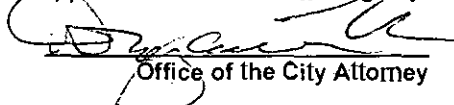


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 MAR -8 PM 8:10

Approved as to Form and Legality:

  
Office of the City Attorney

## Oakland City Council

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember Nancy Nadel

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**RESOLUTION IN SUPPORT OF SB 1060 (HANCOCK), WHICH WOULD END THE LIFETIME BAN ON BENEFITS AND SERVICES PROVIDED THROUGH THE CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS) PROGRAM FOR PEOPLE WHO HAVE A PRIOR DRUG-RELATED FELONY CONVICTION AS LONG AS THEY ARE PARTICIPATING IN OR HAVE SUCCESSFULLY COMPLETED A GOVERNMENT RECOGNIZED TREATMENT PROGRAM**

**WHEREAS**, existing federal law provides for the allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, and provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families through a combination of state, county, and federal funds received through the federal TANF program; and

**WHEREAS**, CalWORKs provides modest monthly grants and services that support the basic needs of Californians with very low incomes who, unless they meet one or more exemption criteria (such as having a disability) or are receiving a domestic violence waiver, adult CalWORKs recipients are required to participate in employment activities and are provided related supportive services such as child care and transportation which help keep families together and support them in moving towards self-sufficiency; and

**WHEREAS**, under federal law, an individual convicted under federal or state law of an offense that is classified as a felony by the law of the jurisdiction involved, and that has as an element the possession, use, or distribution of a controlled substance, as defined, shall not be eligible for assistance under a state program funded under provisions of federal law regarding the TANF program; and

**WHEREAS**, existing law authorizes a state to exempt individuals domiciled in the state from this prohibition; and

**WHEREAS**, existing state law provides that an individual who has been convicted in state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance, as defined under federal law or the California Uniform Controlled Substances Act, is ineligible for aid under the CalWORKs program; and

**WHEREAS**, this bill would delete the existing provisions, and would instead provide that a person convicted of a drug-related felony shall be eligible to receive CalWORKs benefits if he or she meets certain conditions of eligibility; and

**WHEREAS**, existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program; and

**WHEREAS**, this bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill; and

**WHEREAS**, by revising and expanding standards of eligibility for benefits under the CalWORKs program, this bill would increase the responsibilities of counties, and would impose a state-mandated local program; and

**WHEREAS**, the California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement; and

**WHEREAS**, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions; and

**WHEREAS**, the singling out of these individuals also burdens local communities that are working to implement "Realignment" (AB 109) and need to identify strategies that ensure successful reentry for an increasing number of people, many more of whom have children than ever before; and

**WHEREAS**, the City of Oakland strongly supports SB 1060, because preventing parents from receiving these small basic needs grants and supportive services puts our state's poorest children in harm's way; now, therefore be it

**RESOLVED:** that the Oakland City Council hereby provides that it supports Senate Bill 1060 and authorizes the City Administrator to communicate to the California State Legislature the City Council's support of the Bill.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND  
PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California



*California*  
LEGISLATIVE INFORMATION

SB-1060 CalWORKs benefits: lifetime ban. (2011-2012)

CALIFORNIA LEGISLATURE— 2011–2012 REGULAR SESSION

**SENATE BILL**

**No. 1060**

**Introduced by Senator Hancock**

**February 13, 2012**

**An act to repeal Section 17012.5 of, and to repeal and add Section 11251.3 of, the Welfare and Institutions Code, relating to CalWORKs.**

LEGISLATIVE COUNSEL'S DIGEST

SB 1060, as introduced, Hancock. CalWORKs benefits: lifetime ban.

Existing federal law provides for the allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families through a combination of state, county, and federal funds received through the federal TANF program.

Under federal law, an individual convicted under federal or state law of an offense that is classified as a felony by the law of the jurisdiction involved, and that has as an element the possession, use, or distribution of a controlled substance, as defined, shall not be eligible for assistance under a state program funded under provisions of federal law regarding the TANF program. Existing law authorizes a state to exempt individuals domiciled in the state from this prohibition.

Existing state law provides that an individual who has been convicted in state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance, as defined under federal law or the California Uniform Controlled Substances Act, is ineligible for aid under the CalWORKs program.

This bill would delete the existing provisions, and would instead provide that a person convicted of a drug-related felony shall be eligible to receive CalWORKs benefits if he or she meets certain conditions of eligibility. The bill also would make a conforming change.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

By revising and expanding standards of eligibility for benefits under the CalWORKs program, this bill would increase the responsibilities of counties, and would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes Urgency: no Tax Levy: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 11251.3 of the Welfare and Institutions Code, as added by Section 1 of Chapter 283 of the Statutes of 1997, is repealed.

~~11251.3.(a) An individual shall be ineligible for aid under this chapter if the individual has been convicted in state or federal court after December 31, 1997, including any plea of guilty or nolo contendere, of any offense classified as a felony and that has as an element the possession, use, or distribution of a controlled substance, defined in Section 102(6) of the Controlled Substance Act (21 U.S.C. Sec. 802(6)).~~

~~(b) For a family receiving aid under this chapter that includes an individual who is ineligible pursuant to subdivision (a), a county shall issue vouchers or vendor payments for at least rent and utilities payments.~~

**SEC. 2.** Section 11251.3 of the Welfare and Institutions Code, as added by Section 1 of Chapter 284 of the Statutes of 1997, is repealed.

~~11251.3.(a) An individual shall be ineligible for aid under this chapter if the individual has been convicted in state or federal court after December 31, 1997, including any plea of guilty or nolo contendere, of a felony that has as an element the possession, use, or distribution of a controlled substance, defined in Section 102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6)) or Division 10 (commencing with Section 11000) of the Health and Safety Code.~~

~~(b) For a family receiving aid under this chapter that includes an individual who is ineligible pursuant to subdivision (a), a county shall issue vouchers or vendor payments for at least rent and utilities payments.~~

**SEC. 3.** Section 11251.3 is added to the Welfare and Institutions Code, to read:

**11251.3.** (a) Subject to the limitations of subdivision (b), pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of the provisions of Section 115(a) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)), and persons convicted in state or federal court, including any plea of guilty or nolo contendere, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance, as defined in Section 102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6)) or Division 10 (commencing with Section 11000) of the Health and Safety Code, shall be eligible to receive CalWORKs benefits under this section.

(b) As a condition of eligibility to receive CalWORKs pursuant to subdivision (a), an applicant described in subdivision (a) shall be required to provide proof of one of the following subsequent to the most recent drug-related conviction, or plea of guilty or nolo contendere:

- (1) Completion of a government-recognized drug treatment program.
- (2) Participation in a government-recognized drug treatment program.
- (3) Enrollment in a government-recognized drug treatment program.
- (4) Placement on a waiting list for a government-recognized drug treatment program.
- (5) Other evidence that all illegal use, possession, or distribution of controlled substances has ceased, as established by State Department of Social Services regulations.

(c) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section by all-county letters or similar instructions. Thereafter, the department shall adopt regulations to implement this section by October 1, 2014.

**SEC. 4.** Section 17012.5 of the Welfare and Institutions Code is repealed.

~~17012.5. An individual ineligible for aid under Chapter 2 (commencing with Section 11200) of Part 3 pursuant to Section 11251.3, who is a member of an assistance unit receiving aid under that chapter, shall also be ineligible for non-health-care benefits under this part.~~

**SEC. 5.** No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing this act.

**SEC. 6.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

# Senate Bill 1060

## End the CalWORKs Lifetime Ban for Families in Recovery

Senator Loni Hancock (D - 09)

### ISSUE

Two out of three parolees return to prison. The high recidivism rates and cost of incarceration threaten both the public safety and the economic stability of our state and our communities. The denial of safety net services hurts entire families and perpetuates dependency on the Department of Corrections and child welfare agencies.

### CURRENT LAW

Currently, California bans for life all people with a prior drug-related felony from ever receiving any of the services offered under the California Work Opportunity and Responsibility to Kids (CalWORKs) program.

### BACKGROUND

The Federal Personal Responsibility and Work Opportunity Act by voice vote (Pub.L. No. 104-193, 110 Stat. 2105 (Aug. 22, 1996) placed a lifetime ban on receiving Supplementary Nutrition Assistance Program (SNAP) benefits and Temporary Assistance to Needy Families (TANF) grants for people with past drug felony convictions (21 U.S.C.A. § 862a(a), (d)(2)). Later, States were given the option to opt out of this ban or to change or modify the ban, and several have done so.

In 1997 the CA Legislature enacted the CalWORKs program, through which the TANF block grant are administered (§11200 et seq.). Under section 11251.3, subdivision (a), a person convicted of a drug-related felony on or after December 31, 1997, is ineligible for CalWORKs aid.

In 2004, Governor Arnold Schwarzenegger signed AB 1796 (Leno, D-SF), Chapter 932, Statutes of 2004, opting out of this provision for convicted of certain drug-related felonies for the CalFresh program, but the state has not yet enacted similar legislation for the CalWORKs program. Senator Cathie Wright carried legislation to end the lifetime ban on CalWORKs benefits (SB 659) in 1999/2000

that received strong bipartisan support; it passed the Senate Floor (30-4) and the Assembly Floor (60-8).

The enactment of AB 109 heightens the need to revisit this policy. CalWORKs assistance and services could be an important source of support for those affected by this new legislation, and help increase the chances of successful community re-entry and reduced recidivism rates for this population.

### THIS BILL

SB 1060 would end the lifetime ban on CalWORKs eligibility to people who have a past felony conviction provided they verify that they have participated in a recovery program and certify that they are participating in or have successfully completed a government recognized treatment program.

### SUPPORT

Co-Sponsored by the County Welfare Directors Association of California and the Western Center on Law and Poverty

### OPPOSITION

None

### FOR MORE INFORMATION

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