

# Daily Journal

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## Settlement will assist Kern County homeless

By America Hernandez

Homeless and disabled residents of Kern County will now receive more money per month from the statutorily-mandated General Assistance Program, and will no longer be forced to jump through allegedly illegal hurdles before qualifying for aid, according to a settlement the county entered into with the Western Center on Law and Poverty.

A similar suit has already been filed in Los Angeles County by the organization, officials said.

"This is just a first step, and to the extent any county believes that by limiting the General Assistance Program they are saving money, they are sadly mistaken," said Antonette D. Dozier, a senior attorney at WCLP. "We hope this represents a sea change for the rest of the counties not in compliance."

Kern County was represented by Deputy County Counsels Nicole M. Misner and Bryan C. Walters.

"This partial settlement puts into writing all the changes we've made and were in the process of completing since 2013," Misner said. "This was not a financial decision to limit aid, but an updating of regulations and policies to better assist residents, and we fully intend to keep working with WLCP."

WCLP filed suit in 2013 after receiving complaints that indigent residents were being forced to meet application requirements beyond what California law specifies. *Hans Mills et al v. County of Kern et al*, S-1500-cv-280479 (Kern County Super. Ct., filed Oct. 9, 2013)

This included having to provide free labor on public works projects, document the social security and tax identification numbers of roommates and landlords, and get signatures from up to 10 businesses proving they had applied for a job, had interviewed, and were qualified for the position - all before receiving approval for benefits, according to the complaint.

"Kern added additional requirements, some of them draconian, some of them outside the realm of what an individual could provide based on their own knowledge," Dozier said.

California Welfare and Institutions Code §17000 requires every county to "relieve and support all incompetent, poor, indigent persons and those incapacitated by age, disease, or accident...when those persons are not supported and relieved by their relatives or friends, by their own means, or by state hospitals or private institutions."

Further sections of the code mandate the aid be dispensed "promptly and humanely," without asking for information not necessary to carry out the program.

While work can be required as a condition to receiving the benefits, in an effort to rehabilitate the person, it is not a pre-screening tool, according to Welf. & Inst. Code §17200.

"These are people who need aid immediately, who don't have money for housing, food or clothes," said Bryant Y.F. Yang, associate at Irell & Manella LLP in Los Angeles, which worked on the case pro bono. "It's not reasonable to make them volunteer for projects at 6 a.m. in farflung areas of the county when public transportation doesn't start until 8 a.m. and they have no place to sleep or get food."

As a result of the stringent requirements, only some 50 out of 1,500 eligible residents were successfully enrolled in the aid program, the center said.

"We submit that financial concern was the driving force, because benefits that aren't used go back to the county general fund," Yang added.

Those who did make the cut got too little and often could not receive the benefits, the complaint alleged.

Because Kern County was using the 1994 standards of subsistence rather than the 2015 cost-of-living calculations, individuals received about \$226 instead of \$331.

The settlement aligns the monthly aid amount to \$331 for one person, with a sliding scale for families, and requires payment in cash as well as a bus pass for those who live more than a mile away from the vendors who take aid-distributed vouchers.

It also streamlines the application process to no longer include information from third-parties, eliminates the free labor and job interview provisions, and requires a written response to applications within 30 days with stated reasons for denial.

"What's important to take away is that any county that is serious about addressing homelessness and addressing mental illness has to have the General Assistance Program be part of and central to any overall plan," Dozier said. "In the long run it saves money by connecting participants to federal and long-term assistance, and having less emergency hospitalizations and less police sent out to individuals living on the street."

Richard A. Rothschild, director of litigation at WLCP, also worked on the case.

Partner Craig I. Varnen and Luke J. Burton, an associate, at Irell & Manella LLP in Los Angeles, provided pro bono assistance, as did Diane S. Dodds, a partner at Jennison & Dodds LLP in Bakersfield.