

**County of San Diego, Health and Human Services Agency (HHSA)
CalWORKs Program Guide**

Permanent Homeless Assistance

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Revision Date:

November 1, 2020

Background:

Per state regulations (EAS 44-211.53) Homeless Assistance (HA) is available to a homeless family seeking shelter.

Purpose:

The purpose of this revision is to implement changes to the Homeless Assistance program made by AB 960, which effective January 1, 2020 expanded allowable providers of housing for purposes of receiving Permanent Homeless Assistance.

Policy:

Permanent Homeless Assistance (PHA)

Regulations allow for two types of PHA payments for CalWORKs recipients:

- One that helps secure a permanent residence
- One that would prevent eviction, which includes families who receive a notice to pay rent or quit

An Assistance Unit (AU) may receive PHA payments once every 12 months, unless eligible for an exception. Receipt of Temporary Homeless Assistance (THA) payments is not a prerequisite to receipt of PHA.

If the AU is receiving housing assistance from Housing and Urban Development (HUD) or some other third party, the amount of the security deposit payable to the AU is to be based on the total rent obligation of the AU including any assistance or subsidy, as opposed to the amount of monthly rent the AU will actually pay.

The payment for permanent housing costs is not available to assist the AU to return to their most recent former residence unless there are unusual circumstances beyond the AU's control. For purposes of this section, a most recent former residence is the house or the same unit in a duplex or apartment complex in which the AU lived just prior to being determined homeless.

Payment Amount

PHA payments may only be issued if the AU has a shelter cost. Permanent housing costs paid by the AU may be reimbursed when the costs were paid by the AU on a weekend or holiday because the landlord would not hold the residence until the next workday.

PHA includes the reasonable costs of security deposits, which are a condition of securing the permanent residence:

- Security deposits include the last month's rent and any legal payment, fee, deposit, or charge required by the landlord or provider
- The portion of the security deposit available for the last month's rent cannot exceed 80% of the Total Monthly Household Income (TMHI); TMHI does not include CalWORKs payments for special needs

Note: If the family is receiving rental assistance (i.e. Section 8), as long as they family's ongoing rental obligation (their portion of the rent separate from the Section 8 payment) is under 80% of the

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THMI, the PHA payment may be authorized even if the total rent of the unit exceeds 80% of the THMI. Also, the total security deposit payment may be higher than two months of the AU's portion of the rent but cannot exceed two months of the total rental obligation.

- The total payment for security deposits is not to exceed two months of the AU's rent.
- PHA includes the actual costs of utility deposits (turn-on fees) required for gas, electricity, propane, and/or water. The payment does not include the cost of overdue utility bills and does not include telephone deposits

If due to an emergency, an AU must move within the 12-month period, the AU may be allowed to transfer deposits to meet the security deposits for the new residence.

- An emergency cannot result from an intentional act on the AU's part
- If the transfer is within the 12-month period, and not an emergency, refunded deposits must be treated as liquid resources

Allowable Housing Provider

An allowable housing provider is any person or establishment with whom the family enters into a valid lease, sublease, or shared housing agreement. The person renting the property must have the legal right to do so. A valid shared housing agreement must include the names of the landlord and tenant, the address of the property, the amount of monthly rent, terms of the agreement and date of occupancy. The provider does not need to be in the business of renting properties or have a history of renting properties.

Payment Verification

Within 30 calendar days of having received the PHA payment, the AU must provide verification:

- Of the amount expended for permanent housing
- That the payment was made to a person or establishment with whom the family has executed a valid lease, sublease or shared housing agreement.

If a recipient fails to provide verification, a determination must be made as to whether the payment was used for permanent housing and a determination that mismanagement of funds exists.

Total Monthly Household Income (TMHI)

The rent threshold for PHA is 80 percent of the TMHI, not including CalWORKs special needs payments.

- In determining the TMHI, the income must be counted of all AU members and of any other persons whose income is currently used in calculating the AU's grant, including but not limited to:
 - Sanctioned and penalized household members
 - Persons who are excluded by law for their undocumented non-citizen or fleeing felon status
- If an AU intends to share housing costs, the family's total monthly rent amount must be reduced by the amount contributed by the other household. The 80 percent standard must be applied to the family's reduced amount. Shared housing includes, but is not limited to, the following:
 - Two or more AUs residing together
 - Supplemental Security Income/State Supplementary Payment (SSI/SSP) recipient(s) residing with the AU

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- Income that must be counted towards the TMHI includes gross earned and unearned income, and the CalWORKs computed grant. CalFresh, CalWORKs Special Needs, and SSI/SSP payments are not to be included in the TMHI.

Mid-Period Household Changes

- When a person moves into the home mid-period, that person's income must be included in the TMHI, regardless of when the person is actually added to the AU
- If a person leaves the home mid-period, and that person's income will no longer be available to help the AU pay rent, that person's income must not be included as part of the TMHI

PHA Arrearage Payments

- PHA is available to pay up to two months of rent arrearages to prevent eviction
- Each month of the rent arrearage payment must not exceed 80% of the TMHI
- When sharing the housing costs, the PHA is only to cover the AU's share of the rent arrearages

PHA arrearage payments are not to be approved if these payments would not prevent the eviction.

For the AU to be entitled to receive PHA arrearage payments, the AU must:

- Provide proof of the eviction (such as notice to pay rent or quit, court eviction documents, etc.)
- Be experiencing a financial crisis that could result in homelessness if preventative assistance is not provided
- Provide proof that the eviction is the result of a financial hardship beyond their control, and not due to other lease or rental violations:
 - The financial hardship must have been caused by extraordinary circumstances beyond the AU's control. Extraordinary circumstances may include but are not limited to:
 - Loss of income from employment
 - Unexpected reasonable financial expense
 - The financial hardship resulting in the AU's eviction must also render the AU homeless

Promptness Requirement

PHA payment must be issued or denied within one working day from the day the AU provides the following:

- Information and verification necessary to establish eligibility for CalWORKs
- An agreement which demonstrates the landlord's or provider's intent to rent to the AU at a cost which does not exceed 80 percent of the AU's TMHI.
 - If the validity of the rental agreement is questionable, or a rental agreement cannot be provided, the Human Services Specialist will obtain a written release of information authorization from the AU and contact the landlord.
 - When the landlord cannot be directly contacted, or some other means are not available, to verify that a rental agreement has been made, then the AU must complete and sign a statement under penalty of perjury which includes the following information:
 - A statement of liability for providing false information
 - Name and phone number of the landlord
 - Location of rental
 - Terms of rental
 - Dollar amount of deposits and rent

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Impacts

Forms:

- 07-345 HHSA (09/20) CalWORKs Homeless Assistance (HA) Shared Housing Agreement/Housing Verification is now available in the Electronic Forms Library.

Notices of Action (NOAs)

- M44-211D (12/19)– Temporary Shelter and/or Permanent Housing
 - To be issued when denying HA
 - Was updated to remove the denial reason regarding only being able to rent from the “property owner or manager” to “you do not have a valid lease, sublease, or shared housing agreement.”

References:

EAS 44-211.53
ACL No. 19-118
ACIN I-52-20

Sunset Date:

This policy will be reviewed for continuance by September 30, 2023.

Approval for Release:



Rick Wanne, Director
Eligibility Operations