

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on

RESOLUTION NO. 7-51

**RESOLUTION AMENDING THE RULES AND
REGULATIONS GOVERNING THE GENERAL
RELIEF PROGRAM FOR HUMBOLDT COUNTY**

ARTICLE I. GENERAL

SECTION A. GENERAL RELIEF

General Relief shall be provided to indigent residents who are citizens or documented residents lawfully admitted to the United States and entitled to remain permanently, and whose subsistence needs are not met by personal or other resources.

SECTION B. LEGAL BASIS

Authority for the administration of General Relief in Humboldt County is vested in the Board of Supervisors pursuant to Part 5, Division 9 (commencing with Section 17000 thereof) of the Welfare and Institutions Code of the State of California. Pursuant to the authority vested in it, the Board of Supervisors adopts these regulations governing the administration of General Relief in Humboldt County.

SECTION C. DELEGATION OF AUTHORITY

The Department of Health and Human Services (hereinafter referred to as the Department) shall develop such procedures and adopt such forms as may be necessary to implement the provisions of these regulations.

**SECTION D. POLICY CONCERNING ADMINISTRATION OF THE
GENERAL RELIEF AND EMERGENCY AID PROGRAMS**

It is the intent of the Board that the General Relief program be administered in a manner which is consistent with the provisions of these regulations; respects individual rights; does not violate individual privacy or personal dignity nor discriminate against any person on account of race, color, national origin, religion, political affiliation, sex, sexual orientation, marital status, or disability.

SECTION E. METHOD AND TIME OF PAYMENT

1. Aid issued to applicants/recipients eligible for General Relief shall be issued by voucher, in kind, or by check or cash, as deemed appropriate by the Department.
2. Payment periods may be less than, but shall not exceed, one (1) calendar month.
3. General Relief shall be issued pending verification of identification, documented resident status, or citizenship.
4. The Department shall verify an applicant's eligibility for aid as expeditiously as possible, and in any case no later than thirty (30) days from the date of application. If eligibility cannot be established by the thirtieth (30th) day, through no fault of the applicant, then the applicant will be presumed eligible until such time as eligibility can be determined. If eligibility cannot be established by the thirtieth (30th) day, due to the fault of an applicant, including but not limited to failure to provide verification of income or resources and failure to provide information about his or her place of residence, then the applicant will be presumed ineligible until such time as eligibility can be determined. When granted, such aid shall begin as of the date on which the application for aid was made, if otherwise eligible.

SECTION F. DEFINITIONS

1. General Relief is assistance provided to eligible residents of Humboldt County, who are either citizens of the United States or documented residents lawfully admitted to the United States and entitled to remain permanently, to meet subsistence needs of indigent persons.

2. "Vendor payments," "voucher," and "purchase order" mean payment by the County to a vendor or other provider of foods, services, or housing, on behalf of an eligible applicant/recipient of General Relief.

3. Aid in Cash is payment by County check directly to an eligible applicant/recipient of General Relief, or by a two-payee check to the applicant/recipient, and his/her landlord.

4. Responsible Relative is the spouse of the applicant/recipient, the parent of the applicant/recipient if the applicant/recipient is a minor child, or the unmarried parents of a minor common child. Emancipated minors, persons under the age of 18 who have entered into a valid marriage, whether currently married or not, per Family Code Section 7002, are eligible to apply for General Relief. Minors who have not been married or emancipated by court decree are considered minor children.

5. Income is any benefit currently available to the applicant/recipient for subsistence, whether in cash or in kind.

6. Real or personal property items available to the applicant/recipient are resources. Real property pertains to land and improvements. Personal property includes possessions or interests that are not real property. It may include cash or similar assets.

7. Residence is the place where one is physically present together with the intent to remain. An applicant/recipient is considered a resident if he/she has resided in the County for at least fifteen (15) consecutive days and intends to remain in the County.

8. Willful Misrepresentation. For the purpose of these regulations, an applicant/recipient shall be deemed to have sought or obtained aid by willful misrepresentation if the applicant/recipient willfully and knowingly, with the intent to deceive, makes a false statement or knowingly fails to disclose a material fact to obtain aid, or knowing that he/she is not entitled thereto, attempts to obtain aid or to continue to receive aid to which he/she is not entitled, or a larger amount than that to which he/she is legally entitled.

9. Good Cause exists only when the applicant/recipient's failure to comply with the requirements of this resolution results from his/her mental or physical disability, or his/her mistake or inadvertence as opposed to willfulness, or from circumstances beyond his/her control, or from other unusual or compelling facts presented by the applicant/recipient which, under the circumstances of the case, must reasonably be viewed as excusing the failure to comply.

10. Employable shall mean potentially capable of self-support. An applicant/recipient of General Relief shall be assumed to be employable unless there exists medical evidence (or other verification, with the approval of the Director, Department of Health and Human Services, Social Services Branch) which contradicts an assumption of employability.

11. "Doctor" and "Medical Licensed Practitioner" means a licensed health care professional authorized by state law to diagnose/treat physical and/or mental impairments.

12. Adequate/Timely Notice. Adequate Notice is a written notice, effective the last day of the current month, informing the recipient of the action the County intends to take, the reasons for the intended action, the specific regulations supporting such actions, an explanation of the recipient's right to request a hearing, and if appropriate, the circumstances under which aid will be continued if a hearing is requested. Adequate Notice must be provided prior to the intended action. Timely Notice is a written notice that is mailed to the person affected at least ten (10) days before the effective date of action.

SECTION G. NOTIFICATIONS

Applicants/recipients of General Relief shall be informed of the provisions in Article II, Section D, F, H.2.a, H.2.b, and H.4 of these regulations. Furnishing applicants/recipients with a copy of the provisions of the sections referred to above, including statement of the potential penalties, shall be sufficient compliance with the requirements of this section.

ARTICLE II. CONDITIONS OF ELIGIBILITY FOR GENERAL RELIEF

SECTION A. RESIDENCY

In order to be entitled to General Relief, an applicant/recipient must be a verified resident of the County of Humboldt as residence is defined in these regulations and in Sections 17100-17105 of the Welfare and Institutions Code when application for General Relief is made.

If the claim of resident status is unsupported by any other objective evidence, the applicant/recipient's physical presence in the County for at least fifteen (15) consecutive days, together with the intent to remain in the County immediately prior to the granting of aid, may be used as evidence of resident status. An applicant must sign a declaration under penalty of perjury that he or she has been physically present in the County for at least fifteen (15) days and intends to remain in the County, as well as provide verification as requested by the Department to support his/her claim of residency. Acceptable verification of residency includes, but is not limited to:

1. A written statement from a property management company, business, or legitimate landlord who can verify they use the property as a rental and they are renting to the applicant/recipient.
2. Medical, laboratory or hospital bill with a date of service provided in the County.
3. Utility receipts which are in the applicant/recipient's name.
4. Property tax bill that is in the applicant/recipient's name.
5. Ticket to the county for the bus, plane or Amtrak or other verification of a date of arrival in the County.
6. Current pay stubs from a local employer.
7. Statement from local non-profit organizations that are or have provided services to the applicant/recipient.
8. Traffic ticket or other evidence of contact with law enforcement, including a park ranger.

9. Bank statement.
10. Envelope postmarked by post office and addressed to the applicant/recipient with a Humboldt County address.
11. Any other combination of documents verifying that the applicant/recipient resides in Humboldt County.

Investigation – The Special Investigation Unit (SIU) may make selected home visits to verify addresses and other conditions of eligibility for General Relief specified in this section.

SECTION B. DOCUMENTED RESIDENT STATUS – CITIZENSHIP

If a claim of documented resident status or citizenship is unsupported by any objective evidence, a declaration of citizenship and/or immigration status must be signed under penalty of perjury prior to the granting of aid. Applicant/recipients must provide proof of citizenship or immigration status within ninety (90) days of application.

The legal sponsor of an eligible non-citizen applicant/recipient of General Relief will be required to sign a written agreement to repay any aid provided to the non-citizen during the period of time that the sponsor has agreed, in writing, to provide for the non-citizen. During the first three (3) years after applicant/recipient's entry into the United States, the income and resources of the sponsor shall be attributed to the applicant/recipient, unless abandoned by the sponsor, per section 17001.7 of the Welfare and Institutions Code.

SECTION C. IDENTIFICATION

Actual proof of identification, citizenship, or documented resident status or objective evidence of reasonable attempts to obtain such proof must be given to the Department by the applicant/recipient within ninety (90) days of the date of application. Failure to comply, without good cause, with this section will result in the discontinuance and/or denial of aid.

SECTION D. WILLFUL MISREPRESENTATION

1. When investigation discloses that aid was sought or obtained by willful misrepresentation the applicant/recipient shall be notified of such facts and of the termination or

denial of such aid. Aid obtained by willful misrepresentation shall be discontinued, and aid sought to be obtained by willful misrepresentation shall be denied, in accordance with the procedure set forth in Article IV of these regulations.

2. Any applicant/recipient will be so notified that he or she may, prior to the effective date of discontinuance of aid, or within thirty (30) days after notice of denial of aid, request a hearing on the matter pursuant to the provisions of Section B of Article IV of these regulations.

3. If aid to an applicant is denied, or aid to a recipient is discontinued after a determination that willful misrepresentation existed, the applicant/recipient shall be ineligible to apply for or receive further General Relief for the following period or periods, which period(s) shall begin immediately following the date of issuance of the notice of denial or discontinuance:

- a. One (1) calendar month, for the first such offense.
- b. Three (3) calendar months, for the second such offense.
- c. Six (6) calendar months, for the third and subsequent such offense.

The notice shall be issued within ten (10) working days from the date of discovery of the willful misrepresentation.

If the facts constituting the willful misrepresentation also constitute an offense under the provisions of Section 10980 et seq. of the Welfare and Institutions Code, such facts shall also be reported to the District Attorney if such facts were not previously reported to that officer.

4. Any applicant/recipient who is convicted in a court of competent jurisdiction of having obtained aid by fraud, any applicant/recipient who is found by the hearing officer to have obtained aid by willful misrepresentation in a hearing held pursuant to provisions of Article IV of these regulations, and any applicant/recipient given a notice of denial or discontinuance of aid as provided in Section F of Article I of these regulations who does not request a hearing, shall

have future General Relief payments, if any, reduced by ten per cent (10%) each month until such time as the total overpayment received as the result of such fraud or willful misrepresentation is recouped by the County.

SECTION E. VERIFICATION

Applicants/recipients who are denied/discontinued for failure to provide program information, without good cause, shall have no further benefits issued until that information is provided and program requirements met.

SECTION F. EMPLOYMENT AND REHABILITATION

1. All applicants/recipients shall be deemed potentially capable of self-support and shall be required, as a condition of aid, to be unconditionally available to:
 - a. Register and maintain current registration with the Employment Development Department;
 - b. Actively seek employment under an approved General Relief job search plan;
 - c. Accept any bona fide job offer within the applicant/recipient's capabilities whether full-time or part-time;
 - d. Hold such employment;
 - e. Participate in job training leading to employment;
 - f. Accept and carry out work-for-relief assignments.

2. An applicant/recipient shall not be eligible to participate in the General Relief program when he or she voluntarily quits employment without good cause as specified in this section. If the applicant/recipient quits a job, secures new employment at the same number of hours or the same salary and is then laid off, or through no fault of his/her own, loses the new job, the earlier quit will not form the basis of a disqualification. For purposes of this section, employment shall mean fifteen (15) hours or more per week, or weekly earnings equivalent to the federal minimum wage multiplied by fifteen (15) hours.

Upon determination that an applicant has voluntarily quit employment within sixty (60) days of application without good cause, his/her application shall be sanctioned for a period of ninety (90) days starting from the date of quit. Upon determination that a recipient has voluntarily quit employment, the recipient shall be sanctioned according to Article II, Section F, Parts 5 and 6.

a. Good Cause for Voluntary Quit. The Department shall be responsible for determining good cause in those instances where an applicant/recipient has voluntarily quit a job. The Department shall consider the facts and circumstances, including information submitted by the applicant/recipient involved and the employer. Good cause for leaving employment shall include:

i. Circumstances beyond the applicant/recipient's control, such as, but not limited to, illness, an impairment or health condition of another household member requiring the presence of the applicant/recipient, a household emergency, the unavailability of transportation, or problems caused by the inability of the applicant/recipient to speak or write English.

ii. Employment at less than minimum wage; being required to join, resign from, or refrain from joining any legitimate labor organization as a condition of or continuing employment; work offered at a site subject to strike or lockout at the time of the offer.

iii. Discrimination by an employer based on age, race, sex, sexual orientation, color, handicap, religious beliefs, national origin, or political beliefs.

iv. Work demands or conditions that render continued employment unreasonable, such as, but not limited to, working without being paid on schedule, work related injury, or unsafe working conditions.

v. Acceptance of a bona fide offer of employment of more than fifteen (15) hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by fifteen (15) hours which, because of circumstances beyond the control of the applicant/recipient, subsequently either does not materialize or results in employment of less than fifteen (15) hours a week or weekly earning of less than the federal minimum wage multiplied by fifteen (15) hours.

b. Ending a voluntary quit disqualification.

i. Following the end of the minimum disqualification period an applicant/recipient may begin participating in the General Relief program after reapplying and being determined eligible; or,

ii. At any time during the period of disqualification, the applicant/recipient secures new employment, which is comparable in salary or hours to the job which was quit. This may entail fewer hours or a lower net salary than the job that was quit, so long as either the hours or the wages are the same as previous employment; or,

iii. Applicant/recipient provides verification in accordance with Article II, Section F, Part 3 that he/she is no longer able to work.

3. Applicants/recipients who declare themselves not employable or incapable of self-support because of age, incapacity, or incompetence shall be required to:

- a. Provide verification of condition and limitations, including expected duration.
- b. Make application for Supplemental Security Income if the disabled applicant/recipient appears to be incapable of any self-support for one (1) year or longer; and cooperate with the General Relief Social Worker, if one is appointed, to facilitate the SSI application.
- c. Provide verification of actively seeking appropriate medical or psychiatric treatment, including counseling, if such treatment is available at no cost to the applicant/recipient. Provide verification of efforts to obtain treatment if applicant/recipient maintains that treatment at no cost is not available.

Applicants/recipients may, at the discretion of the Director of the Social Services Branch, be required to undergo a physical examination by a physician or a mental health assessment by the Mental Health Branch at no cost to the applicant/recipient.

4. Applicants/recipients who claim unemployability based on verified drug abuse or alcoholism and who are participating in a recognized program of rehabilitation may be temporarily deferred from the work requirements with the approval of the Director of the Social Services Branch. Such persons shall not be required to participate unless the program is

available in Humboldt County at no cost to them. Drug abuse or alcoholism shall not otherwise be considered for deferral from work regulations.

5. Failure of an applicant/recipient to comply with any of the requirements in Article II, Section F, Parts 1, 2 and 3 above, shall result in sanction, denial or discontinuance of General Relief.

6. The employable recipient's first incident of failure to comply with these requirements without good cause shall result in a sanction, that being a discontinuance of one (1) calendar month. The second and subsequent failure to comply without good cause shall result in a sanction, that being a discontinuance of two (2) calendar months. The Department shall notify the recipient that it will make a determination of cause prior to the imposition of any sanction in this paragraph. If not contacted by the recipient within ten (10) days from the date of the notice, the Department shall make a cause determination based on available evidence in the case file. If good cause is found, the notice of action shall be rescinded.

7. Applicants who receive a presumptive eligibility benefit prior to full approval of their application and who fail to comply with these work requirements without good cause shall lose eligibility for General Relief for a period of ninety (90) days from the time of the failure to comply. This means that no further assistance will be paid during the 90-day period, unless and until there is successful completion of those requirements which were not previously completed. In the case of work-for-relief assignments, this means the completion of one (1) week of work-for-relief assignments.

8. If a new application is filed subsequent to a denial in Part 7, the beginning date of aid shall be the date of the new application, unless it is filed within a time period covered by General Relief that has already been paid. In that case the denial will be rescinded and the beginning date of aid for the initial application will be preserved if the case is otherwise eligible.

However, the thirty (30) day clock for presumptive eligibility will begin from the date of the compliance.

9. An employable applicant for General Relief who is not otherwise disqualified from receiving aid under the provisions of Article II, Section F, shall not be eligible to receive General Relief until the day after his or her last day of full-time employment. The reason for unemployment of such applicant shall not have a direct influence on the determination of such applicant's eligibility for General Relief.

SECTION G. AGREEMENT TO REIMBURSE

1. As a condition for the granting of aid, each applicant shall be required to sign an agreement to reimburse the County of Humboldt for all such aid granted (at such time as the recipient obtains the means to do so), subject to any credits for work performed on a work-for-relief project. Said agreement to reimburse shall grant a lien to the County in any existing or after-acquired property of the recipient subject to the provisions and exemptions of Section H, hereinbelow, and Welfare and Institutions Code section 17400 and following.

2. All applicants/recipients with applications pending for Supplemental Security Income/State Supplemental Program shall be required to sign an "Authorization for Reimbursement" for General Relief granted while SSI/SSP application is pending. Applicants/recipients shall file timely appeals and complete the appeals process on all adverse decisions by Social Security Administration.

3. Applicants/recipients who have exhausted all avenues of appeal when applying for SSI for a specified medical/mental health issue and who are determined ineligible for SSI/SSP, or who did not follow through with the appeals process, will no longer be considered as unemployable and shall be deemed potentially capable of self support as outlined in Article II, Section F. Applicants/recipients would then be required to meet conditions as outlined in said

section to continue eligibility for General Relief benefits, unless one of the following conditions exists:

- a. Supporting evidence/verification is provided by a licensed medical or mental health provider, that the applicant/recipient's initial condition has significantly deteriorated during the intervening time; or
 - b. A new disabling condition(s) with an expected duration of 12 (twelve) months or longer, warrants a new application for SSI/SSP.
4. All applicants/recipients with Workers' Compensation claims shall be required to sign a written agreement to reimburse the County of Humboldt for General Relief granted while the Workers' Compensation claims are pending. Said agreement to reimburse shall give consent to authorize the County to obtain a lien on pending Workers' Compensation claims.
5. Liens. As a condition of receipt of aid, an applicant shall be required to sign a grant of lien to the County on real property of the applicant. If any lien is unsatisfied upon death of the recipient, the amount of aid granted which has not been repaid will be claimed by the County in any probate proceeding which occurs, subject to the provisions of Welfare and Institutions Code sections 17401 and 17402.

SECTION H. PROPERTY

1. Valuation of Property. The Department shall explore all possible available property of an applicant/recipient of General Relief. Refusal, without good cause, by an applicant/recipient to sign the necessary authorization to investigate such property shall result in denial or discontinuance of aid.

2. Nonexempt Property Limitations.

- a. No General Relief shall be issued to any applicant/recipient or family who owns a total of more than One Thousand Dollars (\$1,000) nonexempt real and/or personal property.
- b. Upon reapplication, within 90 days following a denial or discontinuance due to excess income or property, the County may require documentation

of the spending of the excess income or property through receipts or other evidence.

3. Exempt Property. The following real and personal property items shall be exempt from this provision:

- a. One (1) home, for as long as it is used as a home by the applicant/recipient;
- b. One (1) house trailer, as long as it is used as the home of the applicant/recipient;
- c. The fair market value of real property which is not used as the home of the applicant/recipient, less encumbrances of record, as long as there is a verification of a bona fide effort to sell the real property;
- d. Personal effects and household furniture;
- e. Household goods are exempt to the extent that they are needed by the applicant/recipient to provide decent safety and comfort;
- f. Tools reasonably necessary to the eventual self-support in the usual trade of the applicant/recipient or household;
- g. Interment space;
- h. Five Hundred Dollars (\$500) per applicant/recipient for burial purposes which is represented by the cash surrender value of insurance or irrevocable burial trust;
- i. Up to Four Thousand Six Hundred and Fifty Dollars (\$4,650) net market value for one (1) motor vehicle;
- j. One (1) personal computer; and
- k. Pawned items of property shall be considered unavailable and exempt until the items are redeemed; and
- l. Up to One Thousand Dollars (\$1,000) held separately from other funds, exclusively to obtain permanent shelter.

4. Transfer of Property. Transfer of real or personal property to create eligibility for General Relief shall be sufficient reason for denial of aid. Transfer of real or personal property by the applicant taking place within ninety (90) days prior to application for General Relief shall

raise a rebuttable presumption that the transfer was for the purpose of qualifying for aid. The Director of the Social Services Branch shall determine if such presumption is rebutted by information presented by the applicant.

SECTION I. RESPONSIBLE RELATIVES

Certain relatives, if financially able to do so, are responsible under the law for supporting or contributing to the support of the applicant/recipient, both at the time aid is given and at the time reimbursement is sought.

Upon determination by the Department that a responsible relative has the financial ability to support, in whole or in part, and has failed to do so, referral shall be made to the County Counsel in accordance with Welfare and Institutions Code Section 17300.

Nothing required hereinabove shall prevent the Department from considering whether good cause exists for a responsible relative not to be contacted when the applicant/recipient of General Relief makes such reasons known. The County shall ask the applicant/recipient if there are any reasons that specific responsible relatives should not be contacted. Minor children applying for General Relief will be reported to Child Welfare Services. As appropriate, domestic violence referrals will be made for victims of spousal abuse. After a determination by the County that good cause does not exist, the responsible relative can be contacted.

SECTION J. WORK-FOR-RELIEF

1. Work-for-relief sites shall be developed in federal, state, local and public or private not-for-profit agencies whose purposes and activities further a County public purpose. The Director of the Department is authorized to execute the Board-approved standard form of agreement on behalf of the Board of Supervisors with such agencies where work-for relief sites are established.

2. Applicants/recipients assigned to work-for-relief sites shall be relieved of the obligation to repay the County for aid received to the extent that the number of hours worked at federal minimum wage equivalent equals the amount of aid received.

SECTION K. UTILIZATION OF AVAILABLE INCOME

The Social Services Branch shall explore all possible income of an applicant/recipient. Refusal, without good cause, by an applicant to sign the necessary authorization to investigate such income shall result in denial or discontinuance of aid. Refusal, without good cause, by an applicant/recipient to apply for, accept, or cooperate with eligibility requirements of another source of income shall result in denial or discontinuance of aid. Possible sources of income include, but are not limited to CalWORKs, TANF, SSA, SSI/SSP, UIB, SDI, Workers' Compensation Benefits, IHSS provider wages, and school loans and grants.

All available income shall be utilized. An offer of any basic need item is considered available income, and acceptable of such an offer, an eligibility requirement. For this section, a determination of good cause shall include consideration of safety, medical conditions, incapacity, civil rights, and other relevant factors.

SECTION L. PERSONS NOT ELIGIBLE FOR AID

The following persons shall not be eligible for General Relief:

1. Who are fleeing to avoid prosecution, or custody and confinement after conviction, under the laws of the place from which the applicant/recipient 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 applicant/recipient is fleeing, or which is a high misdemeanor under the laws of New Jersey; or

2. Who have been found by a court having jurisdiction or parole board to be in violation of a condition of felony probation or parole while currently receiving or applying for General Relief; or,

3. Who are eligible for aid under Chapter 2 (commencing with Section 11200) of Part 3 of the Welfare and Institutions Code as a result of the 60 month limitation specified in subdivision (a) of Section 11454 and shall not be eligible for aid or assistance under this section until all of the children of the applicant/recipient on whose behalf aid was received, whether or not currently living in the home with the applicant/recipient, are 18 years of age or older; or,

4. Who are receiving aid under Chapter 2 (commencing with Section 11200) of Part 3 of the Welfare and Institutions Code on behalf of an eligible child, but who is ineligible for aid or whose needs are not otherwise taken into account in determining the amount of aid to the family pursuant to Section 11450 due to the imposition of a sanction or penalty.

5. Those recipients, who have received Interim Assistance (IA) payments pending a disability determination from Social Security, who exhaust all appeals rights and are found not to be disabled, are no longer eligible for General Relief benefits under the IA designation, and shall be considered capable of self-support subject to the conditions of Article II, Section F.

ARTICLE III. AMOUNT OF STANDARDS OF AID

SECTION A. PERIOD OF ELIGIBILITY

An applicant/recipient who is determined to be employable shall be prohibited from receiving General Relief benefits for more than three (3) months in any twelve (12) month period whether the months are consecutive or not, as long as the applicant/recipient has been offered an opportunity to attend job skills or job training sessions. However, with the approval of the Director, Social Services Branch, of an employment plan developed with SSB staff, such employable applicants/recipients may be eligible to receive General Relief benefits for up to three (3) additional months in any twelve (12) months period. General Relief received in any locality would be applied to the time limits.

Aid may be discontinued for a period of not more than 180 days to any recipient who is employable, and has received aid for three (3) months, if the recipient engages in any of the following conduct:

1. Fails, or refuses, without good cause, to participate in a qualified job-training program, participation in which is a condition of receipt of assistance.
2. After completion of a job training program, fails, or refuses, without good cause, to accept an offer of appropriate employment.
3. Persistently fails, or refuses, without good cause, to cooperate with the County in its efforts to do any of the following:
 - a. Enroll the recipient in a job-training program.
 - b. After completion of a job-training program, locate and secure appropriate employment for the recipient.

SECTION B. MAXIMUM ALLOWANCE

1. The standards of aid which are hereby established as maximum allowances are equal to 62% of the 1991 federal official poverty line and may be annually adjusted to an amount equal to any adjustment provided under Chapter 2 (commencing with Section 11200) of Part 3 of the Welfare and Institutions Code for establishing a maximum aid level in this County. These shall include statutory reductions in the AFDC maximum aid level, including any reductions during 1991 and 1992.

The amounts established pursuant to the above will be further reduced by 4.5% to reflect the relative cost of housing in the County.

2. The components of the General Relief maximum aid amount shall be structured as follows: 50.8% for housing (rent only); 5.7% for utilities; 43.5% for living expenses.

3. The maximum allowance for homeless applicants/recipients may be reduced by the combined housing and utility components of the General Relief grant (56.5%) during any month that the County has available homeless shelter space offered as aid in kind. Exceptions to this policy are to be made in cases where the homeless shelter is full and for those persons whose disability or mental illness prevent them from staying at the homeless shelter when the behavior is caused by circumstances beyond the control of the applicant/recipient. The disability or mental illness shall be verified by a Doctor or Medical Licensed Practitioner as defined in Article I, Section F. These exceptions shall comply with existing state and federal law.

Problems resulting from drug or alcohol abuse will not be a sufficient reason by itself to make a determination that conduct is beyond the control of the applicant/recipient.

4. Maximum allowances stated above shall be adjusted if certain items of need are being met by other available income. Pursuant to Welfare and Institutions Code Section 17001.5, a fifteen per cent (15%) reduction in the standard of aid in General Relief for a single adult applicant will be implemented if housing is shared with one (1) unrelated person or person not legally responsible for the adult applicant, a twenty per cent (20%) reduction if housing is shared with two (2) unrelated persons or persons not legally responsible for the applicant, or a twenty-five per cent (25%) reduction if housing is shared with three (3) or more unrelated persons or persons not legally responsible for the adult applicant. For purposes of this subsection, residential treatment facilities, clean and sober houses, and renting a room in an owner's house are not considered shared housing.

5. Maximum allowances shall be reduced by a value of \$40.00 per month for the in-kind value of medical care. This reduction shall not be applied to General Relief recipients who are also recipients of Medi-Cal.

6. Gross earned income shall have the following deduction applied to the monthly income: Twenty per cent (20%) shall be deducted from the gross earnings to determine the net amount.

This deduction shall only apply to earned income of recipients of General Relief in Humboldt County. The resulting General Relief grant shall not exceed that amount which would otherwise be determined by this Article. Earned income does not include SDI, UIB, Social Security, SSI/SSP and Workers' Compensation. The above deduction does not apply to unearned income.

7. Special allowances may be made for items of need required for employment or rehabilitation under Section F of Article II, hereinabove, when such items are not available from other resources. Such items of need may include the purchase of special or heavy-duty work clothes and work-related transportation up to a limit of Three Hundred Dollars (\$300.00).

8. Up to Two Hundred Dollars (\$200.00) per year may be issued to eligible homeless recipients to pay the necessary costs of security and/or cleaning deposits, and/or utilities deposits, and/or first and/or last month's rent.

9. Indigent applicants/recipients or families who are not residents of Humboldt County, but for whom available information indicates that the best plan for such persons or families is assistance to leave the County, may be granted such assistance.

10. General Relief shall not be issued for costs of subsistence and other needs incurred prior to the date of application.

SECTION C. BOARD AND CARE OF ADULTS

Adult indigents placed in licensed out-of-home care for which a monthly rate is charged who do not qualify for any other governmental aid or benefit sufficient to meet the total cost of their care, may be granted an allowance not to exceed the SSI/SSP rate for non-medical board

and care plus a Thirty Five Dollar (\$35) per month allowance for personal and incidental needs of the recipient. The medical necessity and duration of such a placement must be verified, and if the condition is expected to last twelve (12) months, the applicant/recipient must apply for the appropriate Social Security benefits.

ARTICLE IV. TERMINATION OR DENIAL OF AID AND RIGHT TO HEARING

SECTION A. NOTICE OF ACTION

1. Except as provided in this section, prior to termination or reduction of assistance to any General Relief recipient, the Department shall notify the recipient of the intended action. Such notice shall be given in writing at least ten (10) days prior to the termination or reduction, shall state the reasons for the proposed action, shall specify the applicable sections of this resolution, shall provide the telephone number and street address of the free legal services office, and shall advise that the recipient may request a hearing.

2. Adequate notice shall be required when an applicant/recipient requests to be discontinued, or begins to receive SSI/SSP, becomes institutionalized, dies, or whereabouts become unknown. Adequate notice is a written notice effective the last day of the current month.

3. If aid is denied, notice of such denial shall be given to the applicant as soon as possible. Such notice shall state the reasons for the denial and shall advise the applicant that he or she may request a hearing.

4. Notice of denial or discontinuance for failure to comply with program requirements shall advise that the applicant/recipient may contact the eligibility worker and establish good cause for the failure to comply. Subsequent to such contact, a notice of cause determination will be mailed. The applicant/recipient shall have a right to request a hearing on the determination. If good cause is found, the notice of action shall be rescinded.

5. A notice of sanction for failure of the recipient to comply with any of the employment requirements in Article II, Section F, shall be included with the notice of cause determination if good cause is determined not to exist and if a sanction is appropriate.

6. Notice of denial or discontinuance for failure to comply with any program requirement, without good cause, shall advise that there will be a ten (10) day period from the date of the notice, during which time the applicant/recipient may cure any deficiency in all matters except work-for-relief requirements. Work-for-relief includes assignments to work crew, employment workshop and supervised job workshop. If the applicant/recipient performs the curable requirement within the ten (10) day time frame, the notice will be rescinded.

7. A notice of action for denial or discontinuance due to willful misrepresentation in Article II, Section D, Part 3 shall be sent within ten (10) working days of discovery of the act of willful misrepresentation. If the notice is not sent within this time frame, no sanction may be imposed.

SECTION B. RIGHT TO HEARING

1. If a hearing is requested, the applicant/recipient may appear alone or through a representative. The hearing shall be conducted by a hearing officer designated by the Director of the Social Services Branch. The hearing officer shall be someone who has had no previous involvement with the case to be heard except as a hearing officer. The hearing officer shall be or will become familiar with these regulations before conducting the hearing. If the hearing officer upholds the Department's decision to deny, terminate, or reduce aid, or dismisses the hearing for failure of the applicant/recipient requesting the hearing to appear, the hearing officer shall notify the applicant/recipient of his/her right to petition the Superior Court for relief and the time limit to file that petition.

2. At the hearing, the applicant/recipient shall have the right to confront and cross-examine the eligibility worker or other County employees who made the initial decision to deny, reduce, or discontinue aid to such person, and any other witness relied on by the Department. Such eligibility worker or other County employee or witness shall be present at the hearing for such purpose if so requested by the applicant/recipient.

3. If aid is denied or discontinued pursuant to the provisions of Section F of Article II of these regulations, the hearing officer shall uphold such denial or discontinuance of such aid only if the hearing officer finds that the failure to comply with the employment or rehabilitation requirements was without good cause. The applicant/recipient shall have the burden of proving that his or her failure to comply was for good cause.

4. If aid is denied or discontinued because it was sought or obtained by willful misrepresentation, as defined in Article I, Section F, Part 8 and Article II, Section D, the hearing officer shall uphold such denial or discontinuance of such aid only if the hearing officer finds that the aid was sought or obtained by willful misrepresentation.

SECTION C. AID PAID PENDING A HEARING

1. An applicant/recipient of General Relief must request a hearing no later than thirty (30) days after initial notice was given. The Department will not hold a hearing and the hearing request will be dismissed if an applicant/recipient requests a hearing more than thirty (30) days after the initial notice was given.

2. If a recipient requests a hearing prior to the effective date of a decrease or termination of aid, or within ten (10) days of a notice of action to decrease or terminate aid, assistance will continue, pending the hearing decision. Also, if a recipient has requested a good cause determination following a notice to decrease or terminate aid within the ten (10) day

period in Part 1, above, and subsequently files for a hearing on an unfavorable notice of cause determination within ten (10) days, assistance will continue, pending the hearing decision.

3. The County shall make the County's Basis of Action position statement, including a witness list and supportive documents, available to the Claimant and his or her representative at least two (2) working days before the hearing.

4. If the decision of the hearing officer is to uphold the County's position, any aid paid pending the hearing result shall be considered repayable.

5. Aid paid pending shall not be paid for a denial action.

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ARTICLE V. PRIOR RESOLUTION SUPERSEDED

This resolution supersedes Resolution No. 03-90 and shall be effective thirty (30) days after its adoption.


Chair, Humboldt County Board of Supervisors

Adopted on motion by Supervisor Smith, seconded by Supervisor Geist and the following vote:

AYES: Supervisors-- Smith, Neely, Geist, Rodoni
NOES: Supervisors--
ABSENT: Supervisors-- Woolley
ABSTAIN: Supervisors--

STATE OF CALIFORNIA)
) SS.
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors

KATHY HAYES
Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: _____
KATHY HAYES

Date: June 26, 2007

By: 
Deputy