

90-300.14. LIEN REQUIREMENTS

A. General

This section shows the lien requirements for the GR Program.

B. Policy

San Diego County Administrative Code Section 263 requires that all applicants for GR execute a lien naming the County of San Diego as grantee to secure any and all real property of the applicant as security for repayment of all GR aid issued. In addition, W&I Code Section 17001.6 gives counties the authority, to the extent not inconsistent with federal law to require the legal sponsor of an alien to repay any public benefits provided to the alien during the sponsorship period.

Liens will be taken on property outside of San Diego County. A note, explaining the location of the property, will be sent to ORR along with the lien form(s).

C. Signing the Lien

A Grant of Lien, form 11-22 HHSA ([Appendix F](#)), must be signed by each applicant adult, including all aliases, in front of a Deputy County Clerk or GR will be denied. A married couple need sign only one lien form but both spouses must sign. The applicant parent(s) of an MFG child who is eligible to GR ([90-100.6](#)), must sign a lien form. There are no exceptions to the lien requirement. The individual must legibly print his/her name near the signature so that the lien can be recorded. See the [EDG](#) for instructions on completing the lien.

A sponsored alien will be required to provide information on his/her sponsor. In addition, the legal sponsor must sign a separate 11-22 HHSA and 11-19 HHSA ([Appendix G](#)) in person. This information is needed to establish a lien on the sponsor's income and/or property for repayment of aid received by the sponsored alien during the sponsorship period. Failure of either the alien or sponsor to cooperate will result in denial or discontinuance of aid for the sponsored alien.

[GRPG Letter #73 \(1/14\)](#)

D. New Applications

Once a GR lien for repayment has been filed, there is no need to take a new lien when the individual reapplies for aid and there is an existing "active" lien.

Continued on next page

90-300.14. LIEN REQUIREMENTS, Continued

New Applications (continued)

If ...	Then ...
the prior lien has been discharged,	a new 11-22 HHSA lien form must be completed.
the case name has changed,	
property has been acquired,	
new aliases are identified,	

E. Duplicate Cases

For duplicate cases, when the original lien is on file at the Recorder, it is not necessary for the case to contain a copy of the lien. However, the case must contain a clearance form, which states there is an “active lien” and an original Lien Information Form, 11-19 HHSA.

F. Completion of the Lien

See the [EDG](#) for instructions on completing the lien.

GRPG Letter #73 (1/14)

G. Applicant Unable to Complete the Lien

In some situations, an applicant for GR will be unable, because of physical or mental difficulty, to sign his/her own signature. If this occurs, his/her spouse or person with his/her power of attorney may sign for him/her. The lien will be completed as shown in the table below.

Step	Action								
1	Complete the top portion and the property description like a regular lien.								
2	Obtain the spouse’s signature and address in the first signature section. If no spouse, fill in the address only.								
3	Obtain the individual signing for the applicant complete the second signature section as shown: <table border="1" data-bbox="537 1486 1401 1680"> <thead> <tr> <th>Step</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>3A</td> <td>Enter the applicant’s name (and any aliases).</td> </tr> <tr> <td>3B</td> <td>Enter “by” and have the individual sign</td> </tr> <tr> <td>3C</td> <td>Enter “Attorney,” “Guardian,” or “Conservator,” if appropriate</td> </tr> </tbody> </table>	Step	Action	3A	Enter the applicant’s name (and any aliases).	3B	Enter “by” and have the individual sign	3C	Enter “Attorney,” “Guardian,” or “Conservator,” if appropriate
Step	Action								
3A	Enter the applicant’s name (and any aliases).								
3B	Enter “by” and have the individual sign								
3C	Enter “Attorney,” “Guardian,” or “Conservator,” if appropriate								
4	Make sure the applicant’s name in the Deputy Clerk acknowledgement section agrees with the applicant’s name in the signature section.								

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90-300.14. LIEN REQUIREMENTS, Continued

H. Sponsor Unable to Complete the Lien

Aliens who claim their sponsor cannot sign the forms because he/she is an agency/organization that no longer exists, deceased, or totally incapacitated (for example, coma, mentally incompetent) must provide verification from CIS that identifies the legal sponsor. The sponsored alien must also provide verification that the agency/organization no longer exists, a copy of the death certificate if the sponsor is deceased, or medical verification if the sponsor is totally incapacitated.

If the worker is satisfied that the legal sponsor is unable to sign the lien forms, aid can be granted/continued if otherwise eligible. This will be documented in the Statement of Facts. Verification will be maintained in the case file under the "Permanent Verification" tab.

As with the policy regarding the Alien Sponsor Status form, 07-22 HHSA and Sponsor's Statement of Facts, form CW 22, aliens who are unable to locate their sponsor are not exempt from these regulations. Aliens who are sponsored by an absent spouse are also not exempt from these regulations.

I. Lien Information Form

Each applicant completing a lien form, 11-22 HHSA, will complete a Lien Information Form, 11-19 HHSA, in duplicate. The sponsor of an alien will be required to sign the 11-19 HHSA in person. Failure of either the alien or sponsor to cooperate will result in denial or discontinuance of aid for the sponsored alien. The original 11-19 HHSA will be filed in the case folder and the copy will be given to the applicant. If there is already an active lien, only the 11-19 HHSA is to be completed.

The 11-19 HHSA form has been developed to explain the repayment terms of the GR program. This form must be carefully explained to the applicant prior to his signing the 11-19 HHSA and acknowledging the repayment terms.

A new 11-19 HHSA is not required as part of the redetermination process. The 11-19 HHSA must be completed when an 11-22 HHSA is completed and as part of the intake process whether or not there is an active lien.
