



**PRO BONO**  
**TRAINING**  
**INSTITUTE**

Pro Bono Training Online, On Your Time.



# Public Benefits in a Disaster: A Toolkit for Advocacy

Presented by:  
Lisa Newstrom  
Bay Area Legal Aid





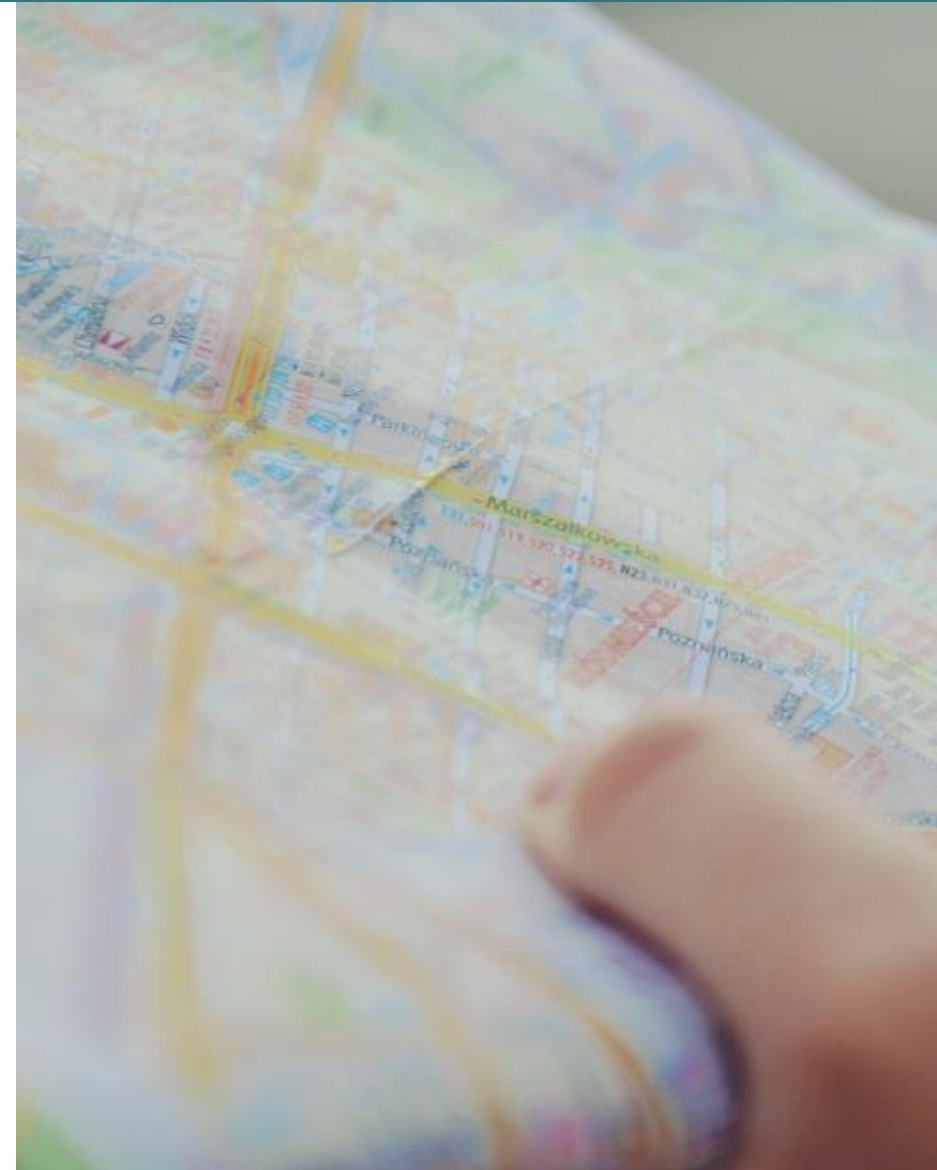
# Learning Objectives

After this learning, experience trainees will:

Compare	Compare common public benefits programs available to low-income survivors of disasters
Prioritize	Prioritize which benefit(s) may be most likely to meet a survivor's needs depending on their situation
Anticipate	Anticipate common legal and/or practical barriers a survivor might face to accessing the benefits



- Public Benefits Programs
- General Eligibility Structures
- CalFresh
- CalWorks
- SSI
- General Assistance/General Relief
- Nuts and bolts:
  - Considerations for immigrant families
  - Common problems
  - Legal rights



# Eligibility

## Category Eligibility:

Who do you have to be?

- Age
- Family status
- Disability

## Financial Eligibility: What is low-income?

- Income
- Earned income usually gets more deductions than unearned
- Resources

## Other Requirements:

- Residency (in a particular state, county, etc.)

Noncitizen rules: Do you even get in the door?





# Public Benefits Programs



# **CalFresh**

## **A.K.A SNAP A.K.A Food Stamps**

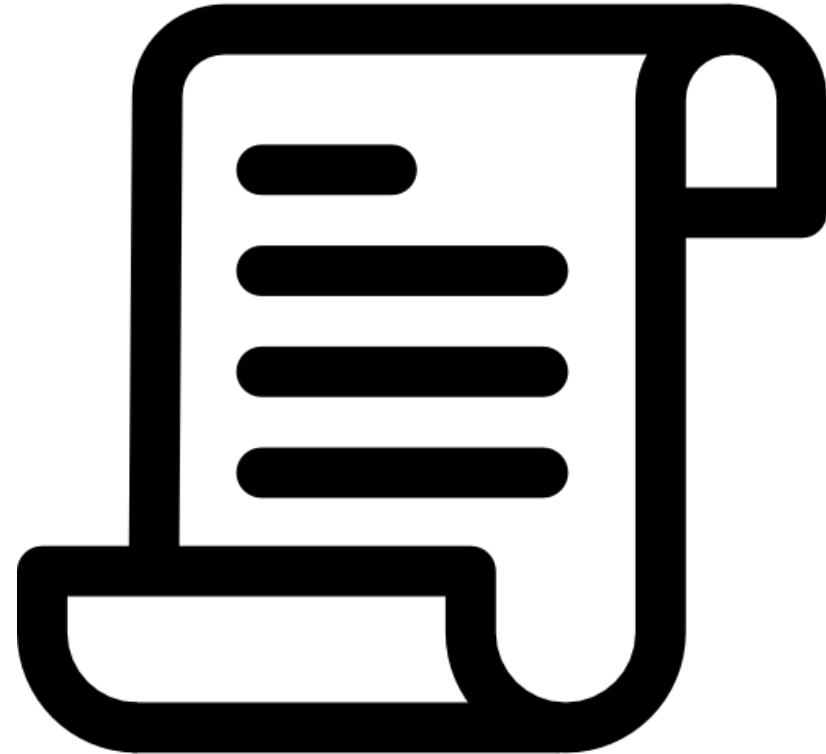
## Disaster option 1: Replacement benefits

- Within 10-day window
- EBT cards can be reissued
- Fair Hearing rights attached

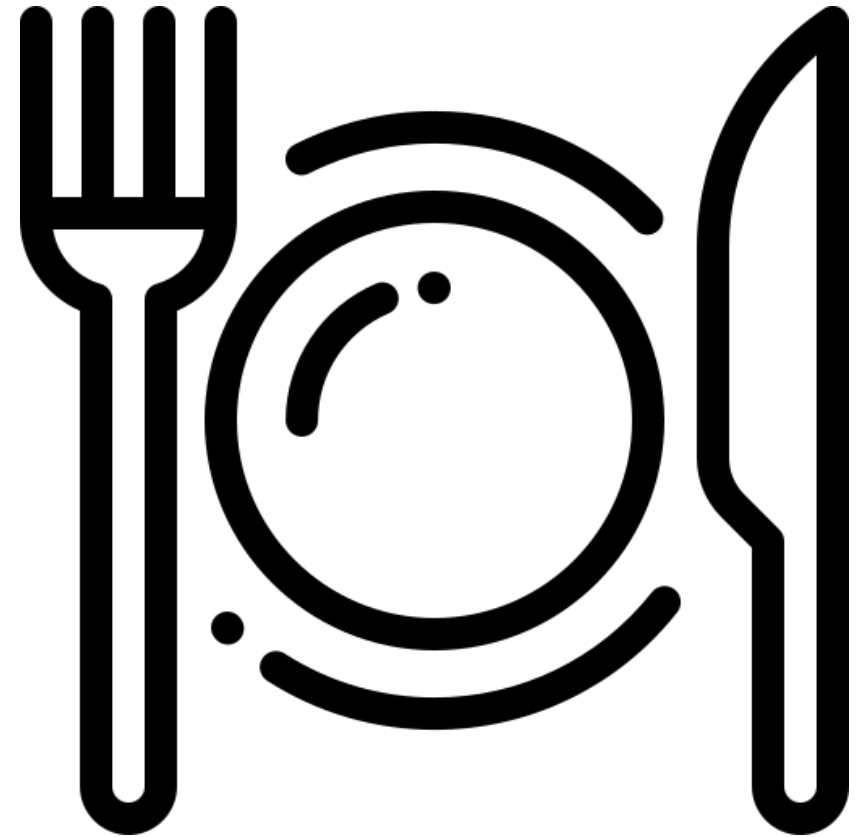
## Disaster Option 2: "Disaster SNAP" (a.k.a. D-SNAP)

- Presidential declaration
- Interruption in food supply, with access restored
- Waiver of many usual rules
- Supplemental benefit available
- CalFresh Emergency Response Handbook

- Regular rules that can help in disaster:
  - Emergency (expedited) benefits
  - Alternate verifications



- Pandemic EBT
  - USDA supplies
  - Congregate feeding
  - Red Cross
  - California Association of Food Banks
    - [www.cafoodbanks.org](http://www.cafoodbanks.org)





# CalWorks A.K.A TANF

- Minor child + adult relative + “deprivation”
- Besides cash aid:
  - Childcare
  - Work supports or education/training
  - Child support collection
  - Counseling
- No “Disaster TANF” but CA state options





## Processing time: Immediate Needs Payments

## Special Needs Payments

- Nonrecurring Special Needs Assistance
- “Emergencies Resulting from Special Circumstances Beyond the AU’s Control”

## Housing Assistance

- Temporary Homeless Assistance (16 nights/extra if DV, uninhabitable, disaster)
- Permanent Homeless Assistance (2 months back rent or security + last month)
- Housing Support Program: \$\$ and wrap-around supportive services
- Ex: rental assistance, security deposits, utility payments, moving costs, motel vouchers, landlord recruitment, case management, housing outreach and placement, legal services, and credit repair.

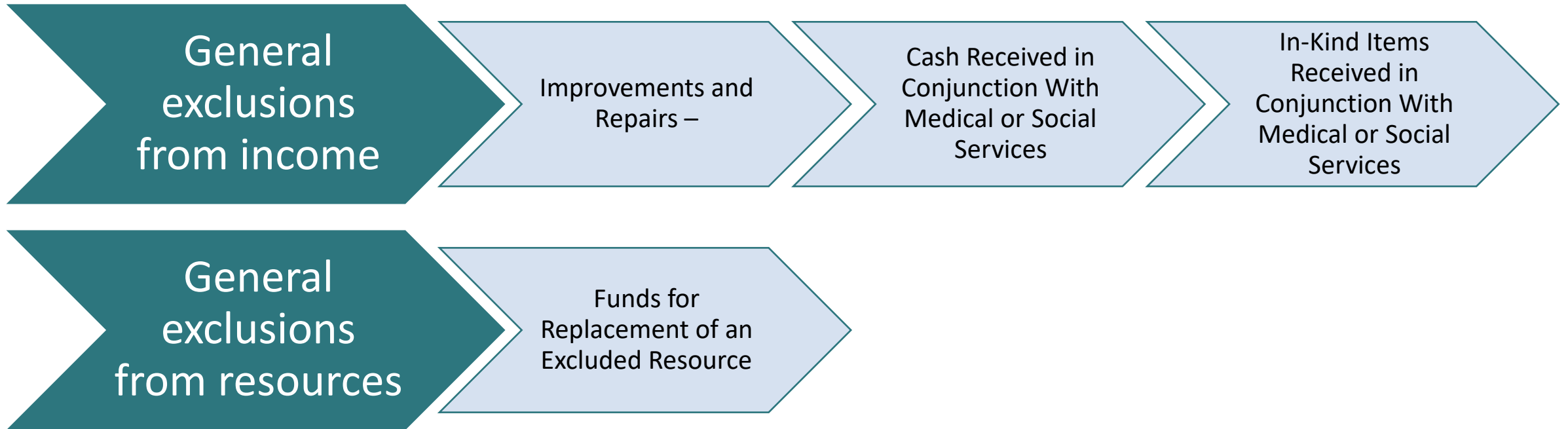


# Supplemental Security Income (SSI)

- WHO: individuals 65 or older, or with disabilities
- Income and Resource (asset) rules quite strict
- Ex: resource limit \$2000/3000
- Countable income lessens benefits dollar for dollar if not work earnings
- Special rules for presidentially declared disasters



# Aid That May Impact SSI



- Replacement payments for paper checks
- Evidentiary issues
  - Residency:
  - Living Arrangements:
  - Alternative methods of evidence



# General Assistance/General Relief

# General Assistance/General Relief

- WIC §17000 obligations
- Rules vary by county
- Must consider whether other income/resources actually available (See e.g., *McCormick v. County of Alameda*)







# Programs for Some Immigrants

CAPI: like SSI, for immigrants aged 65+ or disabled

- Documented, PRUCOL, certain crime victims

Refugee Cash Assistance: like CalWORKs but no need for minor child

- Refugees, asylees, certified trafficking survivors
- Only 8 months

TCVAP: like CalWORKs but no need for minor child

- U visa applicant/holder or trafficking survivor without certification
- Only 8 months



- Medi-Cal
  - Emergency care even if out of network
  - Often able to apply at hospital, can get retro coverage up to 3 months
  - Residency
    - presumed if absent from county less than 60 days
    - Start Inter County Transfer (ICT) for longer relocation
- County care under WIC §17000



# Cash Aid Programs

	Supplemental Security Income (SSI, aka Title XVI)	CAPI	CaWORKS	TCVAP	Refugee Cash Assistance	General Assistance
<b>Category Eligibility</b>	Aged/Blind/Disabled	Aged/Blind/Disabled	Child + Caretaker relative (parent or other)  "Deprived" of parental support by -death -absence -unemployment -incapacity	Victim of Trafficking, Sexual Assault, or other serious crimes (U Visalist)  Limited to 8 months from date of application	Refugee, Asylee, or Trafficking victim  Limited to 8 months from "date of entry"	<u>Generally</u> adults 18-64, not determined to be disabled  Not eligible for other benefits (CW, SSI, etc.)
<b>Benefits Provided</b>	Cash aid	Cash aid	Cash aid <b>Childcare</b> Education/job training Work supports (counseling, transport, etc)	Cash aid Education/job training Work supports (counseling, transport, etc)	Cash aid Education/job training Work supports (counseling, transport, etc)	Cash aid Sometimes: shelter bed or housing vendor payment
<b>Financial Eligibility</b>	Income and Resources (<\$2000 indiv/\$3000 couple)	Income and Resources (<\$2000)	Income and Resources (<\$10,000) (\$15,000 if 60+ or disabled)	Income and Resources (<\$10,000) (\$15,000 if 60+ or disabled)	Income and Resources (<\$10,000) (\$15,000 if 60+ or disabled)	Income and Resources (varies by county, but usually very low)
<b>Noncitizen Eligibility</b>	- LPR w 40 work qtrs. - refugees/asylees/T visa (7 yrs) - Special rules for those lawfully present since 8/22/96	LPR, T, asylee, refugee, etc., <u>if not eligible for SSI</u>  U visa	LPR/T/U/AWA  Refugee/Asylee Other PRUCOL	Must be noncitizen and U Visa filed or <u>approved</u> Or T Visa in process	Refugee or Asylee  T victims: must have ORR cert	U applicants/holders, HT survivors <u>and</u> <u>most</u> lawful immigrants should be eligible
<b>Agency Responsible</b>	Social Security Administration	CA Dept of Social Services (run by county)	CA Dept of Social Services (run by county)	CA Dept of Social Services (run by county)	CA Dept of Social Services (run by county)	County

Adapted from Benchmark Institute © 12/08



# Nuts and Bolts



# Concerns for Immigrant and Mixed-status Families

## Eligibility rules

- Disaster aid vs regular programs with disaster rules

## “Public charge”

- Massive fear, but does not apply to most immigrants eligible for benefits
- Never applies to disaster aid

## Higher likelihood of incorrect denials



# Application Barriers – Missing Documentation

Social Security  
Cards

State I.D.s

Birth/Marriage  
Records

Immigration  
Documents



# Application Barriers

Residency and living arrangements post-disaster

Navigating benefits systems

- Reporting changes
- Appealing terminations, denials, fraud allegations, etc. due to changed facts related to disaster
- Appealing agency inaction (e.g., failure to make timely decisions)

Missing welfare records



- Adequate notice
- Fair hearing
- Aid Paid Pending hearing
- Language access
- Disability accommodation



# Thank You!

## Resources:



BAY AREA LEGAL AID

[www.baylegal.org](http://www.baylegal.org)

[LawHelpCA.org](http://LawHelpCA.org)



PRO BONO

**TRAINING  
INSTITUTE**

Thank you for joining us

Have a nice day!