



May 4, 2020

RE: PROVISIONS FOR A COVID 4 BILL

Dear California Congressional Delegation:

The County Welfare Directors Association of California (CWDA) urges you to invest in a number of human services, nutrition, health and homelessness programs to support families in economic crisis during the coronavirus pandemic.

CWDA represents the human services departments in California's 58 counties. In our state, counties are responsible for the determining the eligibility for and delivery of income assistance and social services, including the Temporary Assistance for Needy Families program (TANF/CalWORKs), the Supplemental Nutrition Assistance Program (SNAP/Cal Fresh) and child welfare programs. Our comments begin with spending requests, followed by policy changes to support families and provide our human services departments with administrative flexibilities to meet those needs quickly.

PROGRAM FUNDING

Increase Funding for the Temporary Assistance for Needy Families (TANF) Program

Due to the economic fallout of the COVID-19 pandemic, TANF caseloads are increasing. The block grant has never been increased since 1996 and will fall far short during the pandemic. Accordingly, CWDA supports establishing an emergency contingency fund for the TANF program, with funding tied to proportionate TANF caseload growth and the current state and county investment in the program. A similar investment was provided under the 2009 *American Recovery and Reinvestment Act (ARRA)*.

Increase the Supplemental Nutrition Assistance Benefit by 15 Percent and Modify Eligibility

CWDA welcomed the nutrition investments included in the *Coronavirus Preparedness and Response Supplemental (PL 116-123)* and the *Coronavirus Aid, Relief, and Economic Security Act (CARES Act; PL 116-127)*. At the same time, much more needs to be done to meet the nutritional demands of our low income and recently unemployed residents.

CWDA supports a 15 percent increase in the maximum Supplemental Nutrition Assistance Program (SNAP/CalFresh) benefit. The average SNAP benefit is roughly \$1.40 per person per meal, and almost half of all SNAP families use up their entire benefit at the beginning of the month. In 2009, ARRA helped prevent large increases in poverty by increasing the maximum SNAP benefit by 13.6 percent.

CWDA supports adding a \$100 per month cash supplement to all SNAP households so that they may purchase non-food products such as toilet paper, soap, cleaning supplies, and diapers that cannot be purchased currently with SNAP funding.

CWDA supports an increase in the monthly minimum benefit from \$16 per month to \$30. The minimum benefit would further support low-income seniors and persons with disabilities who often receive Supplemental Security Income.

CWDA also supports providing one year presumptive eligibility for SNAP for foster youth existing the foster care system.

Finally, CWDA urges Congress to suspend the provision in federal law which bans the participation of college students who otherwise meet the income eligibility rules in SNAP unless they qualify for an exception such as being connected to work-study or participating in 20 hours of work activity per week. Last year, the U.S. Government Accountability Office (GAO) found that approximately two million students at risk of going hungry were potentially eligible for SNAP but did not receive the benefit.

As college classes move online, on-campus and near-campus jobs have disappeared. The loss of jobs and work experience leaves these students without a way to qualify for an exemption to the SNAP Student Rule.

Increase Federal Match to 12 Percentage Points for Medicaid and Foster Care

CWDA applauds the 6.2 percentage point increase in the federal match for Medicaid/Medi-Cal and Title IV-E foster care approved as part of the *Families First Coronavirus Response Act* (PL 116-127). However, as unemployment increases, it will place further stress on county health and human services systems. Similarly, as families lose their health insurance coverage, more will become eligible for Medicaid. These financial stresses will also increase pressures on our child welfare and foster care system to protect children and support families in crisis. Moving forward, we support the bipartisan National Governors Association request to increase the temporary Medicaid and Title IV-E match to 12 percentage points. The increase should continue for six months after the national public health emergency is lifted to account for the surge in services we expect to continue afterwards.

Protect and Support Essential Human Services Workers

CWDA joins other associations, including the American Public Human Services Association, the Child Welfare League of America, and the National Association of County Human Services Administrators in

urging increased federal attention and support for county workers protecting and serving children and vulnerable adults. Those workers must be included in any federal funding prioritizing first responders. Our county agencies will continue to need personal protective equipment (PPE) for our workers to safely make in-home visits or to protect residents and staff in residential facilities.

Given the risks to their health and well-being, CWDA also supports federal appropriations for hazard pay to front-line human services workers, including child welfare staff working in protection, prevention, foster care, and detention, and staff serving persons with disabilities and protecting vulnerable adults. Since the end of the pandemic is uncertain, hazard pay may help to retain and recruit essential human services workers through the duration of an extremely stressful time.

Increase Child Welfare Funding

CWDA supports increases in Title IV-B and *Child Abuse Prevention and Treatment Act (CAPTA)* funding. These funds would ensure that our county child protection systems can adapt and respond quickly to the reports of child abuse and address barriers to ordinary service delivery during the pandemic. Increased funding will ensure that the child protection workforce has the necessary technological and protective resources to continue to serve children and their families.

When the pandemic subsides and shelter-in-place orders are lifted, our staff will need to respond to child maltreatment cases which were not reported earlier. Court delays and delays in family reunification will also result in additional staff time in courts and with families to support reunification and other permanency efforts.

CWDA also supports additional funding for the Chafee Independent Living Program. Transition-age youth need assistance to support their independent living, including: accessing employment or applying for unemployment insurance benefits; accessing technology (computers, phones) to maintain vital connections, including to school distance-learning; and, emergency payments to maintain housing and meet basic needs.

Finally, CWDA supports increased funding for the Court Improvement Program. Courts need to update their technology and systems to immediately boost capacity to conduct remote hearings, access court documents, and allow for electronic noticing and signatures. This funding should also be allowed to support staffing increases to address court backlogs.

Increase Funding for Adult Protective Services

The *Elder Justice Act* became law in 2010, but Congress has never appropriated the authorized

funding to support the front-line efforts of state and county adult protective services (APS) programs. Counties are very concerned that reports of APS cases will spike, especially after the pandemic. At a minimum, Congress must appropriate the \$100 million authorized under the law. Unlike child welfare, the federal government has never been a financial partner with state and county governments in supporting the direct delivery of APS. Given the growing population of older Americans, and the economic stressors emanating from the pandemic, federal funding must be appropriated for APS to bolster vital services to ensure seniors and dependent adults (who are now self-isolating) are protected from neglect and exploitation.

Increase the Social Services Block Grant

CWDA supports \$4.1 billion in supplemental funding for the Social Services Block Grant (SSBG) to provide states and counties with additional, flexible sources of federal support to address locally-identified needs. SSBG funds are often used to bolster adult protective services and child welfare programs, both of which provide support for individuals who are especially vulnerable during a crisis.

Make Further Investments in Public Health Infrastructure

CWDA strongly supported the public health investments in the *Coronavirus Preparedness and Response Supplemental Appropriations Act* (PL 116-123), the *Coronavirus Aid, Relief, and Economic Security Act (CARES Act; PL 116-136)* and the funds for testing in the *Paycheck Protection Program and Health Care Enhancement Act* (P.L. 116-139). However, given both the unprecedented demands on a historically underfunded public health system and the uncertainty of the pandemic's trajectory, additional federal funding is necessary to enable public health departments to continue to conduct essential activities, including surveillance, epidemiology, infection control, mitigation, communications, and other preparedness and response activities.

Increase Homeless Assistance Grants

CWDA supported the \$4 billion in Emergency Solutions Grant (ESG) funding in the *CARES Act* to help address the homelessness crisis now exacerbated by the COVID-19 pandemic. Before and during the current crisis, counties have worked collaboratively with the state to aggressively address the needs of persons at-risk or who are experiencing homelessness. On any given night, California's total sheltered and unsheltered homeless population is over 150,000 people (more than any other state). California has 12 percent of the U.S. population, but accounts for 27 percent of the nation's homeless population. Consequently, CWDA supports additional increases in funding for HUD's Homeless Assistance Grants, which fund core homelessness programs, including the Continuum of Care (CoC) program and the ESG program.

ADMINISTRATIVE FLEXIBILITY*Grant Federal Flexibility and Waive Penalties in Human Services Program Administration*

Given the extenuating circumstances faced by county eligibility workers and individuals applying for assistance during the COVID-19 pandemic, CWDA supports provisions waiving fiscal penalties for administrative errors and the inability of program participants to meet program participation requirements in federal programs including the Temporary Assistance for Needy Families program (TANF/CalWORKs), Supplemental Nutrition Assistance Program (SNAP/CalFresh), Medicaid/Medi-Cal, child welfare and the child support enforcement program. CWDA supports the provisions in the *Take Responsibility for Workers and Families Act* (HR 6379) which waive penalties for child support (Section 60003) and TANF (Section 60004).

In light of social distancing guidelines and the fact that many county offices are closed, CWDA also supports provisions waiving federal requirements for in-person signatures and application processes. CWDA also supports federal exemptions from processing any annual redeterminations or recertifications and/or required mid-period reports from March 2020 until six months after the end of the public health emergency.

Given widespread court closures and administrative barriers, CWDA supports the suspension of timelines for the required Title IV-E findings and orders that must occur in order for the case to be eligible for Title IV-E matching funds. Some courts do not have the capacity to access court documents remotely, other courts are struggling to hold hearings remotely, and in some court rooms it is simply not possible nor safe to hold hearings with multiple parties while maintaining social distancing.

Finally, CWDA urges the federal government to suspend pending Child and Family Services Reviews and to forgive any Program Improvement Plan penalties until at least six months after the public health emergency ends.

Increase Flexibility for Child Welfare Visits and Support of Older Foster Youth

CWDA supports the April 15, 2020 guidance from HHS providing states the option to meet the *Child and Family Services Improvement and Innovation Act's* monthly in-person visit requirements with youth in the child welfare system through electronic means whereby the caseworker would make both visual and auditory contact with the foster child.

This provision and other child welfare flexibilities supported by CWDA are included in the *Take*

Responsibility for Workers and Families Act (HR 6379) under Section 60001: “Continued Safe Operation of Child Welfare Programs and Support for Older Foster Youth.” Older foster youth supports include waving the age requirements under the Chafee Independent Living program as well as suspending eligibility requirements for participation in the program, including the education and employment requirements.

Provide Foster Care Licensing/Background Check Flexibility

CWDA supports the April 15, 2020 guidance from HHS providing states with flexibility to forgo during the pandemic the federal requirements requiring a fingerprint-based background check in order to be licensed/approved as a foster caregiver. Furthermore, the *Adam Walsh Act* requires an FBI check and a check of other child abuse registries for anyone who has lived outside of the state in the last five years. Many fingerprint-based facilities that offer this service are closed.

CWDA urges that these requirements be waived for at least six months after the national public health emergency declaration is lifted so that county agencies may continue receive a Title IV-E match to conduct criminal background checks through name-based systems (California uses CLETS and CACI), pending the LiveScan or other fingerprint-based check.

Furthermore, since most courts are closed during the pandemic, CWDA supports modified processes for background checks of relative/non-related extended family members without law enforcement or court records.

Provide Flexibility in Meeting Residential Care Requirements

California has taken a national leadership role in recent years to reduce the reliance on congregate care for youth involved in the child welfare system. The *Family First Prevention and Services Act* (FFPSA) however, has requirements which differ from our state’s approach. Consequently, CWDA supports a one-year delay in implementing FFPSA’s residential care restrictions and requirements, including delaying Part IV of the FFPSA requirements for Qualified Residential Treatment Providers (QRTP), court findings, qualified individuals and use of required assessment tools.

Extend California’s Medicaid Waivers

CWDA supports extending for at least one year California’s Section 1115 Medicaid waivers set to expire on December 31, 2020 as provided in the *Take Responsibility for Workers and Families Act* (HR 6379, Section 70114: “Extension of Existing Section 1115 Demonstration Projects”). Counties and the state are diverting nearly all resources to meet the challenge of the COVID-19 pandemic. As such,

counties do not have the ability to engage in discussions to develop a new waiver.

Delay/Prohibit Implementation of the Medicaid Fiscal Accountability Regulation (MFAR)

CWDA supports delaying or prohibiting the implementation of a final rule on MFAR, which would make significant changes to the methods states and counties use to finance the non-federal share of Medicaid. If finalized, MFAR could destabilize the financial underpinnings of states' Medicaid programs at exactly the time when our systems are responding to the COVID-19 pandemic.

Stop Regulations Regarding Supplemental Nutrition Assistance Program (SNAP/CalFresh)

CWDA previously submitted comments opposing the Administration's proposed rules to reduce SNAP eligibility and benefits. We supported the provision in the *Families First Coronavirus Response Act* (PL 116-127) which delayed implementation of the Able Bodied Adults Without Dependents rule. We also urge a similar delay on issuing a final rule on the proposed Categorical Eligibility and Standard Utility Allowance regulations.

CWDA welcomed the USDA pilot announced on April 8, 2020 giving California's SNAP participants the ability to purchase groceries online through approved retailers. Counties are working with the state to implement the pilot. Given SNAP participants' limited resources, CWDA supports a provision waiving any limits on the SNAP participants' ability to pay for grocery/food delivery with EBT funds through six months after the end of the public health emergency.

Exempt Federal Stimulus Payments from Asset Determinations and Federal Tax Offsets

CWDA supports allowing all SSI, SNAP and TANF recipients to receive the economic impact payments without the requirement that they had filed federal income taxes. Recent federal law allows SSA and SDI recipients to receive stimulus payments without filing taxes. Moreover, CWDA supports provisions to exempt all stimulus payments when determining eligibility for federal assistance programs, including all forms of unemployment supplements/stimulus payments, from being counted as income in any public assistance program for the duration of such payments.

CWDA supports excluding any economic impact payments made to individuals owing past child support from being offset or otherwise intercepted by the federal or state government. The Child Support Directors Association of California and the National Child Support Enforcement Association also support such a provision. Congress may have elected not to exclude past-due child support from offset in the *CARES Act* because of the perception that the payments would go to parents and children owed support. But unfortunately, under current child support distribution laws, a significant

amount of child support collections obtained through the federal tax offset program often goes to government owed debt—and not parents and children. During the pandemic, payments must be made to each parent without being offset for past-due support, as the self-sufficiency of both parents should take precedence.

Provide Flexibility for the In-Home Supportive Services (IHSS) Program

Given the public health emergency and strains on health facilities, CWDA supports allowing presumptive eligibility of aged, blind and disabled adults for in-home care to avert the need for hospitalization and nursing home placement. Additionally, given the social distancing requirements, CWDA supports waiving the face-to-face requirement for eligibility determinations and allow for video-conferencing to reduce risk of transmission of the virus to older and disabled adults.

CWDA supports suspending Medicaid rules governing provider enrollment of in-home caregivers (including IHSS) so that providers can be on-boarded quickly. Medicaid should fully reimburse in-home care providers for the costs of criminal background checks, and allow training to in-home providers to be a reimbursable Medicaid cost to ensure providers receive appropriate training in providing direct personal care to avoid institutionalization.

CWDA urges a one-year delay in the Electronic Visit Verification requirements (EVV) and removing the “GPS” technology requirement permanently. IHSS consumers and providers are extremely concerned with this requirement, which may create a barrier to consumers to get the services they need and could result in increased hospitalization or unnecessary placement in a long term care facility.

Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank J. Mecca", with a long horizontal flourish extending to the right.

Frank J. Mecca | Executive Director