs first. Any diagnosis that indicates there may be improvement over time will require the person to be reevaluated by a physician. A diagnosis that appears to have a poor prognosis or be irreversible may be reviewed by the General Assistance Supervisor for possible exemption from the reevaluation process.

.4 Persons Who Are Institutionalized or Hospitalized

.41 General Assistance may continue to be paid to the patient who is hospitalized for acute illness until the end of the month following the month of admission if:

.411 They rent a house, a room, or an apartment and must maintain it during their absence.

.5 Failure to Provide Verification of Incapacity

.51 Applicants/recipients who fail to provide proof of their incapacity, will be eligible to General Assistance as an employable person and must comply with the employable requirements.

.511 A new application for General Assistance is not required.

.6 Referral to Department of Vocational Rehabilitation

.61 A referral to the Department of Vocational Rehabilitation shall be made when the applicant/recipient provides medical verification that shows returning to their usual occupation is questionable based on the reason for incapacity.

**90-202 EMPLOYABLE PERSONS****.1 Definition**

For the purposes of General Assistance eligibility, an employable person is defined as an individual without a job or an individual working part-time whose income is less than sufficient to meet their needs according to the General Assistance Standards.

- .11 For intake purposes, a General Assistance applicant must be employed less than 40 hours per week in order to be eligible for assistance.
- .12 For ongoing purposes, a recipient working 40 hours per week may be eligible if the gross income, minus allowable deductions, is less than the General Assistance Standard.

**.2 Presumption of Employability**

- .21 All applicants/recipients are presumed to be employable unless determined otherwise by NCHHSA.
- .22 An applicant/recipient may be determined employable or unemployable based on any restrictions or limitations on their ability to participate in gainful employment, including but not limited to temporary or permanent physical, mental, or functional conditions.
- .23 NCHHSA may require an applicant/recipient to provide evidence or take actions required to establish their employability status.

**.3 Time Limited Eligibility for Employables**

- .31 Employable recipients are prohibited from receiving aid for more than three (3) full months in any twelve (12) month calendar year, whether or not the aid is consecutive, unless they meet an exception in .32 below.
- .32 General Assistance recipients may receive aid beyond the three (3) month time limit, if the recipient continues to follow the employment plan in its entirety, is still employable, however, has not yet found employment.
  - .321 Three (3) month extensions will be considered after each three (3) month period.
- .33 Three (3) months of aid is defined as three (3) full calendar months.
  - .331 If eligibility to General Assistance starts on the first day of the month, the three (3) months of aid is counted as three (3) full months.

- .332 A month in which a full month's benefit was not issued, typically identified as a "Prorated Month," shall not be included as a month considered aided for this time limit purpose.
- .34 For purposes of the time limited eligibility rule, the period of ineligibility (POI) begins after a recipient has received three (3) full months of General Assistance benefits as an employable person in a twelve (12) month calendar year and lasts until the twelve (12) month calendar year has ended.
- .35 An applicant who was previously discontinued due to the time limit rule may have their period of ineligibility interrupted if all of the following conditions are met:
  - .351 The individual has verified that they are unemployable, **and**
  - .352 Verification that they are unemployable and it will continue for a period of thirty (30) days of more from their application date, **and**
  - .353 All other eligibility requirements are met.
- .4 Employable Requirements
  - .41 All employables must complete and follow an assigned employment plan.
  - .42 All employables must be available for and seeking full-time employment of thirty (30) hours or more per week.
  - .43 The recipient must attend all employment plan appointments.
  - .44 The recipient must register for work with CalJobs and provide verification of registration.

## 90-203 UNEMPLOYABLE PERSONS

- .1 An unemployable person is an eligible person who is temporarily, or permanently unable to obtain and/or to maintain employment and who does not qualify for interim assistance (Refer to Section [90-200](#)). Applicants/recipients may be classified as unemployable if they fall under any of the following categories:
  - .11 Physically / mentally disabled;
  - .12 Under Conservatorship;
  - .13 Required to care for a severely disabled or ill family member in the home;
  - .14 Unresolved substance abuse issues in which the applicant/recipient is currently seeking treatment;

- .15 A determination is made by the General Assistance Worker that the individual has substantial barriers for being able to obtain or maintain employment;
- .16 An determination is made by the Self Sufficiency Manager and/or the Deputy Director of the division;
- .2 Physically/mentally disabled persons
  - .21 Applicants/recipients who have acceptable verification of a physical, or a mental disability, are considered to be unemployable.
  - .22 Applicants/recipients who indicate that they have a physical or mental disability which prevents them from working, but have no verification, will be considered to be "presumptively unemployable" while waiting for the medical verification. Refer to section [90-201.23](#) for verification timeframes.
  - .23 Applicants/recipients, whose disability is expected to last a minimum of twelve (12) months, must apply for SSI/SSP, and meet all requirements for GA under Interim Assistance.
  - .24 Acceptable verification of physical/mental disability may include, but is not limited to:
    - .241 Verification as outlined in Section [90-201](#) – Incapacity.
    - .242 Written verification from the Social Security Administration upon discontinuance from their program due to a non-medical reason, that the applicant/recipient remains disabled.
    - .243 Award letter/written verification from SDI or Worker's Compensation that indicates the applicant/recipient is disabled and/or unable to work.
    - .244 Recent hospital records that indicates the applicant/recipient is disabled and/or unable to work.
    - .245 Statement from health or life insurance company that indicates the applicant/recipient is disabled and/or unable to work.
    - .246 Statement from the State Department of Rehabilitation that indicates the applicant/recipient is disabled and/or unable to work.
  - .25 Verification is required at intake, at the time the client claims to no longer be employable due to an unemployable reason, or whenever the medical exemption ends.
- .3 Under Conservatorship
  - .31 Those applicants/recipients who are not legally responsible for their own affairs, and have had a legal conservator appointed, will be considered unemployable.

- .4 Care for Severely Disabled
  - .41 Employable persons who are needed in the home to care for an ill, or incapacitated member of the immediate family, may be classified as unemployable provided that there is verification of the following:
    - .411 Verification of the disability of the family member.
    - .412 A statement from the principal treating physician which indicates that in home supervision and care are required for the disabled family member. This statement must include the length of time (in months) that the in-home care will be required.
  - .42 Any applicant/recipient who meets this criteria shall be referred to In Home Supportive Services (IHSS) for evaluation as a paid caregiver.
- .5 An applicant/recipient classified as unemployable shall take all necessary and reasonable actions to rehabilitate or retrain in order to obtain employment and to become self-supporting.
  - .51 The General Assistance Worker will monitor the applicant/recipients progress towards becoming employable a minimum of once every three (3) months.
  - .52 Any unemployable person who does not take all necessary and reasonable actions, shall no longer be considered unemployable and shall be subject to the employable requirements.

## **90-204 FAILURE TO COMPLY WITH EMPLOYABLE REQUIREMENTS**

- .1 Recipients who fail to comply with the requirements of the General Assistance Program, without good cause, may be subject to receiving aid for only three (3) months in a twelve (12) month calendar year.
- .2 There are many reasons why a recipient may fail to comply with the requirements of the General Assistance program. These may include, but are not limited to:
  - .21 Failure to conduct job search as required, or failure to follow through on job leads or referrals which might have resulted in employment.
  - .22 Failure to accept available employment.
  - .23 Job quit without good cause within thirty (30) days prior to application.
  - .24 Fired from job without good cause within thirty (30) days prior to application.
  - .25 Quit or refused to participate in a training program.

- .26 Failure to comply with the training, and/or rehabilitative plan developed by the General Assistance Worker including referral to the State Department of Rehabilitation or to other services or treatment that would render him/her employable (i.e., medical treatment, psychiatric services, etc.).
- .27 Willful attempts to alter forms or misleading or false statements regarding job search contacts.
- .28 Failure to comply with any employable requirement set forth in [90-202](#).
- .29 Voluntary failure to meet all conditions required for receipt of Unemployment Insurance Benefits.
- .210 Failure to keep appointments with the General Assistance Worker.
- .3 Refusal to register with CalJobs.
  - .31 In addition to applicable penalties, an applicant/recipient who refuses to register with CalJobs, or refuses to accept an on-the-job training placement or other services remains ineligible until they do so.

## 90-205 GOOD CAUSE

- .1 General Assistance recipients who are discontinued for failure/refusal to comply with the administrative rules, regulations, or directions of NCHHSA are entitled to a "Good Cause" determination. Recipients of General Assistance are advised of their right to claim good cause at the time of their initial application, at annual redetermination, and on each notice of adverse action for failure to comply.
- .2 Good cause shall exist if one or more of the following circumstances exists and can be verified:
  - .21 The General Assistance condition or requirement is not within the physical or mental capacity of the recipient. Mental confusion, inability to read or write or inability to understand verbal instructions are examples of reasons a recipient would have good cause under this section.
    - .211 The recipient shall be reviewed for unemployability due to incapacity or eligibility for Interim Assistance. A new General Assistance application shall not be required.
  - .22 The recipient is unable to meet all or a portion of the General Assistance condition or requirement due to illness or illness of an immediate relative (refer to [90-101.10](#)) who requires care that is available only from the recipient.
  - .23 The recipient is required to appear in court or is incarcerated and is unable to meet or perform all or part of the General Assistance condition or requirement.

- .24 A death of a relative (refer to [90-101.10](#)) prevented the recipient from meeting all or part of the General Assistance condition of requirement.
  - .25 The recipient did not receive proper instructions about the General Assistance condition or requirement, thereby excusing a failure or refusal to meet all or part of the condition or requirement, i.e., mail was returned or proper notice was not sent.
  - .26 Another agency/company or person failed to return required information or material to the recipient or to the General Assistance Worker in a timely manner, thereby excusing a failure to meet all or part of the condition or requirement.
  - .27 Employment was obtained or a scheduled job interview/job test precluded the recipient from meeting all or part of the General Assistance condition or requirement.
  - .28 Circumstances beyond a person's control or other compelling facts presented by the recipient which, under the circumstances of the case, must reasonably be viewed as excusing a failure or refusal to meet a General Assistance condition or requirement, i.e. auto accident on the way to the meeting.
- .3 Good Cause Criteria For Voluntary Termination of Employment
- .31 Good cause for voluntary job termination shall exist for applicants or recipients if the reasons are reasonable, substantial and compelling such that a reasonable person, in a similar situation, would act similarly.
  - .32 Good Cause for voluntary job termination shall exist if one or more of the following circumstances exists and can be verified:
    - .321 The job was not within the physical or mental capacity of the applicant/recipient.
    - .322 Illness of an immediate relative (refer to [90-101.10](#)) who resides with the applicant/recipient if no other reasonable means of care was available.
    - .323 The conditions of employment are not in conformity with health and safety laws and regulations.
    - .324 Incarceration.
    - .325 Discrimination by employer based race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic



violence victim status, political affiliation, and any other status protected by state, federal, or local law.

- .326 The conditions of employment are not in conformity with state or federal minimum wage standards.
  - .327 There is a legal obligation which could not be scheduled so as not to conflict with employment.
  - .328 Acceptance of another bona fide offer of employment (more than 23 hours per week) which subsequently did not materialize.
- .4 While voluntary job termination does not apply to the following circumstances, verification of the job termination is still required:
- .41 Inability of a non-striker to work because:
    - .411 Involuntarily and innocently out of work due to labor dispute.
    - .412 Work place closed by employer to resist employees' demands (lockout).
    - .413 Refusal to cross picket line due to fear of death or personal injury.
  - .42 Layoffs because:
    - .421 There is no work (seasonal worker or staff reduction).
    - .422 Leave of absence granted but job subsequently eliminated.
    - .423 Non-union worker laid off in trade dispute.
    - .424 Business closes.
- .5 Lack of Good Cause
- NCHHSA must impose periods of ineligibility on recipients who lack good cause for failure or refusal to cooperate with the administrative rules, regulations or directions of NCHHSA.
- .51 Lack of Good Cause Criteria - Lack of good cause for failure or refusal to perform a General Assistance program requirement may be demonstrated by either:
    - .511 Willful failure or refusal. The intentional violation of or refusal to meet known General Assistance program requirements.
    - .512 Three or more negligent acts. A negligent act is failure to cooperate with the administrative regulations or directions of the General Assistance Program due to oversight or carelessness.

.6 Responsibility for Good Cause Determinations

.61 Applications

.611 At the time of application, the General Assistance Worker will explore the length of, and the reason for unemployment. If the General Assistance Worker learns that the applicant has quit or refused a job within thirty (30) days of the date of application, the General Assistance Worker must obtain the facts from the applicant and/or the employer, and make the good cause determination. If there is no good cause, then the applicant will not be eligible for a thirty (30) day period from the beginning date of aid.

.62 Ongoing Cases

.621 If at any time the General Assistance Worker discovers that the client has quit or refused a job, the General Assistance Worker will obtain the necessary facts, make the good cause determination and take the necessary actions.

## 90-300 PROPERTY DEFINITIONS

- .1 Property - Any property, real or personal, owned by the applicant/recipient or in which they have an interest of, which they are free to dispose and which is available, shall be considered as a resource. Before eligibility can be established, a determination must be made as to the amount of financial interest the applicant/recipient has in the property, control of that interest, and that the property is available to the applicant/recipient.
- .2 Real Property - Real property is land and improvements, as differentiated from cash, bonds, mortgages or similar assets which are personal property. As a general rule, real property includes immovable property attached to the land such as trees, fences, buildings, etc. It also includes mines, patented or unpatented oil, mineral or timber rights.
- .3 Personal Property - Personal property includes all property which is not classified as real property. Personal property also may be in the nature of a valuable property right, such as an uncollected judgment, or interest in a firm in receivership, etc.
- .4 Property Owner - The Property Owner, for General Assistance eligibility purposes, is the person who holds legal title to the property unless they have no right to possess and use the property or to receive the proceeds.
- .5 Availability and Control - When the applicant/recipient declares that the property is not available and that they are not free to dispose of property, verification and documentation is required.
  - .51 The full value of property, both real and personal is considered available to the applicant/recipient when they are sole owner.

- .52 The applicant/recipient who is co-owner of the property is considered to have a pro-rated interest in such property.

### 90-301 REAL PROPERTY OR PERSONAL PROPERTY USED AS A DWELLING

- .1 An applicant/recipient may own their home if the market value, less all encumbrances of record, does not exceed \$5,000. Any mobile home, camper, trailer, houseboats; and any other dwelling shall be considered and evaluated as real property for General Assistance purposes.
- .2 Any mobile home, camper, trailer, houseboat or other dwelling which is not assessed as real property by the County Assessor, but which is used as an applicant/recipient's only home, is exempt from consideration as personal property so long as the market value of the dwelling, less encumbrances of record, does not exceed a total value of \$5,000.
- .3 Ownership of any additional real property wherever located shall result in ineligibility.
- .31 The applicant/recipient is presumed to have availability to their share of property. This presumption can be overturned only by documentation presented by the applicant/recipient that availability does not exist.
- .32 Property which is not currently available will not be considered in determining eligibility. Availability shall be reviewed at every redetermination.
- .33 Documentation which establishes that property is unavailable may include, but is not limited to the following:
- .331 Legal Obstacles, such as:
- a. A deed or will restricting sale unless all principals agree.
  - b. One or more liens.
  - c. Other persons listed as owners of the property who refuse to sell, including a spouse from whom the applicant/recipient has separated.
- .332 An oral contract supported by written statements from all principals involved if other parties refuse to provide statements. Examples of acceptable evidence are as follows:
- a. Statement of realtor or attorney verifying legal obstacles prevent the sale of property.
  - b. Copies of registered/certified letters sent from the beneficiary to other party requesting their cooperation in selling the property.
  - c. A sworn statement from the applicant/recipient.

.4 Acceptable Evidence of Value of Real Property

.41 The market value of real property shall be based on the full market value as shown on the most current tax statements from the County Assessor, Recorder or Tax Collector. Allowable encumbrances shall be deducted from the market value.

.411 Allowable encumbrances are mortgages, notes, deeds of trust, judgments, and mechanic liens.

.412 If the applicant is not the sole owner of the real property, only their share is considered available to them.

.5 Real Property to be Included:

.51 All separate and community real property owned by the applicant/recipient, spouse, and/or family unit members is included in the real property evaluation.

.52 When property is owned jointly by a married couple, the entire property holdings are considered when determining eligibility even though both may not be applying for assistance. If the applicant/recipient owns real property other than their home, the applicant/recipient is ineligible for General Assistance.

.53 All real property of a sponsor shall be included when making a deemed resource/property determination for a sponsored immigrant.

.6 Real Property to be Excluded:

The following property shall be excluded from consideration when making an eligibility determination:

.61 A Native American's interest in land held in trust by the U.S. Government.

.62 Payments made to Native Americans for past land acquisitions by judgment of the Indian Claims Commission or the Court of Claims when:

.621 The applicant/recipient has written verification, such as, an award letter or a signed statement from the U.S. Bureau of Indian Affairs, and

.622 The property is separately identifiable.

.63 Real property held in trust for the applicant/recipient which a court has ruled cannot be utilized for the support of the applicant/recipient.

.64 Real property that is not available for the individual's use or expenditure.

**90-302 PERSONAL PROPERTY**

- .1 The collective net market value of net non-exempt personal property shall not exceed \$500, of which no more than \$100.00 shall be in cash or liquid assets. Liquid assets include cash, savings and checking accounts, securities, stocks, bonds, mutual fund shares, promissory notes, mortgages, deeds of trust, retirement funds and other forms of personal property that can be converted into cash within a reasonable period of time.
- .2 One automobile is exempt from inclusion in the property reserve for either of the following reasons:
  - .21 Automobile is currently being used as the applicant/recipients home. Applicant/recipient must sign a sworn statement at each face-to-face meeting and redetermination to continue to exempt the vehicle for this reason; **OR**
  - .22 The net market value of the automobile does not exceed \$2500. If the net market value exceeds \$2500, the excess shall be applied toward the property limit.
- .3 Cash surrender value of insurance policies shall be included in the property reserve after thirty (30) days from the date of application.
- .4 Retirement funds are exempt providing the following conditions are met:
  - .41 The applicant/recipient must be on leave without pay for medical reasons, **and**
  - .42 The applicant/recipient's return to work date must be verified by the applicant/recipient's physician, **and**
  - .43 The employer must document that the applicant/ recipient's job is still open once the applicant/recipient is medically able to work.
- .5 Title to or interest in a single burial plot is exempt.
- .6 A prepaid burial trust is exempt providing the value does not exceed \$300. If the value exceeds \$300, the excess shall be applied toward the property limit.
- .7 Household furniture, clothing, wedding rings, rugs, appliances, computer, and television are exempt from inclusion in the property reserve.
- .8 All other personal property shall be counted in the property reserve including:
  - .81 Mobile homes, campers, trailers, not used as a home;
  - .82 Boats, musical instruments, power tools and recreation equipment;
  - .83 Farm equipment, livestock and fowl other than that retained for family consumption only.
- .9 Determining Value of Personal Property

- .91 Motor Vehicle value is determined by the purchase price of the vehicle or through the current NADA Guides using whichever figure is lower.
  - .911 If the applicant/recipient does not agree with the value placed on the motor vehicle the applicant/recipient may submit a minimum of two (2) other appraisals by auto dealers, insurance adjustors or personal property appraisers. The average of these independent appraisals will be used by the County in evaluating the motor vehicle.
- .92 Other Personal Property - Determine the net market value of other personal property by deducting from the original purchase price 2% of the original price at the date of purchase and 20% of the remaining balance for each year thereafter up to six (6) years and then subtract encumbrances. If the original purchase price is not available it may be estimated by the County.
  - .921 Verification of all personal property owned by the applicant/recipient is required in order to determine that said property is within established limitation.

### 90-303 TRANSFER OF PROPERTY

- .1 A transfer of property means a change of ownership whereby an applicant/recipient through such transfer has divested themselves in whole or in part of a resource actually available to him/her.
- .2 No person shall be eligible for General Assistance if there has been an assignment or transfer of real or personal property or resources for the purpose of qualifying for aid.
- .3 When an applicant/recipient claims that their property holdings have been reduced within the maximum limitations, but is unable to satisfactorily account for the disposition, i.e., show to the County how and why they no longer own the property, there is a presumption that the property was transferred for the purpose of qualifying for assistance and will result in ineligibility. The applicant/recipient must provide all information necessary to assist the General Assistance Worker in determining the intent of the transfer.
- .4 Property transfers made more than two (2) years prior to application do not result in ineligibility.
- .5 The duration of ineligibility due to a transfer of property is the period of time during which a reasonable return for the grantor's equity, had the property been sold, would have supported the grantor.
  - .51 The General Assistance grant amounts are used as the monthly maintenance allowance when computing the duration of ineligibility due to transfer of property. Allowance may also be made for the actual cost of necessary expenditures, other than normal living expenses, i.e. major medical costs, out of home care, major repairs to the home when necessary to put it into a livable condition, etc.

- .6 Property may be converted by an applicant/recipient provided the resultant holdings do not exceed the maximum limitations.

### 90-304 PROPERTY OF APPLICANT/RECIPIENT'S SPONSOR

- .1 All property owned by an applicant/recipient's sponsor shall be deemed to the applicant/recipient.
- .11 The deemed property shall be the net resources/property of the sponsor reduced by \$1,500.00.
- .12 The sponsor's net resources/property shall be determined as if the sponsor were applying for General Assistance.

### 90-400 INCOME DEFINITIONS

Income is defined as any benefit, either in cash or in-kind, which is received by an applicant/recipient.

- .1 Earned Income - income which is received in return for work performed by the applicant/recipient, such as wages, salary, commissions, or profit from business enterprises in which the applicant/recipient is or was engaged as a self-employed individual or as an employee.
- .11 Net earned income is applied against the General Assistance budget. Net earned income is gross earnings minus allowable deductions such as income taxes, OASDI, SDI, meals, insurance, mandatory retirement, and involuntary union dues.
- .2 Unearned Income – All benefits, contributions, allowances, loans and grants, interests, and other income or cash not received from employment. These include: Unemployment Insurance Benefits (UIB), State Disability Insurance (SDI), Workers' Compensation, Benefits from the Social Security Administration (SSA), assistance programs based on need, Refugee Cash Assistance (RCA), Entrant Cash Assistance (ECA), contributions by relatives or friends, pensions, earned income credits and income tax refunds.
- .21 Unearned income is applied directly against the General Assistance budget
- .3 Income In-Kind
- .31 Full Items of Need - Income in-kind is any support or maintenance received in-kind from a person or organization for housing, utilities, food and/or incidentals. The General Assistance grant will not provide for items of need being fully met by income in-kind on a monthly basis. For example, for an applicant/recipient works in exchange for their full rent or it is provided free by a person or organization: there is no eligibility for the General Assistance housing allowance.

- .32 Partial Items of Need - Any portion of unpaid rent, utilities, food and/or incidentals that the applicant/recipient is responsible for may be paid by General Assistance up to the General Assistance allowable limit. Income in-kind for partial items of need is exempt.
- .4 Casual Income or Inconsequential Resource - Income which is irregular, not expected to continue, and cannot be depended upon to meet the needs of the applicant/recipient.
- .41 Income from an inconsequential resource is the net return from an interest in real or personal property which, by itself, makes no appreciable contribution to the continuing needs of a recipient under the aid standard.
- .42 The following examples illustrate some types of income which usually are considered causal income or income from an inconsequential resource:
- .421 Income from occasional labor and services of a temporary nature and which offer no security as a regular source of maintenance.
- .422 Income from occasional sale of products (i.e. garage sale) or resulting from work engaged in wholly or primarily for its therapeutic value, such as knitting, art work, cabinet work, etc.
- .423 Income from occasional rental of a room which is not ordinarily advertised or listed for rent and which is rented for a short period only.
- .424 Returns on home produce from a garden, orchard, farm livestock, poultry, firewood, etc. which is sold or exchanged.
- .425 Interest on securities which has no appreciable contribution to the continuing needs of the recipient.
- .426 Results of occasional barter transactions, such as the exchange of wood produced on the applicant/recipient's property for work on the road leading to their house.
- .427 Dues and membership fees in benevolent, fraternal, or other nonprofit organizations which are assumed by the organization or by another person on behalf of the recipient.
- .428 Emergency relief granted to a recipient who has lost or spent his/her grant.
- .5 Other Aid Payments - Recipients of SSI and/or TANF, individuals eligible to TANF, and those in suspend or zero basic grant status are not eligible for General Assistance unless deemed so by the Director in disastrous situations, such as flood, fire, or earthquake.
- .6 Lump Sum Income - Any income received by the applicant/recipient and/or family that is non-recurring in regard to the amount and source. The receipt of lump sum income, in an amount in excess of the applicant/recipient's needs or a General Assistance standard renders him/her ineligible for further assistance. The period of ineligibility is that period of time for which the



excess funds would maintain the applicant/recipient on a General Assistance standard. Any remainder left over would be considered as unearned income in the first month of eligibility. The applicant/recipient must be notified in writing of the duration of ineligibility.

**90-401 TREATMENT OF INCOME**

- .1 All income, including income in-kind, received by an applicant/recipient and certain family members living with the applicant/recipient shall be considered in computing the General Assistance grant for an individual or family. These family members are spouse, minor children (whether natural, adopted, or stepchildren) and the other parent of these children.
- .11 The total net amount of income available during a month is determined first. Then deductions, and treatment of income are determined.
- .2 Earned Income

| EARNED INCOME   | ADDITIONAL INFORMATION  |
|---|---|
| <p>Wages, salaries, bonuses, and commissions from an employer or individual business enterprises.</p> | <p>Deductions that are allowed from gross earned income include, but are not limited to, amounts that are involuntarily withheld for:</p> <ul style="list-style-type: none"> <li>• Federal Income Tax</li> <li>• State Income Tax</li> <li>• Social Security (FICA)</li> <li>• Meals</li> <li>• Involuntary Insurance, e.g. State Disability Insurance (SDI)</li> <li>• Involuntary retirement</li> <li>• Mandatory Union dues</li> <li>• Involuntary work-related expenses</li> </ul> <p>Deductions that are not allowed from gross earned income include, but are not limited to, amounts voluntarily withheld for:</p> <ul style="list-style-type: none"> <li>• Child Care</li> <li>• Contributions</li> <li>• Garnishments</li> <li>• Insurance</li> <li>• Mileage</li> <li>• Transportation Costs</li> <li>• Non-Mandatory Union Dues</li> </ul> |
| <p>Tips</p>   | <p>Tips are to be reported and counted when actually received. Applicant/recipient should attempt to get a statement from the employer that verifies the actual amount of tips received. If the employer cannot, or will not provide this information, the applicant/recipients sworn statement will be accepted.</p>   |

| EARNED INCOME                      | ADDITIONAL INFORMATION   |
|------------------------------------|--|
| Contract Income                    | Applicants/Recipients who receive income based on a contract, will have the income that is stipulated in the contract, apportioned equally over the time the contract is intended to cover.  |
| Teachers Income                    | Teachers may or may not work under a contract. However, their income must be apportioned over the time it is intended to cover, i.e. may be nine, ten or twelve months.  |
| Training Payments                  | Payments received for training includes monies received from Workforce Investment Act (WIA), manpower programs, or any other paid training will count as earned income.  |
| In Home Supportive Services (IHSS) | This includes payments received for providing home services (such as cooking and cleaning) to house-bound disabled and aged persons.   |
| Earned Income Tax Credit (EITC)    | EITC payments are counted in the month received as earned income, whether received as a tax refund or as an advance payment.   |
| Tax Refunds                        | Tax Refunds are considered as lump sum income in the month received.   |
| Self-Employment                    | Counted as earned income.  |
| Foster Care                        | <p>Foster care payments include:</p> <ul style="list-style-type: none"> <li>• Payments made to a foster parent when a foster child is temporarily absent from the foster home for a month or more.</li> <li>• Payments made to ensure availability of a room for foster children.</li> </ul> <p>Payments for these reasons are considered earned income.</p> |

.3 Unearned Income

| UNEARNED INCOME  | ADDITIONAL INFORMATION   |
|--|--|
| Retirement, Survivors, and Disability Insurance (RSDI) | Payments from Social Security Administration (SSA) are considered unearned income.   |
| Annuities  | <p>Payments received at regular intervals (usually monthly or quarterly) based upon an initial investment by the beneficiary will be counted as unearned income. Federal tax that is withheld monthly is to be considered unavailable income.</p> <p>The annuity must be evaluated for a property determination.</p> |
| Pensions and Retirement Payments                       | Counted as Unearned Income. Federal tax that is withheld monthly is to be considered unavailable income.   |
| Disability payments from an insurance or an employer   | Counted as Unearned Income.  |
| Veteran's Payments                                     | Counted as Unearned Income.  |
| Workers' Compensation                                  | Counted as Unearned Income.  |

| UNEARNED INCOME   | ADDITIONAL INFORMATION  |
|---|---|
| Railroad Retirement   | Counted as Unearned Income.   |
| Unemployment Insurance Benefits (UIB)   | Counted as Unearned Income.   |
| State Disability Insurance (SDI)  | Counted as Unearned Income.   |
| Loans, including school loans   | Counted as Unearned Income.   |
| Recurring Gifts   | Counted as Unearned Income.   |
| Non-Recurring Gifts   | Treat as Casual Income. Count anything above the \$60 deduction in a three month period as Unearned Income.   |
| Dividends   | Counted as Unearned Income.   |
| Interest Payments from any source (e.g. checking, savings, trust deed, sales contracts, etc.) | Counted as Unearned Income.   |
| Room Rental or boarder Payments   | Counted as Unearned Income. Net income from room and/or board is 10 percent of the actual payment received.   |
| Civil Service Benefits  | Counted as Unearned Income.   |
| Ex-Inmates Funds  | These funds are usually issued to inmates upon their discharge from prisons, and are counted as unearned income in the month the funds are received.  |
| Insurance Settlements   | Counted as Lump Sum Income.   |
| Royalties   | Counted as Unearned Income. These are payments received by: <ul style="list-style-type: none"> <li>• The holder of a patent or copyright</li> <li>• A person for the use of their invention</li> <li>• The owner of a mine, oil well, or similar holdings, for the extraction of the product or other use.</li> </ul> |
| Child Support, Retro Child Support and Spousal Support  | Counted as Unearned Income.   |

.4 Exempt / Excluded Income

| EXEMPT / EXCLUDED INCOME  | ADDITIONAL INFORMATION   |
|---|--|
| Spouse's Supplemental Security Income / State Supplemental Payment (SSI/SSP)  | This includes any retro SSI payment received by an excluded SSI spouse.  |
| Non-Recurring Gifts   | Treat as Casual Income. Deduct up to \$60 per three-month period.  |
| Contributions for items of need not included in the General Assistance budget | Any item of need not identified in the income-in-kind section contributed by friends, relatives or others is exempt, providing the cash does not pass through the applicant/recipients hands.<br><br>If cash is given directly to the applicant/recipient, it is considered unearned income. |
| State or Federal Retroactive Court Ordered Payments                           | Excluded Income.   |
| Foster Care Payments  | All other payments than those listed as earned income.   |

| EXEMPT / EXCLUDED INCOME      | ADDITIONAL INFORMATION  |
|-------------------------------|---|
| Loans Which Require Repayment | When it is verified that the following conditions are met: <ul style="list-style-type: none"> <li>• A written agreement signed by the lender and the borrower is provided, and</li> <li>• The agreement clearly specifies:                             <ul style="list-style-type: none"> <li>○ The obligation of the applicant/recipient to repay the loan, and</li> <li>○ A repayment plan: When the repayment will start, frequency and amount of payments.</li> </ul> </li> </ul> |

.5 County Responsibility

.51 Reviewing with the applicant/recipient of their resources for possible eligibility for income from every source.

.52 Determining eligibility based on the amount of income received.

.53 Informing recipients of their income reporting responsibilities.

.54 Resources with income producing potential include, but is not limited to:

.541 Social Security, Unemployment Insurance Benefits, State Disability Insurance Benefits, Supplemental Security Income, Veterans Benefits, Retirement and Pension Plans, Workers' Compensation, Private Insurance or Union Plans, accumulated vacation and sick leave with pay.

.542 Other persons who may be contributing or willing to contribute such as the sponsors of indigent noncitizens.

.543 Other categorical aid programs, organizations and assistance.

.544 If entitled to receive spousal support payments under a court order.

.6 Applicant/Recipient Responsibility, includes all of the following:

.61 Providing all information necessary to establish financial eligibility.

.62 Taking all actions necessary to obtain unconditionally available income or benefits. Income shall be considered unconditionally available if the applicant/recipient has only to claim or accept the income.

.621 Refusal to apply for such income and/or benefits shall result in ineligibility

- .63 It shall be the responsibility of the applicant/recipient to provide verification of all income and exemptions.

## 90-402 DETERMINING FINANCIAL ELIGIBILITY

An applicant/recipient is financially eligible for any month in which combined actual and estimated net non-exempt income for the month is less than the minimum needs as defined in [90-600](#).

- .1 Anticipated/Estimated Income - when a determination of financial eligibility is based on anticipated/estimated income, such an estimate must be determined using all relevant information available to the County and to the applicant/recipient.
- .11 If aid is denied or discontinued due to anticipated income and this income is not received, the County shall rescind the denial/discontinuance and issue the correct grant providing the applicant/recipient notifies the County within the current month.
- .12 When income received during the month, prior to the date of application, is less than the minimum needs, an applicant may be eligible for a pro-rated grant until the date the anticipated income is expected to be received.
- .13 When income received during the month, prior to the date of application, exceeds minimum needs there is no eligibility in that month.
- .2 Any income, rounded to the nearest whole dollar, received during the month of application and during any month for which the recipient received General Assistance shall be deducted from the maximum General Assistance amount based on the applicant/recipients needs to determine financial eligibility.
- .3 Nonexempt Income - All income must be deducted from the applicant/recipient's needs in determining eligibility and amount of grant.
- .31 Net Earned Income. A standard work expense of \$90.00 for the month the income was earned.
- .32 Unearned income will be applied towards needs without regard to deductions.
- .33 Casual Income or Inconsequential Resource - \$60 in any three month period can be deducted from the total amount of casual income.
- .34 Net income from room and/or board is 10 percent of the actual payment received.
- .35 Allocation of income from others in the home.
- .351 The income of any responsible relative as defined in [90-113](#) must be considered in the budget computation.

- .352 Non-responsible relatives - Only voluntary contributions in-kind or in cash will be considered in the budget computations.
- .353 Non-related persons – (other than unrelated persons assuming the role of spouse) – same as .352 above.

#### .4 Grant Computation

- .41 All income received by the applicant/recipient shall be applied to reduce the maximum allowance in [90-600](#), except that:
  - .411 The first \$90.00 of net earned income each month may be excluded.
  - .412 Casual income from an inconsequential resource shall be exempt up to \$60 per quarter.
  - .413 The earned income portion of total income used in the above calculation shall be gross earnings less mandatory deductions and mandatory union dues.

#### .5 Financial Aid/Scholarship Income

- .51 The financial aid / scholarship award, minus allowable expenses which have been verified, shall be divided over the period of time it was intended to cover. That amount is then budgeted beginning the month the school grant was received.
  - .511 Allowable expenses include registration fees, tuition, books, and supplies required for the class when receipts are presented as verification of such expense.
- .52 If an expense is incurred later in the school session, the recipient may submit verification of that expense. The actual expense amount will be deducted from any financial aid/scholarship income used in the current month up to the amount, but not to exceed, the amount of the financial aid/scholarship income used in the current months budget calculation.

- .6 Application for other income - The applicant/recipient must apply for and accept any other income that might possibly be available to him/her such as: OASDI, UIB, SDI, Veterans Benefits, SSI/SSP, Workers' Compensation, financial aid/scholarships, or Railroad Retirement. (See [90-115](#))

- .7 Deeming of an applicant/recipient's sponsor's income - the income of an applicant/recipient's sponsor shall be deemed to the applicant/recipient when computing the General Assistance benefits.

- .71 The amount of income to be deemed shall be the sponsors income reduced by the allowable deduction(s). Allowable deductions are:

- .711 The lesser of \$175.00 or 20% of gross earned income.

- .712 The Minimum Basic Standard of Adequate Care (MBSAC) for a CalWORKs family equal to the size of the sponsor's family living in the home and that can be claimed for federal income tax purposes.
- .713 The amount paid to individuals not living in the sponsor's home who are claimed by the sponsor as a dependent for federal income tax purposes.
- .714 The amount paid by the sponsor for court ordered child and/or spousal support for individuals not living in the sponsor's home.
- .72 Income deemed to the sponsored immigrant shall be considered net nonexempt income when computing the benefits for the sponsored immigrant.

### 90-403 TREATMENT OF LUMP SUM PAYMENTS

- .1 Lump sum income received prior to the month of application will not be counted as income. Amounts of the lump sum income that is remaining, on the first of the month following the month of receipt, will be counted as property.
- .2 A recipient who reports timely a lump sum received in the prior month, will have the lump sum counted in the current month. An overpayment must be calculated for GA benefits received in the current month, if the amount of the lump sum received in the prior month, and the GA payment received in the current month, totals more than the recipient's need standard for the current month.
- .3 Anticipated lump sum income is treated as if it will be received in the future month rather than in the current month. If the anticipated lump sum is not received, the General Assistance Worker shall recalculate General Assistance payments.
- .4 Lump sum period of ineligibility computation - This computation is to determine if the receipt of lump sum income results in a period of ineligibility. The number of months that the applicant(s)/recipient(s) in the General Assistance Budget Unit is ineligible for an aid payment due to receipt of lump sum income, is determined as follows:
  - .41 Divide the total of lump sum income, plus any other net non-exempt income received in the budget period, by the total of the General Assistance grant.
  - .42 The resulting whole number is the number of months of ineligibility for the General Assistance unit.
  - .43 If there is a remainder from this division, the remainder shall be counted as income in the month following the end of the period of ineligibility in .42 above.
  - .44 The lump sum income computation shall be applied both to reported and anticipated income.

- .45 Provided the General Assistance recipient has no other income or resources available, the period of ineligibility may be shortened when all or part of the lump sum income has been used to purchase items or services to meet emergency medical, shelter, clothing, and/or food needs that result from sudden and unusual circumstance(s) of a life/health threatening nature beyond the control of the ineligible assistance unit. Verification of expenditures for emergency items or services shall be provided by the ineligible family unit at the County's request.
- .5 When the lump sum income is used to meet needs resulting from life/health threatening circumstances, the County shall apply the following computation to reduce the period of ineligibility:
- .51 Add the lump sum income and any other net non-exempt income.
- .52 Add the lump sum income total, subtract the amount actually used by the ineligible General Assistance unit to meet needs resulting from life/health threatening circumstances.
- .53 Use the remainder from this subtraction for the lump sum income amount and apply the lump sum income calculation.
- .54 When the remainder from this subtraction is less than the General Assistance grant for the General Assistance unit, the amount shall be counted as income in the month following the period of ineligibility.

## 90-500 DETERMINATION OF NEED

- .1 A person or family is determined to be needy for purposes of General Assistance if income is less than the need standard specified in [90-600](#). Grants of financial assistance are intended to cover the costs of food, shelter, personal needs and other living expenses of those persons who are determined to be eligible for General Assistance. In addition, provision is made for payment of certain special needs and emergency expenses from General Assistance funds when it is not possible to utilize other private and community resources and/or other aid programs.
- .2 General Assistance standards may be exceeded in exceptional and unusual situations upon written authorization by the NCHHSA Director, or if delegated by the NCHHSA Director, by the NCHHSA Assistant Director



**90-600 MAXIMUM ALLOWANCES FOR GENERAL ASSISTANCE**

## .1 Maximum Allowances for Housing and Essential Needs:

|                            | <b>1</b>   | <b>2</b>   | <b>3</b>   | <b>4</b>   | <b>5</b>   | <b>6</b>    |
|----------------------------|------------|------------|------------|------------|------------|-------------|
| Housing                    | 240        | 315        | 363        | 363        | 486        | 486         |
| Essential Needs            | 140        | 200        | 290        | 375        | 456        | 545         |
| <b>Total per Household</b> | <b>380</b> | <b>515</b> | <b>653</b> | <b>738</b> | <b>942</b> | <b>1031</b> |

- .11 The Maximum Allowances set forth in [90-600.1](#) shall be adjusted from time to time as provided in [90-600.4](#) upon the written approval of the NCHHSA Director or, if delegated by the NCHHSA Director, by the NCHHSA Assistant Director.

## .2 Essential Needs Allowance

- .21 Essential Needs Allowance includes, but is not limited to, payments for utilities, food, transportation, or incidentals. Essential Needs Allowance may be transferred to pay for housing costs of an applicant/recipient.
- .22 An applicant/recipient may allot the allowance he or she is eligible for towards any essential needs they choose, up to the Maximum Allowance for Essential Needs.
- .23 Example: Single recipient is eligible for the Maximum Essential Needs Allowance of \$140. Single recipient chooses to receive an allowance of four \$25 vouchers for food/incidentals (amounting to \$100) and one \$20 voucher for gas (amounting to \$20), for a total of \$120. The Essential Needs Allowance is transferable: the unused portion of the Maximum Allowance may be used for housing costs of the recipient. However, should the recipient also be eligible for a Housing Allowance, no part of the Housing Allowance may be transferred for payment of essential needs (e.g. may not be used to pay for utilities, food, etc.)

## .3 Housing/Rent

- .31 An eligible applicant/recipient who pays a housing expense will receive a Housing Allowance in the amount requested, or the Maximum Allowance for Housing, whichever is less. Transferability of the Housing Allowance is not allowed. If the recipient's eligible Housing Allowance is less than the Maximum Allowance for Housing, the recipient may not transfer the difference and use it to pay for essential needs.
- .32 For any applicant/recipient who does not have a housing expense, a referral to a local community shelter must be made.

## .4 Maximum Allowance Adjustments

- .41 The Maximum Allowance for General Assistance grant amounts shall be based on the current (non-exempt) Temporary Assistance for Needy Families (TANF) Maximum Aid

Payment (MAP) per EAS Manual Section [44-315.32](#). The maximum General Assistance grant amounts shall be adjusted automatically by the annual percentage increase or decrease in the MAP Schedule adopted by the California State Legislature and then issued by the California Department of Social Services (CDSS) in the TANF program.

.42 [90-600.1](#) sets total Maximum Allowances for General Assistance based on the number of assisted persons ("GA levels").

.421 The GA level will continue to be adjusted upward or downward to match the percentage of increase or decrease in the CalWORKs MAP payment level as amended from time to time by the California State Legislature and issued by CDSS. The percentage of increase or decrease in GA level will be apportioned 9/10 for the Maximum Housing Allowance and 1/10 for the Maximum Essential Needs Allowance.

.43 The effective date of any such automatic adjustment to the General Assistance program shall correspond to the effective date of the change issued by CDSS to the TANF program, or as soon as administratively possible to make the change, whichever is later. Any adjustments are prospective only (e.g. no retroactivity).

## 90-700 EMERGENCY AID

.1 Emergency Aid may be provided to individuals or families for shelter, food and essential transportation when other resources are not available to meet those needs. All other available options, including the assistance of family and friends, must be explored before emergency assistance is approved.

.11 Each request for assistance must be evaluated on its own merits or circumstances.

.12 Individuals do not need to meet normal General Assistance eligibility criteria in order to receive Emergency Assistance. For example:

.121 Emergency assistance may be granted to anyone whom the NCHHSA. Director, or if delegated, by the NCHHSA t Assistant Director determines to be in need of the emergency assistance.

.122 Emergency assistance will not be granted to persons who received emergency assistance within the previous six (6) months.

.13 Communicable Diseases

.131 Emergency assistance may be granted for persons who have a communicable disease and pose a threat to the health of the community, as verified by NCHHSA and approved NCHHSA. Director, or if delegated, by the NCHHSA Assistant Director. Aid may be granted for shelter, food, and essential transportation only if the individual is indigent and unable to obtain assistance

from relatives, friends or other community resources. Aid would be extended only for the infectious period, as determined by NCHHSA.

- .14 Requests for emergency assistance may come from a number of sources including the General Assistance Worker or other program staff.
- .15 All requests for Emergency Assistance must be reviewed and documented by the General Assistance Supervisor. The General Assistance Supervisor will be responsible for confirming the individual's circumstances, the amount of assistance necessary to meet the emergency need and thoroughly documenting the case record.
- .16 The NCHHSA. Director, or if delegated, the NCHHSA Assistant Director must approve all emergency assistance payments. In the absence of the Director or Assistant Director, the Deputy Director of the Self Sufficiency Division may authorize payment. If neither the Director, Assistant Director nor Deputy Director are available, the Self Sufficiency Manager can approve a request for emergency assistance.

## 90-800 CONTINUING ACTIVITIES

### .1 Reporting Responsibilities

- .11 The applicant/recipient will be given full instructions and be required to report to their worker promptly (within ten (10) days of the date that the event occurred) all changes in circumstances, such as: living arrangement, household composition, employment, income and property.

### .2 Monthly Contact

- .21 A face-to-face contact must be made at least once every month. A review of the recipient's current situation and a discussion of any changes will be conducted.

### .3 Redetermination

- .31 A re-determination of eligibility will be made a minimum of once every twelve (12) months.
- .32 The General Assistance Worker will obtain a new Statement of Facts and Rights and Responsibilities form at each redetermination.
- .33 SSI/SSP status of recipients of Interim Assistance will be reviewed quarterly.
- .34 Incapacity will be reviewed every twelve (12) months or when the verification states the disability will end whichever occurs first.
- .35 If a recipient fails to complete the redetermination, General Assistance will be discontinued at the end of the month given timely and adequate notice.

- .351 If a recipient calls to reschedule the appointment prior to the end of the month in which the redetermination appointment is due, the General Assistance case will be rescinded and appointment rescheduled.
- .352 If a recipient calls to reschedule the appointment, after the end of the month in which the redetermination appointment is due, however prior to the end of the month following the month of discontinuance, then the General Assistance Worker will determine if the recipient had good cause for failure to complete the redetermination.
  - a. If good cause exists, the General Assistance Worker can rescind the case back to the discontinuance date and issue General Assistance upon completion of the redetermination.
  - b. If good cause does not exist, the General Assistance recipient must reapply for benefits.
- .4 Recipient must maintain eligibility in other assistance programs when possible (i.e. CalFresh, Medi-Cal, etc.)
- .5 Discontinuance of General Assistance
  - .51 General Assistance shall be discontinued upon giving timely and adequate notice for the following reasons:
    - .511 Recipient has been incarcerated for thirty (30) days or more.
    - .512 Recipient has applied for General Assistance in another case.
    - .513 Recipient becomes potentially eligible to or begins to receive CalWORKs.

## 90-801 ONGOING GENERAL ASSISTANCE

- .1 Voucher Issuance
  - .11 Monthly voucher(s) shall be issued to recipients by the 26<sup>th</sup> day of the month, or next business day, prior to the month of issuance.
  - .12 Recipients shall be given until the last day of the month prior to the month of issuance to pick up the monthly voucher(s).
  - .13 If a recipient fails show for the monthly meeting to pick up the voucher(s) by the last day of the month prior to the month of, General Assistance will be discontinued.
    - .131 If a recipient shows for the monthly meeting to pick up the voucher(s) prior to the end of the month in which the voucher(s) are to be issued for, the General Assistance case will be rescinded and voucher(s) issued.

- .132 If a recipient shows for the monthly meeting to pick up the voucher(s) prior to the end of the month following the month of discontinuance, the General Assistance Worker will determine if the recipient had good cause for failure to pick up the voucher(s).
- a. If good cause exists, the General Assistance Worker can rescind the case back to the discontinuance date and issue the General Assistance.
  - b. If good cause does not exist, the General Assistance recipient must reapply for benefits.

## .2 Housing Deposit

- .21 If a recipient has not received a General Assistance Housing Allowance in the current month, or in any of the three prior months, the recipient may request payment for a housing deposit in an amount equal to the Maximum Allowance for Housing for the current month and each of the prior three months in which the recipient received no housing allowance. A deposit may be made if the following occurs:
- .211 Deposit shall be made as a voucher directly to the property owner, sublesor, or their authorized agent.
  - .212 Recipient must have been eligible to General Assistance.
  - .213 The amount of deposit shall be an amount equal to the Maximum Housing Allowance not received by the recipient in the current month and in any of the three months prior to the request for deposit.
  - .214 Recipient must provide verification of the deposit amount.
  - .215 Recipient must have attempted to apply for or use all other available community or governmental programs for housing deposits prior to obtaining this General Assistance deposit.
    - a. A sworn statement is acceptable proof that the recipient has attempted to apply for or utilize other programs.
    - b. The recipient must provide verification of any approved benefits from other programs, showing the amount awarded.
    - c. General Assistance deposit can be used in conjunction with any other funds to pay for deposit, if other programs do not cover the entire cost of the housing deposit.

## .3 Shared Housing

- .31 In situations where the applicant/recipient lives with non-responsible relatives or other persons and pays housing expenses, a Housing Allowance will be allowed up to the amount requested or the Maximum General Assistance Housing Allowance, whichever is less. Transferability applies to shared housing situations.
- .4 Independent Living Arrangements/Room Rental
  - .41 Housing expenses (e.g. utilities and housing incidentals) are allowed up to the amount requested or the Maximum Essential Needs Allowance, whichever is less.
- .5 Utilities
  - .51 Shared Utilities
    - .511 In situations where the applicant/recipient lives with non-responsible relatives or other persons, the utility expense will be the stated actual cost of the item to the applicant/recipient or the Maximum Essential Needs Allowance, whichever is less.
    - .512 When utilities are not included as part of the rent expense, utilities must be in the applicant/recipient's name.
- .6 Food and Incidentals
  - .61 Food and incidentals will be allowed at the requested amount. The amount will be deducted from the Maximum General Assistance Allowance for Essential Needs.
- .7 Transportation
  - .71 Gas Voucher
    - .711 Transportation in the form of a gas voucher may be issued at the requested amount. The amount of a gas voucher will be deducted from the Maximum Allowance for Essential Needs.
  - .72 Bus Pass
    - .721 Bus Pass may be issued at the current rate. The amount of the bus pass will be deducted from the Maximum Allowance for Essential Needs.
- .8 Haircuts
  - .81 Employable recipients may receive a voucher for a haircut once a month. The amount of the haircut will be deducted from the Maximum Allowance for Essential Needs.

**90-802 OVERPAYMENTS**

An overpayment is the amount of a recipients aid payment received which they were not entitled to. An overpayment may be all or a portion of an aid payment. This includes aid paid pending a hearing.

- .1 The County must take all reasonable steps necessary to promptly correct and collect any overpayments that are known to the County. This includes recovery of overpayments due to applicant/recipient error or misuse as defined in [90-1100](#) and/or county administrative error.
- .2 Overpayment Recoupment - recouped from one or more of the following.
  - .21 The assistance unit that has been overpaid if the individual responsible for the overpayment is living with the assistance unit.
  - .22 Any assistance unit which now includes the individual responsible for the overpayment.
  - .23 When the individual responsible for the overpayment cannot be identified (such as in an administrative error overpayment), the overpayment will be recouped from the overpaid assistance unit or from any individual who was a member of the overpaid assistance unit when the overpayment occurred.
- .3 Overpayments – Adjusting Method
  - .31 Administrative Overpayments – Those overpayments caused by error on the part of the County when all information necessary to make a correct determination of the grant, was in the possession of the county. If recoupment is by adjusting the grant, the adjustment will be \$25.00 or 10% of the total need, whichever is less.
  - .32 Applicant/Recipient Caused Overpayments – Those overpayments where the applicant/recipient had knowledge of a change in income, resources, family composition or other circumstances affecting eligibility or grant amount and failed to report the change in circumstances which caused the overpayment, or where the applicant/recipient has misused aid payments as provided in [90-1100](#). Such overpayments will be adjusted at \$35 or 20% of the total need, whichever is less.
  - .33 There is no limit to the time in which an overpayment can be recouped. The adjustment will be continued as long as necessary to recover the overpayment. Whenever possible, overpayments should be offset against any underpayments.
  - .34 The General Assistance Worker should determine with the recipient which area of need the recipient would like decreased for the overpayment. In the event the General Assistance Worker is unable to identify this information, the decrease should be spread evenly over the need items.

**90-803 UNDERPAYMENTS**

- .1 Underpayments occur when a recipient receives less aid than they were eligible for in a given month or months. Failure to apply for, or request aid, does not create an underpayment.
- .2 Any underpayment may be promptly corrected if the affected assistance unit is currently eligible, or would have been currently eligible if the error had not occurred.
- .3 If an assistance unit has both an underpayment and an overpayment; the County will balance one against the other before making a retroactive corrective payment.

**90-804 DETERMINATION OF COUNTY RESPONSIBILITY**

- .1 There is no inter-county transfer for General Assistance.
  - .11 Care must be taken to determine the applicant's place of residence. Persons in this county solely for the purpose of medical care, or substance abuse treatment, and who have a home, or intend to return to their home county, are to be referred to that county to apply for assistance.

**90-900 ADMINISTRATIVE HEARINGS**

An administrative hearing, under these General Assistance Regulations is a hearing whereby a dissatisfied claimant may obtain an impartial review of NCHHSA action. The responsibility for providing a full impartial hearing to the claimant rests with NCHHSA.

- .1 Definitions
  - .11 Authorized Representative – An individual or organization that has been authorized, in writing, by the claimant to act for and represent him/her in any and all aspects of the hearings.
  - .12 Claimant – A person who has requested a hearing.
  - .13 County Representative – An employee who is assigned the main responsibility for preparing and/or presenting a hearing case on behalf of NCHHSA.
  - .14 Decision – The decision prepared by the hearing officer to resolve a County hearing case.
  - .15 Filing Date
    - .151 Unless the evidence indicates otherwise, the filing date of the claimant's written request for a hearing shall be determined as follows:
      - a. If the request is mailed to NCHHSA, the postmark date of the envelope;



- b. If the request is delivered by hand to NCHHSA, the date stamped on the request for hearing;
- c. If the date cannot be determined by the methods described above, two days before the request was stamped "received" by NCHHSA;
- d. If the date cannot be determined by a., b., or c. above, the date the request was signed.

- .16 Hearing – A hearing is a proceeding, conducted by and before an impartial hearing official designated by NCHHSA, where a claimant who is dissatisfied with any action or inaction regarding General Assistance, either in person, or by an authorized representative, may present evidence concerning the propriety of the action or inaction.
- .17 Hearing Officer – A person designated by the NCHHSA Director to conduct hearings and decisions.

## .2 County Responsibility Prior to the Hearing

- .21 Upon receipt of a claimant's request for hearing, NCHHSA Fair Hearings' Division shall determine whether the request for hearing was timely, in accordance with [90-900.7](#).
- .22 If NCHHSA determines that the request was not timely:
  - .221 NCHHSA Fair Hearings' Division shall send a notice to that effect to the party requesting the hearing.
  - .222 No further action is required of NCHHSA and therefore, the proposed Section or determination becomes final.
  - .223 If the request is not timely but contains matter upon which the party requesting the hearing is seeking to rely in order to excuse the late filing (such as an allegation that the notice was not received by the party), then:
    - a. NCHHSA Fair Hearings' Division shall schedule a hearing for the sole purpose of determining the validity of the pre-offered excuse.
    - b. If after such a hearing, the hearing officer concludes that the late request was not excusable, then a notice of this conclusion shall be sent to the party and no further action is required of NCHHSA, and the proposed action or determination becomes final.
    - c. If the hearing officer finds facts justifying and excusing the late request, it will be accepted and deemed received as of the date of the hearing regarding the late request.

- .23 If upon receipt of the request for a hearing, the request is found to be timely, NCHHSA will set a hearing date as soon as administratively possible, but no later than forty-five (45) days after receipt of the claimant's requests for a hearing. The claimant shall receive a minimum of ten (10) business days' notice of the scheduled hearing date.
- .24 Each case for which a County hearing request has been filed shall be assigned to a County representative who shall assume the major responsibility for preparing and presenting the hearing case in accordance with the General Assistance Regulations and other applicable NCHHSA regulations. The County representative shall not have had immediate prior involvement with the case.
- .25 Prior to the hearing, the County representative shall:
- .251 Determine the issues raised by the hearing request.
  - .252 Review the applicable statutes, resolutions, regulations and policies in light of the evidence that exists in the case record.
  - .253 After conducting the initial review, the County representative shall make a determination concerning the appropriateness of the action.
    - a. If the County representative concludes that the County action was incorrect, the County representative shall inform the General Assistance Supervisor and send the case for their review.
    - b. If the County representative determines that the County action was correct, they will prepare a written position statement and will submit a copy to the hearing officer. A copy will be made available to the claimant two (2) business days prior to the hearing date. It is the claimant's responsibility to request and obtain a copy of the position statement.
    - c. At the hearing, the County representative shall assume full responsibility for presentation of the County's case. Such presentation shall include:
      - 1. Summarizing the written position statement;
      - 2. Presenting the testimony of County witnesses;
      - 3. Cross-examining the testimony of the claimant and the claimant's witnesses;
      - 4. Responding to any questions from the claimant or hearing officers concerning the case; **and**
      - 5. Having the County case evidence available two (2) business days before the date of hearing.

.3 The Hearing – General Rules

- .31 The hearing shall be conducted in an impartial manner. All testimony shall be submitted under oath, affirmation, or penalty of perjury.
  - .32 Attendance at the hearing is ordinarily limited to the claimant, their authorized representative, their witnesses, the County representative, an official from the County, its counsel and its witnesses, and the hearing officer. Other persons may attend if the claimant agrees to or requests their presence and the hearing officer determines that their presence will not be adverse to the hearing.
  - .33 The hearing shall be conducted on an informal basis and legal Rules of Evidence shall not be strictly adhered to. The primary consideration is that all evidence having relevance to the issues present be considered.
  - .34 The proceedings at the hearing shall be recorded by any means capable of reproduction or transcription.
  - .35 The issues at the hearing shall be limited to those issues which are reasonably related to the request for hearing or other issues identified by either the County or claimant which they have jointly agreed, prior to or at the hearing, to discuss.
  - .36 , if prior to the hearing, a party requests an interpreter or if at the hearing, the hearing officer determines that an interpreter is necessary, County shall provide an interpreter. The hearing may be continued if necessary to arrange for an interpreter.
  - .37 The order of presentation at the hearing shall be as prescribed by the hearing officer, which order shall be consistent with the informal nature of the proceedings and which will assure that all parties are allowed to state their case and question those present regarding the subject matter of the hearing.
  - .38 The rights of the claimant and the County shall include: The right to examine parties and witnesses; the right to conduct such cross-examination as may be required for a full disclosure of the facts; the right to introduce exhibits; the right to bring witnesses; the right to examine all documents prior to and during the hearing; the right to question opposing witnesses and parties on any matter relevant to the issues even though that matter was not covered in the direct examination; the right to make oral or written argument; and the right to rebut the evidence.
  - .39 At the conclusion of the hearing, the hearing officer shall take the matter under submission. The hearing officer shall render a written decision within forty-five (45) days from the date of the conclusion of the hearings by forwarding a copy of same to the Director NCHHSA for his/her counter-signature and forwarding a copy to the claimant.
- .4 A hearing will be postponed upon the request of the claimant for:
- .41 Incarceration;
  - .42 Illness or Injury;

- .43 Other extenuating circumstances determined valid by the hearing officer.
- .5 The hearing officer shall deny or dismiss a request for hearing when:
- .51 The party requesting the hearing fails to appear at the hearing unless the party contacts NCHHSA prior to the hearing or within ten (10) days after the hearing and is granted a postponement.
- .52 The issue(s) raised in the request for hearing is not within the jurisdiction of an administrative hearing as defined in [90-900.16](#).
- .53 The request for hearing is filed beyond the time limit set forth in [90-900.7](#).
- .6 Aid Paid Pending
- .61 When the claimant files a request for a County hearing within ten (10) days from the date the notice was mailed, aid shall be continued provided the claimant does not voluntarily and knowingly waive aid, until the hearing decision in the amount that the claimant would have been paid if the proposed action had not been taken.
- Example:** If the notice was mailed on May 21, the request for hearing must be filed on or before May 31.
- .62 Exceptions to Aid Pending – Aid pending shall cease when:
- .621 The claimant withdraws or abandons the request for a County hearing. If the withdrawal is conditional, the County shall provide aid pending retroactively and prospectively if the request for a hearing is subsequently reinstated, provided the claimant has complied with conditions set forth in the agreement accompanying the conditional withdrawal.
- .622 The hearing officer determines, based on the record of the County hearing, that the issue involved in such hearing is one of law or change in law and not one of incorrect application of law.
- a. If the request for hearing involves multiple issues, the hearing officer shall determine that as to certain issues aid pending is appropriate while as to other issues aid pending is not appropriate. In such cases, aid may be reduced to the extent aid pending is not appropriate.
- .623 The claimant voluntarily and knowingly, in writing, waived the continuation of aid. The County representative may explain to the claimant the right to waive aid pending. However, a request for such waiver is prohibited.
- .63 Nothing in this section shall prohibit the County from instituting any appropriate changes in the recipient's grant while a County hearing is pending, provided that the basis of the proposed action is different from the action upon which the recipient is receiving aid

pending. However, all such actions are otherwise subject to the provisions of this section.

.7 Hearing Rights

- .71 A General Assistance applicant/recipient must file a request for a hearing within thirty (30) days of the date of notification of the proposed action or denial of eligibility.
- .72 If a timely request is made for a hearing, NCHHSA will conduct a hearing and send a written decision within forty-five (45) days of the date of the hearing.
- .73 The hearing shall be conducted as soon as administratively possible, but no later than forty-five (45) days after the claimant requests a hearing. The claimant shall receive a minimum of ten (10) business days' notice of the scheduled hearing.

.8 Rehearings – The appellant may file a request for rehearing by the Director of NCHHSA.

- .81 Such request shall be in writing and shall be filed with the Director of NCHHSA not more than ten (10) days after issuance of the hearing decision.
- .82 The request should state why a rehearing should be granted, and how a rehearing would change the outcome of the decision.
- .83 A request may be granted for one of the following reasons:
  - .831 Testimony or evidence given at the hearing was not considered in the decision;
  - .832 Presentation of additional evidence.
- .84 If the request is to permit presentation of additional evidence the request for rehearing shall also:
  - .841 Describe the additional evidence;
  - .842 State why it was not previously introduced; **and**
  - .843 Explain how it affects the decision.
- .85 Upon receipt of a timely rehearing request, the Director will review all of the material and render a decision to overrule, modify, or uphold the hearing decision within fifteen (15) days of receipt of the rehearing request.
- .86 If the Director's decision is to uphold the hearing decision, the appellant will be scheduled to appear before the Director for rehearing. Such rehearing shall be scheduled no sooner than fifteen (15) days and not later than thirty (30) days after the request is received unless an exception is made for one of the following reasons:
  - .861 Delayed as a result of previously scheduled hearings, **or**

.862 Other good cause, as determined by the Director.

.87 The Director shall render a written decision within thirty (30) days of the rehearing date, which decision shall be final.

.9 Compliance with Hearing Decisions

.91 Immediately upon receipt of a decision, the County shall initiate action to comply with the decision.

.92 A report of compliance shall be submitted to the hearing officer within thirty (30) days of receipt of the decision.

## 90-1000 REPAYMENT

.1 Agreement to Reimburse

.11 Before General Assistance may be granted, each applicant, and sponsor for an applicant who is a noncitizen, shall sign an agreement to repay all General Assistance payments. The obligation to repay these funds shall arise at such a time as recipient possesses resources beyond those needed for independent maintenance.

.12 Repayment of aid shall be requested whenever assistance is discontinued. Periodic notification of repayment will be issued until repayment is made.

.13 The recipient shall be notified upon discontinuance of the requirement to repay all aid received.

.2 Repayment of General Assistance may be offset by Public Service work performed by the applicant/recipient at the County's option.

.3 Any existing recorded liens shall remain in effect. NCHHSA shall issue a Release of Lien upon repayment to County in full. A partial Release of Lien for less than the full amount shall require action by the Director of NCHHSA.

## 90-1100 PERJURY, FRAUD, AND MISUSE

.1 Fraud is suspected when it is determined that the recipient, within their competence, knowingly failed to report or misrepresented facts, with the apparent intent to defraud. This includes, but is not limited to, applicants/recipients who:

.11 Knowingly and with intent to deceive, made false statements or representation to obtain aid, to obtain a continuance or increase of aid, or to avoid a reduction in aid.

- .12 Knowingly and with the intent to defraud, failed to disclose a fact which is disclosed, would have resulted in the denial of, or the reduction, or discontinuance of aid.
  - .13 Accept aid knowing they were not entitled to it, or accepted any amount of aid knowing it was greater than the amount to which they were entitled.
  - .14 For the purpose of obtaining, continuing, or avoiding a reduction or denial of aid made statements which they knew were not true.
- .2 Misuse is suspected when it is determined that the recipient, within their competence, knowingly misused aid or used aid in violation of these regulations. Misuse includes, but is not limited to, recipients who:
- .21 Purchase items not allowed under the General Assistance Program or its Regulations (such as the prohibited purchase of items such as Tobacco, Alcohol, and Gift Cards).
  - .22 Purchase items for use in any criminal or illegal activity.
  - .23 Purchase items with the intent to trade or sell these to someone outside of the Assistance Unit.
  - .24 Sell or trade the General Assistance vouchers.
- .3 All cases of suspected perjury or fraud or misuse shall be promptly referred to the Special Investigations Unit for investigation and appropriate action. Following the investigation, if there is a finding of misuse as defined in [90-1100.2](#), NCHHSA may determine to recoup the amount of any misused aid payments as an overpayment as provided in [90-802](#).

## 90-1200 VOUCHER REPLACEMENT

- .1 Vouchers reported lost, stolen, or destroyed within thirty (30) days of the issuance date may be replaced. If the original voucher has been negotiated, or returned for payment, an investigation shall be initiated to determine whether the recipient fraudulently sought duplicate payment.