

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



January 8, 1982

ALL-COUNTY INFORMATION NOTICE I-02-82

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: QUESTIONS AND ANSWERS ON RECENT FOOD STAMP CHANGES

REFERENCE: ACL 81-98 AND ACIN I-118-81

The above-referenced All-County Letter and All-County Information Notice transmitted the draft reconciliation regulations and information regarding how the regulations changed or impacted the Food Stamp Program. Since the transmittal of this information a number of questions have been raised by various counties regarding the regulations. Attached you will find a listing of the most commonly asked questions.

If you have any further questions please contact your Food Stamp Program Management Consultant.

Sincerely,

A handwritten signature in cursive script that reads "Kyle S. McKinsey".

KYLE S. MCKINSEY
Deputy Director
Welfare Program Operations

Attachment

cc: CWDA

ATTACHMENT

Household Concept

1. If a child lives in a tent on his/her parents' property are they living together? More precisely, how is "live together" defined? (M.S. 63-402.13).

For Food Stamp (FS) purposes, the determination that child and parent live together is not limited to sharing the same domicile, but maintaining the dependent relationship between child and parent. A dependent relationship can be established in either of two ways:

- (a) If a child and parent reside on the same parcel of land and do not live in separate and distinct living quarters they are living together. Separate and distinct living quarters include different buildings with self-contained living facilities, different units within the same building with self-contained living facilities, and mobile homes that are affixed to the land.
 - (b) If a child or parent repeatedly uses the kitchen, bathroom or sleeping facilities of his/her parent or child they are living together. Repeatedly using is defined as a majority of usage of any such type of facility.
2. A household consists of an ineligible mother, her 12-year-old child, her 16-year-old child with her own child, and the mother's 19-year-old child with her own child. Under the new household definition regulations how many FS households would there be?

There is one FS household if they all purchase and prepare together (excluding the ineligible mother). There are three FS households if they all purchase and prepare separately (one household with the 12-year-old, one household with the 16-year-old and her child and one household with the 19-year-old and her child). Whenever parents and children live together the parents will assume parental control over their minor children whether the parents are eligible for FS benefits or not. Sibling relationships do not necessarily preclude separate household participation.

3. Can a child be a live-in attendant for his/her parent (who is under age 60) and thus be considered a nonhousehold member?

No, M.S. 63-402.13 and .132 state that in no event shall separate household status be granted to either parents or their children who live together, unless at least one parent is 60 years of age or older.

Boarders

Section 63-402.32 contains a number of typographical errors and omissions. This section is being revised and will read as follows in the final regulations:

- .32 Except for residents of a commercial boarding house, an individual furnished both meals and lodging by the household, but paying compensation of less than a reasonable amount, will be considered a member of the household which provides the meals and lodging. When payments for the room are distinguishable from payments for the meals, only the amount paid for meals will be evaluated to determine if reasonable compensation is being paid for meals. The reasonable monthly payment for meals shall be paid in cash. When payments for the room are indistinguishable from payments for the meals, the amount to be considered as payment for the meals will be: (a) the total payment, if the total payment is equal to, or less than the monthly coupon allotment at zero net income for the appropriate number of boarders as specified in the Tables of Coupon Issuance, Handbook Section 63-1101, or (b) that portion of the total payment that is equal to the monthly coupon allotment at zero net income for the appropriate number of boarders as specified in the Tables of Coupon Issuance, Handbook Section 63-1101.

Strikers

4. If an applicant states that he/she is no longer on strike and the EW has reason to believe that this is questionable information (63-300.52), what type of verification can the applicant provide to show that he/she is no longer on strike?

Acceptable verification of an applicant's statement would include the applicant's termination notice from the job he/she is striking at or the applicant's letter of resignation from that job.

5. When determining a strikers eligibility one day prior to the strike action and on the date of application, exactly what circumstances must be considered in making these determinations?

In determining if a household was eligible for benefits one day prior to the strike action the following eligibility factors must be considered:

- a) household composition and size
- b) citizenship and alien status
- c) student status
- d) voluntary quit provisions of work registration
- e) resources
- f) income

Residency is not a factor because the applicant is assumed to have been living in a FS project area. Work registration would not be an issue because it is part of the application process and would not be completed unless the client had actually applied for FS. And, finally, Social Security numbers are not a factor as clients have 90 days following the determination of their eligibility to verify their Social Security number.

On the date of application a normal eligibility determination is made except that income from the struck source will also be counted.

Monthly Income Test

6. If a household receives benefits under Title II of the Social Security Act and the entitled wage earner is not a household member does the eligibility worker apply a Gross Monthly Income Test or Net Monthly Income Test?

Only persons certified by a doctor as unable to perform any work are eligible for Title II benefits. The disability must have lasted or be expected to last at least 12 full months. The person must also have worked five out of the last ten years contributing to the Social Security Administration. A disabled person's spouse and minor children may also receive Title II benefits off the disabled person's account number.

If the disabled person is not living with the household and someone else in the household is also receiving Title II benefits based on the disabled person's eligibility, the household is subject to the Net Monthly Income Test. (M.S. 63-503.322).

7. The third line in Section 63-503.311 and the second line in Section 63-503.322 should both be revised to read:

"...disability or blindness payments...."

rather than "disability and blindness payments".

Initial Application

8. If an application for expedited service with postponed verification is received after the 15th of the month and the requested verification is not brought in within 30 days would the recipient's next application be an initial application?

If recipient has not provided the requested verification within 30 days from the date of application the recipient's certification period is

terminated effective the end of the first month of certification. (No notice is required to be sent, per 63-504.242.1.) If the recipient applies for FS within a one-month period from the termination effective date the application would not be an initial application and benefits would not be prorated. If there was more than a one-month period between the termination effective date and the date another application is filed, the application is an initial application and benefits would be prorated (see 63-503.11).

One-Month Certifications

9. Can a nonexpedited service household be certified for one month only or must they be certified for two months if they are certified after the fifteenth of the month?

Under Section 63-504.131 and .133 a normal process household can be certified for one month if circumstances warrant it. This should not be confused with Section 63-503.14, where households with postponed verification which apply before the fifteenth of the month shall be certified for one month only and households which apply after the fifteenth shall be certified for the month of application and the subsequent month.

The following interpretation is not addressed in the new regulations but is being included in this package because it represents a change in FS policy.

Establishing Separate Household Status

10. If a person applies for FS and states that he/she is currently purchasing and preparing with another household due to financial reasons, but that as soon as he/she receives a FS allotment he/she intends to purchase and prepare separately from the other household members is the applicant eligible for FS benefits?

If, on the date of application the applicant is not already purchasing and preparing separately from the rest of the household, the applicant is not eligible for FS benefits as a separate household. Intent to purchase and prepare is not a factor in establishing separate household status.