

# CONSORTIUM REQUEST FOR POLICY CLARIFICATION (CRPC)

# CDSS Tracking #2272

|  |  |
| --- | --- |
| **Requestor Name:**  **Binh Tran**  **TranB@CalSAWS.org**  **O: (562) 484-7955** | **Response Due Date:**  **8/25/2021** |
| **Consortium:**  **CalSAWS** | **Subject:**  **CalWORKs Tier 2 IRT (130% FPL)** |
| **WIC/Regulation Cite(s):** | **References: (include ACL/ACIN, court cases, etc.)**  **ACL 20-94 CALWORKs: FEDERAL FISCAL YEAR (FFY) 2021 INCOME REPORTING THRESHOLD (IRT)** |
| **Date of Request:** **08/11/2021**  **Date Closed:** | **Enter Affected Program(s):**  **CalWORKs** |

**1. What is the SAWS question, issue, or problem?**

**The Draft Supplemental Nutrition Assistance Program Income Eligibility Standards October 1, 2021 to September 30, 2022. (CalWORKs Tier 2 IRT)**

**Household Size**

**1 $1,396**

**2 $1,888**

**3 $2,379**

**4 $2,871**

**5 $3,363**

**6 $3,855**

**7 $4,347**

**8 $4,839**

**Each additional member $492**

**Example: CalWORKs ongoing case for AU of 1. Mom and a SSI child.**

**Customer report earned income of $1,400. Reported earned income is over the draft Tier 2 IRT for AU of 1.**

**Net countable income = ($1,400 - 550) ÷ 2 = $425.**

**MAP for AU of 1 is $579. AU is eligible for $154 CalWORKs grant.**

**Same as AU 2 or 3, if the reported income is over the CalWORKs Tier 2 IRT of their AU size, after the calculation customer is financialy eiligible for CalWORKs benefits due to the net countable income is less than the AU MAP.**

**Per ACL 20-94 page 2 - If the income reported is reasonably anticipated to continue to exceed the AU’s Tier Two IRT for the remainder of the payment period, the CWD shall determine the AU financially ineligible and discontinue the AU at the end of the month in which timely and adequate notice can be provided.**

**As long as the AU’s income does not exceed the CalWORKs Tier Two IRT (130% of the FPL), the case will stay open and the AU may remain eligible for supportive services and/or CalWORKs special needs.**

**Question #1: Should we discontinue the CalWORKs cases when the income is over the IRT Tier 2 for AU of 1, 2, and 3?**

**Question #2: If the answer to Question #1 is No. When should we discontinue the CalWORKs case for all the AU in general?**

**2. Proposed resolution (optional)**

**3. State Response**

**Question #1: Should we discontinue the CalWORKs cases when the income is over the IRT Tier 2 for AU of 1, 2, and 3?**

**Response: CalWORKs IRT rules have changed. IRT rules are no longer based on the MAP. The IRT has two tiers, Tier I is 55% of the FPL for a family of 3 plus the amount of income last used to calculate the AU's grant amount. Tier 2 is 130% of the FPL for the AU's size. The IRT is the lower of the two.**

**Once a family reports income over the IRT the CWD must look to see if the income exceeds Tier 1 or Tier 2 and if it is reasonably anticipated to continue at that level. If it exceeds Tier 1 but not Tier 2, CWDs must apply all applicable disregards to determine the AU's new grant amount. If the AU is grant decreases due to the report of the income over IRT, the CWD must decrease the grant the first of the month following adequate and timely notice of the decrease. If the AU's income exceeds the MAP or their grant amount is less than $10, the AU will be placed in zero basic grant status but remain eligible for all other services.**

**If the family reports income that exceeds the Tier 2 IRT the CWD must determine if the income is reasonably anticipated to continue at that level. If so, the CWD shall determine the AU financially ineligible and discontinue the AU at the end of the month in which timely and adequate notice can be provided. Disregards are not applied to income that exceeds the Tier 2 IRT (ACL 19-76EII).**

**Question #2: If the answer to Question #1 is No. When should we discontinue the CalWORKs case for all the AU in general?**

**Any AU that reports income over the Tier 2 IRT for their AU size and the income is reasonably anticipated to continue at that level, the AU is deemed fiancially ineligible. For IRT rules refer to ACL 19-76 and all erratas. For IRT levels, refer to the most recent IRT ACL annually (or as issued).**