

July XX, 2019

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY INFORMATION NOTICE NO. I-38-19

The purpose of this All-County Information Notice (ACIN) is to provide clarification regarding the In-Home Supportive Services (IHSS) program definition of “own home” as it relates to IHSS recipients and the manner in which county IHSS offices can use the definition in relation to alternate living arrangements.



PAT LEARY
ACTING DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

June XX, 2019

ALL COUNTY INFORMATION NOTICE NO. I-38-19

TO: ALL COUNTY WELFARE DIRECTORS
ALL IN-HOME SUPPORTIVE SERVICES PROGRAM MANAGERS
ALL COUNTY HOUSING AND DISABILITY ADVOCACY
PROGRAM (HDAP) MANAGERS
ALL COUNTY HOME SAFE PROGRAM MANAGERS
ALL COUNTY HOMELESS SERVICES COORDINATORS

SUBJECT: **CLARIFICATION OF DEFINITION OF “OWN HOME” AS IT
RELATES TO RECIPIENTS OF IN-HOME SUPPORTIVE
SERVICES**

REFERENCE: ASSEMBLY BILL 210 (CHAPTER 544, STATUTES OF 2017);
WELFARE AND INSTITUTIONS CODE SECTION 18999.8;
MANUAL OF POLICIES AND PROCEDURES SECTIONS 30-
701(o)(2)

The purpose of this All-County Information Notice (ACIN) is to provide clarification regarding the In-Home Supportive Services (IHSS) program definition of “own home” as it relates to IHSS recipients and the manner in which county IHSS offices can use the definition in relation to alternate living arrangements.

The clarification is intended to assist counties in determining if an applicant/recipient meets or will continue to meet the eligibility criteria for IHSS when residing in or moving to an alternate living arrangement. The program rules and purpose of the IHSS program remain unchanged. Once eligible, IHSS recipients, with the assistance of IHSS, are expected to maintain a level of independence so that, as employers, they can hire, train, supervise, develop the work schedule for, and, if necessary, fire any provider they choose to work for them. Further, recipients are required to comply with program requirements and provide the required documentation to the county to determine continued eligibility and need for services.

BACKGROUND

Assembly Bill (AB) 210 (Chapter 544, Statutes of 2017) was signed by Governor Edmund G. Brown Jr. on October 7, 2017, and became effective as of January 1, 2018. The bill added Welfare and Institutions Code (WIC) section 18999.8 which authorizes counties to create homeless adult and family multidisciplinary teams with the goal of assessing each homeless individual's current living situation including his/her living accommodations and services he/she may need including Supplemental Security Income (SSI) and Medi-Cal. As a service under the Medi-Cal program, IHSS may be one of the various programs which may be offered to provide assistance to these individuals.

Pursuant to Manual of Policies and Procedures (MPP) section 30-701(o)(2), the definition of an individual's "own home" for purposes of receiving IHSS is "the place in which an individual chooses to reside" and does not include an acute care hospital, skilled nursing facility, intermediate care facility, community care facility, or a board and care facility. While the definition of "own home" under MPP 30-701(o)(2) still applies, other alternative living situations may fall under the definition of "own home" under certain circumstances, including living in a recreational vehicle (RV), homeless shelter, or the home of a family member or friend.

ALTERNATIVE LIVING SITUATIONS

Because homeless individuals lack permanent housing, they frequently do not have a permanent dwelling that can be viewed as their "own home" under the definition set forth in MPP 30-701(o)(2) and, therefore, cannot receive IHSS. However, due to the provisions of AB 210, the CDSS is revisiting the definition of "own home" in order to take into account certain alternate living arrangements for individuals at risk of homelessness or those living in a shelter or other alternate living arrangement that may still meet the definition of "own home." County IHSS staff will continue to use the IHSS program rules and regulations to evaluate if the location determined to be the recipient's "own home" is a location where the recipient is safe and can receive the authorized IHSS he/she needs. The county staff will evaluate each alternative living arrangement to ensure that the applicant/recipient can be assessed and have his/her authorized services delivered in a safe manner.

One of the goals of the county homeless adult and family multidisciplinary teams is to ensure that homeless individuals in need of IHSS can be moved into a safe, stable living situation in which they can receive the needed authorized services. Any denial of an IHSS applicant or termination of an IHSS recipient due to not meeting the definition of "own home" should not be completed until adequate referrals to assist the applicant/recipient in arranging for a safe living environment have been completed. Referrals may be made through the county homeless adult and family multidisciplinary team, if available, or other regional homeless service connection points, in collaboration with homeless service providers, such as a Homeless Outreach Team or other services provided through the homelessness Continuum of Care (CoC).

An RV may meet the definition of “own home” if it has the necessary utilities needed to provide authorized IHSS (i.e. running water, electricity, heat, and appliances for the safe storage and preparation of food for meals) and can be situated in a single location for a period of time. Such locations can include a campground, RV park, or other private property. Please note, living in a tent or a vehicle (i.e. car) even in locations in which an RV would qualify as one’s “own home” (such as a campground or private property) would not qualify as living in one’s “own home” for purposes of IHSS because such a living arrangement does not provide the necessary utilities for providing IHSS, such as running water, electricity, cooking facilities, or restrooms.

Similarly, a homeless shelter could be considered an alternative living arrangement and meet the definition of “own home” if the management of the homeless shelter allows the recipient to remain there for a specified period of time. Consistent with IHSS rules, the county IHSS social worker will need to complete an assessment of the recipient’s living arrangement as there may be some services offered by the shelter staff which would qualify as an alternate resource (such as meal prep and other domestic and related services).

Additionally, an IHSS recipient who moves into the residence of a family member or friend could be considered to be living in his/her “own home” if the family member or friend allows the recipient to remain in the home for a specified period of time. Such an arrangement could be seen as a benefit to the friend or family member as it could lead to a potential source of income for the household if the friend or family member becomes the recipient’s enrolled IHSS provider. Recipients who alternate between the homes of various family members or friends should continue to receive IHSS. The IHSS social worker may need to assess and adjust hours dependent upon each living arrangement.

IHSS Recipients Currently Receiving Services

If a current IHSS recipient becomes homeless, county social workers shall direct the recipient to all available resources to assist the recipient in finding a new suitable living situation. Referrals may be made through the county homeless adult and family multidisciplinary team authorized under WIC 18999.8, if available, or other regional homeless service connection points, in collaboration with homeless service providers, such as a Homeless Outreach Team or other service providers accessed through the homelessness CoC. Staff of such resources should seek to develop a plan to determine which steps can be taken to transition the recipient into a stable and safe living environment in which IHSS may be a service component. Furthermore, if the county is able to engage with the recipient and transfer him/her into a new safe living environment in an expedited manner, this would allow for a smooth transition to a new residence with no break in authorized IHSS. Additional information regarding potential housing resources is provided on pages four and five of this ACIN.

IHSS Applicants Currently Homeless

An IHSS applicant who is homeless when he/she applies for services may not be living in his/her “own home” where it would be safe and possible to receive IHSS. County IHSS social workers should make use of all available resources to connect such applicants with programs that can assist them in obtaining safe housing in which they can obtain authorized IHSS. Such programs should include the county homeless adult and family multidisciplinary team, county housing and redevelopment programs, and Medi-Cal. Once the applicant is living in a housing situation that meets the criteria outlined in this ACIN, the county IHSS office may then perform an assessment to provide the applicant the IHSS needed to maintain his/her health and safety.

WHEREABOUTS UNKNOWN

If a recipient, for whatever reason, cannot be located, county IHSS staff should make a good faith effort to communicate with the recipient by whatever means necessary (such as phone calls, direct mail, email, and in-home visits). All attempts to contact the recipient should be documented. Copies of returned mail should be maintained in the recipient’s case file. If no response has been received after several attempts (including the use of alternate numbers, addresses, or contact with family or friends of the recipient to determine his/her whereabouts), the county may terminate the case and send a Notice of Action to that effect to the recipient’s last known address ten days prior to the termination date of the case.

Housing Resources

County Human Services Agencies operate programs that directly serve individuals at risk of homelessness or those experiencing homelessness, including the Housing and Disability Advocacy Program (HDAP) and the Home Safe program. CDSS recommends that county IHSS social workers connect with the HDAP and Home Safe program leads in their community to ensure applicants and recipients of IHSS have access to these programs. Refer to the HDAP and Home Safe program contact sheet or contact the Housing and Homelessness Bureau at housing@dss.ca.gov or by phone at (916) 651-5155 for more information about HDAP and Home Safe.

HDAP assists homeless, disabled individuals apply for disability benefit programs, while also providing housing supports. The HDAP requires that participating counties offer outreach, case management, benefits advocacy, and housing support to all program participants.

The Home Safe Program is intended to support the safety and housing stability of individuals involved in Adult Protective Services (APS) who are experiencing, or at imminent risk of experiencing, homelessness due to elder or dependent adult abuse, neglect, self-neglect, or financial exploitation by providing housing-related assistance using evidence-based practices for homeless assistance and prevention.

Additional information and resources that may be helpful for IHSS social workers working with applicants and recipients in need of housing support include:

- Homeless Emergency Aid Program (HEAP) provides localities with flexible block grant funds to address their immediate homelessness challenges, including emergency housing vouchers, rapid rehousing, emergency shelter, and temporary shelter.
- California Emergency Solutions and Housing (CESH) provides funds to assist persons experiencing, or at risk of, homelessness, including housing relocation and stabilization services.
- Homelessness CoC is designed to promote communitywide commitment to the goal of ending homelessness; provide funding to quickly rehouse individuals and families; promote access to utilization of available programs; and optimize self-sufficiency. Contact your CoC.
- Whole Person Care, coordination of health, behavioral health, and social services.
- National Alliance to End Homelessness.
- United States Department of Housing and Urban Development (USHUD).
- United States Interagency Council on Homelessness (USICH).

If you have any questions regarding the IHSS program requirements detailed in this ACIN, please contact the Adult Programs Policy and Operations Bureau at (916) 651-5350. For additional information on how to support your homeless, or unstable housing, applicants and recipients, contact the Housing and Homelessness Bureau at (916) 651-5155 or email housing@dss.ca.gov.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
Deputy Director
Adult Programs Division

c: CWDA