

General Relief (GR) Program Guide (PG) Letter #72

September 3, 2013

Subject **TREATMENT OF SAME-SEX MARRIAGES, REVISED MEDICAL SERVICES SCREENING FORM, AND TREATMENT OF SECTION 8 HOUSING SUBSIDIES**

Effective • June 28, 2013 for same-sex marriages
 • Upon receipt for remainder

Reference • County Policy
 • Program Inquiry 13-01

Purpose To provide staff the following:

- instructions for the treatment of same-sex marriages
- updated Medical Services Screening Form which now includes information about the Low Income Health Program (LIHP)
- clarification added to the GRPG regarding the treatment of a Section 8 Housing Subsidy which pays for the entire rent

Background for Same-Sex Marriages On May 15, 2008, the California Supreme Court determined that it is impermissible under the California Constitution to limit marriage only to opposite-sex couples. However, voters passed Proposition 8 in November 2008, which was a constitutional amendment that states “only marriage between a man and a woman is valid or recognized in California.” The passage of Proposition 8 took effect on November 5, 2008. Subsequently, same-sex marriages were no longer allowed in California. In addition, Proposition 8 did not allow California to recognize same-sex marriages that were entered into outside of California.

Same-sex marriages lawfully performed within the State of California between June 17, 2008 and November 4, 2008 were deemed to be valid. Same-sex marriages from other states were not recognized.

Continued on next page

General Relief (GR) Program Guide (PG) Letter #72, Continued

Background for Same-Sex Marriages (continued)

A federal court judge then overturned Proposition 8 stating the California law is unconstitutional. The 9th Circuit Court of Appeals issued an injunction so that California did not recognize same-sex marriages pending the outcome of appeals. On February 21, 2012, the 9th Circuit Court of Appeals ruled Proposition 8 as unconstitutional and the case was appealed to the U.S. Supreme Court.

Background for Medical Services Screening Form

The Medical Services Screening Form is used to determine for which medical program the applicant/recipient may be eligible.

Background for Section 8 Subsidies

GR applicants/recipients may receive Section 8 Housing Subsidies that pay for all or part of the rent. Any amount of the housing subsidy is considered exempt income ([GRPG 90-400.13.I](#)).

Highlighted Changes

As a result of the United States Supreme Court ruling on June 26, 2013, the United States Court of Appeals for the Ninth Circuit on June 28, 2013, lifted its stay on the Federal District Court decision that found Proposition 8 unconstitutional. Same-sex marriages lawfully performed on June 28, 2013 and ongoing in California and in other jurisdictions outside California will be considered valid.

The Medical Service Screening Form has been updated to include LIHP information. It has also been given a GR form number.

There is no in-kind income counted if the Section 8 Housing Subsidy pays the entire amount of the rent.

Required Action

Same-sex marriages that were lawfully performed in the State of California between June 17, 2008 and November 4, 2008 will continue to be recognized for GR eligibility and budgeting purposes. Same-sex marriages that are lawfully performed in the State of California as of June 28, 2013 will also be recognized for GR eligibility and budgeting purposes. These marriages will be treated according to the appropriate rules as any other marriage. Same-sex marriages from another state will be recognized.

Continued on next page

General Relief (GR) Program Guide (PG) Letter #72, Continued

Required Action
(continued)

GR workers shall also:

- provide the 11-119 HHSA at initial screening to determine the proper medical program for the applicant
 - not count in-kind income when a GR recipient is receiving a Section 8 Housing Subsidy that pays the entire rent
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Automation Impact

On the **Collect Household Relationship Detail** window, the worker must enter “Spouse” as the relationship between the married individuals in a same-sex marriage.

Forms Impact

Form 11-119 HHSA has been uploaded into Xerox Print Services and is available to be ordered. The current supply of form 14-4 DSS may continue to be used until exhausted.

ACCESS Impact

No impact.

Scanning Impact

Form 11-119 HHSA shall be scanned and located as form 14-4 DSS Medical Services Screening.

Other Program Impact

No impact.

Quality Control (QC) Impact

Effective with the August 2013 review month QC will cite with the appropriate error any case that does not follow the requirements of this Letter.

Summary of Changes

The table below shows the changes to the GRPG.

Section	Changes
90-100.7	Added information regarding same-sex marriages.
90-250.7	Revised reference from 14-4 HHSA to 11-119 HHSA.

Continued on next page

General Relief (GR) Program Guide (PG) Letter #72, Continued

**Summary of
Changes**
(continued)

Section	Changes
90-400.5	Added exception to in-kind housing for Section 8 Housing Subsidy which pays the entire rent
90-500.2	Added information regarding same-sex marriages.

**Approval for
Release**

Pat Wanner, Dep. Dir. 8-23-13

DH

90-100.7 RESPONSIBLE RELATIVES

C. Married Couples

Married couples shall be aided on a single case. Both spouses shall be required to apply together and to sign the application, lien, and other documents. All income and property of both spouses shall be included in the eligibility determination.

This includes same-sex marriages lawfully performed in the State of California between June 17, 2008 and November 4, 2008 and as of June 28, 2013. Same-sex marriages from another state will be recognized.

Registered Domestic Partners (RDPs) that are registered with the California Secretary of State will also be treated as married couples. RDPs from other jurisdictions must be equivalent to a California RDP. If the worker is not sure if the RDP is equivalent, the supervisor may send an email to the [GR Program Specialist](#) for review.

GRPG Letter #72 (9/13)

90-250.7 COUNTY MEDICAL SERVICES (CMS)

C. Initial Screening

During initial screening, the applicant must complete a Medical Services Screening Sheet (11-119 HHSA). Information from this screening sheet helps determine if the applicant is potentially eligible to [Medi-Cal](#), [LIHP](#) or [CMS](#). The worker must ask the applicant if they have a Social Security or SSI application or appeal that is pending a determination and if they have applied for Medi-Cal with a county worker. The worker must check the Medi-Cal and SSI appeal information using CalWIN and MEDS. After verifying, refer to Medi-Cal, if potentially eligible.

If the applicant is ...	Then the worker will ...
potentially eligible for Medi-Cal,	refer the applicant to apply for Medi-Cal. The applicant must apply for and cooperate with the Medi-Cal application process.
a U.S. citizen or national,	enroll or refer the applicant to apply for LIHP. The applicant must apply for and cooperate with the LIHP application process.
a non-U.S. citizen or national who has been in the country for five years or more,	enroll or refer the applicant to apply for LIHP. The applicant must apply for and cooperate with the LIHP application process.
a non-U.S. citizen or national who has been in the country for less than five years,	certify CMS eligibility for three months to ensure that the applicant follows the requirements to apply and cooperate with the Medi-Cal application. In addition, the screening worker must ask the applicant if they have an urgent medical need that cannot wait 30 days. If they state they do, then the worker shall refer the applicant to the Primary Care Clinic (PCC) that they choose (see L , below).

GRPG 90-400.5 UNEARNED INCOME

J. Income In- Kind

Income in-kind exists when a basic need item for the applicant is earned or voluntarily contributed by a person or organization for a full calendar month for the full value of the need item. The exception to this is for Section 8 Housing Subsidies which pay the entire amount of the housing. This subsidy is exempt income ([GRPG 90-400.13.1](#)). In-kind income cannot be assumed solely because the applicant does not pay toward a need item nor shall partial in-kind amounts be counted.

Applicants/recipients having in-kind income deducted from the GR budget shall be advised of the right to submit evidence of the actual costs of need items, if they do not agree with the use of in-kind values. Acceptable evidence to substantiate actual cost may include:

Item	Verification
Housing	Rent receipt, mortgage payment book, or canceled check for rent or house payment.
Utilities	Utility bills or canceled check.
Food	Sworn statement completed by the provider of the food specifying the dollar value.
Other (transportation, personal needs, and clothing)	Sworn statement completed by the provider specifying the dollar value.

The in-kind income will be the actual cost or in-kind value, whichever is less and will be counted in the budget as income, based on the Income-in-Kind Chart ([GRPG 90-500 Appendix A](#)).

GRPG Letter #72 (9/13)

90-500.2 BUDGET UNITS

D. Married Couples

Legally married couples, living together in any shared housing situation, shall have their needs figured at the Maximum Basic Need Rate for married couples. This includes same-sex couples with marriages lawfully performed in the State of California between June 17, 2008 and November 4, 2008 and as of June 28, 2013 and later. Same-sex marriages from another state will be recognized. Married couples in which one spouse receives PA (for example, CalWORKs, SSI, etc.) shall have needs figured as a Single in Shared Housing for the spouse not receiving Public Assistance. Couples (married or unmarried) ineligible to CalWORKs, with an unborn common child shall have their needs figured as a married couple. Once the child is born, needs shall be figured as a GR Family Group, if still ineligible to CalWORKs.

Registered Domestic Partners (RDPs) that are registered with the California Secretary of State will also be treated as married couples. RDPs from other jurisdictions must be equivalent to a California RDP.

GRPG Letter #72 (9/13)
