

Public Benefits Advocacy in the Aftermath of Disaster: A Brief Toolkit for Advocacy

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- I. CalFresh (food stamps)
- II. CalWORKs (TANF)
- III. SSI
- IV. General Assistance/General Relief
- V. Medi-Cal and Accessing Healthcare
- VI. Nuts and Bolts

I. CalFresh (a.k.a. SNAP, a.k.a. food stamps)

- A. Replacement benefits ([7 U.S.C. § 2014\(h\)](#); [7 C.F.R. § 274.6](#) and [MPP § 63-603](#))
 - 1. Designed to replace household's food supply after disaster
 - i. Amount capped at maximum allotment (also recent retros)
 - ii. "Disaster" can be macro or micro (ex: earthquake or house fire)
 - 2. Household must request within 10-day window
 - 3. EBT cards can be reissued
 - 4. Fair Hearing rights attach
- B. Disaster CalFresh (a.k.a. "D-CalFresh" or" D-SNAP") ([7 C.F.R. § 280.1](#) and [MPP § 63-900](#))
 - 1. Requires:
 - i. Presidentially-declared natural disaster or
 - ii. There is disaster, and:
 - a. The people were victims of a large flood, fire, hurricane, or other disaster;
 - b. The disaster closed or destroyed stores, or stopped the stores from getting supplies;
 - c. The people need food for a short time; and
 - d. Stores are now selling food again.
 - 2. Implementation steps:
 - i. Feds approve individual FEMA aid
 - ii. State/local gov't requests D-SNAP approval
 - iii. Feds approve D-SNAP (with particular app period—usually short time)
 - 3. "Disaster authority" allows deviation from usual rules about a number of things:
 - i. Delivery method (EBT) ([7 C.F.R. 280.1](#); [MPP § 63-900.6](#))
 - ii. Simplified income/resource rules: The total net (take-home) income received during the benefit period plus accessible liquid resources, minus eligible disaster-related expenses, shall not exceed the disaster gross income limit. (See, e.g., [2017 income limits](#))
 - iii. Simplified allotment calculation
 - iv. Available regardless of immigration status
 - 4. [D-CalFresh](#) updates and program info online @ CDSS
 - 5. [Disaster SNAP Guidance](#) Handbook (July 2014) available online @ FNS
- C. Other rules
 - 1. Households who got replacement CalFresh can only get D-CalFresh up to the max. allotment for the household size (i.e., combined total is capped at max. allotment)

2. Emergency (expedited) CalFresh benefits ([7 U.S.C. § 2020\(e\)\(9\)](#); [7 C.F.R. § 273.2\(i\)\(1\)](#); [Welf. & Inst. Code §§ 18905.1, 18912, 18914](#); and [MPP § 63-301.531](#))
 - i. Able to get within 3 days
 - ii. Can defer verification of many program requirements (such as proof of income, etc.)
 - a. Only verification needed to get first month is proof of identity (which may be done by affidavit) ([7 C.F.R. § 273.2\(i\)\(4\)\(i\)\(A\)](#); [MPP § 63-301.541\(a\).](#))

II. CalWORKs (a.k.a. TANF)

- A. Program for families with minor children who are “deprived” of care or support of at least one parent (absence, death, disability, or underemployment of primary wage earner)
 1. Eligibility: outcome of “deprivation” test may change with circumstances after disaster
- B. No statutory framework specifically for extra help or waiver of program requirements in a disaster/emergency, but states do have legislative authority to decide what reasonable verifications are in many cases (see [TANF-ACF-PI-2007-08](#))
 1. States can come up with rules re verifications specific to emergency, such as allowing sworn declarations to substitute for many types of proof
- C. California has opted to implement a number of streamlined verification procedures that may be useful in disaster (see, e.g., [ACIN I-85-15](#))
 1. Self-cert residency and apply in county where temporarily staying (MPP Sections [40-189.1](#), [42-400](#), [42-401](#), [42-403.1](#), [42-407.1](#))
 2. Temporary absence of Household member ([MPP Section 82-812](#))
 - i. If plan to reunite within one month, count as if in household
 3. Income—“reasonably anticipated” ([MPP Section 44-101\(a\)](#))
 4. Resources—“actually available” ([MPP Sections 42-201.1](#), [42-211.2](#) and [42-213.2](#))
 - i. Exempt home in which not residing if plan to return within 4 months
 5. Waiver of Welfare-to-Work program participation requirements ([MPP Section 42-712](#) and [42-713](#))
 - i. “Good cause” exemption on individual basis
 - ii. Other statutory exemptions (e.g., disability, care for disabled family member)
- D. Immediate Needs Payments ([MPP Section 40-129](#))
 1. Family can get the lesser of full grant amount or \$200
 2. Decided within one working day after request and processed within 3 days
 3. Income and resources count only what is actually available at time
 4. Full verification must be done to retain benefits
- E. Special Needs Payments ([MPP 44-211 et seq.](#))
 1. Nonrecurring Special Needs Assistance ([MPP 44-211.3, .4](#))
 - i. "Emergencies Resulting from Special Circumstances Beyond the AU's Control"
 - ii. Available if family has less than \$100 in liquid resources
 - iii. Can be used to replace clothing and household items, damage to home, "interim shelter costs"
 - iv. Capped at \$600
 2. Emergency Homeless Assistance (once-in-12-months rule waivable) ([MPP Section 44-211.5](#))
 - i. Temporary Homeless Assistance: covers up to 16 days shelter costs such as in hotel/motel
 - a. Also available to households "apparently eligible" for CalWORKs
 - ii. Permanent Homeless Assistance: may cover up to 2 months' rent (as security) and actual utility deposit

- F. Treatment of Disaster Relief Payments and Assistance in CalWORKs
1. "CalWORKs regulations exclude federal disaster and emergency assistance and comparable disaster assistance provided by the state, local governments, and disaster assistance organizations from consideration as income, property or resources ([MPP Sections 44-111.61\(i\)](#) and [42-213.515](#)). Therefore, Federal Emergency Management Agency (FEMA), American Red Cross relief, and D-CalFresh will not impact [...]eligibility for CalWORKs."

III. SSI

- A. Available to individuals with disabilities or aged 65 or older. Run by Social Security Administration. Income and resource (asset) limits do apply
- B. Special rules for presidentially-declared disasters
1. Resources: Unspent assistance received from the following sources is permanently excluded from resources, per [20 C.F.R. 416.1237](#):
 - i. the [Disaster Relief and Emergency Assistance Act\(P.L. 100-707\)](#);
 - ii. another Federal statute because of a presidentially-declared major disaster;
 - iii. comparable assistance received from a State or local government; or
 - iv. from a disaster assistance organization.
 2. Income: Per [20 CFR 416.1124\(c\)\(5\)](#) and [416.1150](#), the value of support and maintenance in cash or in kind is excluded from countable income and the one-third reduction rule does not apply if:
 - i. the individual lived in a household which he or she (or he/she and another person) maintained as his/her or their home at the time a catastrophe occurred in the area; and
 - ii. the President declared the catastrophe a major disaster for purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (formerly the Disaster Relief Act of 1974); and
 - iii. the individual stopped living in his/her home because of the catastrophe and began to receive support and maintenance within 30 days after the catastrophe; and
 - iv. the individual receives support and maintenance while living in a residential facility maintained by another person. A residential facility is to be interpreted broadly, including a private household, a shelter, or any other temporary housing arrangement resorted to because of the disaster.
- C. How other types of Emergency assistance may impact SSI
1. General exclusions from income
 - i. Improvements and Repairs - Help with labor, third party payments for repairs, and materials for improvements and repairs to an existing resource are not income, e.g., home or car repairs. ([SI 00815.001B](#), and [SI 00815.500](#))
 - ii. Cash Received in Conjunction With Medical or Social Services ([SI 00815.050](#))
 - a. Any cash provided by a governmental medical or social services program is not income.
 - b. Any cash from a nongovernmental medical or social services organization is not income when:
 - i. The cash is for medical or social services already received by the individual and approved by the organization; or
 - ii. The cash is a payment restricted to the future purchase of a medical or social service.
 - iii. In-Kind Items Received in Conjunction With Medical or Social Services ([SI 00815.050](#))

- a. In-kind items which meet the definition of medical services in [SI 00815.050B](#) are not income regardless of their source.
 - b. Room and board provided during a medical confinement ([SI 00815.100](#)) is not income.
 - c. Any in-kind items (including food, or shelter) provided by a governmental medical or social services program are not income.
 - iv. In-kind items (other than food, or shelter) provided by a nongovernmental medical or social services organization for medical or social services purposes are not income.
 - v. Food, or shelter or other in-kind income provided by a nongovernmental medical or social services organization is income unless excluded under some other section of the POMS (e.g., the food is provided during a medical confinement and consequently is not income).
- 2. General exclusions from resources
 - i. Funds for Replacement of an Excluded Resource ([SI 01130.630](#)) – Cash or in-kind items, provided from any source, to replace or repair a lost, damaged or stolen resource is not income. If the cash or in-kind items were provided to replace or repair an excluded resource, and the disaster assistance exclusions above do not apply, the cash or in-kind items can be excluded from resources for up to 30 months (9-month initial period, 9-month good cause extension plus an additional 12-month good cause extension in the case of presidentially-declared disasters). Sources may include insurance companies, private or religious organizations, private individuals, the Federal government, State and local governments, etc. ([SI 01130.630](#)).
- D. Replacement payments for paper checks
- E. Evidentiary issues
 - 1. Residency: totality of circumstances, intent to return
 - 2. Living Arrangements: first-of-the-month rule
 - i. Alternative methods of evidence may be considered if regular proofs for program requirements (age, citizenship, residence) are not available. See [20 CFR § 416.803](#)

IV. General Assistance/General Relief

- A. [WIC 17000](#) obligations
- B. Rules vary by county
- C. Must consider whether other income/resources actually available (See e.g., [McCormick v. County of Alameda](#))

V. Medi-Cal and Accessing Healthcare

- A. Most Disaster-related information about Medi-Cal can be found in [ACWDL 15-36](#) (discusses missing proofs, getting out-of-network care, and exemption of disaster-related aid from income rules)
- B. Emergency Care
 - 1. Insurance (including Medi-Cal) cannot deny coverage for emergency care out-of-network
- C. Non-Emergency Care
 - 1. Contact network for options to access care out of your usual area, if no network providers
 - 2. May be remedies if Medi-Cal managed care network is insufficient post-disaster to provide adequate care.
 - i. Some regional providers, like Kaiser or Partnership HealthPlan of California (PHC) may have other providers in other counties

3. Initiate Medi-Cal inter-county transfer (ICT) to switch to coverage in new county if anticipate a longer stay. Best practice to notify both new and prior counties in writing.
 4. Medi-Cal beneficiaries who are temporarily outside of California, but still in the U.S., can get medical care. Prior authorization is required for all out-of-state services unless it's emergency care services or the health of the person would be endangered if medical care is postponed until returning to California.
- D. Applying for Medi-Cal
1. Hospital Presumptive Eligibility (HPE) gives immediate access to temporary, free Medi-Cal while waiting for permanent Medi-Cal approval. Apply at any hospital that is a qualified HPE provider.
 2. Can apply at local CWD
 3. Eligibility
 - i. "Reasonably anticipated income"
 - ii. Disaster relief payments exempt from counting as income
 4. Additional information in [MEDIL I-17-16](#)

VI. Nuts and Bolts

- A. Missing documentation
1. Social Security cards ([GN 00410.005](#))
 - i. Replacement cards can be issued by Social Security Field Office
 - ii. If client cannot provide sufficient proof to obtain new Social Security card, but has some evidence, they may be able to obtain an SSN printout called "Numi-Lite" with Administration stamp. This may help them obtain other documents requiring SSN proof.
 2. State I.D.s
 - i. Get from DMV, need proof of DOB and proof of SSN (unless noncitizen not eligible for SSN)
 - ii. Reduced cost ID (not DL) available with DL 937 completed by government or nonprofit agency
 3. Birth/marriage records
 - i. County/clerk recorder's office
 4. Immigration documents
 - i. If lost all docs, may need Info-Pass appointment at USCIS to obtain paper I-94
 - ii. Replacement Green Card can take 6+ months
- B. Accessing benefits
1. Issues with EBT/debit cards vs paper checks
 2. Communication disruptions (telephone, mail)
- C. Residency and living arrangements post-disaster
1. Staying in designated emergency shelter
 2. Staying in FEMA housing
 3. Informal arrangements
- D. Navigating benefits systems
1. Missing welfare records
 2. Data loss
- E. Due Process Rights ([Goldberg v. Kelly, 397 U.S. 254 \(1970\)](#))
1. Adequate notice
 - i. In writing

- ii. In advance of action (usually minimum 10 days)
 - iii. Clear explanation of reasons and law
 - iv. Explain rights to appeal and process
 - 2. Fair hearing
 - i. Neutral decision-maker
 - ii. Right to counsel (not provided)
 - 3. Aid Paid Pending hearing
 - i. Must appeal before action takes place for CalFresh and CalWORKs
 - ii. Must appeal within 10 days for SSI
 - 4. Language access
 - i. [Dymally-Alatorre Act](#)
 - 5. Disability accommodation
 - i. [Americans with Disabilities Act](#), Sect. 504
- F. Advocate role
 - 1. Advice
 - 2. Appointed Representative
 - 3. Communication conduit (alternate address, phone)
 - 4. Rep in hearings