

Welfare Law Update: Changes Expected in late 2019 or early 2020

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In the 2019 budget released in February 2019 and the Poverty Reduction Strategy released in March 2019, the BC government announced about 14 changes it planned to make to welfare law, including those described in this handout.

The six changes below have not been made yet. However, the Ministry of Social Development and Poverty Reduction (“the Ministry”) has said it expects they will be made in late 2019 or early 2020. The legislation for these changes is still being drafted, so the information below is my ‘best guess’ at what the changes may look like.

SUMMARY

1. Two year financial independence test for all welfare applicants to be eliminated.
2. Definition of “spouse” to be changed: cohabitation period to be increased from 3 months to 1 year.
3. Requirement that welfare recipients apply for Canada Pension Plan early retirement benefits upon Ministry request to be eliminated.
4. Supplements for people who receive hardship assistance to be improved.
5. Limit on the number of security deposits supplements to be removed and a pet damage deposit supplement to be introduced.
6. Crisis supplements for housing-related costs to be increased

DETAILS

1. Two year financial independence test for all welfare applicants to be eliminated.

Currently, many welfare applicants are required to show that they have been financially independent for two years to be eligible for income assistance.

The BC government has announced that the two-year independence test will be eliminated for all welfare applicants in late 2019 or 2020.

Change is expected to Employment and Assistance Act, section 8

2. Definition of “spouse” to be changed: cohabitation period to be increased from 3 months to 1 year.

Under the current legislation, the Ministry can consider two people who live together for three months as “spouses”, if the Ministry is satisfied that they are living in a marriage-like relationship, with social, financial and familial dependence or interdependence.

The BC government has announced it will be changing the definition of “spouse” so that two people must live together for **one year** before the Ministry can consider them to be “spouses” (again, if the Ministry is also satisfied that they are living in a marriage-like relationship with social, financial and familial dependence or interdependence).

Change is expected to Employment and Assistance Act, section 1.1, and Employment and Assistance for Persons with Disabilities Act, section 1.1

3. Requirement that welfare recipients apply for Canada Pension Plan early retirement benefits upon Ministry request to be eliminated.

Currently people between the ages of 60 and 64 who receive welfare benefits (other than disability assistance) are forced to apply for Canada Pension Plan early retirement benefits. This means they receive lower CPP retirement benefits when they turn 65.

The BC government has announced that it will be eliminating the requirement for welfare recipients to apply for early CPP retirement benefits.

Change is expected to Employment and Assistance Regulation, section 9 and Employment and Assistance for Persons with Disabilities Regulation, section 8.

4. Supplements for people who receive hardship assistance to be improved.

The BC government has announced that supplements for hardship assistance recipients will be expanded to make hardship assistance recipients eligible for supplements for addiction treatment and special care (currently, hardship assistance recipients are not eligible for these supplements).

Change is expected to Employment and Assistance Regulation, section 77, and Schedule A, section 8. Also to Employment and Assistance for Persons with Disabilities Regulation section 70 and Schedule A, section 8

5. Limit on the number of security deposits supplements to be removed and a pet damage deposit supplement to be introduced.

Currently, a person who receives welfare benefits usually can't have more than two repayable security deposits outstanding with the Ministry, and the Ministry is not able to pay a supplement for a pet damage deposit that a landlord can require under the *Residential Tenancy Act*.

The BC government has announced it will remove the limit on the number of housing security deposits people on assistance can access and introduce a new supplement for pet damage deposits. Both security deposit supplements and the new pet damage deposit supplement are expected to remain repayable.

Change is expected to Employment and Assistance Regulation, section 58, and to Employment and Assistance for Persons with Disabilities Regulation, section 56

6. Crisis supplements for housing-related costs to be increased.

Currently, if a person on welfare has an unexpected need related to their housing costs which threatens the health of someone in the family or risks removal of their children, the Ministry cannot issue them a crisis supplement for more than the monthly shelter rate the person's family unit receives (e.g. for a single person, this is \$375/month). Note this limit does not apply to the amount of a crisis supplement for fuel for cooking or heating, water or hydro.

The BC government has announced it will be increasing the maximum amount of crisis supplements for housing costs to the full monthly benefit rate for the family unit (e.g. for a single person on income assistance, this is \$760).

Change expected to Employment and Assistance Regulation, section 59, and to Employment and Assistance for Persons with Disabilities Regulation, section 57.