

February 25, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY INFORMATION NOTICE NO. I-19-20

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 alternative living arrangements and IHSS eligibility.



KIM JOHNSON
DIRECTOR

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

February 25, 2020

ALL COUNTY INFORMATION NOTICE NO. I-19-20

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 IN-HOME SUPPORTIVE SERVICES ELIGIBILITY**

REFERENCE: ASSEMBLY BILL 210 (CHAPTER 544, STATUTES OF 2017); ALL-
COUNTY LETTER 18-55 (MAY 31, 2018); WELFARE AND
INSTITUTIONS CODE SECTIONS 12300(a), 12301.1(b)(1)(B), and
18999.8; MANUAL OF POLICIES AND PROCEDURES
SECTIONS 30-701(o)(2) and 30-757.1(a)(1)(A)(1.)

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 alternative living arrangements and IHSS eligibility. 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 alternative 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. 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

Pursuant to Welfare and Institutions Code (WIC) section 12300(a), the definition of an individual's "own home" for the purposes of receiving IHSS is the "homes or abodes of their own choosing." Additionally, Manual of Policies and Procedures (MPP) section 30-701(o)(2) states that "own home" does not include an acute care hospital, skilled nursing facility, intermediate care facility, community care facility, or a board and care facility. Using these definitions of "own home" as a guide, other alternative living situations may fall under the definition of "own home," including living in a recreational vehicle (RV), homeless shelter, or the home of a family member or friend.

ALTERNATIVE LIVING SITUATIONS

Because homeless applicants and recipients 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 section 30-701(o)(2) and, therefore, cannot receive IHSS. However, due to various county inquiries and the recent legislation, Assembly Bill (AB) 210, which added WIC section 18999.8, the definition of "own home" has been reevaluated to include certain alternative living arrangements for individuals at risk of homelessness or those living in a shelter or other locations.

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 can receive the authorized IHSS he/she needs. County staff will evaluate each alternative living arrangement to ensure the applicant/recipient can be assessed and have his/her authorized services delivered in a safe manner which take into consideration the necessary "universal precautions" being in place (as described in MPP section 30-757.1(a)(1)(A)(1.)). While evaluating the location, the county should provide all necessary support to the applicant or recipient so that they may remain in the alternate living arrangement or transitional housing and be able to receive IHSS.

An RV may meet the definition of the applicant or recipient's "own home" when utilities needed to provide authorized IHSS in a safe manner (such as running water, electricity, gas (if needed), restrooms, and appliances for the safe storage and preparation of food for meals) are available, and the RV can be situated in a single location for a "period of time," which refers to a length of time sufficient for the county IHSS office to assess the individual's needs and authorize IHSS and for the provider to deliver those authorized services to the recipient. Such locations can include a campground, RV park, or other private property where the RV has been authorized to remain for a "period of time." The single location is necessary as it would be impossible for the county to conduct assessments, reassessments, and unannounced home visits, as required by IHSS program rules, if the RV was mobile and parked in a different location each day.

Additionally, IHSS recipients living in remote or rural areas, including Native American tribal lands, would be eligible for IHSS even if they do not have access to local utilities

services since they may have access to alternate resources, such as well water, wood-burning stoves, and diesel-powered generators. Such alternate resources would allow them to receive their authorized services in a safe manner. In such situations, county social workers should evaluate the specific circumstances of the recipient's dwelling when performing an assessment of the recipient's ability to receive his/her authorized IHSS at that location.

Furthermore, a homeless shelter could be considered an alternative living arrangement and meet the definition of the applicant or recipient's "own home" if the management of the homeless shelter allows the IHSS recipient to remain there for a specified "period of time" and allows the county IHSS staff to enter the facility to perform an IHSS assessment and the IHSS provider to be present in the shelter to provide the needed services. 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 which would qualify as an alternate resource (such as meal prep or other domestic and related services) and could require an adjustment to already authorized services, if any.

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." Recipients who alternate between the homes of various family members or friends can continue to receive IHSS although the IHSS social worker may need to assess and adjust hours after each change of residency as authorized IHSS may be assessed differently based on each living arrangement.

Recipients (or their Authorized Representatives) remain responsible for notifying the county IHSS office whenever there is a "substantive change in living arrangements" (as defined in MPP 30-759.941(a)) which would necessitate a reassessment of authorized IHSS hours and/or services.

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. This includes making telephone calls to all known recipient numbers (including both landlines and cell phone), direct mail, email, in-home visits, and contact with known family or friends of the recipient. All such attempts to contact the recipient should be documented. Copies of returned mail should be maintained in the recipient's case file. After the county staff has attempted to contact the recipient using the various methods outlined above, 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.

EMERGENCY EXTRAORDINARY CIRCUMSTANCES

Counties should be aware that certain extraordinary situations may arise in which an IHSS recipient may not have access to his/her own home, but the IHSS recipient can continue to receive IHSS while living in a temporary “alternative living arrangement.” For example, during the 2018 Camp Fire in Butte County and the 2018 Carr Fire in Shasta County, thousands of homes lost access to electrical service and running water and many IHSS recipients were displaced from their homes and moved into emergency shelters.

Such situations do not automatically make a displaced IHSS recipient ineligible for services. Emergency situations such as these should be considered an “unexpected extraordinary” change in circumstance, as described under WIC 12301.1(b)(1)(B). In these cases, county social workers may perform a reassessment at the emergency shelter to determine if a temporary adjustment in the authorized weekly hours of a recipient is necessary based on the recipient’s current needs and living arrangement. The county should document in the recipient case notes any adjustment in hours required to accommodate any need that arises due to the unexpected extraordinary circumstance. Additionally, if the recipient is moved from the emergency shelter into temporary housing (such as a trailer on his/her property) while his/her home is being rebuilt, the social worker will need to assess this living arrangement as well. If local utility services have not yet been re-established, the county social worker will need to evaluate if alternative resources (such as diesel-powered generators or delivery of safe and sanitary water) is being used in a method that would allow the recipient to receive his/her authorized services.

HOMELESS ADULT AND FAMILY MULTIDISCIPLINARY TEAMS

AB 210 (Chapter 544, Statutes of 2017), which became effective as of January 1, 2018, added 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 supportive service programs offered to provide assistance to these individuals. As provided in All-County Letter (ACL) 18-55 (May 31, 2018), all counties which have developed a homeless adult and family multidisciplinary team have been and continue to be working to develop protocols to assist those counties in focusing on the transition of homeless individuals to permanent dwellings and the best manner of delivering needed supportive services to those individuals once they have been settled into permanent housing.

One of the goals of 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 authorized services. IHSS social workers should provide all adequate referrals to assist the applicant/recipient in arranging for a safe living environment before any denial of a homeless IHSS applicant or termination

of a homeless IHSS recipient due to not meeting the definition of “own home.” 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) or the local coordinated entry system. Additional information regarding (and links for) potential housing resources is provided on the following page.

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 with applying 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.

- [Housing for Health California](#), rental assistance and subsidies for supportive housing targeting chronically homeless or homeless high cost health users.
- [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 applicants and recipients or those applicants and recipients living in unstable housing, 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