

County of Santa Clara

Social Services Agency



353 West Julian Street
San Jose, California 95110-2335

DATE: May 29, 2020

TO: Board of Supervisors
Jeffrey V. Smith, M.D., J.D., County Executive

FROM: Robert Menicocci, Social Services Agency Director *RM*

SUBJECT: SSA Off Agenda Report Regarding General Assistance Standards of Assistance

At the April 14 Board meeting, item #6, , the Board of Supervisors (Board) directed Administration to provide an off-agenda report to the Board on date uncertain relating to changes to the set standards for money available to individuals through the General Assistance Program at a local level, and whether there is an opportunity for the State to change its contributions to the program.

Welfare & Institutions Code Section 17000

Welfare & Institutions Code Section 17000 requires counties to establish and meet acceptable standards of care for their indigent poor. Accordingly, each county is required to adopt standards of aid and medical care. In essence, counties provide “last resort” assistance to indigent residents who are not eligible for or otherwise receiving other forms of relief. This responsibility requires counties to provide financial assistance, which in Santa Clara County is known as the General Assistance program, and subsistence medical care.

The Safe Harbor Provision

Initially, to determine the level of benefits to be provided, each county was required to make a factual determination of the minimum subsistence needs of its poor. However, in 1991, the California Legislature enacted a “safe harbor” benefit level, such that if counties provided a benefit at that level, they have satisfied their statutory duty to meet the minimum needs of their indigent poor without conducting a study of actual need.¹

Under the safe harbor provision, a county’s General Assistance benefit “shall constitute a sufficient standard of aid” if the value of the assistance provided, including in-kind aid,

¹ Welfare & Institutions § 17000.5.

is equal to 62% of the 1991 federal poverty line (i.e., a benefit of \$342.24 which Santa Clara rounds up to \$343).

Some counties are entitled to additional reductions of the safe harbor benefit standard based on either the statute itself or an exception from the Commission on State Mandates finding that meeting the safe harbor would “result in a significant financial distress to the county.” (Cal. Welf. & Inst. Code §§ 17000.5(e), 17000.6.) For example, Alameda County’s General Assistance benefit is \$336, because the statute specifically allows Alameda County to reduce the safe harbor standard by 1.5%. (Cal. Welf. & Inst. Code § 17000.5(e)(1)).

Santa Clara County does not have a similar statutory exception, nor has it obtained an exception from the Commission on State Mandates. Therefore, its benefit level for indigent residents under the safe harbor provision is \$343.

Keying Benefits to the CalWORKs Maximum Aid Payment

The safe harbor provision also permits, but does not require, counties to annually adjust this safe harbor benefit level in amounts corresponding to statutory increases, decreases, or reduction in the level of state aid provided under the Aid to Families with Dependent Children Program, which is now called CalWORKs.

Adjusting the General Assistance benefit level in this manner can result in benefit levels either less than or greater than \$343, due to increases or decreases in CalWORKs benefits. Counties are not required to provide the higher adjusted amount as long as their General Assistance benefit level is at least \$343. Stated differently, counties can pay the *lower* of either the \$343 safe harbor amount or the amount resulting from applying the CalWORKs Maximum Aid Payment (MAP) amount.

Pursuant to Assembly Bill (AB) 1811, the CalWORKs MAP level increased by ten percent effective April 1, 2019. AB 1811 provides for MAP increases in Fiscal Years (FY) 2019-2020 and 2020-21, or until the MAP level reaches 50% of the Federal Poverty Level (FPL) for the next family size that is one greater than the aided unit.

The table below compares General Assistance benefit amounts that are keyed to the safe harbor provision against those keyed to the CalWORKs Maximum Aid Payment for the past few years. Since 2016, the County has used the safe harbor provision to determine benefit allotment.

Year	Safe Harbor	CalWORKs MAP for One Person
2018	\$343	Effective 10/01/16 \$355
2019-2020	\$343	Effective 4/1/19 \$391 Effective 10/01/19 \$550

2020-21	\$343	TBD, but unlikely to increase as \$550 reaches 50% of the federal poverty level.
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There Is No State Contribution for General Assistance Benefits

Welfare & Institutions Code section 17000 mandates that “[e]very county and every city and county shall relieve and support all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident, lawfully resident therein, 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.” As such, the General Assistance program is locally funded and does not receive state contributions.²

C: Chief Board Aides
Miguel Márquez, Chief Operating Officer
James R. Williams, County Counsel
Megan Doyle, Clerk of the Board

² See also *General Assistance or General Relief*, California Department of Social Services (<https://www.cdss.ca.gov/general-assistance>).